

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 1st December, 2021

Special Sitting

*(Convened via Kenya Gazette Notice
No.12994 of 30th November, 2021)*

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

CONVENING OF SPECIAL SITTINGS OF THE SENATE

The Speaker (Hon. Lusaka): Hon. Senators, I have two communications to make.

By a letter dated 29th November, 2021, the Senate Majority Leader, with the support of the requisite number of Senators requested for special sittings in the mornings of Wednesday 1st and Thursday, 2nd December, 2021.

Vide *Gazette Notice* No.12994, I appointed the mornings of Wednesday, 1st December, 2021 and Thursday, 2nd December, 2021, as special sittings of the Senate, pursuant to Standing Order No.30(2). The special sittings shall be held in the Senate Chamber, Main Parliament Buildings, Nairobi, commencing at 9:30 a.m. until 12:30 p.m., respectively.

Pursuant to Standing Order No.30(5), I indicated in the *Gazette Notice* that the business to be transacted is—

(1) In the morning sitting of Wednesday 1st December, 2021, shall be debate on the Address by His Excellency the President to Parliament, made on Tuesday, 30th November, 2021; and,

(2) In the morning sitting of Thursday, 2nd December, 2021, shall be the consideration of-

(a) The debate on the Address by His Excellency the President to Parliament on Tuesday, 30th November, 2021.

(b) The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bills No.21 of 2021).

(c) The National Cohesion and Peace Building Bill, (Senate Bills No.19 of 2021).

(d) The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020).

(e) The Co-operative Societies (Amendment) Bill (Senate Bills No.11 of 2020).

(f) The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021).

(g) The Prompt Payment Bill (Senate Bills No.16 of 2021).

(h) The Start-Up Bill (Senate Bills No.1 of 2021).

Hon. Senators, in accordance with Standing Order No.30(5), the business specified in the *Gazette Notice*, and also as outlined in the Order Paper, shall be the only business before the Senate during the special sittings, following which the Senate shall stand adjourned until on Wednesday, 1st December, 2021, at 2.30 p.m. and on Thursday, 2nd December, 2021, at 2:30 p.m., respectively, in accordance with the Senate Calendar.

I thank you.

(Sen. Iman, Sen. Waqo, Sen. (Dr.) Lang'at, Sen. Murkomen and Sen. (Dr.) Mwaura remained standing at the bar)

The rest of the Members can sit except those who are coming with Sen. (Dr.) Mwaura.

IMPLICATIONS OF HIGH COURT JUDGMENT IN CIVIL
APPEAL NO. E248 OF 2021 – HON. (DR.) ISAAC MWAURA
VS. JUBILEE PARTY AND OTHERS

Hon. Senators, you will recall that on Tuesday, 11th May, 2021, I issued a Communication making reference to a Special Issue of the *Kenya Gazette* No.102, dated 10th May, 2021, containing Gazette Notice No.4597, which communicated the occurrence of a vacancy in a Member of the Senate elected through a party list. The Gazette Notice notified the general public that pursuant to Article 103(1)(e)(i) of the Constitution and Section 37 of the Elections Act, the seat of the Member of the Senate elected under Article 98(1)(d) of the Constitution and held by Sen. (Dr.) Isaac Mwaura Maigua, became vacant, with effect from the 7th May, 2021.

A number of Senators raised several points of order, following which, on 18th May, 2021, I gave a detailed Communication on the circumstances that led to the declaration of vacancy vide Gazette Notice No. 4597.

Following the said Gazette Notice, the Chairperson of the Independent Electoral and Boundaries Commission (IEBC), vide Gazette Notice No.4598 dated 11th May, 2021, gazetted Mr. Sammy Prisa Leshore as the Member nominated to the Senate to represent Persons with Disabilities (PwDs), in place of Sen. (Dr.) Isaac Mwaura Maigua.

Hon. Senators, you will also recall that Sen. (Dr.) Isaac Mwaura Maigua subsequently challenged the decision of the Political Parties Dispute Tribunal in *High Court Civil Appeal E248 of 2021: Isaac Mwaura Maigua vs Jubilee Party and Others*. On 11th May, 2021, the High Court issued the following orders-

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(1) Pending the inter-parties hearing and determination of the aforesaid motion, the respondents are hereby restrained by an order of injunction from implementing or further acting on the judgment of the Political Parties Tribunal dated 7th May, 2021.

(2) Pending the inter parties hearing of the motion dated 11th May, 2021 an order for stay of further implementation of the Gazette Notice No.4597 Vol. CXX11-102 dated and issued on the 10th May by the 3rd respondent.

(3) Following several mentions on the matter on diverse dates in the months of May, June and July, 2021, Sen. (Dr.) Isaac Mwaura Maigua, subsequently filed the substantive appeal against the judgment of the Political Parties Dispute Tribunal and parties filed their respective responses and submissions on the appeal. On 24th November, 2021, the High Court delivered its judgment on the appeal.

Hon. Senators, in the judgement, the High Court set aside the decision of the Political Parties Disputes Tribunal, expelling Sen. (Dr.) Mwaura from the Jubilee Party. Specifically, the High Court quashed notices by-

(1) The Registrar of Political Parties on the removal of the name of Sen. (Dr.) Isaac Mwaura Maigua, from the Jubilee Party membership list;

(2) The Speaker of the Senate communicating the occurrence of a vacancy in a Member of the Senate elected through a party list; and,

(3) The Independent Electoral and Boundaries Commission (IEBC) appointing Mr. Sammy Prisa Leshore to replace Sen. (Dr.) Isaac Mwaura Maigua as the Member of the Senate representing PwDs.

Hon. Senators, as your Speaker, I have often reiterated that the office of the Speaker is ill-equipped and totally devoid of the mandate to delve into or inquire into the internal affairs of political parties represented in Parliament. This is a matter that falls within the mandate of the members of the respective parties. Sen. (Dr.) Isaac Mwaura Maigua exercised his constitutional right to appeal against the decision of the Political Parties Disputes Tribunal, and a verdict has been delivered by the High Court.

My role in this matter therefore is to abide by the decision of the High Court, as the Office of the Speaker has no interest in the direction or inferences that the concerned parties would take on the matter. In this instance, the role of the Office of the Speaker is limited to receipt of the judgement, analyzing its contents and, where it concerns this office, implement its findings.

Hon. Senators, the High Court having published Gazette Notice No.4597 by the Speaker of the Senate, which declared a vacancy of a Member elected through a party list, thereby removing Sen. (Dr.) Isaac Mwaura as a Senator. Further, the High Court having quashed Gazette Notice No.4598 dated 11th May, 2021 by the Chairperson of the Independent Electoral Boundaries Commission (IEBC), which appointed Mr. Sammy Prisa Leshore to replace Sen. (Dr.) Isaac Mwaura as the Member of the Senate representing persons with disability, I, therefore, direct that Sen. (Dr.) Isaac Mwaura Maigwa, CBS, MP, remain as Senator in accordance with the Constitution of Kenya and Senate Standing Orders.

I thank you.

(Applause)

Welcome.

(Sen. (Dr.) Mwaura escorted by Sen. (Rev.) Waqo and Sen. Iman, entered the Chamber, approached the Chair for a handshake with the Speaker)

(Laughter)

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

Sen. Murkomen: Mr. Speaker, Sir, I wish to, first of all join you in congratulating Sen (Dr.) Mwaura for his readmission back to the Senate. I also want to congratulate you for capturing the exact position of the law and the Constitution.

I congratulate the office of the Speaker for obeying the interim court orders that restrained the admission of other parties that were nominated to come to this Chamber. Why I want to really appreciate this; is a celebration of the rule of law and that the Speaker's priority in this Chamber is to protect the Constitution and your colleagues in this House.

We may have disagreed on other things in the past but on this, you got it extremely right. If you had not obeyed the initial court order, we would not be here today discussing this particular court order because it could have been extremely difficult for Sen (Dr.) Mwaura to get back his rights.

In his absence, you know Sen (Dr.) Mwaura has lost a lot. He has suffered - I am speaking as a person who was part and parcel of his legal team - not just the financial consequences of defending his rights but also psychological and mental torture. Having to go through very difficult situations; abruptly removed from the Senate, he has obligation to his family and constituency. Persons with disability felt very disappointed. His financial obligations and commitments were suddenly also disrupted.

You know no Senator here--- I have said this before, maybe 99 per cent of Senators in this House earn less than Kshs20,000 because they have committed all their salaries to mortgages. To find yourself in a situation where the bank is asking you to pay back money from your pocket abruptly at some point, that is very torturous.

More importantly, the court has restored the sanity in the political party. I have read the judgement briefly and the Judge was very clear and categorical that it was discriminatory and so admitted by the Secretary-General of the Jubilee Party, that it is true that other political players in this Chamber including myself have supported other parties like I support the United Democratic Alliance (UDA).

It was captured properly that some Members of this House went to campaign for Jubilee and the Orange Democratic Movement (ODM) in Kibera and have been associated with the parties, including the President himself and the Secretary- General. Out of sheer madness and total discrimination, the party picked the weakest, once they realized that this is a person with disability, can easily be pried on and easy to get.

They also did the same to women nominated Senators who survived the political party dispute tribunal through a court order. They would not be here, including Sen. Waqo, Sen. Omanga, Sen. Iman, Sen. Seneta and the late Sen. Prengei. None of these Senators would have been Senators had it not been for court orders to safeguard and protect them.

The question we should ask ourselves going forward is; will political parties continue to be run like Jubilee? No wonder Jubilee is a shell of its past. They could not even hold a national delegates conference because all of us are out. Not more than five people will fill the delegates conference. They cannot even hold a single PG because they are chasing people the way they chased Sen (Dr.) Mwaura.

Congratulations, Sen (Dr.) Mwaura, and welcome back to the Senate. Congratulations for staying firm. You are a fighter. You fought for the rights of persons with disability even to New York. This small Tuju and Murathe could not have been a problem to you. I believe---

The Speaker (Hon. Lusaka): Sen. Murkomen, I know you are congratulating Sen (Dr.) Mwaura but do not get carried away.

Sen. Murkomen: Thank you, Mr. Speaker, Sir. You know there are some people in this country who feel that there are others who are less important than them. You know literally that the party I used to be a Member of has become an animal farm. It is curling its Members; picking one by one. Looking for the weakest and saying, okay, let us take this for auction and slaughterhouse. The future of political parties, including UDA, which I am now a Member of, and I know there will be a huge migration in another few months---

Mr. Speaker, Sir, I suspect you will be part of that migration.

(Laughter)

The Speaker (Hon. Lusaka): Order, Sen. Murkomen. Withdraw that remark.

Sen. Murkomen: Mr. Speaker, Sir, I withdraw but I am saying that there will be a huge migration that will occur in this country in a few months. Perhaps this is the last week we will be here before people go for complete competition for their political party tickets. Therefore, I believe as we go to the various parties, we will migrate.

Those who will have their parties like Sen. (Dr.) Were, who have a well-organized run party called Amani National Congress (ANC), however small it is, I have not seen them with drama. I believe we will now learn a lesson from Sen (Dr.) Mwaura to respect the rights of its Members and to respect the court.

I believe that the costs that will be awarded to Sen (Dr.) Mwaura will be punitive enough to teach political parties to respect their political direction. I think - we will discuss later the President's State of the Nation Address - if there is something that this nation must learn for the five years of second term of President Uhuru Kenyatta is that, it does not pay or reward to disobey the law, the Constitution and court orders.

Welcome back, Sen (Dr.) Mwaura. We are very happy for you. The law firm of Sing'oe Murkomen and Sigei Advocates who participated in defending all the nominated Senators, six of them successfully defended them in the political party disputes tribunal and successfully defended Sen (Dr.) Mwaura and brought him back here.

I want to congratulate my colleague, Sen. Cherargei and Hellen Tuisime, an international lawyer in our law firm, who participated and worked so hard to ensure Sen (Dr.) Mwaura comes back to this Chamber. The law firm, the SMS Advocates are very proud of you, Sen (Dr.) Mwaura.

The Speaker (Hon. Lusaka): I seek your indulgence. We have a very heavy agenda, so I will allow two or so Senators so that we move forward.

Proceed, Sen. (Dr.) Lang'at.

Sen. (Dr.) Lang'at: Thank you, Mr. Speaker, Sir, for giving me this opportunity to thank God for bringing back Sen (Dr.) Mwaura. Senator, you remember very well when this happened, I came to your office and I assured you as much as God is still Almighty and Omnipotent, you will come back to the Senate. Therefore, it is high time that we thanked God who is above all of us.

I remember telling you that in as much as nobody is God in this world, God will take His position and do his work. I even told you to thank God. I am not God myself because I know God is more powerful than every human being, including political parties.

Secondly, I want to thank and appreciate the work of the Judiciary. This actually signals to all of us the importance of the independence of Judiciary.

Imagine what could have happened if the BBI went through and reduced the powers of the Judiciary. Every one of us could now be scared of anything.

I thank God and I also thank the Judiciary for being independent and expressing their minds independently. If they could be following the powers of the political parties, Sen. Mwaura could not be here today.

Mr. Speaker, Sir, I congratulate you for taking your position in a neutral manner and doing what is expected of you. I really appreciate you and the Senate has taken its shape and its position in decision-making.

The last message that I want to say to all the nominated Members and every Member of this particular House, they can now rest assured that we are all equal. No one of is more important than the other. Yes, you are a nominated Member, but you are equal to every one of us. Rest assured that you will be protected by God and the Judiciary in case of anything. Do not think you are a lesser human being. We are all Senators and we should be protected by the law equally. So, wherever you want to make your independent decision in this House, or elsewhere, do it freely without fear of intimidation by political parties.

I also thank the nominated Members who have been standing strong with Sen. (Dr.) Mwaura no matter the situation. I thank all the Senators who stood with him in this particular journey and we thank God for his come-back

The Speaker (Hon. Lusaka): Let us have Sen. (Prof.) Kindiki on Zoom platform, then Sen Mwaura will conclude.

Sen. (Prof.) Kindiki: Good morning, Mr. Speaker, Sir. Do you hear me?

The Speaker (Hon. Lusaka): Proceed, Professor. I can hear and see you.

Sen. (Prof.) Kindiki: Thank you, Mr. Speaker, Sir. I take this opportunity to join my colleagues in welcoming Sen. (Dr.) Mwaura back to the Senate. He has gone through a horrendous experience in the last few months in the hands of his tormentors in our once beloved party; Jubilee.

Mr. Speaker, Sir, I take this opportunity to thank you most profusely and your office for obeying the decision of the court and complying with the court order.

Thirdly, I am very proud of the Judiciary in this decision. For the record, I have always insisted that the Judiciary has a wide mandate to control the activities of Parliament, including issuing injunctions as happened in this case. However, I have been careful and I want to put it on record that expansive administrative aspects of parliamentary work, including quashing the gazette notice that had illegally been published to invite the former Sen. Leshore to take up Sen. Maura's position.

I still maintain that legal illogic that the Judiciary has expansive power to control the activities of Parliament in all administrative matters, but that mandate is restricted and does not include stopping or injunctioning Parliament from performing legislative work.

Finally, I am very happy and contented with the legal logic that the court used to acquit Sen. (Dr.) Mwaura, namely the principle of non-discrimination. It is a shame that we had to punish Sen. Mwaura; a representative of persons with disabilities, when we know in Jubilee, for example, the Party Leader is supporting the Opposition. A Deputy Party Leader of Jubilee has formed his political party, ranking Member, including myself, Hon. Sen. Murkomeni, Hon. Duale former Majority Leader and others are supporting the United Democratic Alliance (UDA).

It is a shame to punish Sen. (Dr.) Mwaura when the Party Leader of ODM is supporting Jubilee and when the Party Leader of Wiper Party is supporting Jubilee *ex cetera*.

Once, again, congratulations Sen. (Dr.) Mwaura. Congratulation Mr. Speaker, Sir, Hon. Kenneth Lusaka and congratulations the great Judiciary of the Republic of Kenya.

The Speaker (Hon. Lusaka): Finally, Sen. (Dr.) Mwaura. Sorry. Let us first hear Sen. Orengo; the Senate Minority Leader.

The Senate Minority Leader (Sen Orengo): I thank you very much, Mr. Speaker, Sir. Let me join my colleagues in welcoming back Sen. (Dr.) Mwaura. Between me and him, we go a long way back, and I know he is an effective legislator. We are proud to see him back in the House.

I also congratulate the Speaker of the Senate because, sometimes, when people look at court orders, they support the court when the order is in favour of a particular individual. However, when it is against you, you accuse the court. I think sometimes it is the question of double-standards.

Our Speaker has consistently held the position that the court orders are for obedience. I do not think it is the first instance in which he has demonstrated that he is guided by the law and nothing else.

I do not want to go into the politics of this. This is because by doing so, we will lose the significance of why Sen. (Dr.) Mwaura is back in the House. He is back in the House like the late Tom Mboya said that in a democracy unless you have strong institutions such as Parliament, the Executive and the Judiciary---. Those institutions also can be of nonsense value if they do not obey the letter and spirit of the rule of law.

To that extend, I have been always a strong advocate in obedience of court orders. Whether or not, you do not like them, the fundamental principle is always to obey court orders.

It is even more significant to the lawmakers. Therefore, when the court is applying the law that we have enacted and stated the reason why they have complied or given an order in pursuant of any statute or legislation, Parliament should be the last to complain.

In any case, if we do not like the law, we always have the opportunity to change it. But until it is changed, our primary responsibility is to obey it as propounded by the courts.

Mr. Speaker ,Sir, I do not know what Sen. (Dr.) Mwaura has missed in terms of his rights. What is truly his in obedience of that Court Order that whatever Parliament owes him should be given in entirety in terms of allowances and so on.

Finally, as a country, we are coming to a very important period. This period that we are entering, unless we obey the law and do everything in accordance with it, we will be in an extremely difficult position. Whether you are supporting this or that party, the underling principle is that we must always obey the law and respect the independence of our institutions.

I always remember that the weakest people in circumstances when people are not obeying the law, are politicians; Members of Parliament.

If we did not have some of these laws, some of you would be in detention or serving prison terms. If you did not know, the Leader of Majority had to run away very quickly to escape the long arm of the law.

(Laughter)

Being a very tall man, he was able to run away so far that the law could not reach him. He came back when circumstances---

On these great debates about politics, this party or that, as parliamentarians and Legislators, there must be a common standard and universal principles. They are principles that make sense. If the principles are applied in Uganda or Ethiopia, people will celebrate. There are some principles that have universal application.

Therefore, we celebrate Sen. (Dr.) Mwaura coming back to the House. This is a true human spirit of being honored, respected and given your inherent dignity. As you serve the people of Kenya, you know that you can go back to your house without being harassed.

Without any fear of contradiction, let us be each our brother's keeper.

(Applause)

Whichever is your party, at the end, we have got only one country called Kenya. We will go nowhere if we destroyed this country because of political objectives or interests. There should be a common denominator that when there is a wrong, Sen. Poghishio will stand up to defend you. When there is something wrong happening to our

Speaker, we will stand up and say “that is not right”. That is the only way we can make Kenya great and leave a lasting legacy to the great people of this country.

Thank you Mr. Speaker Sir.

The Speaker (Hon. Lusaka): Finally, Sen. (Dr.) Mwaura.

Sen. (Dr.) Mwaura: Thank you, Mr. Speaker, Sir. It gives me great pleasure to come back to this august House, and I thank the Lord Almighty for giving me an opportunity to come back here.

In fact, the book of 1John 5; 14 it says-

“If we ask anything according to his will, He hear us”.

Further, in the book of Job 14:7, it says;

“At least there is hope for a tree. If it is cut down, it will sprout again and its new shoots will not fail. Its roots may grow old in the ground and its stump die in the soil, yet at the scent of water; it will bud and put forward shoots like a plant”.

Mr. Speaker Sir, today you are a hero because you have obeyed the rule of law. You have expressed neutrality in your quest to ensure that everybody has a chance to become whatever they would want to be and that everybody is protected by the law. That is extremely important especially if you look at the congruence of the role of God and the rule of law.

The former great Prime Minister of Ethiopia, Meles Zenawi said that the rule of law is the basis for any democracy. Without the rule of law in democracy, you have chaos.

We cannot build the foundations of a state without the rule of law Stokwell Day aptly put it that Canada is founded upon principles that recognize the supremacy of God and the rule of law. I reiterate the same by stating that Kenya is founded upon the supremacy of God and the rule of law.

My being in the Senate today is unlikely because it has never happened in the history of the Republic that a seat can be declared vacant, a replacement gazetted yet a reinstatement is occasioned by a court ruling. This is a novelty; indeed, a landmark ruling that sets precedence going forward not only protecting the independence of Parliament but ensuring that nobody shall be victimized purely based on their political opinion or association.

Article 38 of the Constitution gives every citizen the right to freedom of association and it is therefore inconceivable that this can be criminalized to the extent that one ends up losing their own parliamentary seat. This precedent should therefore serve as a warning that our Constitution will stand tall in ensuring that this democratic right is protected.

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My political witch-hunt was fomented due to my clamor for equal opportunity for all Kenyans. This was born of my long struggle to represent the voiceless and underprivileged Kenyans on this Floor and outside the Chambers of this august House.

This realization is occasioned to me like a eureka moment that no matter how I fought for them to be included in society, their inclusion will only be token as long as equal opportunity for all citizens was not realized. These calls upon all of us from our different walks of life to keep eternal vigilance; to rise up and speak when such is infringed for inequality somewhere is inequality everywhere. Likewise, freedom somewhere is freedom everywhere.

When we claim our freedom and equality, those who are used to privilege see this as oppression. We need to remind them that equality for all guarantees a safer environment for them, as well as one does not have to look over their shoulder, depending on who wields power.

As I said before, my being here today is unlikely. I was born nearly 40 years ago in Kiambu District Hospital to a single mother who was abandoned on account of having a child who looked different on account of Albinism. Yet, I had a dream that one day I will become a respectable member of the society.

My mother worked as a farm hand in our local Member of Parliament's *shamba*, laying me down to sleep under a banana tree as she tilled the land with other women and men. When I was young, I had a dream that I will be a Member of Parliament. Many found this unachievable but I stand here today being the first person with Albinism to serve both in the National Assembly and the Senate. I thank God for that.

To some, this opportunity to participate in decision making on an equal basis with others means the typical stereotype of the underprivileged must subsist. We must remain meek, grateful, apologetic and reconciled to gratitude occasioned by the very opportunity to serve.

I want to remind them that we have fought very hard to have this representation and that special seats are constitutional and therefore not tokens to appease political patronage. That due to the unfair nature of first-past-the-post elections, political parties are only custodians but not owners of the process to guarantee representation of equal citizens who would otherwise not make it to be represented.

As such, it is of utmost importance that such space be robustly safeguarded in order to ensure active and full participation of the representation of special interest groups in all of our legislatures. This is in order to ensure to their constituents their human rights and fundamental freedoms through the very representation that is the essence of their presence in Parliament.

Political parties are the legal vehicles through which a group of like-minded individuals are able to capture power through legal means in order to exercise it.

However, our political parties have had a fair history of not surviving the next general election, degenerating to become a pale shadow of their former selves. This is largely because of lack of internal party democracy that enables them to outgrow the founders' syndrome. Their founders see them as personal property rather than public institutions of our nascent democracy.

It is therefore important to ensure that we continuously question the manner in which they are run. Their endeavors must be protected by law in order to ensure we have strong political parties such as in other jurisdictions that have been able to carry the vision of their country, lifting millions of people out of poverty. We have examples in the Chinese Communist Party (CPC) and the two party systems of Democrats versus Republicans and Labor versus Conservatives in the United States of America (USA) and the United Kingdom (UK) respectively.

Looking at our history here in Kenya, we know that we are essentially a *de facto* two party state only that we kill them and start new ones from the same material every five years. Is this not the theatre of the absurd? This recycling not only kills the current careers of many good leaders but stunts the growth of our county towards sustained prosperity.

Our public institutions, such as constitutional commissions and independent offices need not to cave in under political pressure to procure irregularities and illegalities. They should stand tall and defend their space since an institution is a rule that persist over time despite who is in power according to research already done.

Mr. Speaker Sir, these institutions need to be populated with men and women of honor candor and courage and not spineless apologists who are only too keen to suck up to the whims of the powers that be or the appointing authority. They need to learn from our independent Judiciary and in this case the Senate and to know that even their rights are protected too by the Constitution through the rule of law.

Mr. Speaker, Sir, to anyone out there whose rights and fundamental freedoms have been infringed upon, keep fighting; keep questioning; keep looking for answers to the problem at hand. It is only in this way that human advancement and excellence is attained.

It does not matter the fear, intimidation, denial of privilege, name-calling and mudslinging. Stand up, define yourself and do not allow to see yourself through the lenses of others. Show to the world the stuff that you are made of, for it is not only authentic and original, but it is the essence of the mosaic of our diversity. That too, is what makes the world go round and an interesting place to live in.

To those who took the opportunity to body shame and call us out on the basis of anatomy, morphology and or physiology, I want to remind them of the words of Martin Luther King Jnr., that no man should be judged by the colour of their skin, but purely on the content of their character. We are much more than the presentation that comes with basic appearance. Our clarion is to put it out there so that even if we do not agree with

you politically, we too have something to contribute towards making Kenya a great country, standing tall in the community and comity of nations.

Long live Kenya. Long live democracy through the rule of law. Thanks be to God, the Almighty. God bless Kenya.

The Speaker (Hon. Lusaka): Thank you, Sen. (Dr.) Mwaura.
Next Order.

PAPERS LAID

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

THE STATE OF THE NATION ADDRESS BY H.E. THE PRESIDENT

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 1st December, 2021:

The Eighth State of the Nation Address by H.E. the President, delivered at a Special Sitting of Parliament on Tuesday, 30th November, 2021.

REPORT ON REALIZATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

The Eighth (8th) Annual Report (2020) on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.

REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS

The Eighth Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.

ANNUAL REPORT ON NATIONAL SECURITY

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

THE KENYA BUSINESS CLIMATE REFORMS MILESTONES REPORT FOR THE YEAR 2020-2021

The Kenya Business Climate Reforms Milestones Report for the year 2020-2021.
Thank you, Mr. Speaker, Sir.

(Sen. Poghio laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order.

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, pursuant to Standing Order 24(6), the Thanks of the Senate be recorded for the exposition of public policy, contained in the Address of H. E. the President, delivered on Tuesday, 30th November, 2021 and further, that the Senate notes the following Reports submitted by H.E. the

President, in fulfillment of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the Senate on Wednesday, 1st December, 2021.

- i.) The Eighth (8th) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Tuesday, 30th November, 2021.
- ii.) The Eighth (8th) Annual Report (2020), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.
- iii.) The Eighth (8th) Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.
- iv.) The Annual Report to Parliament on the State of National Security 2021.
- v.) The Kenya Business Climate Reforms Milestones Report for the Year 2020/2021.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

The Senate Majority Leader (Sen. Poghiso): Mr. Speaker, Sir, may I first use this opportunity to welcome Sen. Mwaura back to the House. I know Sen. Mwaura to be concerned mostly about discriminative issues and particularly fighting for the less voiceless. I want to see that he continues doing that from this House and even outside.

Mr. Speaker, Sir, I beg to move:

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy, contained in the Address of H.E. the President delivered on Tuesday, 30th November, 2021. Further, that the Senate notes the following Reports submitted by H.E. the President, in fulfillment of Articles 132(1)(c) and 240(7) of the Constitution laid on the Table of the Senate Wednesday, 1st December, 2021.

- i.) The Eighth (8th) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Tuesday, 30th November, 2021.
 - ii.) The Eighth (8th) Annual Report (2020), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.
 - iii.) The Eighth (8th) Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.
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- iv.) The Annual Report to Parliament on the State of National Security.
- v.) The Kenya Business Climate Reforms Milestones Report for the Year 2020/2021.

Mr. Speaker, Sir, the Constitution of Kenya as cited, instructs the President to report to a Special Joint Sitting of both Houses of Parliament, on the measures taken and progress made in the realisation of the national values as stipulated in Article 10 of the Constitution: Status of fulfillment of the international obligations; the state of Kenya's security; and, the general state of the nation.

The President recognized the intrinsic support of Parliament and county governments in addressing the national crisis of the COVID-19 pandemic. As protectors of interests of county governments, I commend the Senate for the support it gave to the President and county governments. As a result of the measures taken, especially on fiscal stimuli, the impact of COVID-19 on the economy was 14 times lesser than the global economy.

Mr. Speaker, Sir, over and above the tax stimuli that were given that warranted the National Exchequer to forgo taxes amounting to Kshs176 billion. The President further rolled out the Buy Kenya Build Kenya policy and the Kazi Mtaani Programme, which secured over 750,000 gainful engagement for youth. Further, Small and Medium Enterprises (SME) credit guarantee was given; teachers were hired in the education sector; Universal Health Coverage (UHC) was enhanced and is now in process; farm inputs were supplied; and, manufacturing was enhanced.

These measures and interventions have reinforced resilience of our economy and grew the economy by at 10.1 per cent in one quarter. The third intervention unveiled in October focuses on the agricultural core sector, health and sanitation, energy and credit facilitation for business people.

Mr. Speaker, Sir, the President is keen on the agenda of ease of doing business and to see the fulfillment of automation. In full automation and streamlining payment of taxes to redesign import and export processes impressively, Kenya becomes a global first to host the first European Investment Bank (EIB) outside Europe. We told that in the Address yesterday.

The sentiments from the just concluded Annual Devolution Conference (ADC) have also been addressed by the President. He noted that the Government was committed to combat desertification, address climate change, increase forest cover and promote the blue economy.

Hon. Senators, the tree cover has increased from six to 8.8 per cent. In the blue economy, the legal framework is intended to protect the fishing industry. Members who come from the coastal region will realise that it will be the first in Kenya for this to happen, after so many years of leaving people to come and fish illegally on our shores. This has now become something that is protected under a new organisation that has been set up for Kenya.

Mr. Speaker, Sir, maybe we should say a little bit about the Big Four Agenda which the President focused on. The President is committed to ensure equality in Government services to evade poverty. In addition, the Government has made immense

strides in the Big Push Investment (BPI) that the President mentioned yesterday. The Big Push Programme (BPP) has seen the revival of the Kenya Meat Commission (KMC), expansion of Kipevu Oil Terminal (KOT) berth and opening of economic towns.

The President also touched on the infrastructure projects such as the Lamu Port, dual carriageways across the country and especially at Rironi-Mau Summit. The input in the economy has ushered the country to a place where we are now ready to take off in industrialisation.

The President intends that this country would shorten the period for being an industrialised country which has taken many countries several years to reach. The Government is preparing for that take off in a short time. That is why the emphasis is on infrastructure, Standard Gauge Railway (SGR), the dual carriage and tarmac roads in every county. Some counties, as emphasised, are having tarmac roads for the very first time in many years.

Mr. Speaker, Sir, most importantly, the President was articulate on the territorial integrity of Kenya, noting that the Government has preserved it. In fact, as the President said, it is intact and encumbered. In other words, the President said he will not allow an inch of Kenya's territory to be interfered with and he does not need an inch more than it is given to Kenya. God created and gave us Kenya and we must, therefore, protect her and her territorial integrity.

The speech is very clear. For those of us who listened through it, we know it was a long speech, but it covered almost every area. Since I want to give Members an opportunity to speak, let me finish up.

In conclusion, the President further addressed the achievements of his Administration in the last eight years. In his report, he gave a very detailed account of his achievements and I hope Members can take time to look at it.

With this summary of what I think captures the speech of the President and to allow Members discuss this in detail, I beg to move. I request the Senate Minority Leader, Sen. Orengo, to second.

The Speaker (Hon. Lusaka): Yes, Senate Minority Leader.

The Senate Minority Leader (Sen. Orengo): Thank you, Mr. Speaker, Sir. I rise to second this Motion and associate myself with the remarks made by the Senate Majority Leader.

I would want to put the performance of Jubilee Government in context. If we do not go through part of the material presented to us yesterday in the Presidential speech, one can easily be driven away by propaganda and other political statements, that tend to denigrate what has been achieved in the last eight years.

The National Rainbow Coalition (NARC) Government that was elected in 2002 was important in laying the foundations of what we are seeing being done today. So was the Grand Coalition Government under the leadership of the former President, Hon. Mwai Kibaki and Rt. Hon. Raila Odinga. It should be remembered that it was during that Grand Coalition Government, that we attained a new constitutional dispensation.

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

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

After many challenges and politicking in the country, eventually the Grand Coalition Government steered the national objective of attaining a new constitutional order to success.

Madam Deputy Speaker, there was also the question of Vision 2030. The Vision came about during the NARC Government and partly during the Grand Coalition Government. I am mentioning this important declaration policy statements because in his speech yesterday, the President made reference to Vision 2030 and our new constitutional dispensation. It is, therefore, important in the life of a nation, that policies are established to guide the Government of the day and generally the people of the country in trying to make political and economic progress.

In his speech, the President also made reference to what has happened, particularly in the Far East. We like talking about the Asian Tigers and the success of South Korea, Singapore, Malaysia and many others. In this list of Asian Tigers, you find countries like Vietnam which endured a long period of war, now rising and becoming a reference point in that part of the world.

Madam Deputy Speaker, if we can have Asian Tigers, why can we not have “African Lions”? It looks like whenever we talk about new and emerging industrial and economic power houses and democracies; we are talking about the Asian Tigers. Africa does not seem to feature very well by comparison.

If you look at the Asian Tigers properly and do an analysis, they were strong in governance. In contradistinction to the other Asian countries, they were the points at which democracies started to emerge and survived. For example, South Korea was a dictatorship for a very long time. The economic miracle came about when issues of governance were taken very seriously.

In Singapore and Malaysia, we have had some very strong leaders. The Prime Ministers of both Singapore and Malaysia were very strong political figures, but they never compromised on the issue of governance. In comparison with the other countries in that part of the world, we could see that the space for democracy and judicial institutions were valued.

Going back to the other countries in Asia, who were very strong like Japan, again, from a mighty empire with strong monarchical institutions, the greatness of Japan in the modern era has come about by being open and building strong democratic institutions.

China which was mentioned quite profusely by the President, from the old times immediately after the revolution after the Second World War, began to open up. When it did so, it grew in all sectors. Although being a one-party State, a lot of what has happened in China is because the country was opened up.

If you remember there was a Chinese leader who was accused of being an advocate of capitalism rather than communism. He remarked that he did not care about the colour of the cat - whether it is black or white - so long as it can catch mice. In a way, he was trying to say that the objective of making China a great nation was to make sure that China grew to be an industrial powerhouse and where the ordinary person could see the full benefit and fruit of the Chinese efforts in trying to build that country.

What am I trying to say is that even in our own country, we need to take firmly on issues of governance. If we can go firmly and say that Kenya is not a nation that is going to be ruled by the whims of an individual or groups of individuals, but be country of laws which are based on justice, democracy and human rights. I think once we make a choice to go through that trajectory, what has been said in the Speech by the President will be attained.

Secondly, so long as we build our democracy and institutions, we stand to gain. I did not want to long in seconding this Motion, but when we are appreciating Sen. (Dr.) Mwaura for coming back to this Chamber, there were comments that were being made about the 'Handshake.' I want to say without fear of contradiction that anybody who saw Kenya as it was in 2013 and 2017 or previously in this cycle of elections, as a country, we were moving in the wrong direction.

We have always moved in the right direction by making certain compromises. At the time when President Kibaki decided to work with the Rt. Hon. Raila Amollo Odinga, and if you look at the Accord that was signed by both of them, as individual leaders and as leaders of their political parties, it was not very popular among certain politicians in this country.

In 2007, if we did not have the Grand Coalition Government, I am certain that it would have been extremely difficult to achieve the Constitution of Kenya, 2010. This Constitution has been a very important achievement in our country and we continue to congratulate ourselves for this milestone.

In 2017, eventually when President Uhuru Kenyatta decided to work with the Rt. Hon. Raila Odinga, again, there were cynics and skeptics who said that this was not the right thing to do.

There are instances all over the world where we can say that leaders get together for the sake of the country to make them advance. There are examples in Europe, in the United Kingdom, when Winston Churchill became the Prime Minister when that country was going through very difficult time because of the war in Europe.

In the Second World War, in the United States of America, it was very difficult to distinguish political parties at the beginning of what became the USA. In fact, if you look at categorization of the first President of USA, George Washington, he is listed as an independent. That is why he was able to carry along four or five people who eventually also became the Presidents of the USA; great ideas coming together and forming synergy, which then was used to build the country to great heights.

I think that those in Jubilee who want to insist on being cynics and skeptics, and undermining the objectives of the unity between President Uhuru Kenyatta and Rt. Hon. Raila Odinga, if you read this Speech thoroughly, one cannot reach any other conclusion, but that the 'Handshake' gave this country an opportunity to advance forward and do the things that mattered to our people generally.

Madam Temporary Speaker, I am happy that there were few things that the President announced which are important to the ordinary people. One, was the question of making restrictions on withdrawals or banking's of Kshs1 million or more. Many people have been suffering quietly and quite loudly also because these restrictions make

it very difficult for the ordinary business people who do small enterprises, some of which even having records become very difficult. I think that went quite well in that speech.

The interventions the President talked about were critical. Those are the interventions that he had spelt out during the Madaraka Day celebrations - in the tea, sugar and coffee sectors. These interventions made it possible for us to go through the pandemic with some damage, but it could have been worse. These are interventions which were listed out in the President's speech. I hope that we will appreciate what has been done, particularly in the last 5 years.

If there was no handshake, all these five years would have been about 2022. However, with it, we were able to talk about the infrastructure, health and agriculture sector and the Big Five. Now as recorded in the President's speech, we can discern what has been done by the Government with the support of the Opposition. We do not want to apologize for it. We were doing it for a good reason to keep the unity of the nation together and to make sure that the people in this generation get their fair share of the resources of this country and advance to the next level.

Madam Deputy Speaker, with those remarks, I beg to support.

The Deputy Speaker (Sen. (Prof.) Kamar): thank you, Sen. Orengo.

(Question Proposed)

Proceed Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Madam Deputy Speaker, I thank you for this opportunity that you have accorded me to support the Motion on Thanks for President's address to the Nation.

Allow me to rightfully echo that one of the salient or key functions of the President is to address Parliament. The President addresses Parliament when it is newly reconstituted. In a year, he can address one or two times, and even special occasion or special times he can also choose to address Parliament.

The key arms of the Government are as follows: The Executive that is represented by the President, the Legislature that is represented by Parliament and the Judiciary. When the President deliberately as did yesterday, decide to address the whole nation through the representatives of the people, it is very commendable. He opted to do so before the year ends.

We can all remember that last year, due of COVID-19 related issues he was not able to address Parliament. He chose an opportune moment to address Parliament before the year came to a close because he is accountable to Kenyans and the Legislature. He effectively executed Article 132(c). The Constitution obligates him to do exactly so. When he is addressing the Legislature, it is very clear that he has to tell the whole nation what exactly he has done with regard to the national values.

The national values are very clear. Article 10 (2)(a) states clearly that the national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people. The Constitution is clear that one of the key values is that of patriotism, unity and this came out strongly in his address together with sustainable development.

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When talking about sustainable development, Kenyans must know that during this COVID-19 time, it was a risky moment in the sense that economies went down. I thank the President on the measures that he established as we were going through crisis moment to cushion Kenyans. I remember very well and it came out during his speech and it was executed on the ground. The workers who were earning less than Kshs24,000 were not paying tax and the interest rates at the banks were brought down. A number of measures were executed to ensure that the economy did not go down. In the midst of the pandemic, Kenya performed well economically. This is something that we must commend the President on.

It was imperative that the President addressed the nation and lets Kenyans know what he has done with regards to Article 43(1) which guarantees each Kenyan citizen the right to access the highest attainable socio-economic rights. It was good for the President to come before Kenyans and tell us what exactly he has done.

Article 43 states that everyone has the right to the highest attainable standards of health. It came out in the Speech that a number of hospitals have been upgraded. For example, the Kenyatta University Teaching and Referral Hospital. A number of hospitals have been upgraded and others have been built across the country. Health is a priority in this Government. It is very clear that Kenya is among the party States that signed the International law stating that they were going to protect people's lives in terms of health.

Madam Deputy Speaker, coming up with hospitals is something that is commendable. I also commend the President for coming up with facilities geared towards treatment of cancer. As a cancer survivor, I know the agony that cancer patients go through. Most of them have to go outside Kenya in order for their diseases to be identified, detected and treatment to be done. I am happy to know that in Kenya, cancer can now be treated. Last week, I remember I visited an auntie of mine, auntie Regene, who has arthritis. She was going through a harrowing moment. When I was in India, I remember there were some Kenyans who go to India for purposes of being treated for arthritis, but auntie Regene was treated here in Kenya.

It is commendable that we do not have to import medics and healthcare. We have to train our own medics. It was very clear in the President's Address that a number of medics are being trained. This is something that should be done year in, year out, so that we ease the burden of Kenyans who keep going abroad for treatment. We do not have to import medics. We can train our own oncologists and anesthetists, so that we make maximum use of the Kenyans that we have. I know Kenyans are very productive. When it comes to intelligence, Kenyans are intelligent. Can we make optimal use of Kenyans, Madam Deputy Speaker?

Constitutionally, in Article 43, when it comes to the issue of water, every Kenyan has a right to clean water. From the Address of the President, it is very clear that boreholes in the country were few especially in the arid areas. More than 200 boreholes have been sunk. Water is a necessity, we cannot do without water. Even the composition of our bodies also has water. One can survive with water. We cannot do much without water. Domestically, we find that if you want to prepare food, you need water. If you want to wash clothes, you need water. Water is important. I commend the President for this. We should actually acknowledge what should be rightfully acknowledged.

The President also talked about rural electrification programme, which is also very important. There are some areas that have never seen electricity even from the colonial era. I commend the President for coming up with this programme. I urge him to do more especially when it comes to rural electrification. Come 2022, whoever takes the mantle should spearhead this issue of electrification because there are still some Kenyans who have not been connected. I commend the President for what he has done. This is something that should be sustainable.

There is 100 per cent transition when it comes to schools. From the Address, it was very clear that a number of classrooms have been constructed. Construction of classrooms is core in ensuring 100 per cent transition. Education is key since it glides the life of everyone. If there is any inequality among people, that inequality curve actually comes down through education. I commend the President for coming up with the plan that he did of constructing classrooms.

Madam Deputy Speaker, not to forget about the President's Address, he talked about the toxic political climate in this country. He came out clearly to say that the whole is better than the parts. He talked about the expanded executive as a measure of ensuring that everyone has a share of the national cake. This is very important.

In his Address, it was very clear that representation by women in Parliament is core. It has to be fronted so that we have more representation of women in Parliament and also representation of the vulnerable like the Persons with Disabilities (PwDs). It is unthinkable. We need to see to it that representation of PwDs in the Senate increases. We can have the representation that is constitutionally given. In elective positions, parties must ensure that they hold the hands of PwDs who want to vie for elective seats so that we even have about 10 PwDs in the Senate and 20 PwDs in the National Assembly. It is something that is achievable.

I urge political parties, when they are making the party lists, to ensure that we have women and men with disabilities who want to vie because PwDs want to be involved in decision making. Gone are the days when PwDs were seen from the pity paradigm because they can contribute positively to the affairs of the country. They need to be on the decision-making table. Let the nominated positions be there. In elective positions, let us also have PwDs doing that.

Madam Deputy Speaker, what PwDs need in this country and the world over is an opportunity for decision making. The time for handouts to PwDs is gone. We are not living in those days. What PwDs need is an opportunity to advance themselves and others, and be productive in the society. This must be a challenge to political parties that they must ensure that on the party list, elected Members of Parliament or those who want to vie, there must be PwDs and women so that the House is fully inclusive. This is one of the national values that the President mentioned. Article 10 talks about inclusivity. We cannot have inclusivity when even PwDs are actually not represented in decision making and governance. When women are also not fairly represented in decision making, then that will flout Article 10 of this Constitution.

I thank the President for coming out clearly to say that some issues that were actually not accepted during the Building Bridges Initiative (BBI) need to be re-thought such as the two-thirds gender principle, PwDs and money going to the counties. The

President came out clearly to say that, yes, money is going to the counties, but it is not enshrined in law. It has to be enshrined in law.

When we are representing people, Kenyans must know that we are representing them, especially the people in the counties. Money must go to the counties, so that development can be there, education can be improved and everyone can also get a service. That is what the Senate is mandated to do. We are here to represent people. We are here to represent wananchi. We cannot represent wananchi if money is not going to the counties.

Thank you for the opportunity.

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

Sen. (Dr.) Langat: Thank you Madam Deputy Speaker, for giving me this golden opportunity to make my contribution on the Eighth State of the nation Address by the President.

From the onset of the Address by the President, the expectations of Kenyans were so high. I want to appreciate that in the very beginning, the President mentioned that Kenya is greater than everyone of us. If this one is put in practice, everyone in this country will be able to realize the importance of being a citizen in this nation. I also appreciate the way the President in a nostalgic way narrated from the time he was a nominated Member of Parliament in the National Assembly, the moment he was elected to become a Member of Parliament, the time he was the Minister for Finance, the Deputy Prime Minister and currently the President of this great nation.

He also had something to say about the COVID-19 pandemic. He mentioned the struggles that all of us went through in this country during that particular moment when the nation was suffering so much because of the pandemic.

Madam Deputy Speaker, I also expected the President of the Republic to assure Kenyans on the measures that are been taken to bring to book the COVID-19 billionaires. However, the President mentioned the milestones that we have gone through in an attempt to manage the COVID-19 pandemic up to and including the company in the Coast that is rapidly manufacturing the COVID- 19 vaccines. We really appreciate that the company is one of the greatest and one of its own kind in Africa. However, what Kenyans were also expecting to hear is the steps that are being taken to bring to book and punish the COVID-19 billionaires who instead of taking steps to help Kenyans come out of the pandemic, took advantage of the suffering of Kenyans and made themselves billionaires.

I would have been happier if the President had mentioned the rapid measures that he has taken to make sure that the COVID-19 billionaires are also punished. By punishing the COVID-19 billionaires, it would reduce and set an example to those people who always take advantage of such situations to enrich themselves.

I appreciate the fact that the President mentioned the eight-point programme that was to benefit most of the needy Kenyans, more so the youth. He mentioned that 750,000 youths have benefited from that particular programme. However, Kenyans are wondering loudly that a figure of 750,000 people in this country is a drop in the Pacific Ocean.

The greatest challenge that affected this particular eight-point programme that had been introduced by the President is corruption and lack of a policy framework. The people who have really benefited from this particular programme are very few because of lack of an effective framework that was supposed to be set by the Government on how that money was to be administered, so that it reached the real Kenyans on the ground who are very needy. Otherwise, the money benefited relatives of some of those who were directors of these particular programmes. It also benefitted some regions, which were maybe well to do in political matters.

If you go to some areas like where some of us come from that are not politically correct, you will find that these programmes have not benefited the youths in our areas. For this particular programme to be felt on the ground, I request the Office of the President to make a proper audit that cuts across all the 47 counties so that it becomes clear where the 750,000 youths who benefitted come from. I, therefore, emphasize that when such programmes come out, a clear policy framework should be put in place so that the right people benefit from the same. An audit framework should be done so that these particular programmes are audited to ensure that the right people benefit from the same.

Madam Deputy Speaker, I am also happy that the President touched on the issue of education. This is my area because I am an educationist. I was so keen to hear something to do with the education sector. The President clearly mentioned that they have managed to employ 10,000 teachers and another 1,000 on internship. I appreciate that, but I was to bring to cognizant of this particular House that this country is still facing a great challenge especially on matters to do with the new education system, the Competency Based Curriculum (CBC). It is turning out to be a very expensive system. The CBC is still a great challenge to the teachers who have not been provided with the necessary capacity building to handle this particular programme.

There is also a shortage of classrooms cutting across all the counties in our country. There are very few classrooms, which are up to standard. When you go to Bomet County, most primary and secondary schools still have a huge shortage of classrooms. Most of the schools have temporary classrooms. I request the President to check into that area and put more funding so that teachers are given more capacity building to handle this particular programme effectively. More money should also be allocated to the Teachers Service Commission (TSC) for employing teachers.

I am surprised that wherever I go to schools in Bomet, I am sure it is a replica of what is happening in other counties, there are more teachers who are employed by parents under the Parents Teachers Association (PTA) than those who are employed by the Government. Go to the village today and try to tell those people that education is free in this country. They will tell you that it is never free. Most of the primary and secondary schools are still employing more teachers than those who are assigned by the Government. Education is still very expensive to parents in this country. For the citizens to feel that education is free, I challenge the Government to employ all the teachers, including those who are serving under the PTA so that the parents are relieved from the burden of the expense of education in this country.

I was also very happy when the President mentioned stimulus in the agricultural sector. I come from the Rift Valley, which is the food basket of this country. We really

appreciate the efforts that the Government has put in place to address the issues and the challenges that farmers are facing. When the President mentioned that there is subsidy on fertilizers, I would like to say that is true for coffee farmers who felt the subsidy by the Government. However, the tea and sugarcane farmers have not felt the support by the Government on matters to do with the tea and sugarcane sectors. For example, the bonuses that tea farmers are receiving in Kericho, Bomet and other neighbouring zones are so minimal. In fact, most of them have gone to the point of neglecting tea farming completely because it is no longer paying them as expected.

I call upon the Government to support tea farmers more so at this particular time to give them more money. The Government should subsidize fertilizers, cost of electricity and ensure proper roads are constructed. The cost of electricity and energy in the tea factories and in the farming areas is still very expensive. I request the Government to subsidise energy in the factories that process tea so that the cost of processing tea becomes manageable for the farmers.

On the energy sector, I also expected the President to mention something on the high cost of energy and petroleum in our country putting into consideration that energy is the basis of industrialisation. In fact, if the cost of the energy in this country continues sky rocketing, generating employment and self-employment for our youths will still be a challenge.

Remember, currently there are many factories that have stopped working especially in the tea sector where I come from, because of the cost of energy.

I request the President to consider lowering the cost of energy and petroleum in this country because that is the basis of encouraging industrialization. Industries can automatically generate employment for our youths.

On climate change, I appreciate the efforts by the Government in afforestation and reforestation. This is so important because it will enable our country to be stable, reduce pollution and increase the forest cover, which will attract rain and make our country comfortable.

I was expecting the President to talk on more robust measures to curb insecurity, which is still a problem in our country. We have had abductions and other problems in Laikipia, West Pokot and Turkana. Robust Government measures should be put in place so that all Kenyans live in peace.

The President also mentioned the fact that the Building Bridges Initiative (BBI) could have solved some issues. I differ with him there. To solve the current problems, we do not necessarily need to change the Constitution. We need to fight corruption, emphasize and expand the democratic framework in our country. More so, we also need to preach peace and ensure that security is everywhere in our country so that as we head towards elections, all people will vote in peace.

I appreciate all that took place yesterday. If all that I have mentioned was taken into consideration, I think the President would have really earned more appreciation than what we have now.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Let us now listen to Sen. Were.

Sen. Were: Thank you, Madam Deputy Speaker. I also rise to make a contribution on the State of the Nation Address by the President, which he presented yesterday. We welcome this Address because it is an obligation of the President as is stipulated in the Constitution.

However, I noted that the Address did not have any member of the public in the Public Gallery, which I thought despite the COVID-19 restrictions, they would have also practised social distancing and allowed members of the public to be a part of this important exercise.

That said, the President started by talking about the unity of the country and said that as citizens we should strive to put Kenya first and have a shared vision. This is not only applicable in the country, but also with our neighbours in the East African Region.

His Address focused mostly on how we responded to the pandemics. One was the swarm of locusts and the other one was COVID-19. He focused mainly on our response to COVID-19, which bedevilled the whole world.

He talked about how we should have seen or how we saw opportunity in this crisis rather than see the problems. He said that because of our proper response to this crisis of COVID-19, it had 14 times lesser impact on the economy compared to the rest of the world. So, our economic stimulus interventions helped us deal in a better way than the world did economically.

People saw opportunities. He talked of the Revital Organization in Kilifi that started making vaccination syringes and exporting the same. He talked about Hela, a company that had started dealing with the protection equipment, masks and the Personal Protective Equipment (PPEs) that our medics were wearing. However, he forgot to mention Kitui as one of the success stories of devolution that started making masks at the Kitui Textile Company and distributing them to hospitals across the country.

We should not lose the fact that devolution is working and where it is working we should always strive to praise our leaders. It is important to note that the Governor of Kitui is a woman and we know that once we have women leaders, we will continue to have such great innovations. In times of crisis women always perform better even at the family level. We want to congratulate Kitui Governor, Hon. Charity Ngilu, for being part of this success story; seeing an opportunity in a crisis.

The President also talked about the status of the first icon that he needed to talk about in his Address. As stipulated in the Constitution, it was the state of our economic development. He said that in spite of COVID-19 in 2020 we had a 0.3 per cent economic growth, which has gone up to 10.01 per cent in the first quarter of 2021 using the real Gross Domestic Product (GDP).

Madam Deputy Speaker, I have an issue with this so-called rate of economic development being at 10.1 per cent in the first quarter when Kenyans are suffering. Whose economic development are we talking about? If majority of Kenyans do not have money in their pockets, what the African National Congress (ANC) party calls “*Pesa Mfukoni*” then you cannot talk about economic development. It cannot be if it is only for the few or the 10 billionaires in the country when the other millions in the country are not feeling it. We need to investigate what economic development means for the ordinary

Kenyan not just the billionaires of this country. We want to also feel that there is economic development for everybody and “*pesa mfukoni*” for all Kenyans.

The President also talked about the revival of the agricultural sector. He said they injected some money in the tea and coffee sector and that there are good bonuses. When he said there was smoke in the sugar mills, I almost stood up in shock. If there is no smoke in Mumias Sugar, the biggest sugar company, which sugar mill is the President was talking about?

We still insist that we need more attention given to sugar factories especially in the Western Region. We want to see them up and some seriousness put into this. We are hoping that the next Government that will come into power next year, 2022 - and hopefully it will be the presidency of His Excellency Musalia Mudavadi through the ANC party and One Kenya Alliance – he should make sure that his next State of the Nation address will be giving us good news on this issue of sugar mills.

The off take programmes for the livestock sector are welcome. We have seen the Kenya Meat Commission (KMC) coming up. Farmers are being paid their monies within three days rather than the years that they were waiting for.

Our young people, especially those who had been listed on the CRB limiting their access to loans, have been delisted as the President told us. We are grateful and hope that the very many Small and Medium-sized Enterprises (SMEs) that are listed in the CRB will also be looked into; not just because of COVID-19, but moving forward. This is because some of these people were put on the CRB list when everybody was affected economically.

We also know that the Kenya Revenue Authority (KRA) met its target. We have been told this before. The President emphasized that they are collecting more money than ever before in spite of the COVID-19 pandemic. What is it that they were not doing right before if in times of a crisis they are able to collect more money? We hope that this is another opportunity that has arisen in a crisis, that the KRA is one of the success stories that has arisen during the COVID-19 pandemic.

The President talked about an increase in Intensive Care Unit (ICU) beds, which is another opportunity. We only had a few of them. Some hospitals in the counties did not have ICU bodies, but because of the stimuli that the Government put, we have had a 502 percent increase in ICU beds in our public hospitals.

We only had one lab for testing notifiable diseases. The President informed us that we now have 95 laboratories. As we continue to suffer from the consequences of COVID-19, we have also seen that there are a number of opportunities it gave us to grow, examine our weaknesses and look into the most important thing, which is our health.

Madam Deputy Speaker, the President also informed us that they have put up several hospitals and encouraged more private players to put up hospitals. That is welcome. We want more investors to put up hospitals rather than putting up malls. We have realized that in times of crisis, hospitals are more important than malls, which are closing down since no one is visiting them due to COVID-19. However, people need hospitals more. That gave us an opportunity to grow our health sector and probably we will continue to be the medical tourism hub of this region.

Madam Deputy Speaker, the President also informed us that COVID-19 showed the need to invest more in the Information, Communication and Technology (ICT) sector, which is a welcome idea. This sitting is hybrid. We have both the physical and virtual meeting, so that Members who are not able to attend physically, are able to participate virtually. That begs the question of the Konza Technopolis. The President did not touch on it seeing that he told us that ICT is the future. We want a law put in place to guide the Konza Technopolis. I know that there is a Bill coming up so that Konza is not run on the whims of a prime minister and that there is a specific law to be used to run the Konza Technopolis as the center of our ICT now and in the future.

The President concluded by talking about nationhood. He focused on democracy and talked about the issue of the Building Bridges Initiative (BBI) that failed to take off. We do not want to discuss more about the BBI because it is in the courts and some of the things have been overtaken by events. It was a good idea that was not strategically implemented. We hope that as he has promised to bring it back, it will be strategically presented, so that it is less political and people are able to embrace it.

The President also talked about an increase in cancer diagnostic centres. I would like to urge the President to ensure that cancer is declared a national disaster, so that more effort is put towards cancer diagnosis, treatment and hospice care of cancer patients. If they declared cancer a national disaster, there would be more commitment to this issue because just like COVID-19, it is ravaging everybody. It does not choose who you are in society, whether you are high or low level, poor or rich, young or old, we are all being ravaged by cancer. I urge the President to declare it a national disaster.

I want to congratulate the President on the *Linda Mama* Programme which offers free maternity. We have more women giving birth under good, quality and healthy conditions. We thank him for that. I urge our women to continue giving birth safely and build this country.

Thank you, Madam Speaker, I support.

Sen. Halake: Thank you, Madam Deputy Speaker. I rise to support and give my input to the Eighth Presidential State of the Nation Address as well as speak to some of the reports that the President has given us. These are, basically; the Eighth Annual Report on the measures taken and progress achieved in the realization of the National Values and Principles of Governance; the Eighth Annual Report on the progress made in fulfilling the international obligations to the Republic of Kenya; the Annual Report to Parliament on the State of National Security and the Business Climate Reforms Milestone Report for the year 2020/2021.

First, allow me to congratulate His Excellency the President for upholding his constitutional obligations under Articles 132(1)(c) and 247 of the Constitution of Kenya. Without fail, he has addressed the nation on measures he has taken on the state of our nation every year since 2013 when he was elected the President of this country. He is a President who is accountable to his people. He has shown the humility and support he has provided.

Listening to his Address yesterday and reading some of these reports, I am in awe of how much has been done. Sometimes it is very easy to focus on what has not happened. It is very easy to look at the glass as half full as opposed to half empty. That

having been said, the chronology of events, the list of things that have been done, the progress that has been made, the infrastructure and other frameworks that have been put in place are definitely something for this country to celebrate and congratulate His Excellency the President for.

Rome was not built in a day. The foundation stone must be laid and if there is one President who has laid the foundation stone for the take-off of this country, no matter how we want to view his performance, he has done well by those measures. I would like to congratulate him by looking at the analysis of some of the things he has shared with us.

From my own back of the envelope analysis, having read these reports as well as looking at some of the key measures he has outlined for us, I would like to acknowledge that he has laid a proper contextual framework in the sense that he has talked to us about the need for nationhood and the need to focus on the economy and the social structure of our country. Without the social structure that gives the dignity and belonging to the country, even the economical things cannot come into play. Without nationhood, other things seem to be on a higher hierarchy than the basics.

With that in mind, I congratulate the President for these things. However, there are areas in which we could have done better. There are areas I feel perhaps a little more delineation and breakdown would have done us well. There are very many disparities in this country depending on geography, demographics, gender and these kinds of things.

We needed to see of the good things that have happened in this country in the last eight years, how much of that benefit has gone to the women and the youth of this country? Of the good things that have happened and all this great stimulus packages, how much has gone to Northern Kenya, to the formally marginalized? I know we are being asked these days not to talk about marginalization, but people do not come from marginalization of 100 years in eight or five years. There are still many disparities regionally, demographically, gender wise, and in Persons with Disabilities (PWDs).

Madam Deputy Speaker, in the future, this House needs to ask our President to go beyond global figures of the country. He should break it down by demographics, gender, disabilities and regions. This is so that we know that we are not leaving anybody behind.

Having said that, I move on to the areas of focus that the President highlighted. He started off by telling us that the State of the Nation address focused on economic development. What a great sector, because without economic development, we would not know what the economic well-being of our country is.

He focused on the social structures that I mentioned. It was supposed to restore the dignity of our people and give us a sense of belonging and nationhood. One that is of note and that I would like to congratulate His Excellency (H.E.) and his administration on the cross cutting issue of the Coronavirus Disease (COVID-19) and other emerging disruptions.

Madam Deputy Speaker, our country is a developing country. For a developing country, the way our country has handled COVID-19 is commendable. As the President said, leadership was shown. There were things that needed to be balanced between the economic and the health side of things.

Nevertheless, the way the choices were made, the leadership provided and the actions thereof point to great leadership on behalf of H.E., his administration, the

Ministry of Health and Hon. Kagwe. They really went out of their way to make sure that there is a balance between the economy and the support on the health side of things.

Madam Deputy Speaker, I really congratulate our country. This is something that we should be proud of, from the support that was provided to Small and Medium Enterprises (SMEs), the health sector and the counties. In the same way, there were amounts provided to get health workers. This was very good. I know that we were not all happy with lockdowns, but that was much needed. They helped balance things for us so that our health sector and systems would not collapse under the sheer volume and gravity of COVID-19.

One thing that I have a concern about is the stimulus packages that were given. While very commendable, the stimulus packages focused on core sectors. What was the definition of core sectors? Agriculture is a core sector, but within agriculture, was livestock forgotten? This is something that we, legislators, from northern Kenya, are concerned about. Going forward, we hope to see a breakdown of the agriculture sector, including livestock, and what was given as support to pastoralists and the livestock sector.

Madam Deputy Speaker, in the second stimulus package, I commend the President for focusing on agriculture, education, SMEs, Universal Healthcare (UHC) and tourism. There was an injection of Kshs5 billion for SME support and seed credit capital to SME guarantee schemes. We would like the country and our President to look at livestock schemes as well. Did we get any support for the livestock sector? Was there any livestock scheme that was given? I do not think that that was the case, but if there was, we want to make sure that livestock rearing is mainstreamed.

Madam Deputy Speaker, I know that we are told about the bread basket. We too are the bread basket when it comes to the protein that livestock provides. Man cannot live on bread alone. As legislators from northern Kenya, we want to see a livestock scheme and livestock guarantees going forward and even right now. The injection of Kshs6.5 billion into the education sector was very much welcome because an uneducated country is a doomed country. We really hope that we continue to inject much needed resources, especially as we transition from the 8-4-4 system to the Competency Based Curriculum (CB) system.

Madam Deputy Speaker, 10,000 teachers were employed. The place with the worst teacher to student ration is northern Kenyan. You know of the insecurity there. A lot of teachers had actually taken off. We would like to see a breakdown of the 10,000 teachers. What percentage of teachers were for northern Kenya, which had the biggest gap?

Those are the kinds of questions that came to my mind as I listened to the fantastic speech of our President. I congratulate him and thank him. However, as I said earlier, the statistics of the country do not give the picture of what has been done for different demographics and different regions.

Madam Deputy Speaker, we welcome the UHC support for locally made beds. We welcome the Kshs3 billion for farm inputs. We would also like some livestock inputs so that we can say that nobody was left behind, and that no food source, including the protein that the meat suppliers of this country are providing, is not left behind.

I know that small scale flower farmers were also given Kshs2.5 billion in the second package to assist flower farmers to access international markets. Again, we need markets for our livestock. We need support in that area as well.

Madam Deputy Speaker, I do not wish to go over too many of these things. We definitely have a lot of good, which we must celebrate. In terms of our international obligations, those of us who had the opportunity have just come back from the Conference of the Parties (COP26) discussions on climate change.

Our country is at the forefront. I congratulate the increase of nominal forest cover, but this country needs to do more. We also need to ratify a lot of these international obligations, because there are certain ones that are lagging behind that we are going to bring to the attention of this House.

Madam Deputy Speaker, the blue economy, the Lamu Port and the dual carriage structure are fantastic imperatives and ground works for us to take off. We therefore support the President and hope that these things are going to be great legacy for him. With the next President who will come, Sen. Moi, we will make sure that we build on this, because this country loves peace and prosperity. We will make sure that we build on the gains that we have made so far.

As a proponent of *Kazi Mtaani*, I congratulate the President to listening to the input that we gave him, even for the *Kazi Mtaani* children in Isiolo. They have worked so hard to make the county very hygienic and beautiful in the last few years. He also made sure that we have access to bridges and water sources as well.

Madam Deputy Speaker, I congratulate the President on the national ethos, values, and the report thereof. I do not wish to speak so much on that because I have not read the report, but I know that he espouses and walks those values. Having come from where he came, he has also made sure that the national values that we espouse and the democratic rights of this country---

As I congratulate Sen. (Dr.) Mwaura for coming back here, our President respects the rule of law and the separation of powers between the different arms of Government. This is why when the court speaks, our President obliges. I congratulate our President and the people of Kenya for being so resilient in the face of so many uncertainties and a lot of hardships brought on by COVID-19.

I thank you, Madam Deputy Speaker.

I support.

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

Sen. Faki: Asante, Bi. Naibu Spika, kwa kunipa fursa hii kuzungumzia Hotuba ya Rais kwa Bunge jana tarehe 30 Novemba, 2021. Kwanza ninanpongeza Rais Uhuru Kenyatta kwa Hotuba hiyo ambayo Wakenya wengi walikua wanaisubiri kwa hamu, kwa sababu huu ni mwongozo na ruwaza ya yale mambo anaweza na anatarajia kufanya na Serikali yake kwa muda unaofuata. Kwa sababu uchumi wetu ulipata pigo baada ya kuvamiwa na janga la korona na nzyme mwaka jana, Mhe. Rais alitetea uchumi wetu na vile maendeleo mengine yamefanyika hapa nchini.

Bi. Naibu Spika, nampongeza Rais Uhuru Kenyatta na Baraza lake la Mawaziri na wote ambao wamehusika katika kuimarisha uchumi licha ya majanga ambayo tumekuwa nayo nchini. Pia nampongeza Mhe. Rais kwa kuweza kuidhibiti hali ya

uchumi hususan mambo ya fedha. Ijapokua dola imeimarika na shilingi yetu ikapata misukosuko, lakini tumeona nchi yetu ina utulivu katika masuala ya kifedha.

Nampongeza Mhe. Rais pia kwa juhudi zake katika mabadiliko ya tabianchi yaani *climate change*, kwa wale hawajui Kiswahili. Mhe. Rais wetu alisafiri mpaka Scotland na akatoa hotuba. Ujumbe wa Kenya katika mkutano huo ulikuwa na kazi kubwa na ulionyesha mambo mengi ambayo nchi yetu inafanya ili kudhibiti madadiliko ya tabianchi.

Bi. Naibu Spika, nilipendezwa na mwongozo wake katika maswala ya afya ambapo amejenga hospitali kadhaa katika Kaunti ya Jiji la Nairobi. Sehemu nyingi za Nairobi zilikuwa hazina huduma za afya na aliweza kuzifikisha huduma hizo. Vile vile kina mama wajawazito waliojifungua walitajwa. Mhe. Rais alionyesha kuna kazi kubwa ambayo ameifanya lakini bado kuna mengi yanastahili kufanywa.

Hali ya taasisi za kiafya katika kaunti zetu imeimarika kwa sababu ya kujitayarisha na janga hili la korona na bado janga hili halijakwenda. Inafaa tuwe macho ili kuhakikisha janga hili lisiturdie tena. Katika Hotuba yake, Mhe. Rais ameangazia mambo mengi ambayo yanaonyesha kwamba baada ya kushirikiana na Mhe. Raila Odinga, Waziri Mkuu wa Zamani, imeonekana hali ya nchi imekuwa tulivu, usalama ukaimarika na watu wanaendesha mambo yao na kushukisha joto la kisiasa ambalo tunaona limeanza kupanda tena.

Bi. Naibu Spika, nampongeza baba na kiongozi wa chama chetu, Mhe. Raila Amolo Odinga kwa kuona mbele kwake na kuja pamoja na Mhe. Rais Uhuru Kenyatta ili kushukisha chini joto la kisiasa na kuimarisha uchumi wa nchi hii wakati ulikuwa unayumbayumba kutokana na kura zilizopigwa mwaka wa elfu mbili kumi na saba.

Baadhi ya mambo ni mazuri. Hata hivyo, kuna mambo mengi ambayo Serikali inastahili kufanya. Kwanza kabisa ni haki za binadamu. Kwa muda wa miaka minne au mitano iliyopita, tumeona watu wakidhulumiwa na haki za kibadamu kutoheshimiwa kupitia kwa mauaji ya watu kiholela au *extrajudicial killings*. Wengine kutekwa nyara bila kujulikana wamepelekwa wapi.

Bi. Naibu Spika, Kenya ni nchi ambayo inalindwa na Katiba na sheria. Ni nchi ambayo ina taasisi ya mahakama. Licha ya matatizo ya hapa na pale, taasisi hii imekua inafanya kazi yake vizuri zaidi kuliko mahakama za nchi zingine za Afrika na kwingineko. Lakini, ongezeko la watu wanaouliwa kiholela katika mikono ya polisi imekuwa juu sana.

Mwaka huu, mashirika ya Haki Africa na Independent Medical Legal Unit (IMLU) wamerekodi visa zaidi ya sabini ambavyo watu wamepoteza maisha yao kiholela au kupotezwa bila kufuata sheria. Ripoti hiyo tuliijadili hapa wiki mbili zimepita na haina haja ya kuongezea. Mhe. Rais angefaa kutoa mwongozo au msimamo wake kwamba ataendelea kuongoza nchi hii kupitia katiba na sheria ambayo iko katika nchi.

Bi. Naibu Spika, Wakenya wengi katika maeneo ya Pwani na ukanda wa Kaskazini ya Kenya, yaani *Northern Kenya*; wanaishi katika hofu kwa sababu hawajui ni wakati gani watakatwa na familia zao hatizapata fursa ya kuwaona tena. Hotuba ya Mhe. Rais ilikuwa kimya kabisa kuhusu suala la ufisadi. Hapo awali mwaka jana, wakati janga la korona lilipoingia na zabuni za korona zilipoanza kutoka, fedha nyingi zilitolewa na kupotezwa bila ya kuletwa zile bidhaa ambazo zilikusudiwa kununuliwa.

Bi. Naibu Spika, hatujapata ripoti yeyote kuhusu mwongozo au maazimio ambayo Mhe. Rais alitoa kuhusiana na uchunguzi wa masuala ya korona mpaka sasa. Katika uongozi wa Mhe. Rais katika muhula wa mwaka elfu mbili kumi na tatu mpaka elfu mbili kumi na saba, tuliona wakati fulani Mawaziri waliambiwa wakae kando ili uchunguzi uweze kufanywa kuhusiana na masuala ya ufisadi.

Kwa sasa, hakuna yeyote ambaye amesimamishwa kazi ama kuzuiliwa au kushtakiwa kwa masuala ya ufisadi. Ufisadi ni donda sugu ambalo lazima Serikali hii na Serikali zitazokuja liweze kudhibiti. Bila kufanya hivyo, Wakenya wengine wataendelea kulia bila ya kupata huduma wanazostahili kupata kwa sababu ya ufisadi.

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

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

Bi. Spika wa Muda, jambo lingine limenisikitisha ni kuona kuwa Mhe. Rais hakuzungumzia kikamilifu uchumi samawati yaani *blue economy*. Uchumi huo ni muhimu katika nchi yetu kwa sababu tuna ufuo wa bahari na maziwa Victoria na Turkana ambako shughuli za uchumi samawati zinafanyika. Mhe. Rais aligusia tu kijujuu. Maendeleo yanayofanyika katika sekta hii ni ya chini sana na hajatoa natija yeyote kwa Wakenya kuhusiana na suala hili.

Kwa mfano, kudhibiti vyombo vya kuhifadhi samaki wanapovuliwa kwa wingi, barabara katika sehemu ambazo wanavuvi wanavua na zile bandari zinapokea samaki wale, hazijapewa kipaumbele katika maendeleo ya uchumi samawati.

Bi. Spika wa Muda, sisi watu wa Pwani tuna tumbojoto kuhusiana na ripoti zilizotolewa kuwa sehemu ya bandari ya Kenya itabinafsishwa kupitia shirika la Kenya National Shipping Line ambalo limeingia mazungumzo na shirika la Mediterranean Shipping Company (MSC).

Mwaka jana kulitolewa *Executive Order* ambapo mashirika ya Kenya Ports Authority (KPA), Kenya Railways Corporation (KRC) na Kenya Pipeline Company (KPC) yaliletwa pamoja na Industrial and Commercial Development Corporation (ICDC) ambalo ni taasisi ya Serikali ili kuwa na usimamizi moja, kupitia kwa Wizara ya Fedha.

Mhe. Rais hakuzungumzia suala hili ili kutoa mwongozo. Je, suala hili limeleta natija ama la? Ni mambo gani yamezuia kupatikana kwa maendeleo kwa usafirishaji wa mizigo na kudhibiti mambo ya reli, kama ilivyokuwa imekusudiwa na mpaka sasa haijakamilishwa.

Swala hili la kubinafsishwa kwa bandari limetia sana tumbojoto wakazi wa Pwani kwa sababu bandari ndio mtaji mwenyezi Mungu amewajalia nalo. Kwa hivyo, hatutakuwa tayari wakati wowote kuwacha mtaji huu uweze kuharibika.

Bi. Spika wa Muda, masuala ya usafirishaji wa mizigo kutoka bandari ya Mombasa yalistahili kuzungumziwa kwa sababu Serikali inalazimisha mizigo yote ibebwe na shirika la Standard Gauge Railways (SGR), shirika la reli la Kenya. Hata hivyo, kuna uhuru wa biashara nchini. Kuna wale wanaofanya biashara za malori na za kibinafsi wanastahili kupewa nafasi kufanya hivyo.

Bi. Spika wa Muda, kwa kumalizia pia ni kwamba, tumeona kuwa maswala ya usafirishaji wa mizigo ni njia moja ambayo itasaidia Wakenya kuweza kujikomboa, hususan watu wa Mombasa na wengine ili kuweza kupata biashara katika kaunti zetu. Ukiangalia mkondo wa barabara kutoka Mombasa mpaka Malaba, kuna biashara nyingi ambazo zinafanyika katika barabara hiyo. Biashara zile ninawezakufilisika iwapo hatutaweza kuwa na usafirishaji wa mizigo kwa njia nyingine mbali na njia ya reli.

Nikimalizia, bado tuna changamoto nyingi ambazo nchi inatajikana kuzikabili na kuziepuka. Changamoto hizi tunaweza kuzikabili tu wakati nchi yetu itakuwa na amani. Tutakuwa tunavuta Kamba katika sehemu moja. Hususan huu wakati ambao tunakwenda katika maswala ya kura, inafaa tuangalia kwamba ijapo kuwa tunapigania viti, lengo letu ni kwamba Kenya iweze kubakia nchi moja.

Asante Bi Spika wa Muda kwa kunipa fursa hii.

The Temporary Speaker (Sen. Pareno): Sen. Boy, proceed.

Sen. Boy: Asante sana Bi. Spika wa Muda, kwa kunipatia fursa hii niweze kuunga mkono Hotuba ya Rais aliyoisoma jana Bungeni. Kusema kweli Hotuba yenyewe ilikuwa nzuri sana. Mimi kama Seneta wa Kaunti ya Kwale kwa niaba pia ya watu wa Kwale natoa shukrani zetu kubwa sana.

Ukiangalia upande wa barabara, haswa katika Kaunti yetu ya Kwale, kuna barabara zingine ambazo kutoka wakati wa ukoloni zilikuwa hazijawahi kupata lami. Nitataja hapa kwamba kuna barabara kuanzia Kanana mpaka Shimoni ambayo kwa miaka yote kutoka tupate uhuru ilikuwa haijatiwa lami. Lakini kwa kupitia kwa Rais na Serikali yake, hii barabara imeweza kutiwa lami. Hivi sasa kutoka Kanana mpaka Shimoni ni lami moja kwa moja.

Bi. Spika wa Muda, barabara nyingine katika Kwale ambayo sisi wakaazi tunamshukuru Rais na Serikali ni kutoka Majoreni mpaka Vanga. Barabara hii imekaa kwa miaka mingi sana bila kuwa na lami. Kwa hivyo, tunatoa shukrani kubwa sana kwa Rais na Serikali yake kuweza kututilia hiyo lami.

Barabara nyingine ni kutoka Lunga Lunga mpaka Vanga. Hii ni barabara ambayo imekuwa bila lami kutoka wakati wa uhuru, toka mimi sijazaliwa lakini. Kupitia Serikali hii ya Rais barabara hizo zimetwa lami.

Kuna barabara ya Samburu mpaka Kinango. Saa hii ukitoka Nairobi na unataka kwenda Kwale ama Diani, huna haja ya kwenda moja kwa moja mpaka Likoni. Unapitia Samburu na kwenda moja kwa moja mpaka Kinango. Barabara kutoka Kinango mpaka Kwale inatiwa lami saa hii. Kwa hivyo, Hotuba ya Rais aliyozungumzia ni Hotuba ambayo mimi mwenyewe kama Seneta wa Kwale ambaye pia ni Mbunge katika Seneti, ilikuwa ni nzuri sana.

Bi. Spika wa Muda, ukiangalia upande wa umeme, kuna sehemu zingine katika Kaunti ya Kwale ambako watu walikuwa hawajawahi kuona umeme kutoka wakati wa uhuru. Leo ukiwasha kidude, umeme unaonekana. Sehemu za Muhaka, Kilole na Msambweni huko ndani, kuna umeme.

Tukizingatia mambo ya elimu, *Alhamdulillah* kusema kweli imeboreshwa na shule kutengenezwa. Hivi juzi Rais alisema kwamba shule za upili zingine ziweze kujengwa tena. Kwa hivyo, Hotuba yake imegusia kila kitu katika nchi hii. Ni Hotuba ambayo ni safi kabisa na kila Mkenya anaiunga mkono.

Bi. Spika wa Muda, ni kawaida kwa binadamu wengine kutoridhika na kila jambo siku hizi. Utasikia mwingine anasema hivi na vile, lakini kongole kwa Rais. Mwenyezi Mungu amjalie aweze kutengeneza zile ambazo ametarajia kutengenezwa na ziweze kuendelea na kumaliza hizo shughuli. Mungu akipenda kila kitu kitakuwa sawa sawa.

Sitaki kusema mengi kwa sababu mengi yamezungumzwa hapa. Yangu ni kutoa shukrani kwa ile Hotuba yake aliyosoma Bungeni jana na mengi ambayo yamezungumzwa hapo. Ukiangalia mambo ya afya, saa hii akina mama ambao wengine hawana uwezo wanakwenda kujifungua hospitalini. Ukifika hospitali za kwetu huko sehemu za Msambweni, Lunga Lungu, Silaloni na Kinango huko, akina mama wanaenda kujifungua wengi sana bila shida. Kwa hivyo, tunampa kongole kubwa sana Rais.

Hotuba yake ilikuwa safi kabisa na tunamshukuru. Kuna wengine ambao wanazungumza tu kwamba ilikuwa hivi na vile, lakini mimi naona kuwa mambo yako sawa kabisa, ukiangalia mambo ya maji, barabara, elimu na afya.

Asante sana kwa kunipa fursa hii.

The Temporary Speaker (Sen. Pareno): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Madam Temporary Speaker, for this opportunity to also bring my comments on the President's Speech yesterday. However, just for purposes of clarity, so that I can organise my thoughts properly, how many minutes do I have? It is 15 minutes. Thank you.

I will try to organise my thoughts, if you can protect me from the Senator of Mombasa County. He is trying to disrupt me. I will address myself to four issues. I will address myself to the issue of Coronavirus disease (COVID-19), road infrastructure, the 'Handshake' and military involvement in civilian activities.

I take this opportunity to congratulate and thank the President for recognising and praising companies that have been resilient amid great challenges brought about by COVID-19. Also, companies have innovated positively around the pandemic to not only stay afloat but also make a big contribution to the fight against the pandemic. The President to have taken time to recognise those companies - and he mentioned some by name in his Speech - I thank him. This is because that is positive reinforcement to institutions and companies in this country that are doing a great job. He also took time to recognise the contribution made by certain counties in the fight against COVID-19.

He indicated that some counties have invested in the production of personal protective equipment (PPEs). Some counties have invested a lot of money and resources in equipping the hospitals with Intensive Care Unit (ICU) facilities. Many of these counties have also invested in the production of oxygen, and that is a positive move. These investments will definitely outlive the pandemic. It is a good thing that he did.

Madam Temporary Speaker, I heard Sen. Were trying to say that the President should have mentioned Kitui County. However, I do not doubt the wisdom of the President. He definitely has people around him who know where to draw the line between shoddy work and work that should merit involvement and inclusion in the President's Speech. Those things that Sen. Were is talking about perhaps fall in that other category. I thank the President for positively reinforcing these counties.

I would have expected that the President would not stop there. I would have expected that he would go ahead. Remember in the first term of his presidency, President

Uhuru Muigai Kenyatta is on record to have used the State of the Nation Address in Parliament to name and shame Cabinet Secretaries (CSs) and people in ‘big’ offices on allegations of corruption. I would have expected that the President would have found time and space in his Speech to name and shame the COVID-19 billionaires. These are people who have negatively innovated around the pandemic to enrich themselves at the expense of dying Kenyans. I would have expected that the very least the President would have done would have been to name and shame them. I would also have expected him to find time and space in his Address to talk about misappropriation of funds devolved to counties for purposes of fighting COVID-19.

Governors have been caught red-handed with their hands in the cookie jar. They have misallocated resources to other functions leading to misappropriation of public funds. I felt a bit let down because that did not happen. On this, I speak for and on behalf of the people of Kitui County.

I would have expected, while still on the COVID-19 issue, for the President to clarify our state of preparedness in addressing the new variant. I just arrived yesterday from an official trip to Israel. Immediately there was a single case of the new variant reported in Israel, the action that the Government took was very swift. It took the Prime Minister to address it and how people need to behave going forward.

I heard the President saying off-the-cuff in Kiswahili, “*nyinyi msitufungie. Tumefanya kazi sana.*” I took that to mean that he was talking to the Ministry of Health to make sure there is no lockdown and that people should be allowed to move around freely. That is okay, but strategic plans must have been put in place by now. This is because we are very near the southern part of Africa. We have a lot of contacts through travelling and business with those Southern Africa countries. To ensure we are not listed among citizens who cannot travel to Europe and other places for business, I would have expected the President to address himself to that issue.

Madam Temporary Speaker, I commend the President for speaking on the moratorium on the Credit Reference Bureau (CRB) listing for small and micro and Medium Enterprises (SMEs). It was a good thing to give a valve for these SMEs that are resilient to survive these hard economic times.

Credit Reference Bureau (CRB) listing is not the only problem SMEs and Kenyans are facing. We also have auctioneers and lenders who are always running after Kenyans who have been made unable to repay their loans.

I wish to talk about lending institutions in Kitui County without casting aspersions on anyone, but putting facts bare. The Kenya Women Finance Trust (KWFT) has done a good job in especially empowering women in Kitui. They have made it possible for women to access credit, build house, but livestock and start small businesses.

However, in the light of the pandemic, many of these women who mean well are unable to service these commitments as promptly as they used to do before. These

institutions are now not just going after these women. They are going to their homes and taking away iron sheets and doors from their houses, televisions and livestock.

As the President protects our people from CRB, it is also important that he would extend that to these lending institutions, especially there are genuine cases of people being unable to honour their commitments on account of this pandemic that has continued to ravage our communities.

On road infrastructure, the President mentioned that since Independence successive governments collectively have built approximately 11,200 kilometers of tarmac road. In the last eight years, his Government has built over 10,550 kilometers. This is impressive and the President and his Government must be congratulated. Without proper road network in this country, it will be impossible for people to transact business in a profitable way.

Even as we congratulate the President on the road infrastructure, we must also as representatives of the people continue to bring to the fore the need to continually put a human face to development. That is not just enough to construct 10,500 kilometers of road network. What is the human cost to that road infrastructure?

Kenyans have had to bear the brunt of the cost of development at times without justifiable cause. An example is the Kibwezi-Ikutha-Kitui-Migwani- Bondoni road. It is a road that stretches for 192 kilometers and is under construction. We thank the Government for making this reality after so many years of empty promises.

However, there are persons affected by that project, whose land has been taken for purposes of constructing the road. Article 40 of the Constitution on prompt and full compensation for property taken for public use has not been followed. I appeal to the Government through the President that these people should be compensated. They should be paid money for the land that has been taken from them. It is not just in Kitui but also in other areas. It is also in the Eldoret bypass and the Western Bypass in Kiambu.

I appeal that as we construct roads, which is a very commendable thing, let us make sure we find and make available resources for compensation for persons affected by projects.

I do not need to overemphasize the inconveniences on Mombasa Road. It has taken serious sacrifices for Kenyans using the road. Yes, the road is good. It will ease movement once completed, but where is the human face to this infrastructure? As Kenyans make sacrifices for development to happen, it is important that the Government is seen to be considerate about the suffering of people occasioned by projects.

On the “handshake”, I heard the President talk very well about it. I personally have no problem with it. I congratulate the President and the former Prime Minister.

Madam Temporary Speaker, I ask for an additional three minutes if possible.

The Temporary Speaker (Sen. Pareno): Two more minutes.

Sen. Wambua: Thank you, Madam Temporary Speaker.

This was an initiative that was started by two people, but as time went by, other leaders got involved. I thank the President for making it very clear that the purpose of the “handshake” was to ensure stability in the country.

Anything else beyond stability is an addition of other people, not what the President committed to. He committed to stability and we support him fully to ensure there is ample time for him to govern and for this country to prosper.

Lastly, on military involvement in civilian activities, the President said that he wants to tap on military efficiency because of the discipline and efficiency of the Armed Forces, which is a good thing. There is a reason world over that military people are kept in the barracks. We do not want to give them ideas about civilian practices.

Madam Temporary Speaker, in the barracks, they are shielded from civilian activities that tempt leaders and other people working in the big offices to be involved in corrupt practices. I believe that is possible to some extent. Let us keep the military officers in the barracks and train our people from a young age to be patriotic, love their country and be efficient to ensure fairness and undertaking of responsibilities given to them with dignity and objectively.

Madam Temporary Speaker, I thank you for the additional two minutes that you have given me. That is my submission.

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

Proceed, Sen. (Prof.) Onger.

Sen. (Prof.) Onger: Madam Temporary Speaker, I rise to add my voice to the excellent exposition of the President’s State of the Nation Address to the Joint Parliament Session of both the Senate and the National Assembly.

The essence of the State of the Nation Address is to put on record the kind of activities that the Executive has carried out effectively for this nation, so that the representative of the people can take note of it and critique some of the areas which they feel there have been shortfalls. I captured that the mood of the President yesterday was basically what his Government inherited in 2013 and what they put out in their manifesto in accordance with Vision 2030 which is the leading document for this nation for development and social activities.

Looking across the board, it is quite evident that we have made some strides in one way or the other, you cannot ignore the development agenda that has taken place in this country. One of the things that Kenyans dismiss very easily is that nothing has been done. For political purposes, we can easily make such dismissals. However, that does not

mean that there have not been pitfalls here and there that we need to take cognizance of. We need to articulate and understand how to go around it as well as how to achieve the stated objective.

Madam Temporary Speaker, I will start on the issue of infrastructure. The infrastructure that has taken place in terms of the expansion of the road networks in this country, the last mile electricity connectivity programme as well as the expansion of our inland ports, Lamu Port and other SGR activities that have been carried out in this nation. This may have been one of the reasons the GDP has gone up. Unfortunately, that does not translate into money in the pockets of poor people who are below the poverty line.

Whereas we may applaud the Government for having achieved those levels of attainments, we now have SGR trains that are getting cargo from the Port in Mombasa to the inland port in Nairobi and Naivasha, hence reducing the number of carnage on the roads that could have been caused by the heavy trucks plowing the road to Mombasa. I still see a number of heavy loads coming from Mombasa on the road to Nairobi.

When I used the main Mombasa Road last week on my way to Makueni County for the Devolution Conference, it was quite evident that traffic is still extremely high. We have been unable to decongest our roads. A lot of time is wasted on those roads by vehicles. If one truck has a mechanical problem on the road, the other vehicles will pile up and cause a lot of congestion, which is not good.

Madam Temporary Speaker, I was hoping that one of the highlights in the road infrastructure network would have been a dual carriage-way from Mombasa to Nairobi; this will have a double effect. The economic ones that require to be put along the road network from Mombasa to Nairobi; for instance, between Mombasa and Voi, another one at Sultan Hamud and one more before you get to the Konza City that we have between Makueni and Machakos County and finally, the Athi River which has expanded extremely well.

The dual carriage-way must be put on the programme because it has net effect of creating economic activities thus generating employment opportunities for our young people. Unemployment is one of the biggest undoing for this country. Until such a time that we are able to get gainful employment for our people, who constitute 75 per cent of the country's possible population, we are going to run into difficulties in managing the affairs of this nation. I, therefore, propose that whatever other activities that are left, within this period of time, when the ODM Government takes over in 2022, we should put these things in place so that we can carry forward a mandate that has been initiated by President Uhuru Kenyatta.

We will carry that mandate forward and create extra infrastructure. There is no better suited person to carry forth that mandate than His Excellency the (Rt.) Hon. Raila Amollo Odinga, the former Prime Minister, because he has done it before during the Grand Collision when they increased the infrastructure development and created a fabric for this nation.

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When the Rt. Hon. Raila Amollo Odinga takes over, he will expand the infrastructure terrain in this nations and therefore bring prosperity to this nation. That is one of the things that was captured in the BBI which was never actualized. I was happy that the President re-emphasized that the BBI may have been stopped for a while, but it would come back. There is no better suited person to bring back the BBI agenda other than his ‘handshake’ partner, the Rt. Hon. Former Prime Minister, Raila Amollo Odinga, who will also be the Fifth President of the Republic of Kenya.

Madam Temporary Speaker, I feel that this was a timely statement and the recognition that our party leaders is also a man of substance because he has done it before, he will be able to do it again as part of the constitution of his legacy after 2022. The other thing that I would like to see is the road network improved in Kisii County to the level that I have seen in Central Kenya and other areas. For instance, the Kibaki Government, in which I served as a Minister, had earmarked the road from Sosera to Ramasha joining the Masimba-Nyangusu Highway and a branch off from A Corner to Nyantago for construction. Similarly, we had planned for the continuation of Kemera-Amabuko Road to continue from Keroka to Ebacho-Kiamokama onto Nyacheki and then from Ebacho to Birongo.

Madam Temporary Speaker, those roads have not been done despite just appearing as done. The people of my county are crying foul because they have not been treated to a superb road network like other counties. When the President visited my county, we met him at State House and he gave us an assurance that some of those road networks would be captured in the development, of course, not leave out that there was Nyamache-Kiobegi-Nyanguso Road that was to be tarmacked, but it has not. The Nyabisabo-Matunwa-Amariba Road has also not been done.

The other one that is yet to be done is the Keumbu-Nyaguta-Kiogoro Road, up to the tea factory. Those by-passes ought to be done. In Bomachoge Chache, apparently, some of them are being done, but I would like to see more roads there. This also includes roads in North Mugirango in the other area of Etago as well as the Bomachoge-Borabu. We need those road networks created.

Madam Temporary Speaker, until such road networks are done, we cannot move agricultural products from our farms to the markets and also feel like the rest of Kenyans whom infrastructure has served well. This is one area that we need to look at.

The second area of infrastructure that I want to touch on is the question of the Universal Health Care (UHC) delivery. We all know that one of the biggest expense for any Kenyan today is the medical bill. This has caused a lot of miseries and pain because hospital bills mount and exceed the reach of people. As leaders, we have taken part in many *harambees* and every day, we are involved in such *harambees* to meet medical expenses.

One thing that needs to be looked into and be seen to spread out is the UHC system. I am a Member of the Committee on Health and without anticipating debate, we have been able to conclude the Bill which I think is before this House. It is my plea that this Bill be fast-tracked to come out even tomorrow, if possible, so that we can finish

with it and roll out UHC to Kenyans who are in dire need of these services at their doorsteps. It is important that we do so.

Regarding the element of our politics, whatever happens, we need this nation. We have to be civil in the manner in which we approach and talk to the public. We have to be kind and considerate to people. After all, it is their interests that we are promoting for the welfare of this nation. I get very distressed when I see some people hurling abuses at other leaders. It does not and will never help. All of us need this nation in one piece. We do not need a nation that is torn apart. We need this nation to accommodate every person of divergent views. Therefore, if you want to propagate your agenda, do it civilly.

Do not fight or harass people and create commotion in churches and funeral places. There is no need whatsoever. Peace is a lasting commodity and it is the one we must seek and pursue at all times. It does not cost you anything to espouse or preach peace. If anything else, it gives you comfort and solace that you are dealing with human beings and not non-humans.

Therefore, I plead with my political colleagues, that nobody refuses you to seek any office in any place. You can do it in a gentle manner, preach your gospel and leave the stage for others to preach their gospel. If the people agree which gospel to pick, that would be the way to go. For instance, I know they are agreeing to pick our gospel because we preach and want to espouse peace. We want to create prosperity and grow this nation to the next height.

I would like to finally see the current regime – I must say they have done well under the leadership of President Kenyatta - that in this last leg of his term, they must roll out the stimulus---

(The red light on the timer went off)

Madam Temporary Speaker, if you may, please add me two minutes.

The Temporary Speaker (Sen. Pareno): Yes, you can have three minutes because we are about to adjourn.

Sen. (Prof.) Ongeri: Thank you, Madam Temporary Speaker. If he can roll out another additional stimulus package because Kenyans want to recover from the ashes of economic morass. We want to move forward. Our markets and trading systems need to be rejuvenated. The *Jua Kali* industry, which I started as a Minister needs to be rejuvenated. Our youth and women groups also need to be rejuvenated.

Therefore, an extra stimulus package would go a long way to create stability. It will also help the current Government to achieve the double digit growth potential that they have projected, which is within reach. At the moment, we are at 4 per cent. I heard the Central Bank of Kenya (CBK) Governor project that if we continue the way we are going now, we are likely to achieve the six per cent Gross Domestic Product (GDP) growth rate in this country. That would be fantastic. It would be nearer the growth rate we had in 2007 and 2013 when the Grand Coalition Government was in power. We hit beyond seven per cent.

Madam Temporary Speaker, any Kenyan would like to see this country prosper. On my part, given a chance to be the Governor of Kisii County--- I am pleading with the Kisii community that when they look at me, I should be able to roll out such and other

stimulus packages that will help them create a viable market for their avocados, bananas and vegetables. We will have selling and cold storage points like the ones we have put at Kiamukama. There will be many more such other elements that will come up in that county.

That way, the Kisii people will also continue the legacy of Gov. Ongwae, who has done a wonderful job. He needs to be respected because he has done his part and there is no harm in everything he has done.

With those few remarks, I commend the President for yesterday's Address and request that, finally, they should be able to bring an additional final stimulus package to move this economy forward. It will enable us to achieve the potential seven per cent GDP growth that we have been yearning for. If possible in the next Government, we should be able to go to the double digit of 10 per cent under the tutelage of the Rt. Hon. Prime Minister, Raila Odinga, as the Fifth President of the Republic of Kenya.

I thank you, Madam Temporary Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, we have concluded business this morning. It is now 12.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until, today, Wednesday, 1st December, 2021, at 2.30 p.m.

The Senate rose at 12.30 p.m.