

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 6th April, 2022

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

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

PRAAYER

COMMUNICATION FROM THE CHAIR

TEMPORARY RESUMPTION OF VIRTUAL /HYBRID SITTING OF THE SENATE

The Temporary Speaker (Sen. Kinyua): Hon. Senators, we have a communication. As you are aware, on Tuesday 29th March, 2022 I issued a communication conveying the decision of the Senate Business Committee on the application of Part 29(a) of the Standing Orders regarding hybrid virtual plenary sitting. The effect of the communication was to suspend hybrid virtual plenary sitting with effect from 31st March, 2022.

Owing to the urgency and the importance of the business pending before the Senate and notwithstanding the resolution the Senate Business Committee that I have alluded, I have again consulted the Senate Business Committee pursuant to Standing Order 251(1)(a) to reverse the decision in respect of tomorrow's sitting Thursday 7th April, 2022.

In this regard, I hereby direct that tomorrow's sitting Thursday 7th April 2022 be hybrid. This will enable Senators who are out of town to participate in the plenary sitting.

I thank you

Sen. (Eng.) Maina: Mr. Speaker, Sir---

The Temporary Speaker (Sen. Kinyua): What is it Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Mr. Speaker, Sir. I appreciate your communication. Is the hybrid sitting just for tomorrow? You are aware of the temperament in the country in regard to the coming elections. Senators may be obliged to sometimes not be in the House. Therefore, could we not continue with a hybrid sitting to the end of this Senate? Nobody can argue that COVID-19 has gone, it has not gone yet and we are still urged to wear masks.

We have been warned that you may remove the mask when you are keeping distance but continue putting on masks, washing hands and observing other COVID-19

protocols. Consequently, because of COVID-19 and the temperament in the country regarding elections, it would be better we carry on with business in a hybrid sitting.

The Temporary Speaker (Sen. Kinyua): Sen. Khaniri, you have the Floor.

Sen. Khaniri: Thank you, Mr. Speaker, Sir. I have had a look at the relevant Standing Order No. 251(1)(a). The Standing Order expressly says that it is the Speaker, in consultation with the Senate Business Committee to determine whether a physical sitting is not possible. As you deliberate this with the Committee, I second the proposal made by Sen. (Eng.) Maina.

COVID-19 has not gone completely. For that reason, we can apply this provision. More importantly, it is the times we are in. We are headed for elections and parties are having their nominations around this time.

There is serious business to be transacted. People want to be in their various constituencies and counties for their party primaries and the campaigns and at the same time, they want to participate in matters of this Senate.

Mr. Temporary Speaker, I, therefore, plead with you as you deliberate on this with the Senate Business Committee (SBC), to consider virtual sittings for the remainder of this session, so that normal sittings can start in the new session.

So, I fully support what Sen. (Eng.) Maina has said.

Secondly, I wanted to rise on a point of Order because the Order Paper for the day has not been posted on our tablets and so we cannot follow what is happening.

Mr Temporary Speaker, Sir, could you order that the Order Paper be posted?

The Temporary Speaker (Sen. Kinyua): Sen. Farhiya

Sen. Farhiya: Thank you, Mr Temporary Speaker, Sir.

I normally sit in this House most of the time. From what I have observed, if we say we need to have physical sittings, we may never get a quorum to transact any business in this House.

Mr. Temporary Speaker, Sir, you appreciate that majority of Senators cannot vote on any matter in the House. Only specific Members are allowed to vote. Therefore, given what Sen. Khaniri and Sen. (Eng.) Maina have reaffirmed, the hybrid system would work better for this House at this political time.

I, therefore, urge SBC, together with the Speaker, to rescind their decision of having a hybrid sitting.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Were

Sen. Were: Thank you, Mr Temporary Speaker, Sir. Much has been said in support. I agree with my colleagues and especially the Senate Majority Whip who knows how difficult it is to whip Members to get the numbers when there is a vote if we result to only physical sitting has already expressed her frustration. There is no one better than her to express that frustration.

Secondly, it is our new reality. The Covid-19 pandemic brought in some other good things like the virtual sittings so that Members participates wherever they are, especially in this period where we are focused more on campaigns.

Thirdly, you will have write Communication from the Chair every time we have sittings which is a cumbersome process. I, therefore, agree that we result to hybrid sitting for the remainder of this session.

The Temporary Speaker (Sen. Kinyua): Thank you, Senators. I have heard you. The hybrid sitting is for tomorrow. Concerning what Members have raised, the concern is that we will deliberate with the SBC and make the decision accordingly.

I order that the Order Paper be posted on our gadgets.

Next Order.

PAPERS LAID

Sen. Dullo: Mr Temporary Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday 6th April, 2022-

**PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT)
(AMENDMENT) REGULATIONS 2022**

The Public Finance Management (National Government) (Amendment) Regulations 2022.

**PUBLIC FINANCE MANAGEMENT (COUNTY GOVERNMENTS)
(AMENDMENT) REGULATIONS 2015**

The Public Finance Management (County Governments) (Amendment) Regulations 2015.

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS/COMPANIES

Report of the Auditor-General on the financial statement of Nyandarua County Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of Nyandarua County Executive Committee Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of Nakuru County Executive Car Loan and Mortgage Staff Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Samburu County Bursaries Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Kericho County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Amatsi Water Services Company Limited for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Homabay County Water and Sanitation Company Limited for the year ended 30th June, 2020.

I thank you.

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

The Temporary Speaker (Sen. Kinyua): Is the Chairperson or any Member of the Standing Committee on Agriculture, Livestock and Fisheries here?

Deputy Senate Majority Leader, please proceed.

Sen. Dullo: Mr Temporary Speaker, Sir, I beg to lay down the following Paper on the Table of the Senate today Wednesday 6th April 2022-

**REPORT ON THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 55 OF 2021)**

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Cotton Industry Development Bill (Senate Bills No. 55 of 2021)

I thank you.

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

The Temporary Speaker (Sen. Kinyua): Is the Chairperson or any Member of the Standing Committee on Health in the House?

Deputy Senate Majority Leader, please proceed.

**REPORT ON THE CONSIDERATION OF NATIONAL ASSEMBLY AMENDMENTS
TO THE MENTAL HEALTH (AMENDMENT) BILL, 2020**

Sen. Dullo: Mr Temporary Speaker, Sir, I beg to lay down the following Paper on the table of the Senate today, Wednesday 6th April 2022-

Report of the Standing Committee on Health on the Consideration of Amendments passed by the National assembly to the Mental Health Amendment Bill 2020.

I thank you.

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

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MURANG'A COUNTY ASSEMBLY

The Temporary Speaker (Sen. Kinyua): Hon. Senators, I have Communication on visiting staff from Murang'a County Assembly.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of visiting staff from Murang'a County Assembly.

The delegation from Murang'a County Assembly is at the Senate for a one-week bench-marking visit.

I request each member of the delegation from Murang'a County Assembly to stand when called out so that they can be acknowledged in the Senate tradition.

They are-

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(1) Mr. Reuben Maina	-	Clerk Assistant
(2) Ms. Damaris Kimani	-	Clerk Assistant

(Applause)

Hon. Senators, in our usual traditions of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. (Dr.) Msuruve.

Sen. (Dr.) Msuruve: Thank you, Mr Temporary Speaker, Sir for the opportunity. I would like to join you in welcoming the delegation from Murang'a County who have come and bench mark in the Senate for one week.

In deed, this is good because they will have hands on experience in regards to legislation. They will also see what exactly happens in the House.

The Senate is a serious House which is keen to ensure that devolution works. We serve members of counties. Our core business is to represent the interest of the counties and ensure that there is service delivery. So, there is need for them to also interact with us and see how we do our businesses.

I wish Sen. Kang'ata was here to welcome members from his county.

Mr Temporary Speaker, Sir, I join you, in this.

The Temporary Speaker (Sen. Kinyua): Next Order.

STATEMENTS

POLLUTION IN THE MARA RIVER

The Temporary Speaker (Sen. Kinyua): Sen. Khaniri, proceed.

Sen. Khaniri: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I rise pursuant to the provisions of our Standing Order No.47, in particular paragraph (1), to make a Statement regarding the level of pollution in the Mara River.

The Mara River flows nearly 400 kilometres from the Kenya highlands to Lake Victoria, crossing through the Maasai Mara National Reserve in Kenya and the Serengeti National Park in Tanzania. Approximately 60 per cent is located in Kenya and 40 per cent in Tanzania.

It provides the only permanent source of water for the largest remaining overland migration in the world of 1.2 million wildebeests, and it sustains large populations of many other wildlife species such as hippopotamus and fish. The river also provides water for nearly a million people living in the river basin.

Recently, due to water pollution, hippopotamus in the Mara River are appearing to have peeling skins and discoloration, a condition scientists call "leucism". It is not only the hippopotamus which are affected by this pollution but also the fish are dying in their thousands, the wildebeests and humans.

The water in the Mara River is so polluted that even grazing cows only smell it and walk away without drinking no matter their thirst. If this is the case, imagine the conditions that the hippopotamus, wildebeests and fish have to endure.

Besides the poor water conditions, hippopotamus have, over time, been forced to gather in enclosed areas and small pools, because of the increasing number of hotels and tented camps in the Maasai Mara National Reserve. These hotels and camps have occupied their habitats and pools and now the hippopotamus have been pushed into the rivers, which are already reeling from the effects of climate change and human activities upstream.

There are over 200 hotels and camps in the entire Maasai Mara National Reserve, most of which are discharging untreated waste into the Mara River. These hotels and camps are rarely monitored by the relevant Government agencies for compliance, yet some of them are discharging raw waste even going to the extent of throwing inorganic waste into the river.

According to the Water Resources Users Association (WRUA), other activities that have caused pollution in the Mara River are the use of fertilisers, insecticides and other agrochemicals upstream, clearing of vegetation in the Mau Forest and sand harvesting.

Some farmers have also been using water from the Mara River tributaries for irrigation, leading to low water volumes. The level of pollution has increased over the years due to urbanisation and the growing human population.

The United Nations Environment Programme's Global Environmental Alerts Service (UNEP-GEAS), has repeatedly warned that the pollution of the Mara River and its tributaries threatens the iconic wildebeest migration and is likely to reduce tourism in the Mara-Serengeti region.

Many wildebeest populations are in drastic decline across the region. Their dispersal areas and migratory corridors are being lost due to high human population densities, increasing urbanisation, expanding agriculture and fences. This is quite disheartening as the loss of these wildebeests will contribute to biodiversity decline and jeopardise tourism in Kenya and other ecosystem services.

Similarly, the World-Wide Fund for Nature says, in a report released last year, that fish are being driven to extinction in the Mara River Basin, putting the livelihoods of more than one million people in Kenya and Tanzania in jeopardy. The collective pollution threatens Lake Victoria, which receives waters from the Mara River.

Mr. Temporary Speaker, Sir, we need to protect one of the greatest wonders of the world; the only witnessed largest wildlife migration on the planet earth. How embarrassing would it be for Kenya to lose this wonder due to our carelessness? It is time for the relevant authorities such as National Environment Management Authority (NEMA) to act.

Waste disposal methods can be formulated and implemented in the Mara to ensure that no waste, whatsoever, gets into the river. Water catchment strategies can also be implemented so as to ensure that the humans living in or visiting the Mara do not utilize water from the river but have other sources of water. This will enable good cohabitation between both the humans and the wildlife. Farmers who are farming there

can also use eco-friendly fertilizers such that even in the case of soil erosion, the animals do not pay the price of our mistakes.

Mr. Temporary Speaker, Sir, in conclusion, if we do not act as soon as now, not only will it have a negative effect on our tourism sector but on our economy. We need to get serious and do better at preserving our ecosystems and our environments, failure to which our future generations will suffer for our ignorance.

I thank you.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Khaniri. Sen. Mwaruma, proceed.

Sen. Mwaruma: Asante, Bw. Spika wa Muda, kwa kunipa fursa ili kuchangia hii *Statement* ambayo imetolewa na Seneta wa Kaunti ya Vihiga, Sen. Khaniri, inayohusu Mto Mara. Ni jambo la kutia moyo kwamba bado kuna watu Kenya amba wanathamini utamaduni wetu na mbuga za wanyama kama vivutio vikuu vya utalii.

Sen. Khaniri ameangazia swala la uchafuzi wa Mto Mara amba unatishia kivutio cha utalii ambacho ni *the Mara Migration*. Ni jambo la kutia moyo kwamba kuna wananchi amba bado wanaona umuhimu wa pesa zinazotokana na utalii.

Ni lazima Serikali ijifunge kibwebwe. Wananchi wanaofanya juhudu kuendeleza utalii wanafaa kutiwa moyo ili watie bidii zaidi ili kuzuia matukio ambayo yanaweza kuzuia maendeleo ya wananchi kwa sababu ya mkinzano kati ya wanyamapori na wananchi. Nasema hivyo kwa sababu pesa inayotokana na Mto Mara ni nyingi mno, hasa kwa Kaunti ya Narok.

Kaunti zingine pia zinafa kusaidiwa ili mbuga za wanyama zithibitiwe na wanyamapori wasiingie maeneo ya wananchi, kwa sababu kuna wananchi wanaojua umuhimu wa vivutio vya utalii kutokana na wanyamapori. Kwa hivyo, Serikali inafaa kujizatiti ili kupunguza kile tunachoita *human-wildlife conflict*.

Bw. Spika wa Muda, tulikuwa jijini Geneva kwa Conference of the Parties (COP). Katika huo mkutano, ulimwengu wote uliamua kupunguza *human-wildlife conflict* kunahitaji mambo mawili. La kwanza ni kujenga nyaya za stima ili kuweka kizingiti kati ya wananchi na wanyama pori. La pili lilikuwa kulipa fidia kwa wakati unaofaa.

Katika Bunge hili la Seneti, tulipitisha *Wildlife Management Amendment Bill*. Kitu cha kwanza ambacho tuiangazia kilikuwa kulipa fidia kwa wakati unaofaa.

Bw. Spika wa Muda, ninapoongea sasa hivi, kuna watu amba kwa miaka mingi, ng'ombe na vyakula vyao vimeliwa na wanyama pori. Kuanzia mwaka wa 2013/2014 hadi sasa, hawajalipwa fidia.

Langu ni kuambia Serikali ya kwamba tunafurahia ule ushuru tunaopata kutokana na utalii unaoletwa na wanyama pori. Hata hivyo, na wao pia wajizatiti kuweka nyaya za stima. Hii itasadia watu wetu kwa kuzuia maangamizi yanayotokana na wanyama. Serikali pia ilipe fidia kwa wakati unaofaa.

Katika ule mkutano uliokuwa jijini Geneva, watu kutoka nchi za Southern African Development Community (SADC), ambazo ni South Africa, Botswana, na Mozambique, waliuliza wakubaliwe kuuza pembe za ndovu ili walipe watu wao fidia kwa wakati unaofaa. Ule mkutano ulikataa kwa sababu ingepelekeea kuuawa kwa ndovu zaidi. Sababu ni kwamba ni vigumu kutambua kama hizi pembe za ndovu zinatokana na wanyama waliokufa wenyewe ama kama wameuwawa.

Katika huo mukutano pia, Japan iliuliza ikubaliwe kununua pembe za ndovu ambao wamekufa wenyewe. Ulimwengu pia ulikataa kuwapa ruhusa kwa sababu ingekua kama *incentive* ya kuwaua ndovu zaidi.

Nashukuru kwa hii *Statement* na ningechangia ya kwamba tuendelee kulinda wanyama wetu kwa sababu ni kivutio kizuri cha ushuru unaotokana na utalii. Serikali pia ijizatiti ifunge buti ili kuzuia hiyo hasara inayoletwa na wanyama pori.

Kule kwetu Kaunti ya Taita Taveta, wanaichi wa huko ni watu wenyе bidii. Wanalima, wanafuga ng'ombe na tuko na *range land* zaidi ya ekari million 1.4. *Licha ya hayo*, hatupati faida yeoyote kwa sababu wanyama pori wanakula ng'ombe, mbuzi na chakula cha wananchi.

Mwaka uliopita tulisikuma kidogo tukapata fidia ya Kshs20 millioni. Lakini tunadai zaidi ya Kshs200 millioni kutoka kwa Serikali ya Kenya, ambayo hawataki kulipa wananchi wetu.

Kuna muwaniaji mmoja wa kiti cha Useneta ambaye mojawapo ya sera zake ni kwamba akipigiwakura, atakuwa anaua ndovu. Anafikiria kwamba tukiua ndovu ndio tutapata manufaa. Ukweli ni kwamba, ndovu ni utamadanu wetu. *It is part of our national heritage*. Kwa hivyo, Serikali lazima ifunge buti ili kutusaidia kwa hii *Human-Wildlife conflict*.

The Temporary Speaker (Sen. Kinyua): Asante, Sen. Mwaruma. Wale ambao nitapatia fursa sasa waongee kwa muda mchache ndio tuweze kujadili haya maneno mengine yaliyoko.

Nakubaliana na wewe Sen. Mwaruma ya kwamba, jambo la fidia limekua swala nyeti. Sio wanyama wa nyumbani na mimea peke yake ambayo wale wanyama wa porini wanashambulia; wanashambulia hata binadamu. Ukitembea sehemu nyingine hata Kaunti ya Laikipia, unapata kilio ni hicho hicho na hakuna kufidiwa.

Sen. Kasanga, fursa ni yako sasa.

Sen. Kasanga: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also add my views and thoughts on Sen. Khaniri's Statement. I wish him well in his bid for Governor of Vihiga County.

This is a very critical Statement. Our rivers and their cleanliness affect both the wildlife and the human population of this country. We have dealt with this significantly in our Committee.

For those of us who have participated in the climate change conversations, these are conversations that have been heard even in the Committees while we were at the 2021 United Nations Climate Change Conference (COP26). It is high time that we prioritise cleaning up our rivers because we are really killing our own livelihoods and those of the future population.

It is interesting now when I read this Statement, that the water pollution is so bad that even the animals are getting affected. So, clearly, it is not even fit for human consumption for that matter or even for the flora and fauna around these rivers.

You then wonder in a country like ours, 200 hotels and camps are discharging untreated waste into the Mara River. How can that happen, yet we are not at loss for laws? We have watch dogs like the National Environment Management Authority (NEMA). How can this be overlooked? It is a very serious situation.

There are so many interventions currently in this country, that can stop these companies and hotels from discharging untreated waste into the Mara River. We have very good bio digesters currently in use, that can be used for such purposes in this country.

It is not even a question of policy or law; it becomes a question of implementation. Where are the people who are supposed to oversee that companies adhere to the standards that are set for some of these things? It is really a travesty.

When it comes to issues of fertilizers, insecticides and agrochemicals; again Kenya has ratified many protocols to do with climate change and making sure our food production use certain kinds of fertilizers and insecticides. These are things which just need the people who are supposed to be working, to make sure that Kenyans are doing the right things. It seems like something happened somewhere and we do not have any more people going out there to make sure Kenyans are doing what needs to be done. It is really sad.

Mr. Temporary Speaker, Sir, I appreciate this Statement and the weight of it. Let us realise that the more we become urbanized, the more we are not planning for our wildlife corridors. I can tell you this because in Kitengela where I reside, the corridors from the Nairobi National Park into the wildlife conservancies that are within the Machakos area, have been blocked. The animals cannot move around again.

This is the cost of urbanisation and not planning for how human beings and animals coexist, yet we know how much we value our wildlife as a country. We know how much it brings into our country as an income earner. That goes to our planning people in our urban centers. While they are planning these things, what happens? Why are they not prioritising this relationship between human beings and the animals and how they can coexist for the betterment of our country?

I thank the Senator for Vihiga County for this Statement. I truly hope that the next Government that we are going to form in Azimio, will look into these things because this is a question of implementation.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, you may have the Floor.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Statement by Sen. Khaniri. I thank him for bringing this Statement on the Floor of this House.

Water is life. Sources of water must be cherished and protected because there are many parts of this country that do not have water. They include some parts of Nairobi City County and North Eastern. Therefore, there is need to enhance the protection of sources of water. We also need to ensure the water is utilised well. River Mara is a source of water and water is life.

When we look at the Statement of Sen. Khaniri, one is left to asking the ecosystem services available in Kenyan, in county governments? We are bound to question that.

There is need to investigate the ecosystem services that are there in the counties that ensure the well-being of plants, animals and human beings because human beings coexist with other animals and animals also have their benefits when it comes to the tourism industry.

When we talk of water pollution, we are looking at how the fish-farmers are affected negatively. The fish industry is a good source of employment to all Kenyans, young and old. Fish comes in handy as a source of food security and it is also a good source of protein and oils.

There is need to investigate thoroughly to ensure that the Mara River is not being polluted. It is not only the Mara, there are also many other sources of water that are being polluted by human and industrial waste. We must come out clearly to defend Article 43(d) of the Constitution that talks about clean water because even if there is provision of water and it is not clean then it means that it will have negative impact on human beings, animals and plants.

This is a Statement that is of great concern and it needs to be given the urgent treatment that it deserves. I support.

I thank you.

The Temporary Speaker (Sen. Kinyua): Thank you. The Statement by Sen. Shiyonga has been deferred on her request.

REPORTS OF FOOD CRISIS IN THE COUNTRY

(Statement deferred)

Sen. Musuruve, proceed on your Statement.

THE ENTRY OF THE DRC INTO THE EAC

Sen. (Dr.) Musuruve: Mr. Temporary Speaker Sir, I want to thank you for giving me this opportunity to make a Statement. I have two Statements that were provided since last week. I will start with the Statement on a topic of regional concern.

Mr. Temporary Speaker Sir, I rise, pursuant to Standing Order No. 47 (1) to make a Statement on a matter of regional concern namely the entry of the Democratic Republic of Congo (DRC) into the East African Community (EAC).

On Tuesday 29th March, 2022 during the 19th Extra-Ordinary Summit of the EAC Heads of State and Government, chaired by Kenyan President Uhuru Kenyatta virtually, the vast Central African country with a 90-million strong population and a Gross Domestic Product (GDP) of US\$54.8 billion was formally admitted into the EAC, making the bloc one of the largest trading areas on the continent. The DRC now becomes the seventh member State of the EAC.

DRC's entry into the bloc has long been overdue as since 2019, the DRC has been keen to join the EAC in the hope of improving its trade and political ties with its East African neighbors. Her intention to join the Community is not by default. DRC shares borders with five EAC partner States, namely Tanzania, Burundi, Rwanda, Uganda and South Sudan.

DRC is one of the richest countries in terms of natural resources in Africa. It has copper, cobalt, zinc, coltan, cassiterite, gold, bauxite, diamond, oil and gas. The DRC is considered to be the richest country in the world in reference to natural resources. Her untapped deposits of raw materials are estimated to be worth in excess of US\$ 24 trillion.

DRC is called the national zoo of the world because it provides habitat to a large number of animals, birds, reptiles insects etc.

This rich economic background of DRC has implications that her as a member State of EAC will boost trade in the region and foster employment and business opportunities in the EAC region.

The inclusion of DRC Congo's consumer market of close to 90 million people will expand the EAC market to almost 300 million and open the bloc to the Congolese economy which is rich in all kinds of natural resources. The bloc's common market, which groups 177 million people, provides for free movement of goods, people, labor, services and capital among partner States of Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda.

Mr. Temporary Speaker, Sir, the inclusion of DRC necessitates a framework of economic operation that will safeguard its trade in East Africa. Currently, most of the goods imported by DRC are from outside East Africa from countries such as Zambia and Asia. Congo will provide a corridor for East African nations along the Indian Ocean coastline to connect with the Atlantic Ocean, opening a window to increased intra-African trade.

The EAC now spans from the Indian Ocean to the Atlantic Ocean making the region competitive and easy to access the larger African Continental Free Trade Area (AFCFTA), with lower tariffs on goods and the removal of trading restrictions among partner States, it is anticipated that goods and services will move more freely. With a larger market, manufacturers in the EAC, whether large, small or medium scale enterprises, will benefit from economies of scale, making them increasingly efficient and competitive.

Mr. Temporary Speaker, Sir, with the benefits that the EAC bloc stands to gain with this member entry, security concerns are still high in the DRC, especially in the restive eastern part, which may discourage trade and investments. This calls for functional strategies by the entire bloc to guarantee long-term peace, which, in turn, will boost cross-border trade.

As the legal processes of inclusion and ratification continue, there are challenges of language barrier that need to be realized and redefined to be mixed blessings of opportunity. English and Kiswahili are currently the official languages of EAC. DRC's official language is multilingual, that is Swahili, French, Lingala, Kikongo and Tshiluba. The issue of language necessitates introduction of another EAC official language that is French which is used in Congo, Rwanda and Burundi as well. This is a windfall for language experts on the inclusion of DRC. There is need to encounter the use of French as an official language in order to add to the two already formal languages in use.

In conclusion, I wish the DRC the best and hope that this admission will provide an opportunity to entrench peace and security in DRC. It is without doubt that the DRC is a desirable addition, and all EAC members stand to benefit from its admission.

I thank you.

Mr. Temporary Speaker, Sir, allow me to present another Statement.

The Temporary Speaker (Sen. Kinyua): Please proceed.

**INTERNATIONAL DAY OF SPORTS FOR
DEVELOPMENT AND PEACE**

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order No. 47 (1) to make a Statement on a matter of general topical concern, namely, the International Day of Sports for Development and Peace (IDSDP).

The International Day of Sports for Development and Peace (IDSDP) takes place annually on 6th of April. The day presents an opportunity to recognize the positive role sports and physical activity play in communities and in people's lives across the globe. Sports has power to change the world.

It is a fundamental right and a powerful tool to strengthen social ties and promote sustainable development and peace as well as solidarity and respect for all. Indeed, sports is ideally positioned to contribute towards the United Nations objective for development and peace. To raise awareness of this potential, 6th April was declared as the International Day of Sports for Development and Peace by the UN in its Resolution 67/296 establishing the day.

In recognition of sports broad influence, the global theme this year is, "Securing a Sustainable and Peaceful Future for All: The Contribution of Sport," which creates an opportunity for the day's celebrations to promote the use of sports as a tool to advance human rights and sustainable development.

Under this theme, UN headquarters in New York will recognise the role of sports in addressing the climate crisis. We will highlight actions to lower greenhouse gas emissions and mitigate against climate change.

Mr. Temporary Speaker, Sir, sports are in a unique position to display leadership, to take responsibility for its carbon footprint, engage in a climate neutral journey, incentivize actions beyond the sporting sector and play a major role in amplifying the awareness among its billions of spectators, facilitators and participants at all levels. With the need for urgent action growing dire every day, the relationship between sport and climate must be better understood and ways of developing policies and taking concrete action to help reverse the impact of climate change through sports, must be communicated to as wide an audience as possible.

Mr. Temporary Speaker, Sir, sports have immense benefits including individual development, health promotion and disease prevention, promotion of gender equality, peace building and conflict resolution, economic development, communication and social mobilization among other benefits. Sports has proven to be a cost effective and flexible tool in promoting peace and development. It is also an important enabler of sustainable development. It also empowers men, youth, women and Persons with Disabilities (PWDs) at individual level.

Mr. Temporary Speaker, Sir, as we join the rest of the world in commemoration of this important day, I would like to acknowledge and celebrate all the men and women who have flown the flag of Kenya high in sports. Some of these personalities are Paul Tergat, Henry Wanyoike, Catherine Ndereba, the late Samwel Wanjiru, Edwin Kipchumba, Betty Cheruiyot, Alfred Yego, Veronica Wanjiru among other athletes.

We have also had famous rally drivers in Kenya worth celebrating, include the likes of Patrick Njiru, Joginder Singh, Shekhar Mehta and so on. Famous swimmers such

as David Danford, Achieng Ajulu, Nancy Lagat as well as famous footballers like the late Joe Kadenge, Musa Otieno, Victor Wanyama, McDonald Mariga and many others are also worth celebrating.

Our hall of fame would not be complete without celebrating rugby players on this day, including Collins Injera, Humphrey Kayange, the late Benjamin Ayimba, Felix Ayange, Kenny Andola and many others. Last but not least, I must celebrate the late Emily Ayoti Kubasu, mother to Sen. Sakaja, a track legend who won medals in the 100 metres sprint for Kenya in the 1960s and 1970s.

As we mark this day, I would like to urge both levels of government to invest more resources in the different categories of sports to identify, tap and nurture the talents of the many young men and women who are passionate about sports. I urge the government to ensure that the functions and roles of Sports Kenya as established by the Sports Act, 2013 are fully devolved in order to promote sports tourism at grass-root level.

Mr. Temporary Speaker, Sir, thank you and happy belated International Day of Sports for Development.

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, please proceed.

I did not know why you are sporty. Now I know.

Sen. Sakaja: Mr. Temporary Speaker, Sir, thank you so much. I am very grateful to Sen. (Dr.) Musuruve. In her list, she has mentioned sporting greats who have made our country proud. I am grateful to her that this time she has mentioned the late Emily Ayoti Kubasu, my mother, who used to run for this country, short distances. She represented Kenya in the commonwealth games in 1971 and won medals; gold and silver. Amongst her contemporaries were Alice Adala, who is still alive, the sister to our President and the mother of Jomo Gichaga, Jane Makena, who is still alive and we are still in touch. There are very many of them who at their time, without the technology that we might have for training and without the kind of facilities, went out of their way to put Kenya on the global map.

Incidentally, Sen. (dr.) Musuruve has also mentioned McDonald Mariga who I was with this morning as we met the people of Kibera, Lang'ata and Dagoretti South Constituencies together with some of our football legends of Abaluhya Football Club (AFC) Leopards Sports Club Leopards including Murila and the rest. They are former internationals; they are going to Arusha in the next few days.

Mr. Temporary Speaker, Sir, sports must always be seen as a serious frontier for economic development in our country. I am glad that I am the Chairperson of the Committee in charge of that. You have just said you are wondering why I am sporty; it is because of that great heritage. Not only was my mother representing Kenya in the short distance, Sen. Wako knows very well that my father played football and ended up being treasurer of Kenya Football Federation (KFF). We are from a sporting family. These days I run, but I run for office not athletically.

Mr. Temporary Speaker, Sir, as I have said, there are many efforts we are putting to really improve sports in the city of Nairobi. I thank my colleagues here because we brought the matter of Dandora Stadium which had stalled. I must thank the SDC who is here, Ms. Gichangi. Through a resolution by the Senate, I really pushed her to make sure that the Senate resolution is sent promptly to the County Government of Nairobi so that that stadium is complete.

The young people in Dandora and Embakasi North Constituencies need that facility. I am glad that they are engaging the contractor. We hope that it is completed in due time. I went there with Sen. Omanga, incoming Women Representative of Nairobi, and we said we shall do the swearing in of the Governor there.

Mr. Temporary Speaker, Sir, in a lot of the places in our city today, you find that our young people are idle and they have gone back to crime. In fact, I know some of the boys who were killed who used to play. There were 12 teams around Embakasi North Constituency because of that stadium not being operational, some of the youths went into crime. I am glad the former Governor did Kamptoyoyo, which is providing engagement in Makadara.

We have another 10 grounds that need to be done. From Umeme grounds in Ziwani to Woodley Grounds in Kibera Constituency as well as others in Kawangware. I was just talking to the coach, Mr. Chivuli, of Westlands Youth Sports Association. I have a group of hundreds of reformed young men from Kayole under coach Shuba who have left crime and have come back to society. All because of sports. We cannot underestimate the place of sports in our society. That is something we have pledged to ensure that it is done.

Finally, one way of honouring these greats is by immortalising their memory. When the late Mr. Joe Kadenge passed on, a promise was made that the County Government will rename City Stadium to be called Joe Kadenge Stadium. That has not been done. I just want to assure those people who agreed with that decision are people of Nairobi. Those who know his history and what he has done for this country.

I remember we would go for a lot of sporting events together with Right Hon. Raila Odinga who was patron of Gor Mahia and I would go with him as patron of AFC Leopards together with Mr. Joe Kadenge. We had to make sure we pick Mr. Joe Kadenge everytime. God willing, we shall rename City Stadium in the next four months if the people of Nairobi County chose me to be Governor.

We must immortalise the memory of those who not only played but also contributed to the growth of sports in our country. We have seen what has happened with soccer. We tried to salvage it. The Cabinet Secretary (CS) decided to take action as she did. We wanted to engage. I do not know if my Vice Chairperson implemented the resolution we had passed because she ignores summons from this House.

This House was not trying to stop any action against the FKF. What we wanted was there not to be a witch hunt and for us to abide by the rules of FIFA that are there. There is a reason why we live around rules. Right now, with that indefinite ban, an indefinite suspension, a times based ban is better than an indefinite one. There are very many people, from referees to the players, to those who even want to go play in other countries who are negatively affected by Kenya being banned by FIFA. I hope it is something we can be able to address and resolve.

We want our sports and our soccer to be solved at whatever cost it takes. There was a lot of rot in the management. You do not cut off your nose to spite your face. You do not throw out the baby with the water. You make sure that any intervention is done in as much as is for the long term good, but even in the short term, we secure the livelihoods of our young people.

Mr. Temporary Speaker, Sir, we strangled and slaughtered the goose that lays the golden duck in the name of SportPesa. SportPesa was engaging so many of our teams and clubs. I remember AFC Leopards would get Kshs65 million that would cater for salaries and allowances. *Gor Mahia* too was getting. They were sponsoring the League.

However, because of a dispute, that is no longer happening. So, we need to be pragmatic when we balance, whether it is tax interest with actual companies and private sector that are helping our sporting teams.

So, I thank Senator (Dr.) Musuruve. I think she is the Senator with a calendar because she remembers all international days such as the International Days of Sports, of the Girl Child, of the what not. So, keep it up and keep reminding us that we are not in a vacuum. There are certain days that are set aside for the world not just to remember but to refocus energy and activities towards a certain area.

I thank you, Mr. Temporary Speaker, Sir. Now, you do not have to wonder why I love sports.

The Temporary Speaker (Sen. Kinyua): Asante, Seneta Sakaja. Ulipokuwa unasema kwamba utabadilisha uga wa City Stadium uuite Joe Kadenge, niliona Sen. Mwaruma alikitizingiza kichwa kukubaliana na wewe kabisa.

I invite Sen. Mwaruma to read his three statements.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to go through my three statements.

STATUS OF NYANGORO WATER PROJECT

Mr. Temporary Speaker, I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Nyangoro Water Project in Taita Taveta County.

In the Statement, the Committee should -

(1) State whether the project was tendered providing details of who won the award;

(2) State the quoted cost of the project to completion;

(3) Give the status of the actual work done on the project specifying the source of funds and the amount of funds spent;

(4) Provide a detailed assessment of the source of water, tabling the quality test reports by the Water Resource Authority certifying water as fit for human consumption.

NON-PAYMENT OF CLAIMS BY INSURANCE COMPANIES

Mr. Temporary Speaker, I rise, pursuant to Standing Order 48 (1) to seek a Statement from the Standing on Labour and Social Welfare regarding non-payment of claims by insurance companies, specifically those owed to Ms. Mary Ngina, the legal representatives of the estate of the late Godfrick Ngereri Kereti, despite a court decree on 14th October, 2019.

In the Statement, the Committee should: -

(1) Explain the process of payment of claims by insurance companies, especially in circumstances where the principal member dies intestate;

(2) State the reasons for the delay by the African Merchant Assurance Company Limited (AMACO), of payment of claims due to Ms. Mary Ngina in her capacity as the legal representative of the estate of the late Godfrick Ngereri Kereti, pursuant to a declaratory suit in CMCC No. 4201 of 2019: Mary Ngina Vs African Merchant Assurance Company Limited (AMACO);

(3) State when the beneficiaries of the late Mr. Godfrick Ngereri Kereti will be paid; and

(4) Outline the targeted interventions the Committee will take to ensure swift justice against companies such as AMACO who deliberately delay to honor their obligations despite numerous attempts by victims to seek justice.

Third statement, Mr. Temporary Speaker is on the unfair dismissal from employment of Mr. Levins Mwanyalo by the Former Provincial Administration and Internal Security Department

UNFAIR DISMISSAL FROM EMPLOYMENT OF MR. LEVINCE M. MWANYALO

Mr. Temporary Speaker, I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing on Labour and Social Welfare regarding the unfair dismissal from employment of Mr. Levince M. Mwanyalo who was employed as a driver by the Office of the President in the Department of Provincial Administration and Interior in Taita District in 2008, Personal File Number 2008/172932 and dismissed in October 2013.

In the statement, the Committee should -

(1) Explain the process of dismissal of public officers especially those employed by the Public Service Commission under the national Government;

(2) Explain reasons for the dismissal of Mr. Mwanyalo, stating whether due process was followed; and

(3) State when Mr. Mwanyalo will be reinstated and compensated for the wrongful dismissal.

I thank you, Mr. Temporary Speaker.

The Temporary Speaker (Sen. Kinyua): Sen. Omogeni, you may proceed.

Sen. Omogeni: I thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to support and make a comment on the statement that has been read by Sen. Mwaruma on non-payment of insurance claims by a company by the name AMACO. Many years ago, this country enacted a compulsory third vehicle insurance cover by enacting Cap 405 Laws of Kenya.

The purpose of that particular legislation was to put in place a mechanism whereby people who are having either private or commercial vehicles would take insurance cover from reputable insurance companies so that in the event that an accident happens like the one being referred to by Sen. Mwaruma, the company would compensate the victims.

As you know in this country, it is illegal and it is a traffic offence to drive a car without a third party cover. So, the cover is compulsory in our laws. However, the problem that we have been facing for many years is that most insurance companies are incorporated to collect premiums from very unsuspecting business people especially those in the matatu industry.

These premiums are diverted. People do investments using the premiums and they leave the insurance companies insolvent. In that, when the claims are taken to courts and judgments are issued against the insured person, the insurance companies are not able to pay that compensation and satisfy the court decrees which is really unfortunate.

I know people who have faced untold sufferings because of the inability of insurance companies to make good use of judgements that are issued by our courts of law. This is unfortunate because if you enter into a contract with a very innocent Kenyan, you receive their premiums and the contract stipulates that in the event of an accident, you compensate the victim, then I do not see the reason why the victim should not be compensated. This is one of the cases we are facing this afternoon from Sen. Mwaruma.

Mr. Temporary Speaker, often times, these companies are owned by very well connected Kenyans. The owners of AMACO are fairly rich people; highly connected politically in this country.

They have used the money that has been paid by people who have taken insurance cover from these companies to become billionaires. However, they cannot compensate poor Kenyans like this particular claimant. It is really unfortunate.

I hope the Committee that will address this matter will summon the Commissioner of Insurance, to appear before the House and tell us how they licensed companies like Africa Merchant Assurance Company (AMACO), to continue operating and issue insurance covers, if they are unable to settle claims. That person occupying that office of Commissioner of Insurance is supposed to protect public interest.

Mr. Temporary Speaker, Sir, accidents happen. It could be you or me. You could knock down somebody tomorrow and three years down the line, you are faced with a court judgement running into several millions of shillings. That is what has happened to many Kenyans.

The misfortune is that, when the insurance company is unable to pay, the victims will come after your personal assets. So, you will find auctioneers on your door, seeking to enforce those judgements, if the insurance company is unable to pay.

I want to make a request to the Committee that will be tasked to look into this matter to summon the directors of AMACO Insurance Company. They should appear before that Committee and tell us whether they have the ability to continue running that company and whether the company's books reflect that it is sound, so that we do not allow unsuspecting Kenyans to continue paying premiums to a company that is literally insolvent and cannot meet its obligations under the Insurance Act.

I hope in pursuit of our mandates as legislators, people will act in the best interest of Kenyans. We should demand from the Commissioner of Insurance that companies which have been incorporated to give insurance covers but are unable to demonstrate the financial ability to meet the claims arising from accidents, should not be allowed to continue operating. We should close them up. Whether they have high connections

politically, this is a serious business. If you are unable to run your company in a way that meet its obligations, close shop and go home.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Temporary Speaker, Sir, there is a huge issue around insurance. I have been talking to Passenger Service Vehicle (PSV) operators in Nairobi and recently, I talked to Mrs. Mary Mwangi of Double M buses. The woes that are facing that sector are critical.

Mr. Temporary Speaker, Sir, professionally, I understand insurance very well. It speaks to many issues including the kind of actuarial valuations being done for the premiums to be set because people are looking just for business, yet they are unable to properly underwrite a lot of this.

Mr. Temporary Speaker, Sir, of course, I have heard speakers trying to get excited about one company. It is a sector-wide issue that needs to be looked at.

Many of unsuspecting Kenyans are paying premiums through brokers. So, those premiums are not reflecting and when they get accidents, they find that the actual insurance company does not know because they were not covered. They print fake stickers across the country.

Mr. Temporary Speaker, Sir, many Kenyans and colleagues in this House unsuspectingly have stickers on their windscreens but they are not insured. This is because they have not been told how to verify the insurance that they get through a short code or QR code, that is provided for in that sticker.

Mr. Temporary Speaker, Sir, additionally, there was an increase of these rates recently.

This entire sector has not been looked at. Therefore, as we look at the specific case that Sen. Mwaruma has brought, the Committee should bring the Insurance Regulatory Authority (IRA) and different stakeholders and take an opportunity to expand it to address the woes. Otherwise, there will be another one tomorrow.

Mr. Temporary Speaker, Sir, many of my *mataatu* operators in Nairobi have been pushed out of business because of these claims. Accidents happen and of course, we do not wish for them to happen. The reason you insure is to make sure that in case anything happens, you are covered.

Mr. Temporary Speaker, Sir, many of them are taking cover without looking at the insurer interest which means that for you to insure a property, whether it is a vehicle or house, you must own it. You must have insurable interest in that sector. However, people are buying it like bread.

Of course, we want penetration to go up. Currently, this country's insurance penetration is below 5 per cent and that speaks to a lot. People do not have health insurance. The only thing that is insured is the car because the law will catch up with you if it is not. However, if it was up to the people to decide whether to insure or not, many of them would not.

I hope that the Committee on Finance and Budget which will deal with this matter will address this entire sector and help us know what we and the Government needs to do. If there are rogue players in the sector, they need to be dealt with in accordance with the law.

The IRA has questions to answer and so does the National Treasury.

Thank you, Sen. Mwaruma, for bringing that.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Wetangula.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I salute my distinguished friend and colleague from Taita/Taveta for bringing this Statement to the Floor of this House.

Mr. Temporary Speaker, Sir, although the Statement narrows to *Mama Mary Ngina*, who has not been paid the insurance, it opens a much wider scope that whichever Committee that needs to look at this issue actually needs to be broad-minded and look at issues that have been raised by those who have spoken before me.

Mr. Temporary Speaker, Sir, insurance in many countries is the hope and salvation of the citizens, particularly, in developed democracies and societies like Europe. In fact, funds accumulated in insurance savings are what turns the economies of those countries.

Here, Mr. Temporary Speaker, Sir, insurance is synonymous with fraud, cheating, dishonesty and all manner of things. There was a small insurance company called Access that used to insure *matatus*. It went down with billions of unsettled claims. It had specialized in insuring *matatus* and every *matatu* that rolled and killed, maimed and caused disabilities, went down without any compensation.

Today, as we call upon AMACO to pay Ms. Mary Ngina, I also ask the Committee to pay attention to what is going on at the National Hospital Insurance Fund (NHIF) which is a public insurance undertaking for health.

Mr. Temporary Speaker, Sir, you will be surprised that almost three quarters of the payment from NHIF goes to private hospitals that attends to less than 15 per cent of Kenyans who need healthcare. Kenyans who go to public hospitals hardly get NHIF underwriting their hospital bills. All the monies are paid to hospitals with big names that hardly attend to 15 to 20 percent of Kenyans when they fall sick.

Mr. Temporary Speaker, Sir, that is why we want to assure Kenyans that the *Kenya Kwanza* Government, that is around the corner, will revolutionize the manner in which public health insurance is run in this country. We will not only make sure that every single Kenyan is covered by insurance but that the insurance provided will carry absolute responsibility in case of a requirement to underwrite the needs of the insured Kenyans.

Mr. Temporary Speaker, Sir, when Sen. Mwaruma's Statement is directed to a committee, we also need to push. This House has a residual responsibility to carry out a wide inquiry on the manner in which insurance businesses and responsibilities are carried out in this country.

We have the Insurance Regulatory Authority (IRA) that used to be led by Makove. Apart from the name that sounds like a terrorist organization in Ireland, they do nothing. You will remember the kind of destruction that the Irish Republican Army (IRA) caused to the people of Northern Ireland.

You do not hear of them because they do not supervise insurance companies. The only time you hear about them is when they are raising premiums and nothing else. People are not paid their claims and they do nothing.

At least you hear about the Central Bank of Kenya (CBK) punishing banks that do not adhere to the code of behavior. The IRA is just there consuming resources creamed from insurance companies and sporting around a name that is not good to mention.

Mr. Temporary Speaker, Sir, we should look at the whole profile of the insurance legal framework in this country and see how Kenyans can benefit. Like where you come from, we should have stock insurance, so that for the banditry that goes on in your county, the insurance responsibility should be available to helpless farmers.

We should have crop insurance, so that when you plant maize and some storm comes and ravages your farm, the insurance cover is there. In countries like Zimbabwe, they have it.

You can have a fish pond with stocks of fish but a hurricane comes and breaks off the banks and all the fish is washed away. In that case, you should be paid through insurance.

In Kenya, they have narrowed themselves to only motor vehicles; that is what they ran for. Even the police are happy when they come to check the sticker of your vehicle.

As the distinguished Senator for Nairobi City County has said, they do not even care whether that sticker is fake or genuine. In fact, they do not have capacity. They just look at it and tell you to move on.

That is not how we want to run our country and this Jubilee Government has failed. We are going to show the country how we can run this country.

Sen. Farhiya: On a point of order, Mr. Temporary Speaker, Sir. I want to remind our senior counsel that when he puts blame on Jubilee Government, let him know that his co-principal is the Deputy President of the country. I just wanted to remind him of that.

Sen. Omogeni: On a point of order, Mr. Temporary Speaker, Sir, I would like to make a follow-up on what Sen. Farhiya has said and remind her that Sen. Wetangula is a distinguished lawyer. When he says Jubilee Government, he means the entire Jubilee Government.

He knows that under Article 147, we have the President and the principal assistant to the President is Hon.(Dr.) William Ruto. So, when he says that Jubilee Government has failed, he means the President plus the Deputy President, Hon. (Dr.) William Ruto.

I hope that the Government that he is talking about includes hon. (Dr.) William Ruto because he is part of the failure that he has condemned this afternoon.

Sen. Wetangula: Mr. Temporary Speaker, Sir, I want to remind Sen. Farhiya, my distinguished friend and wife to my dear friend, and the Senator for Nyamira, my distinguished learned junior, that if they have a moment, they should read a book called *God's Bits of Wood* by Ousmane Sembène, where there is a blind lady called Maimuna who says she has never quite understood how and why people with eyes do not see.

We have the *de jure* Deputy President of the Republic of Kenya called Hon. (Dr.) William Ruto and the *de facto* Deputy President of the Republic of Kenya called Rt. Hon. Raila Amolo Odinga.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I want to support the Statement by Sen. Mwaruma regarding the death of Godfrey.

Insurance firms are usually fast in making follow-ups for people to have insurance deductions. For example, if your car insurance expires tomorrow, they will be on your neck for you to reinsure it. However, when it comes to indemnity, they are slow in processing in order to indemnify those who insured their property. It is a sorrow state that the family of Godfrey has not been indemnified simply because---

I am sure he has children and the family is going through harrowing moments because he is not there to defend himself. The process should be fast-tracked, so that the dependents are indemnified. It is painful that the insurance company is dragging its feet in indemnifying the family of Godfrey.

Mr. Temporary Speaker, Sir, I would also like to comment on another Statement that Sen. Mwaruma brought on the Floor of this House concerning someone who was dismissed unfairly.

There is need to carry out investigations to find out why he was dismissed. Are the reasons justifiable and are they to do with integrity or the employee not going by the ethics of the organisation? If it turns out that it was unfair dismissal by the employer, then there is need for compensation because the act of being dismissed without notice leaves one frustrated.

Many times, Sen. Kasanga has been talking on the Floor of this House about mental anguish that people go through. These are some of the issues that lead to mental anguish in people.

If you wake up one morning and find out that you have been dismissed, yet it is something you had not planned for and you have a family and maybe you took a long-term loan, how do you repay?

There is need for the Committee to investigate and ensure that the decision is fair and just to the employee who was dismissed.

Mr. Temporary Speaker, Sir, I thank Sen. Mwaruma for bringing this issue on the Floor of this House.

Sen. Farhiya: Mr. Temporary Speaker, Sir, I would like the senior counsel to listen to me because I also want to comment. I find it a bit strange that somebody would want to take the perks and benefits that come with a position but they do not want to take the responsibility that comes with it. Every time somebody says that the Jubilee Government has done this or that---

I know my President has done a good job for this country. When people blame him, the same people should take responsibility to be part of that blame. Otherwise, if someone does not want to take the blame, the honourable thing to do is to resign because they are entitled to the perks that come with responsibility.

Mr. Temporary Speaker, Sir, I request his co-principal to communicate that message.

I thank you.

The Temporary Speaker (Sen. Kinyua): Next Order.

MOTION

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE MENTAL HEALTH (AMENDMENT) BILL

(SENATE BILLS NO.28 OF 2020)

The Temporary Speaker (Sen. Kinyua): Sen. Farhiya, you are moving the Motion. Proceed.

Sen. Farhiya: Mr. Temporary Speaker, Sir, I beg to move the following Motion:

THAT, pursuant to Standing Order 159, the amendment of the National Assembly to the Mental Health (Amendment) Bill (senate Bills No.28 of 2020) be now considered.

Mr. Temporary Speaker, Sir, I thank the National Assembly for dispensing with this critical matter. I understand that the Senate Committee on Health is okay with the amendments brought by the National Assembly. The Committee has already considered this matter and tabled their report on this matter. I commend them for doing a good job. I want this House to consider voting for these amendments tomorrow, in case we are done with the debate on this matter.

Mental health is a critical matter. Since it has already been considered by this House, I do not see any point in belabouring the issue. More so because our technical Committee has considered it and come up with their recommendations and they are okay with it.

Mr. Temporary Speaker, Sir. I move and ask Sen. Kasanga to second.

Sen. Kasanga: Thank you, Mr. Temporary Speaker, Sir. Thank you, Sen. Farhiya, too, for this chance.

I am privileged once again to stand here and speak on mental health. It has been a journey. As I second, I take this opportunity to say thank you to all the people who participated in making this Bill come to life. It had one of the widest public participation of any of the Bills that have been to the Senate.

I remember the day we did our first public participation; the Committee was overwhelmed by the number of submissions. For that, I thank all the people out there who presented their views and felt their voices needed to be heard. It was important that they be heard and they were included.

I also thank the Sustainable Development Goals (SDG) Caucus of Parliament headed by Hon. (Dr.) Ochanda of the National Assembly. This Caucus helped with introducing mental health to the National Assembly and training Members of Parliament (MPs) on it. In fact, the engagements of the SDG caucus went into county assemblies as well, speaking on mental health. This was really wonderful. It finally ended up in the East African Community (EAC) Parliament where the deliberations on mental health were going to start.

I thank Dr. Frank Njenga, the Presidential Advisor on mental health. He played a critical role of mediating between what the Department of Mental Health in the Ministry of Health wanted included in the Bill; and the Senate, represented by myself and the legal counsel.

I remember this was when the Ministry of Health, who is the main stakeholder, came on board. We then started considering their issues and they were taken into account when we passed this Bill here in Senate.

I also thank the Committee on Health in the National Assembly. I was privy to their interactions with the Bill. They interacted with it deeply and internalised every

clause of the Bill. I remember when they were considering the amendments the Ministry wanted, they took their time to understand every input the Directorate of Mental Health wanted factored in. They gave a robust debate on each and every item. That shows the depth with which they appreciate what the Bill is going to do.

Mr. Temporary Speaker, Sir, it was the same Committee of the National Assembly that pushed for the funding of *Mathari* National Teaching and Referral Hospital. As you know, Mathari is our national facility on mental health. It does both training and also acts as the incarceration center for people incarcerated with mental health. For a long time, it has been neglected.

However, this year, *Mathari* National Teaching and Referral Hospital received funding almost to the tune of Kshs600 million. For the first time, we are seeing a facelift of the facility. They are also rebranding. They put out a competition for young people to participate in coming up with a logo for the Institute.

When I became aware of this, I took a few stakeholders whom I call friends of Mathari and who want to see Mathari rebranded to the facility that it should be. We had a meeting with the management and we were happy with what we found. We found a wonderful, nice looking, brightly colored place. A lot of good work is happening there.

Kenyans need to know that as much as the Government is going to build a new Level Six referral facility for mental health, Mathari is our only one for now. We need to embrace it and fight the stigma. We are starting a movement called Friends of Mathari to help disseminate information of what Mathari does for Kenyans. Kenyans should not shudder at the mention of the name Mathari. It is a healing place and we should go there without fear.

I thank the Committee for Children, Women and Vulnerable Persons of the Forum for Parliament of the Great Lakes Region. Our Speaker, Hon. Lusaka, is the current President of the Forum for Parliaments for International Conference on the Great Lakes Region (ICGLR). We were hosting the Assembly which is ending today. This Committee has had time to interact with this mental health Bill.

They gave it prominence and a platform which I call continental. It was the first time a mental health was being discussed in the region. It has now gone into the books of ICGLR that this is how we are handling mental health issues in Kenya.

I also thank the Ugandan Parliamentary Caucus on Mental Health. Their Chairperson, Hon. Geoffrey Macho, was here with his delegation. They came here and even toured Parliament. We sat down and looked at what the Bill offers. They came to benchmark on matters mental health. We took a whole morning to look into what they can borrow from our Bill and add to the Ugandan Bill. You can see the impact of this Bill to the region.

Mr. Temporary Speaker, Sir, in a special way, I recognise the work of one member of the Clerk's team. This lady called Sombe Toona has been quite an inspiration to me. She is the Legal Counsel of the Committee on Health. Since we started working on this mental health Bill, her passion towards the work has been exemplary.

Her research work into making sure we have best practice inputted in the Bill and her consideration of all the stakeholders' submissions – which were quite a number – was exemplary. Sometimes I would call on her for offsite meetings with stakeholders and she would come. She went all out, beyond her call of duty to make sure that every

conversation we were having around the creation of the Bill and putting it together, was captured.

For this, I feel she deserves a commendation. I put it to the Clerk that this is one officer who needs commendation, upgrading or whatever it is that he can do. Her work was everything and beyond. I really thank her for that. She was an inspiration to me. Ms. Toona is one of the officers who kept me going. At times, it was tough. We were disappointed when the Bill was called a Money Bill, it died and had to come back. She was very encouraging and for that, I thank her.

All in all, I request that Senators vote for this Bill one more time. It is something Kenyans need. I think we have all spoken enough about mental health on the Floor of this House. This will be the beginning of the much needed legal reforms towards mental health in our country.

I second and I thank you.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker. I support this Motion and I thank the National Assembly for going through this Bill. When you look at the intents of Sen. Kasanga, it is very clear that she is keen about the millions of Kenyans who go through mental illness but they are isolated, rejected and not even given opportunity to go through the healing process.

I am sure when this Bill sees light at the end of the tunnel, we are going to arrest the many cases that come up as mental illness. Mental illness can be prevented and treated. This Bill will ensure caring for cases of mental illness and even procedures of ensuring that people with mental health are admitted, taken care of, treated and even rehabilitated so that they come back to the community.

Anyone can suffer from mental illness because the causes are diverse. There is no one cause of mental illness. It can be caused by the stress to do with life and sometimes the death of a spouse can cause mental illness if it is not treated well. If the bereaved person is not given psychological counseling, it can lead to mental illness. We see mental illness even among young people wanting to commit suicide because of an underlying issue that can easily be prevented.

I want to thank the National Assembly for doing this consideration and I also urge them to look at other Bills that have gone to them and ensure that they fast track the Bill before the House collapses. I know that there is the Kenya Sign Language Bill which persons with disabilities all over are awaiting for its enactment into law. There is also Persons with Disability (amendment) Bill that Sen. Mwaura came up with. These Bills are really being awaited for by Kenyans and I hope that the National Assembly is going to do a lot of service by ensuring that these Bills do not lapse because the Bills are very key.

The Kenya Sign Language Bill is the first Bill that has ever come to the Floor of Parliament with regard to the deaf. Service should have been there by ensuring that it is fast tracked. This is a Bill that was even mentioned in Building Bridges Initiative (BBI) because of the importance that it plays. Even the PWD Bill needs to be fast tracked so that the President assents to these Bills and they become law in the land.

When we look at these Bills, they are close knit with this Bill of Sen. Kasanga on mental illness because they are looking at the people who are excluded and disadvantaged in one way or another. There is need to fast track these Bills so that the hard work that has been done by our clerks and legal team does not go in vain.

I know that team of Dr. Okello is very keen about Bills. When you come up with Bills, they give you all the support that you need. The Senate team is always ready to do the research that is needed to enrich the Bill. Even when the Bill goes to public participation, this is also something that should be considered by both Houses so that they do not delay any Bill because a lot of resources and manpower have gone into it and our legal team has also done a lot with regard to these Bills.

I support this Motion and I hope that the other House will be keen on ensuring that all the Bills that are there are legislated and brought in here so that eventually they can go to the next process of being assented to.

Sometimes it really disturbs me when Bills go to the National Assembly and they are not fast tracked and they stay there for so long. Sometimes there are Bills that come here and do not take very long time before going back to National Assembly and they are fast tracked. I do not know the parameters that National Assembly uses to ensure some Bills are fast tracked and others are not.

There is need for our sister House to really ensure that they are doing justice to the Bills that go there just the way we fast track any Bills that come from the National Assembly and we ensure that we give the Bills the justice that they require so that they do not lapse.

I support this Motion.

I thank you.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to support the proposed consideration of the amendments being forwarded from the National Assembly on the Mental Health Bill.

Before even moving further and commenting on the Bill, let me start by congratulating Sen. Kasanga. When she first brought up the issue of this Bill, it was among the Bills that I strongly felt that should be assented to so that we can actually also treat our brothers and sisters who suffer from mental health. It cuts across all sectors. I remember saying that even Members of Parliament go through some form of mental illness, not to the extent that one needs to be hospitalized but there is some that leads to depression.

I have looked at the proposed amendments by the National Assembly and they are quite basic. I am a Member of the Health Committee and some of them, it is just the realignment of terminologies, having units and stuff like that. However, the most important thing, and this is where I call upon my colleagues to be able to come so that we can agree to these amendments; so that at least by the end of this term, the distinguished Sen. Sylvia Kasanga can actually get her Bill being assented to into an Act of law.

This will help streamline mental health in this country. It will also provide us with an opportunity to improve on our health facilities. If there was a time that we need this it is now.

One of my hopes was that we can have a hospital dedicated for mental health in every county. I know this Bill proposes having units in hospitals designated for mental

health. I know it also talks about having medical practitioners trained fully on mental health. However, I think a time will come when we will need to designate at least 47 hospitals in this country, one per county that deals purely with mental health.

With the cost of living going so high, a lot of people are committing suicide; that is a form of mental health disorder. With the fuel prices now hitting the roof, with the cost of everything across this country going up, a lot of Kenyans are going through tough mental health challenges. Therefore, it is important.

I know we in Azimio, one of our party leaders has spoken a lot about ensuring that he establishes a Level 5 hospital in each of the 290 constituencies or sub-counties. One of the things that will follow is to establish mental health facilities in the 290 constituencies or sub-counties. This is why we are pushing so hard and asking people to come and join our movement, the Azimio Movement because it will give us an opportunity to provide free healthcare in this country, which we did very well in this House.

Mr. Temporary Speaker, Sir, I am very proud that in this House we passed it. I am very proud of it as a Member of the Committee on Health. We played a key role in those amendments to ensure that we have affordable or rather free health care and of course, with *Baba Care*, it looks at the entire spectrum. It looks at mental health, own personal health and also the entire health of the country.

Mr. Temporary Speaker, Sir, this Bill by the distinguished Sen. Kasanga will be one which will also be able to compliment the level five and level three hospitals that will be built across the whole country. I am always very skeptical when it comes to the Government policy in terms of health. I have been on record here saying that it is quite discriminatory. I hope that with this Bill, certain things will become straight.

When you read the policy on health by the Ministry of Health, some areas where we come from will not even qualify to have a dispensary. Kenyans ought to really appreciate the work that we do in this House as Senators. Last week, apart from the Division of Revenue Bill, we passed the County Grants Bill whose name was changed to Additional County Allocation. Those grants are specifically designated to support health care facilities, Level Two, Level Three hospitals. Those are the grants we get. With this Act now in place, if it comes in place and I do hope that the distinguished Senators from the 47 counties; at least if we can get the number required which is 24, for us to pass this and then move it fast so that the President assents to it.

This will be one of the legacies. The President will leave a legacy of having promoted free health care or affordable healthcare or universal healthcare. We hope that the next Kenyan President of Kenya the Rt. Hon. Raila Amollo Odinga will continue with the kind of work that the current President has done in the healthcare.

Mr. Temporary Speaker, Sir, as I support this, I want to remind Kenyans that this House, the Senate of the Republic of Kenya, has got amazing talent. It has got people who are professionals. The work that Sen. Kasanga has done, sometimes it actually takes us “a bay” because I did not know that people can come up and really think like this.

I also want to really appreciate our Clerks, Dr. Christine Sagini, our legal counsel, her name is Ms. Sombe Toona from Taita Taveta County, for the amount of work and dedication she put in. I particularly also thank the Director of Legal Services, Dr. Okello, for the work that he does. When we propose any changes to the law or even

when we have proposals to better the lives of these people, they sit down with you, call you any time of the night, to go through each and every proposal that you are bring in. May God bless our secretariat led by Dr. Christine Sagini and Ms. Sombe Toona, who is a legal counsel for the amount of work and dedication they offered our Committee. It is not always easy, when we go clause by clause. Sometimes we may be three Senators in a retreat while other Senators are online on the screen, so we have about five, six or seven Senators taking part in the meeting. For us to go clause by clause is not easy. One of the Senators who is very diligent is Sen. (Dr.) Ali.

Mr. Temporary Speaker, Sir, when we pass through things, he will say that he missed something and urge us to go back. The fact that the secretariat is so patient and they go through all the changes that we propose shows a lot of dedication and agility to service. That cannot go unrewarded. I hope that the Clerk is taking note and will reward those officers for the good work that they do.

With those few remarks, I beg to support and again congratulate the entire team led by architect Sen. Kasanga for such an amazing Bill.

Mr. Temporary Speaker, Sir, I thank you.

The Temporary Speaker (Sen. Kinyua): Sen. Omogeni, the Floor is yours.

Sen. Omogeni: Mr. Temporary Speaker, Sir I also rise in support of the Motion. I want to join my colleagues, fellow Senators, in thanking and applauding architect Sen. Kasanga for the effort she has put in to come up with the Mental Health Bill.

I served in the Committee on Health for a while. I have no doubt that the provisions in this Bill will be of great importance to a number of generations in this country.

Mr. Temporary Speaker, Sir, as we contribute to this Mental Health Bill, we should also be worried about the risks our dear children are facing. In this era of easy access to the internet, dealing with families that are fairly able financially, it makes it very easy for our children to get access to drugs and substance abuse which can expose them to serious mental health issues.

This Bill is timely. I always tell people that do not look at this Bill as one that is meant for patients in Mathari, no. This Bill is actually meant to address the challenges that are faced by the modern youthful generation. I hope that our county governments can also come of age. We devolved health to our counties but I am sorry to say that our governors are still living in the old Constitution. They do not appreciate the task at hand that is facing them.

The resources that we send to counties, you will never miss four by four new vehicles. Nowadays even directors of departments in counties have four by four vehicles from show rooms while our health facilities continue to suffer. When you visit hospitals in the county governments, the chairs at the reception is what they inherited from the central government. I wonder what is our priority. In some states in America, if a governor gets sick, he will be admitted in the military hospital and not a private hospital.

Mr. Temporary Speaker, Sir, we have cases where if a governor in Bungoma County gets sick, you will find him in Nairobi Hospital. Imagine that one person will be airlifted to Nairobi for treatment. If you take a population of Nyamira County with 600,000 of us, you, as a governor, we have entrusted you with resources, you are in charge of good public hospitals and we expect to see some changes.

In fact, we all of us should be tempted to go for medical checkups in our county hospitals because they receive more money than anybody else. How can private hospitals like Aga Khan be ahead of the Nairobi City County Government in terms of the research upgrades of the hospitals? I am told that Aga Khan Hospital receives 2500 inpatients from around the region. While if you go to the records of hospitals in Nairobi City County Government, you will only find the lowly. The ones, Sen. Wetangula will call the hustler nation. They are the only ones who will go there to seek treatment in these hospitals.

We need to have a paradigm shift by our governors. We need to remind them that the idea behind devolution was to put smiles on the people who live in the countryside. They receive all government services close to where they live. The services include; healthcare, transport, if you want to borrow money from cooperatives should be readily available at the county level.

I thank Sen. Kasanga. I hope that the Senate will move with speed and have this law passed by the Senate and we send it to the other House so that Kenyans can get access to the good services envisaged under this particular legislation.

Mr. Temporary Speaker, Sir, while on it, as a country, we also need---

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Kasanga?

Sen. Kasanga: Mr. Temporary Speaker, Sir, I would like to inform my good friend, Sen. Omogeni, that the Bill has come back from the National Assembly. We are now considering the amendments they had done.

Sen. Omogeni: Thank you; that is even better. The only appeal we can make is to ensure that if the Bill goes to Mediation Committee under Article 113, there will be no mediation. There will be no mediation because we will agree with the amendments. This is good news.

As a country, we have another crisis; that of substance and drug abuse by our children in schools. If I want to have a revisit of any amendment of the Constitution, we need to begin by amending Article 49 of our Constitution, so that we make any offence dealing with offering or selling drugs to students a non-bailable offence.

If the Government arrests you in the process of offering drugs to our children in school, we should have you locked up and your case should be heard while you are behind bars. Then, we make the offence to be more punitive and serious.

If you are arrested in China trafficking drugs, the first thing you know is that you will never be granted bail. Secondly, if you are found guilty and convicted, be sure that no member of your generation will ever see you, because you will go in for life.

Nonetheless, in this country people are arrested with hard drugs, which they sell to our own children in schools. They are arrested on Monday, on Tuesday they are out and Wednesday they are back to the same institutions selling the drugs to the same unsuspecting students.

We need to relook at our Constitution, revisit Article 49 and make offences dealing with selling of hard drugs unbailable and make life imprisonment as a penalty you receive if you are found offering drugs to these children because you destroy the lives of these children for life.

They are at an age when they are vulnerable and cannot make the right decisions or judgement. Some of the people engaging in this business are people these children

trust; the watchmen in school, the gateman in our estates, the teachers who are teaching these children, unfortunately, and people you invite to your houses to stay with them.

As leaders, we are the peoples' representatives and need to acknowledge that this is a big problem for us as a country. We should come up with the appropriate amendments to our laws, to respond and address this issue in a manner that will make us deal with it conclusively.

I hope that we shall vote for these legislations as soon as yesterday, so that it come become a law.

I support.

The Temporary Speaker (Sen. Kinyua): Sen. Wetangula, proceed.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. Sen. Kasanga has been on the frontline of pursuing and supporting matters mental health. She brought a Bill to this House, which she promoted on behalf of the stakeholders in the sector. It was unanimously debated and passed. I am happy that she has continued to champion this interest of a forgotten substantial population of our country.

If you want to explain the neglect visited on mental patients in this country or people with mental challenges, you just have to look at Mathari Mental Referral Hospital. This only mental facility in the country is totally derelict, completely forgotten and nobody bothers about it.

It is defined in the law as a national referral hospital, but it does not even look like a dispensary. People who are taken to that institution is sometimes akin to being taken to prison. In the past, I have assisted admission of constituents and persons known to me to that hospital. The stories I get after their admission are always appalling.

For this House to champion the interest of persons with mental challenges to come to national debate and be promoted into a legal framework, including an Act of Parliament that will regulate and manage not only mental health practitioners but a detailed outlay of how mental patients need to be identified, treated, cared for and rehabilitated, is something absolutely laudable.

Our society has been growing and so have been challenges to peoples' mental capability or disability so to speak. You have all manner of situations transformed from internal turmoil of several individuals into full-blown mental incapacity and sometimes being manifested in violent behaviour.

When you have a legal framework that can help, you have a society that has to be caring to its disadvantaged people, especially those who are incapable of managing and controlling their mental faculties.

Some mental patients can be violent. As the Bill states, we need a humane way in dealing with them. Sometimes you go to homesteads, instead of a person suffering from mental problems with a propensity of violence being taken to hospitals for attention and treatment, they are tied with ropes, locked up in houses and fed through holes. Sometimes food is passed through a window through which nobody can get out for them to eat and remain confined. That way, it degenerates the mental health of the person even further.

Equally important, is the increasing road rage we have in this country. We have seen a very minor motor accident and of the motorists steps out with a gun and shoots the other. That is a mental patient. It can just be that you love your car to the extent that a

dent on the boot would push you to come out and take away somebody's life. That is a mental problem.

We have cases where mothers and fathers are killing their own children. They are poisoning their children, setting houses on fire, where they have locked in their children. Instead of the law enforcement agencies and criminal justice system are quickly rushing to - of course it is important that when a homicide or crime is committed, one would expect an arrest, an investigation and prosecution where necessary.

It is absolutely important to have a situation as we do in homicide cases, where you are charged with murder and it does not matter how sane you look. The High Court will require that your mental capability is assessed before you stand trial. A report from a certified mental health practitioner is furnished to the court to say that so-and-so is fit to stand trial for the charge of murder.

A situation like that obtains in many other situations, for example, arson, assault and so on. We have a lot of cases, for example, where a young man rapes his mother or sister. You see this in the media daily. That cannot just be a sexual urge; it is a mental problem.

Today, if you go to any of the hospitals and you are diagnosed with a mental problem, there is no immediate first aid because they have no facilities and personnel. You will find a general practitioner, a nurse or a dresser. They will only say that they cannot find any problem with you and release you to go back to terrorise the society. You are mentally sick, but they will tell you that they cannot find any problem with you. Obviously, they cannot find any problem with you because they are not trained to find a problem that is mental.

Mr Temporary Speaker, Sir, I salute the developments of the health sector because whatever they are, some of them are just by name, but almost every county today has a county referral hospital, where referrals from health centres, dispensaries and sub county hospitals are met for further treatment and specialised attention.

I would like for a start to see that each county referral hospital has a fully-fledged mental wing with full mental health personnel at doctors' level, who can attend to cases of mental problems when they occur and they are many.

Sometimes, people do bizarre things in the country side and the cities and we laugh them off, yet they are actually products of mental disorder. How on earth can somebody wake up and get hold of a child he sired and drop it in a septic tank or in a shallow well in the homestead? How can somebody lock the door of a house and set it on fire?

When you eventually find out, you hear that the father and mother quarrelled; so, the mother got disappointed and killed the children. We know that the animal instinct is that the female species of any animal, whether wild, domestic or human being because we are all animal species, are very caring instincts for their offsprings. You will never see a cow turning on its calf and killing it. That is an animal instinct.

In fact, even when you go to the wildlife sanctuaries, you will see when a huge herd of buffaloes are moving, the calves are in the middle being protected from predators like hyenas, lions, cheetahs, leopards and others. Those are human and animal instincts that are the same wherever you are. There is always the instinct to protect your offspring.

When you see a mother or father turn against their own offspring, that is a mental problem.

Mr. Temporary Speaker, Sir, we have speeding motorists. I have said many times, for the last couple of years, that we should introduce mental checkup as part of the driver's tests, especially those who drive public vehicles on public roads.

Mr Temporary Speaker, Sir, how do you explain somebody driving a bus with 60 passengers and driving it in such a reckless and uncaring manner into a ravine and killing everybody including himself. That is a mental patient. However, we do not quite appreciate it.

In the villages, a person with a mental problem is characterized as a person who walks naked, one who shouts in a market and is violent. There are so many manifestations of mental health. Therefore, we need to have proper attention to training of mental health personnel at certificate, diploma, degree and post-graduate levels, so that we help the society.

Some of the leaders who occupy big public offices of responsibility and make reckless inexplicable and bizarre decisions are mental patients. However, because they are not tested, they find their way through elections and sometimes through appointments. This is because when a person applies for a job as a Principal Secretary, there is no provision that they must produce a mental fitness certificate.

Therefore, we have all manner of characters, who are well connected politically with mental problems occupying very high offices. They mistreat everybody who comes their way and we think that they have a bad character, yet they are mental patients.

We need to deal with these issues because they are many of them in whatever level. Even in these Houses of Parliament, I see elected people behaving in a very bizarre manner. They behave as if they carry nobody's responsibility, yet they are elected to carry the responsibility of the people who elected them. Those are mental patients. Therefore, we need to address all these things, so that we can improve our society and make things work.

In developed societies, and Kenya is rapidly getting there, people volunteer to go for mental check ups. However, here, if you tell somebody who is visibly mad that they should go for psychiatric tests and check up, they will turn on you because they are so mad and they do not believe they are. This is the norm; people live that way. There are fistfights and abuses everywhere and so on. I, therefore, salute Sen. Kasanga.

Again, we need the Executive to take this matter very seriously. Look at the chaos that we see in the management of our public transport system. Everywhere you go, there is very unhealthy competition. People shout themselves hoarse and everybody is angry with everybody. Everybody is in a state of rage and stupor. These are mental problems, but we do not see this because we have not lived to a level where we start appreciating that the manner in which these people behave is not consistent with expected human behaviour.

Mr Temporary Speaker, Sir, we are recruiting young people to the police and the army. You just hear that they quarrelled over a girlfriend and one shot the other and the woman as well. That is a mental patient. I do not think there is any woman who will be so devastating in attraction to a man; that because he is talking to another man, you take a gun and shoot him. Those are mental patients.

We, therefore, need to test young people who we are recruiting into our armed forces. For society to trust you enough and give you a loaded gun to walk around with, without abusing it, we must be absolutely satisfied that the young person that is given an arm that is loaded can use it responsibly for defence and protection of society.

We must first test them and know that they have the capacity, capability and restraint to carry that weapon. That is why these days, you see so and so was shot dead and upon asking what happened, you are told that they were drinking in bar, an argument ensued, he walked to his car, picked a gun; came and shot the other. That is a mental patient, but we do not realize this. That is why we should now upgrade ourselves.

Even as we prepare to go to elections, I wish we had a requirement that these fellows jostling to hold public office through elections are also mentally tested, because some of them are visibly insane. However, we do not have that requirement in law.

In our legal practice, we used to have a judge who was extremely insane. In fact, we used to refer to him as “Judge so and so gone mad”. You would walk into his chamber as a lawyer going to present your clients case. As you stepped in the chamber, he would start shouting, abuse and then chase you away.

He was a Whiteman with a mental case. We did not even appreciate that white men can also be mentally ill. People just sat quietly and waited until the fellow retired, yet the law says that if you have mental infirmity or incapacity, you should be relieved of your duties through a tribunal. Nobody set up a tribunal. The fellow remained mad on the bench mistreating everybody until he retired. That is something we went through.

This Bill will provide a window to develop Mathari National Teaching and Referral Hospital into a proper national mental referral hospital. We need a mental hospital wing in each county referral hospital. Where possible, in a major county like Nairobi, in all the major suburbs where there are big hospitals like Mama Lucy Kibaki Hospital, Shalom Group of Hospitals and other big hospitals, we need to have an active mental wing that can deal with all cases of inexplicable public rage that we see all over.

Sometimes I see a young man walking up and down harassing motorists at every roundabout and people laugh. That is a mental patient. We should take him to Mathari National Teaching and Referral Hospital for checkup and treatment. We are used to it such that we think it is a norm. It is not a norm at all; it is an abnormality that we must deal with.

Let me end by saying this. Counties that handle over 90 per cent of medical requirement in the country must live to their billing and take serious attention to mental health in Kenya because it is actually getting to a crisis. We are not paying enough attention to it. If we do not do that, we will soon have---

In our country, there are many young people, especially those in positions of responsibilities like Members of Parliament (MPs). You will see each one of them with a gun protruding at their waist, but their mental capacity has not been tested. What will stop them from losing an argument against you and shooting you? It is possible because it has happened in many situations before.

Even the licensing authority that allows private individuals to own guns should test people properly and establish that they have sufficient mental restraint to carry a gun and never be tempted to use it unless you are completely under threat of your own life.

Otherwise, how can you lose an argument and use a gun in a bar? That is not a threat to your life and it can never be interpreted as such.

Mr. Temporary Speaker, Sir, this Bill is good and we support it. It should be assented to quickly, so that the benefits out of the industry of Sen. Kasanga and the sector are translated into active benefits to our society. This is so that we can treat, diagnose and rehabilitate mental patients into productive citizens of this country.

I thank you.

Sen. Seneta: Mr. Temporary Speaker, Sir, I take this opportunity to salute my colleague, Sen. Kasanga, for the effort she has put in this field and the commitment to make sure that by the time we leave this House, we will have a legal framework on how to handle mental health.

I wish that when this Bill is assented to by the President, Sen. Kasanga will have another chance to serve in this House, so that if we will have the Implementation Committee in this House, it will ensure that the Act is implemented.

Mr. Temporary Speaker, Sir, this is a timely Bill. It is an important Bill not only to our county governments, but this Bill will ensure improvement of the infrastructure in our counties and also in Level 5 hospitals, so as to handle issues related to mental health.

At times, you wonder why we have only one mental hospital. Why do we have to take patients from all corners of this country to Mathari National Teaching and Referral Hospital? Why do we have to torture patients who are already in need of some kind of attention by bringing them all the way from their counties to one hospital that is not even equipped to attend to them?

It is high time we had units in all our county referral hospitals that can handle these patients. They should not only handle them, but we also need qualified personnel that can handle these patients.

We also need to have well equipped diagnosis departments, which can easily attend to patients. The moment they are diagnosed, they should be taken to the hospital and attended to by qualified people, so that they can be provided with services they need.

As my colleagues have said, discrimination against these patients tortures them to an extent that most of them lose their lives. At times, some of them are handled in a cruel manner, while some are not even attended to. Some of them are given drugs that are not supposed to be given to them. Some of them are at times mistreated. Some of them are disowned by their own families and relatives because of their mental situations.

Mr. Temporary Speaker, Sir, as a House, we should pass this Bill. I urge the President to assent to it. I also urge this House to ensure the implementation of the Act, so that it assists patients that Sen. Kasanga want assisted.

I support.

The Temporary Speaker (Sen. Kinyua): There being no any other request, I now call upon the Mover to reply.

Sen. Farhiya: Mr. Temporary Speaker, Sir, I beg to reply. First and foremost, I wish to thank Sen. Kasanga for not only moving and sponsoring this Bill, but also following up diligently through to the National Assembly and ensuring that this Bill comes back quickly with amendments. That is a very difficult process for most of the Senators. I congratulate the National Assembly for having good amendments that are acceptable to the Senate.

I thank Sen. (Dr.) Musuruve for contributing to the Bill. She gave her views so passionately in terms of people who are living with mental issues. I thank Sen. Olekina for supporting the Bill, Senior Counsel, Sen. Omogeni, for discussing how people who are giving drugs to minors should be punished with a life sentence. Sen. Wetangula pointed out the fact that there are so many people with mental illness in this country. Sen. Seneta articulated the facts that there needs to be more diagnostic centers for mental health.

I thank the National Assembly for prioritising this Bill. We are having economic challenges as a result of the Covid-19 pandemic. As we are trying to recover, in comes the Ukraine-Russia crisis, which has caused an increase in oil prices.

In addition to that, county governments are also adding to mental health issues because of pending bills. There are people who borrowed money and delivered services to counties but they are yet to be paid. Some of them had just enough to go by and then they lose all their money. Mind you they have loans to repay yet the monies are owed by county governments. That also results in a lot of mental issues.

Mr. Temporary Speaker, Sir, I request Senators to pass this Bill as fast as possible, so that it can be enacted.

I beg to reply.

The Temporary Speaker (Sen. Kinyua): Hon. Senators, this Motion does not concern counties. Therefore, it will be a voice vote.

(Question put and agreed to)

Hon. Senators, I defer Order No.9 to 20.

BILLS

Second Reading

THE LANDLORD AND TENANT BILL
(NATIONAL ASSEMBLY BILLS NO.3 OF 2021)

(Division)

(Bill deferred)

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(SENATE BILLS NO.29 OF 2020)

(Division)

(Bill deferred)

Second Reading

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL
(SENATE BILLS NO.51 OF 2021)

(Division)

(Bill deferred)

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

(Division)

(Bill deferred)

Second Reading

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 55 OF 2021)

(Division)

(Bill deferred)
MOTIONS

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FY'S
2018/2019, 2016/2017, AND 2017/2018 (VOLUMES I, II AND III)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin-Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report , Laid on the Table of the Senate on Thursday 2nd December, 2021.

(Division)

(Motion deferred)

**ADOPTION OF THE SPECIAL AUDIT REPORT
ON UTILIZATION OF COVID-19 FUNDS**

THAT, the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty-eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Division)

(Motion deferred)

COMMITTEE OF THE WHOLE

**THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.37 OF 2021)**

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

**THE LAW OF SUCCESSION (AMENDMENT)
BILL (SENATE BILLS NO. 15 OF 2021)**

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

**THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC
AND SOCIAL RIGHTS BILL (SENATE BILLS NO.21 OF 2021)**

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

**THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)**

(*Division*)

(*Committee of the Whole deferred*)

COMMITTEE OF THE WHOLE

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(*Division*)

(*Committee of the Whole deferred*)

The Temporary Speaker (Sen. Kinyua): Next Order.

BILL

Second Reading

THE SUGAR BILL (NATIONAL ASSEMBLY
BILLS NO.68 OF 2019)

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir. I beg to move that The Sugar Bill (National Assembly Bills No.68 of 2019) be now read a Second Time.

The Bill was published on 2nd October, 2019, passed by the National Assembly and referred to Senate on 29th November, 2021. The principal object of this Bill is to reinstate the Sugar Act, which was repealed through the enactment of The Crops Act of 2013. The enactment of the Bill shall restore the roles of the Kenya Sugar Board currently granted to the Sugar Directorate of the Agriculture and Food Authority, established under The Agriculture and Food Authority Act, 2013.

As Hon. Senators are aware, the sugar sector is one of the most important agricultural sectors in Western, Nyanza and Coastal provinces. The status and importance of sugar as a source of livelihood and viable economic concern has been under threat from the various changes and factors in the sugar industry and the country as a whole. Since 2013, ineffective stewardship of the sugar industry by the Agriculture and Food Authority (AFA) has contributed to a number of problems.

These problems include non-payment of sugar farmers by sugar companies; increased cost of sugar production; declining acreage under sugarcane; lack of markets for the sugar; failure to control import and export of the sugar; poor management of sugar companies; and, lack of research and development initiatives. With all these challenges, you can understand why the sugar sector is facing many challenges.

The establishment of the Kenya Sugar Board (KSB), the Sugar Development Levy and the Sugar Development Fund, shall address these challenges. For this reason, the importance of the Bill cannot be overstated.

The Bill proposes a number of amendments and I will start with Part 1. Clause 1 to 2 of the Bill contain the preliminary provisions. Part 2, Clauses 3 to 17 of the Bill contains provisions on the establishment of powers and functions of KSB. Part 3, Clauses 18 to 922 contain provisions on licensing and registration of sugar and jaggery millers.

Mr. Temporary Speaker, Sir, Part 4, Clauses 23 to 28, contain provisions of the establishment of the Sugar Research Institute (SRI). Part 5, Clauses 29 to 32 of the Bill contain provision of appointment of crop inspectors. Part 6, Clauses 33 to 39 of the Bill contain financial provisions.

Clause 33 specifically establishes the Sugar Development Fund into which the levy is to be paid, in addition to monies granted to or voted into the fund by the National Assembly. Additionally, Clause 34 specifically establishes the Sugar Development Levy, to be paid at a rate specified by the Cabinet Secretary (CS) responsible for matters related to agriculture by the order in the gazette.

Part 7, Clauses 40 to 47 of the Bill, contains provisions of establishment of Sugar Arbitration Tribunal. Clause 41 specifically elaborates the jurisdiction of the tribunal. Part 8, which is Clause 48 to 56 of the Bill, contains miscellaneous provisions.

Part 9, which is Clause 57 of the Bill, contains provisions of delegated powers. The Clause specifically delegates legislation power to the CS responsible for matters relating to agriculture to make regulations, for better carrying out into the effect of the provision of the Bill.

Mr. Temporary Speaker, Sir, if those provisions are not specified in any Bill, what normally happens is that ministries can take forever to enact those regulations. This then stops the actualisation process for the Bill to be operationalised. Delegated legislation is very important.

Mr. Temporary Speaker, Sir, Part 10 of the Bill - Clauses 58-59 -contains consequential amendments to the Food Authority Act and the Crop Authority Act, 2013. Now that these functions have been separated from the Agriculture and Food Authority (AFA), it is important that the relevant amendments are done, so that this Kenya Sugar Board (KSB) can become an independent body that can undertake the work as required. This is so that the board can function effectively without interference, since there are a couple of provisions that are provided under those two Acts.

Part 11 of the Bill contains savings and transitional provisions, specifically the Bill states that:

“The pensions of staff under the provident fund of the AFA, Sugar directorate shall be vested in the KSB”.

It is important to ensure that once the Bill divorces the other one in terms of the sectors, there is transition that makes the responsibilities also move in terms of pension, benefits and other legal requirements that appertain to the same. They need to move to the KSB now that the directorate will no longer be under the AFA.

The First Schedule contains provisions of designation of sugar catchment areas. The Second Schedule contains provisions of conduct of business and affairs of the board. The Third Schedule contains guidelines for agreement between parties in the sugar industry. The Fourth Schedule contains provisions of meetings and procedures in the tribunal.

It is also important to state that the Bill does not limit any fundamental rights or freedoms. The Bill delegates legislated powers to the Cabinet Secretary (CS) responsible for matters related to agriculture to make regulations for the better carrying out of effects of its provisions.

I, therefore, urge hon. Senators to consider and pass this Bill, which is an instrument to the provision of regulatory framework for the sugar industry; for the purpose of supervision and oversight of the sugar sector and for the benefit of cane farmers and the country at large.

There are some regions, as had been earlier stated, that depend on sugar. There are farmers who grow that cane. There is also need for food security in this country. Other than sugar being consumed in its raw form, there are also by-products that are used for manufacturing and other uses. All those are important for the running of this economy.

If this Bill is passed by the Senate, it will not only enhance the food security of those sectors, but also save us a lot of import costs. Truth be told, we import a lot of sugar into this country, while if there was a sector that was focused on the sugar industry, it would have taken care of the sugar needs in this country not only for domestic but industrial use.

The Jubilee Government manifesto has the manufacturing and food security part. This Bill addresses the two in one Bill. Its importance cannot be over-emphasized.

I beg to move and request Sen. Kasanga to second.

I thank you.

Sen. Kasanga: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. As I second this Bill, I have to own up that I have just picked it up from the Clerks' Table. Therefore, I was just perusing through it to understand it.

I can see clearly that it is the regulation for the sugar sector that comes into the fore of this Bill to provide for the development, regulation and promotion of the sugar industry. Without a doubt, the conversations around the sugar sector in this country have been something that is very alive. During the five years of this Government, it has been discussed here severally.

We have listened to some of the Senators who come from these regions; I wish they were here to speak to this. They have decried the continuous lack of attention given to this sugar sector over the years. We have seen the losses it has caused to the communities, who would otherwise be dependent on it. It is a step in the right direction when you see the Government trying to put some order to promote this sector by putting this Bill together.

I have seen from the definitions and the way they have defined the various issues like the "mill gates, miller and out-grower". Even the refined sugar has been given a clear definition. Sugar itself has been given a definition. This is good so that we can begin to understand, for us who do not come from these sectors, what the people in this sector are going through.

I can see the functions of the board. That one comes out very clearly. In fact, what I have highlighted here amongst other things, especially monitoring the domestic market with a view to identifying and advising the Government and interested party on any distortions on the sugar market. I think that is very positive.

We see what happens most of the times with sugar pricing and sometimes hoarding but we are not sure what causes such distortions. It would be good now to have somebody looking out to advise the Government on why such distortions would happen and how to mitigate them.

I like the idea of facilitating arbitration of disputes amongst interested parties. I am a dispute resolver. If you remember, I have actually sponsored a Bill on alternative disputes resolutions. It is good when I see provisions of disputes resolutions factored into Bills in every sector. We do not have to run to the courts every time. Our courts are already encumbered with a backlog of cases.

When I see dispute resolution mechanisms put in Bills in different sectors like these I celebrate. It is an expansion of the work of the board but it is a good thing because issues can be resolved faster in this manner and the people can get back to work without losing a lot of money.

The board will also facilitate an equitable mechanism for the pricing of sugarcane and appropriation of those proceeds from the disposal of the byproducts of the sugar production between millers and growers as stipulated in the guidelines. This is a fantastic provision because there are always challenges when it comes to sharing of benefits. When those equitable mechanisms are defined by the board, that is a wonderful thing.

The county governments are devolved functions and they therefore, have a lot of roles to play. Those are very well-defined in this Bill. I like the offer under Section 5 (b) that “The county government shall offer and coordinate extension services on sugar production and milling in the respective counties”.

I was in a panel not so long ago where we discussing how to upscale agriculture and food production in this country. Somebody made a comment and asked “When was the last time you saw an extension officer in your backyard coming to give advice to farmers on various issues; how to till the land, get the soil healthy or to avoid tiring the soil with a lot of pesticides and insecticides?”

I like that the fact that it has been put here so that it can be something that is definite and that will be dealt with going forward. I have gone through the Bill. I have seen the composition of the Board and that is in order. I do not have much to comment on that. I have seen the licensing and registration and I like the provision under Section 20; this is about importation of sugar.

I have seen the licensing and registration and I like the provision under Part III, Section 20, about sugar importation and it gives the criteria on the person who imports sugar. What they have to do before the importation of the sugar. I think that is a good thing that they have to provide the evidence of the sugar that they intend to import, if it is not available in the local market, provide a sample of the same sugar, a pre-import verification certificate from the country of origin and obtain a pre-import approval from the board.

We have read enough stories about importations that are not quite clear where the sugar come from. How did it arrive? Why did it come? It is interesting now to see that the Bill prescribes the methodologies towards importation and of course justifications towards why they should import. In the next Clause, it is stated that a person who contravenes this section commits an offence and shall, on conviction be liable to imprisonment for a term not exceeding five years or a fine not exceeding Kshs10 million

or to both. That is a good thing. I wish there would be a stiffer sentence on the imprisonment.

We have seen what happens when people play games with our sugar and deny our local market, we see what that does to our people. It denies them their own livelihoods. I would have preferred a stiffer sentence. Persons who contravene should be asked to pay the fine and still go to jail for a considerable period so that we can deter any games that somebody may want to play when it comes to the sugar industry.

The industrial sugar production has also been given a lot of clear mandates. Under Part IV, there is establishment of the research institute. Always a positive. Research is a big deal. Research and development are a must when it comes to food production, agriculture or any industry. There has to be efforts towards research and development.

These need to be funded and need to be deliberate. Times are changing. We are also looking at how to upscale our farmers as well, how to move from small scale production into large scale production. What are the crops that should be grown in this day and age? What kind of fertilisers should our farmers be using in the face of climate change? All those factors require constant research and development as we move on to grow this for our own market. That has been put in here with the deliberate effort towards research and development. Quite a bit of detail has been given by the Bill towards the establishment of this institute. I have seen the functions and the management of the institute are described and all the other functions are well articulated.

Part V is talking about the appointment of crop inspectors. This is quite comprehensive because these are qualified persons to be crop inspectors for the purposes of this particular Act which is the Sugar Bill. It again looks like what they are looking at is somebody who understands the crop; the research work of the crop and is, therefore, appointed into the institute to do the work. That is interesting and very comprehensive. That Section also highlights the financial and other miscellaneous provisions of the Bill.

Part VII of the Bill highlights the arbitration tribunal. Under The establishment of the sugar arbitration tribunal. That is comprehensive and good. Like I had said earlier, any efforts towards putting, trenching and mainstreaming, dispute resolution is always a good thing. We need to be careful on whether we want formal arbitrations or want mediation.

Those are some of the things that we can consider as we look into the detail of the Bill. We can look at the easier methods of dispute resolution as we understand them so that we can resolve issues faster or we give several options of dispute resolution mechanisms in which they can be employed depending on the complexity of the matter at hand. All in all, it is a good attempt to mainstream dispute resolution. Like is said earlier, we do not rush to court all the time when we know how long court cases take to resolve because of the backlog of our courts.

Mr. Temporary Speaker, Sir, as I second this Bill, I appreciate the depth in which the issues have been put under this Bill and to appreciate that this is our country and sugar has been a critical part of the livelihood of a good section of our citizens of this country. It must be given the support it requires. Over above giving the sugar industry support, we have to protect it as a resource of our own. We never meet the demand for sugar in the country. Therefore, there is need to protect what is produced as our own in

the theme of ‘Buy Kenya, Build Kenya’ we must protect this industry as much as possible.

Mr. Temporary Speaker, Sir, I second.

(*Question proposed*)

The Temporary Speaker (Sen. Kinyua): Sen. Wetangula, please, proceed.

Sen. Wetangula: Mr. Temporary Speaker, Sir, thank you. Today, at this critical period of our campaign, I have stuck here because of this important Bill. I represent a constituency or a county that is one of the major sugar growing and production areas of Kenya.

Sugar production is the main stay of close to 16 million livelihoods in this country both directly and indirectly. The whole of Western region, right from West Pokot County down to the Tanzania border and Kehancha in Migori County, Trans Mara, Kericho County and parts of Uasin Gishu County are sugar growing areas. At the Coast, Kwale County is home to Ramisi, one of the oldest factories in Kenya.

Mr. Temporary Speaker, Sir, at around 2012, we made a near fatal mistake in the sugar industry. All the specialised agricultural laws were repelled and collapsed into the Agriculture and Food Authority (AFA) Act thinking that we are going to make things better but in fact we made things worse.

The Sugar Board that was running the sugar industry and the Sugar Act then was repelled. To date, nobody has explained to the people of Kenya where the close to Kshs19 billion farmers’ money that was in the sugar development levy fund at the time of the repeal of the Act went. That is money that critically supported the continuing improvement, regeneration and refurbishment of factories and support to farming activities in the industry. That money is nowhere and in the usual Kenyan style, everybody says it was not them when you ask them.

Mr. Temporary Speaker, Sir, the most important provision in this whole Bill is the re-establishment of the Sugar Board that is going to regulate and help in management and bring order in the sector. Since the repeal of the Sugar Act, we have had players in the sector run completely amok and rogue. With nobody to bring sanity to the sector, farmers were abandoned and left on their own. Millers went completely rogue dealing with farmers in any manner they wish, paying them whatever they wish and, at the time, they wish. There is no one to protect them. Out-grower organizations were literally run out of town and have kept shouting at a Government that does not listen.

The Minister for Agriculture, Livestock and Fisheries has been so preoccupied with non-core issues of his Ministry when farmers are suffering. He has become a political activist, a campaign manager and doing all manner of things, except running the Ministry under which many structures, including the sugar sector falls.

I want to salute the Chairperson of the Committee of Agriculture, Livestock and Fisheries in this House, the distinguished Senator of Embu, Sen. Peter Ndwiga. He invited me into a meeting when they were listening to views from some of the stakeholders, particularly farmers’ representatives. We had a very productive engagement that would help in a very positive way in bringing order and, above all, benefits to farmers in this sector.

Mr. Temporary Speaker, Sir, the lack of Sugar Board that used to make timely interventions in terms of extending credits to sugar millers, to out grower organizations as and when they were having financial stress has seen the death of Mumias Sugar Company. Mumias Sugar Company was the jewel of rural industrial investment and success in Kenya and in this region.

Mr. Temporary Speaker, Sir, in fact, many times Mumias Sugar when it was under the management of Booker Tate International was always referred to as a success story in the entire Commonwealth countries. Today, Mumias is a ruin. The nucleus of Mumias, our ancestral land, is now a free for all grazing ground. You find villagers quarreling on who grazes where on what was otherwise a premier production land.

Down Mumias went, with thousands of jobs and millions of livelihoods frustrated and denied a direct and indirect living. It is now derelict. When the Kenya Kwanza comes in place, we will revive it and give the people of Western region their jewel back.

We have Nzoia Sugar Company in Bungoma that is on life support for the last many years. You cannot get intervention because the Sugar Development Levy in which farmers and millers money was put, including money levied from sugar importers, is unavailable.

They cannot constantly get money for routine maintenance, upgrading their fleets and buying ploughing tractors for the Mumias Out-Growers Company Limited (MOCO) and the Nzoia Out-Growers Company Limited (NOCO). They cannot provide alternative cheap transport for farmers to transport their cane from the farms to the factories. They cannot dream of farm gate weighing of their produce so that the farmer can pass the risk to the miller at the farm gate.

All this is happening because we have for the last ten years been in a legal wilderness with no legal framework to manage this sector. On the return of the Sugar Board, I have a little issue with the membership. However, I want to point out to Senator Farhiya that sugar is in the agriculture sector which is almost 100 per cent devolved. If you are putting on the Sugar Board, the Principal Secretary in the Ministry of Agriculture, Livestock and Fisheries, it is equally important that you do not just say that “there will be a person nominated by the Council of Governors (CoG) who is knowledgeable in extension services.”

You should have an equivalent of a PS who is the Chief Officer (CO) in one of the sugar production counties. It should be, probably, agreed upon by the CoG that if one serves from Bungoma this term, the next one can serve from Migori and the third one from Narok on a rotational basis.

This is so that when you have the PS that will help formulate policy that is friendly to sugar production, the counties should also have an equivalent mirrored in the Sugar Board that will also bring special attention from counties on what kind of synergies need to be pooled together between the counties and the national Government to improve the sector. Therefore, in Clause 6(1)(e), we do not just say vaguely that a person nominated by the CoG. They could very well nominate a person who has absolutely no interest, who does not even live in the regions that produce sugar and who will not carry sufficient responsibility.

The CoG has sectoral groupings of County Executive Committee Members (CECMs) and Chief officers of particular sectors. When you have one of those, then there

will be a more reasonable direct representation of the county interests because the Bill also gives room for counties to play a role because this is a devolved function.

Equally important is that the fact that the Bill is dealing with issues that really touch on the farmer. The Board will deal with non-payment of farmers by public companies. I encourage that we should not only focus on public companies. Private companies need regulation even more because they are profit driven than even public companies. They are likely to short change and suppress the farmer in the hunt for profit more than even public companies.

Mr. Temporary Speaker, Sir, when you are talking of payment for farmers' raw material which is cane to the factories, the Sugar Board should set minimum expectations of the farmer and leave it for the farmer and the millers to negotiate upwards. This is so that the farmer is not suppressed below a certain break-even line in terms of the cost of the tonnage of cane because cost of production varies from time to time. We need also a provision in this Bill on how to cushion the farmer. For example, last year a bag of fertilizer that is a critical component in sugar production in terms of cane development and growth was costing Kshs2,800.

The Government has brought the cost of fertilizer from Kshs2,800 last year, to now Kshs6,800.

The fertilizer is costing that much. As usual, the current Jubilee Government can hear, see and do no evil. They are just there, like the proverbial baboons in the cartoon series, covering their ears, mouths and eyes so that they see, hear or say nothing yet the farmer is suffering.

(*Loud music*)

Is there a discotheque in Parliament? That must be the Nairobi campaigners.

(*Sen. Sakaja spoke off-record*)

When the level of cost of fertilizer hits that high, who will save and cushion the farmer? It means that the farmer is now left at the vagaries of the millers who in a fit of magnanimity and generosity, advance fertilizer to the farmers. You will find that the unscrupulous ones who advance fertilizer to the farmers when it was costing Kshs2,800, will now start billing the farmers the Kshs6,800 because that is the new price. The regulator must deal with this.

However, in the long run, I want to assure the sugarcane farmers that the Kenya Kwanza Government that is coming into power in the next four months will never allow such reckless management of the sector. It will never allow such runaway prices in such a critical sector for such a critical commodity. This is because when prices rise to that level, a responsible Government will create a subsidy, cushion the farmers and absorb the excess.

In any case, this hogwash of telling Kenyans that it is because of the war in Ukraine that fertilizer price has shot to that level, is absolutely nonsensical because it is not true. We know it as such.

Mr. Temporary Speaker, Sir, you represent farmers and you know it. We get our fertilizer largely from petrochemical companies in Middle East and not in Ukraine. So,

we cannot be told that the war in Ukraine is responsible for the quadruple price growth of fertilizer.

Mr. Temporary Speaker, Sir, equally important, is how the board can be empowered to control imports. Like hon. Washiali, the Member of Parliament (MP) for Mumias East Constituency has repeatedly said that Mumias Sugar Company is dead, Nzoia Sugar Company is in High Dependency Unit (HDU) and Muhoroni Sugar Company is virtually dead. So is Miwani, Chemilil and Sony companies which are in HDU. However, at no time do we see any shortage of sugar in our shelves.

This is because of the criminal cartels in Government that are in cahoots with business people who import sugar. It has been in their interest to orchestrate and preside over the mismanagement and the death of this industries which has brought untold suffering to millions of Kenyans.

For example, workers have lost their employment and gone home. Those who retired have no forthcoming pensions. People who educated their children for working in this industrial set up can no longer take their children to school. The chain of misery is endless yet we have a Government at two levels; the county and national levels.

I can see my distinguished colleague, Sen. Farhiya that when I apportion blame to the county governments, it is like music to her ears. I am sure that if it was to the national Government, she would be behaving like she is being electrocuted in her chair, jumping up to raise a point of order to interrupt me.

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

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Farhiya?

(*Laughter*)

Sen. Farhiya: Mr. Temporary Speaker, Sir, I want to let my Senior Counsel know that agriculture is fully devolved. That is why it is important to elect a governor who can make a difference to the lives of the people and not try to apportion blame to the national Government because it has sent money to the county governments to ensure that agriculture and health are fully devolved functions and that they deliver.

In regards to the issue of petroleum, if the price goes high, the byproducts of those commodities will also go high. I also want him to know, that is how economics works.

I thank you, Mr. Temporary Speaker, Sir.

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

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Temporary Speaker, Sir, is Sen. Farhiya in order to mislead the House? I think she is the one who moved this Bill. She is talking about national authorities dealing in this sector. The Kenya Sugar Board is a national authority. Agriculture and Food Authority (AFA), which led to the collapse is also a national authority yet it is not devolved.

In as much as, agriculture is devolved, the power to make policies on agriculture in the Fourth Schedule is still national. What is ailing farmers is the implementation of that policy.

Mr. Temporary Speaker, Sir, it is not accurate to say that we should entirely blame governors for what has happened in agriculture.

I know Sen. Farhiya needs to keep showing defense, but there are some things which are indefensible. The point has been made. We know her to be very loyal to where she is, but let her not then degenerate and tell us things which are not practical.

The problem is our policy. That is what has ailed this sector. This Bill seeks to undo the terrible policy errors and misadventures as my distinguished uncle would say that this Government has been putting in place.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Wetangula.

Sen. Wetangula: Thank you, my distinguished nephew.

Indeed, in the Bill that she moved, if you look at the composition of the Kenya Sugar Board, which is a national organ, there is only one representative from the entire 47 counties. The rest are your representatives.

Mr. Temporary Speaker, Sir, we forgive the distinguished lady. She is an accountant and has never interacted with sugar production, either at the primary or secondary level. So, that is also a factor.

We also want to appreciate what the Bill means by bringing in something called inspectors--- Sen. Farhiya should be taking notes because she must improve this Bill.

Part V of the Bill is on appointment of crop inspectors. However, when you read through the Bill to Clause 29, there is barely any reference to crop inspection. Clause 29 states that-

“The board may appoint qualified persons to be crop inspectors for the purposes of this Act.”

What do they do?

“The board will make regulations, prescribing qualifications for appointment as a crop inspector.

Clause 30 states that-

“An inspector or a person duly authorized in writing in that behalf by the board may, at all reasonable times and upon production of such authority to any person so requesting-

- a) enter any land or building occupied by the holder of a license issued under this Act or a person registered under this Act;

Mr. Temporary Speaker, Sir, what would a crop inspector be doing in a building. There are no crops, particularly sugarcane in buildings. It does not make much sense.

Sen. Farhiya, I know it is not your Bill, but you should find out what the Bill proposition intends to cover.

(The amber light at the Clerks Table was switched on)

Mr. Temporary Speaker, Sir, may I have more time, at least 10 minutes?

The Temporary Speaker (Sen. Kinyua): You have five minutes.

Sen Wetangula: Mr. Temporary Speaker, Sir, I am sure my distinguished nephew will buttress this. If you are a crop inspector, why would you be given authority to enter a building to inspect a crop that is not grown in green houses? If it was floriculture, flowers can be grown in green houses. In fact, in many jurisdictions, sugarcane is grown on plantations and not by smallholders.

It is stated here that the inspector is supposed to carry out inspection and inquiries as the person may deem necessary for ascertaining whether the provision of this Act or the terms and conditions of the respective licenses are being complied with.

Sen. Farhiya, it does not make sense. You will have to look at this and tell us what it means. It goes on to state that it may require any person found thereon to give such information as the person may require. That is information about what? If you are a crop inspector, you can go to somebody's house and require information, but you are not saying the information they will require.

It is stated that for purposes of this Act, the inspector may, at any reasonable time, enter upon any land, premises or vehicle. What will they be doing in a vehicle? Unless you are talking of trucks for transporting cane and so on. I find that out of place and it needs to be relooked.

The most important part in this Bill, apart from establishing the Board, is the establishment of the Kenya Sugar Research Institute. If we do not embrace science, research and development, then we are unlikely to grow this sector.

In places like Mauritius and the Caribbean where we have Jamaica, Bahamas and Puerto Rico, they have developed cane varieties that mature at 11, 12 or 13 months. Our cane crop in Kenya matures at 24 months at the very minimum. That means that a farmer cannot get proper benefits.

Remember, if you have 20 acres all under cane, it means you do not have anything left for food production. You cannot plant bananas, potatoes, sukuma wiki or tomatoes and you cannot grow maize. It means that your turnover from this crop must be in real record time for you to have money in your pocket. That is *pesa mfukoni*, a Kenya Kwanza slogan.

You must have *pesa mfukoni* to feed you family. You need money to buy a bunch of bananas from your neighbour or a sack of potatoes. The chain of money movement in society works that way.

If you put your 20 acres under cane for 36 months - sometimes it takes long before they harvest - how will you have *pesa mfukoni*? Our Bottom-Up Economic Structure will put serious emphasis on research, so that we have early maturing varieties with proper sucrose content.

You can have a lot of cane with little sucrose content. It means when you take it to the factory, there is hardly any sugar coming out of it. You can also have a big farm, but when you harvest, because of the variety, the weight of your cane is light and you are being paid in terms of the tonnage.

We need to have proper research, so that we have the sucrose content, maturity period and weight of the cane that will benefit the farmer. The weight benefits the farmer while the sucrose content benefits the miller. At the end, it will be a win-win for everybody.

We should have proper research. In this regard, the money for the Kenya Sugar Research Institute should not be limited to the Sugar Development Levy alone. The national Government must invest in serious research, not only in sugar, but also in potato, maize, soya beans, beans and rice production and other crops, so that we can be self-sufficient in food production and distribution to ensure we have enough food for every

Kenyan as it is required under our Constitution, so that Kenyans have good health. So, research is key.

Mr. Temporary Speaker, Sir, my distinguished nephew can buttress this. In many jurisdiction, this kind of research would be collaborative with a university that is oriented in agricultural teaching like Egerton University or Jomo Kenyatta University of Science and Technology (JKUAT) that was started by the late Prof. Eshiwani.

Mr. Temporary Speaker, Sir, research is academic---

(The amber light was switched on)

Another two minutes?

The Temporary Speaker (Sen. Kinyua): You have two minutes and that is the final.

Sen. Wetangula: Mr. Temporary Speaker, Sir, research is academic. You will find that in the old sugar research centre, they put up a research centre and fund it from the Sugar Development Levy and they have a director who knows nothing about research. Research is dynamic and continuous. People must innovate and bring new crops and varieties into the sector.

We encourage that the Bill allows the Kenya Sugar Research Institute and the Kenya Sugar Board to twin with a university with high capacity for agricultural orientation. In this regard, we can think of Egerton University and JKUAT. These are institutions that ought to have developed serious research capacity that can be contracted to carry out continuing research to improve the sector.

Lastly, Mr. Temporary Speaker, Sir, because of time, I encourage that the passage of this Bill should bring new joy and a smile on the face of farmers. However, I do not agree with a provision in this Bill that the passage of this Bill will make the new Kenya Sugar Board inherit ongoing cases against the AFA.

This retrospective application of the law is, in fact, unconstitutional. Sen. Farhiya, you need to look at that as well in Part V. You cannot say in the transitional clauses that all pending proceedings and claims relating to the sugar industry currently handled by the AFA will be passed on to the Kenya Sugar Board.

That is unlawful. In fact, it is unconstitutional. You cannot do so. You cannot take responsibility for something that happened when you were not a legal person and there is no legal person today called Kenya Sugar Board to inherit court proceedings.

We should have a provision that transitionally, the AFA will deal with all pending claims, issues and court proceeding until they are determined before they go into extinction. That must be done.

(Sen. Farhiya walked out of the Chamber)

I wish you a good *Iftar*. I am sure that is what you are rushing to.

With all these, I can speak to this Bill for an hour plus, but our Standing Orders do not allow. I want us to pass this Bill, so that we improve the status and the state of cane farming in Kenya. We should firmly deal with criminal cartels that import sugar to

kill this industry that has a sustenance of livelihoods of close to 15 million Kenyans running from Pokot down to the Tanzanian border up to the coast.

Mr. Temporary Speaker, Sir, I beg to support the Bill.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. (Dr.) Musuruve.

(Loud consultations)

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to give my contribution. It is a good opportunity because I come from the sugarcane growing area. Many years back when I was teaching at Mumias School for the Deaf and some secondary schools in Mumias, many parents whose children I was teaching were sugarcane farmers. They were able to send their children to school because of sugarcane farming. Those parents were able to get fees of their children, maintain them and meet their basic needs.

At that time, sugarcane farming was a noble career simply because things were straightforward. Sugarcane farmers were benefitting from their cane. During that time, Burka Academy used to do very well. It was owned by Mumias Sugar Company. They had a swimming pool and the school was well equipped. Many parents wanted their children to go to that school because the company was able to support them.

Many people were rushing to buy shares of Mumias Sugar Company and other sugar companies because the dividends were very high. As time went by, there was a lot of malpractice and corruption that led to the dwindling of the company and the discouragement of farmers. Some farmers declined to continue growing sugarcane as it was very expensive. A farmer would grow cane for about three years after which the returns were very minimal.

The sugar industry has faced many challenges to do with agronomics, technology, policy limitation and management. There have been management issues that brought down most sugar companies.

This Bill comes at a right time to ensure regulation of the sugar industry. Sugarcane farming is a source of employment to very many people. It also contributes to the economy of the country in terms of the Gross Domestic Product (GDP). When sugar is exported, our country earns foreign exchange.

Some of the core issues coming out are the development and regulation of the industry. If an industry operates without regulation, it might not go far. Another core issue is the promotion of the sugar industry. The KSB comes in to ensure that there is regulation, efficiency and accountability in the industry.

The fall of the sugar industry was as a result of lack accountability and audit queries. If the Board is established, it will have powers to ensure any malpractice is addressed.

It also talks about arbitration between the sugar growers, out growers and the millers. There have been issues to do with sugarcane growers, out growers and the millers.

For example, some time back when I was a secondary school teacher, somebody suggested to me the idea of leasing a sugarcane farm. I bought the idea. However, I realised that the amount of money I paid the grower was the loan he owed the company.

During harvesting, I did not get anything. I was told that the loan that the grower had was equivalent to what I had taken as a contract when leasing the farm. There was no one to arbitrate or go to.

There are so many malpractices in the sugar industry that affect the growers and out-growers. This Bill will sort out some of the malpractices and disputes in the sugar industry so that we end up with a noble industry. There is a win-win situation if the industry is streamlined and does well. It has enough gains in terms of employment and agriculture.

I am happy agriculture is fully devolved. We must be alive to the fact that Kenya is one of the countries that signed the Maputo Declaration that states that 15 per cent of the national revenue be allocated to agriculture. It is the onus of county governments to ensure they bring sobriety in this industry.

Why am I talking about sobriety? First of all, sugarcane farmers must be identified. Where there are any out-growers, they need to be licensed. Millers or owners need to be licensed. There is need to have documentation when it comes to licensing. An inventory of the millers in the counties, especially in the sugar belt areas needs to be kept for those growing the cane. They should also be identified and known.

One thing that comes out of the Bill is that there are conditions given to the growers. They must ensure they use quality seed in order to realise good yields. The farmer must ensure till his land proper so that he can get good harvest. This obligation is important since the farmer will be mandated to take care of the farm to the end.

The Bill also talks of the obligations of the out grower. The out grower must ensure that transport is available to take the cane to the factory. The Bill also talks of the obligations of county governments. They must ensure that the roads are accessible.

I come from Lugari Constituency. The road leading to Kakamega Town is terrible and pathetic.

Sometimes you find tractors stuck on the middle of the road; they are not moving and are not in good condition. It affects children when they go to school as well as the road users. I am happy that the Bill says very clearly that the county government is accountable. It must ensure that the roads are accessible and that everything is in play. It should also oversee how the industry and cane is managed.

This Bill is timely. It will ensure that the cane industry is revived and also becomes sustainable. Sometimes industries are revived, but they are not sustainable. I want to caution county executives from the sugar growing areas that the onus is on them to ensure that they streamline this industry because it is a boon to the counties.

One of the key issues they must know is that when it comes to cane farming, it is a big employer to the youth, farmers and even those people who are working in the factories. It employs all cadres of people, both the very educated and the not so educated. We have the sweepers, those who package the sugar and those who do analysis. They all benefit from the sugar industry.

As we talk about reviving sugar industry, there is need to address the role of universities in agriculture. This is something that we cannot wish away because universities come out clearly to do research. That is when even sugar industries should collaborate with universities so that we have Masters students' who will be attached to

the factories to do research. They can assist farmers on how to improve their yields. They can also do research on various insects that invade crops and cause poor yields.

As a lecturer, I was teaching at JKUAT. It is very good when it comes to issues of food, agriculture and nutrition. They take it as a priority. Collaboration with such universities will be a boon to the sugar industry as sugar factories will have students being attached there, especially Masters' and PhD students who are supposed to do an indepth analysis concerning this sector. As I said, they can do research on quality seeds that can lead to high returns or yields.

We must arrest a situation where Kenya is importing sugar. We should not continue importing sugar when we have the human capital and land. Human capital is very important. Land is a factor of production. We also we have labour which is readily available. Therefore, there is need for the Government to encouraging sugar farmers in order to improve their farming activities.

The Government needs to ensure that it revives the sugar industry by sending enough resource to counties. This is the only way we can ensure sugar industry is revived. There is need for county executives to ensure in their yearly budget, they factor in agriculture issues so as to enrich our sugar factories. They should also be accountable to the Senate. They should say what they are doing about agriculture because it is one of the Big Four Agenda.

As a country, we are talking about food security. However, we cannot talk about food security if we are not protecting, facilitating and helping our farmers. It is our onus as a Government to ensure that there is subsidized fertilizer for sugar cane farming.

There should be subsidized prices for the seedlings. Subsidized fertilizer should not be for sugar only; it should also be for maize and other major crops that are grown in this country. We have a duty as Senate to ensure that we are supporting our farmers because Senate is about devolution and farming is highly devolved.

I support this Bill and I hope that it will see the light at the end of the tunnel because Kenya is an agricultural country, so that we stand out when it comes to agriculture.

I thank you.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. This Bill is timely. It was first published in 2019 and passed on 11th November, 2021 in the National Assembly and that is why it is here. Something needs to be done. I will speak generally first about the agricultural and food sector and then focus on sugar.

We are staring at a problem in our country; a problem of a mismanaged agricultural sector. The problem of the mismanaged agricultural sector manifests itself in a number of ways. The first way it manifests itself is that the cost of food going up terribly. Number two, it manifests itself in the fact that our biggest income earner as a country is not agriculture. Our biggest income earner is remittances from Kenyans abroad. We are not producing enough.

The third sign of our terribly run agricultural sector is the fact that although Kenyans are busy in agriculture, our levels of poverty have gone up. Agriculture contributes to 56 per cent of our GDP, but produces less than 5 per cent of revenue.

That gap alone shows you as an economist that there is a value gap that is missing in this sector because it should be almost half if managed well because a lot of it goes

through the cracks. Farmers in Laikipia do their farming; they transport their cabbages to Marigiti Market and somebody buys it in Marigiti. That will never show up anywhere in our books in terms of revenue, but it is GDP; it is activity going on.

Today a common Kenyan who used to pay Kshs120 for a 2 kilogramme packet of wheat flour is paying Kshs185 or close to Kshs200. The sad thing in Kenya is that prices are the same for you and for the beggar. There is no subsidy.

The price of liquid oil has gone up from Kshs250 to Kshs400. Bread has gone up from Kshs45 to Kshs60. Rice has gone up from Kshs70 per kilogramme to Kshs100. Maize flour has gone up from Kshs90 to Kshs120. Even salt for the first time has gone up. Milk has gone up from Kshs40 to Kshs60. However, incomes have not gone up. There is a huge crisis looming. This in itself is a crisis, but it is going to get worse. Currently, as I speak, there is a shortage of milk in our country.

There is going to be a food shortage because fertilizer has gone up to Kshs6,000 and the subsidy programme being proposed is that you have to be registered with National Cereals and Produce Board (NCPB). How many farmers are registered with NCPB? If you look at the amount of maize we produce, 36 million bags, they only take 3 million. Not all farmers produce to sell to NCPB.

If you want to give fertilizers to those farmers, what do you expect the majority to do?

Mr. Temporary Speaker, Sir, there is something terribly wrong with our system. Let me give you a very clear example of why it is affecting livelihoods today in the Nairobi City County. I have many ladies and gentlemen these days who are in what we call the *chapati* industry. They buy a packet of wheat flour, oil and whatever ingredients. They make *chapatis'* and they sell them to the hustlers in *mjengo* and *juakali* industry for at least Kshs30.

What used to happen is this; before the total cost would be around Kshs615 to produce those 25 *chapatis*. One packet of wheat flour produces 25 *chapatis'*. That packet was Kshs115, oil was Kshs250, charcoal was Kshs100, labour you would say around Kshs100 as well and miscellaneous you know the salt and what they are paying to have their stand *et cetera* another Kshs100. So, in total, it comes to Kshs615. So, if you sell all those 25 *chapatis'* at Kshs30 you make Kshs750 and you have a profit.

Mr. Temporary Speaker, Sir, today that same packet is Kshs200, oil is Kshs400, the charcoal is either Kshs100, the labour is Kshs100 and miscellaneous is Kshs100. Meaning to produce those 25 *chapatis* is Kshs900. How much will you sell "*chapati madondo*" to make a profit? Will you sell one *chapati* at Kshs50 because it is costing you Kshs900.

I am trying to be practical and that is just one example. I know so many other business people who have been affected. There is one line in Mukuru kwa Njenga where they were 15 of them who were doing so, producing and selling *chapatis*. Currently, 14 of them have closed. Only one is left. I do not know what they are doing and may be it is like a hobby to them now. They are not making profit at all.

Mr. Temporary Speaker, Sir, that person who was buying that food has not had an increment in their salary and allowance. Can you honestly think of a person in a *mjengo* buying a *chapati* at Kshs50? One *chapati* is not enough because of the kind of work they do.

In our country, we need to seriously rethink of agriculture. I am glad that this Bill is one of those that is undoing the terrible policy misadventure that was there through Agriculture and Food Authority (AFA), by first, focusing on the sugar sector. We have done something on tea, there is what is going on with coffee, but in this sugar industry and many other industries we are staring at a crisis.

Mr. Temporary Speaker, Sir, I have studied these prices. I was on a call a few weeks ago with one of the leading global consultancy groups McKinsey and Company. They are forecasting now, because of the crisis in Ukraine, Kenya will be affected. We import 70 per cent of our wheat from Ukraine and Russia. The bulk of potash that is used for fertilizer also comes from there. If we have not done what we call a basic commodity subsidy law, then we will have done a de-service to Kenyans.

Mr. Temporary Speaker, Sir, that oil that is at Kshs400 now from Kshs 250 is going to go to Kshs600 in the next three weeks. We will be here and we will, talk about it unless that subsidy is done. You and I possibly could afford, but the bulk of Kenyans cannot. Remember that person in a *mjengo* who I said cannot buy that *chapatti*; his job is at stake. Cement has gone from Kshs500 to Kshs650 and now it is close to Kshs1,000.

We need to think as a Government, but we are now focused on politics. Everybody out there even that CS, Ministry of Agriculture, Livestock and Fisheries is talking about politics. The CS in charge of Devolution and Planning comes from Trans Nzoia. Agriculture is the core of this country and his county and yet he was overheard saying that fertilizer has gone down. People asked him whether he lives in planet Mars. The CS, Hon. Eugene Wamalwa is from Trans Nzoia, the bread basket of Kenya and yet he was saying that the Government has reduced fertilizer to Kshs2,000. the Government is aloof on these things. We, as the representatives of the people, must speak about them.

Mr. Temporary Speaker, Sir, coming now to this Bill on sugar, sugar is a cause of poverty in a large part of the western part of Kenya. I know it because I have roots in that area.

This Bill talks about the catchment area. At our home in Kitale we have some acreage under sugar. I have been convincing people there that we are wasting time with this thing. You become just a cashier. You put in money and by the time you get the money you are paying debts. Yet people in other parts of the country and making much more money from other crops. Maize and sugar has caused poverty in western province yet we have some of the most fertile land.

Mr. Temporary Speaker, Sir, in your part of country, people are doing horticulture and on a small acreage. Your people are billionaires. In western, people have land yet they are poor. We must change our thinking. Today you can import sugar. A packet has come from Brazil, processed, produced, packaged and gone on the ship to Mombasa, paid its taxes, it is put on a truck and comes to the gate of Mumias Sugar Company and is cheaper than the one you are getting from the factory right there. Then there is a problem. We must talk to it radically. Many politicians are afraid of telling people that we try doing these things, but is it really profitable.

I remember a time when His Excellency, the Deputy President, William Ruto told farmers to get into avocado farming and they almost lynched him, but now it is our green gold. Everyone is getting into avocado farming. I have a neighbour doing 800 acres now of avocado. He is exporting the avocado and minting money. We are stuck in our

minds because of traditional crops. While that is something that needs to change in terms of our thinking and outlook. We must be creative and face the future boldly by making changes. This law will help us to an extent in the sugar areas.

First, allow me to buttress what Sen. Wetangula said because he said I would do it. There is need to have that connection between research and production. Apart from Egerton, let us talk about the universities in that area, Masinde Muliro and Kibabii must have that research in terms of this sugar research institute that is proposed. It must be set up and domiciled in those universities.

Secondly, it is good that there is going to be a sugar board, but let us not go back to the cartel that was there. Such that the people who are involved in the Board are also the importers. I am glad that they have now brought the bird's eye view when it comes to that sugar board because of those who were involved in siting and determining on sugar imports and when they are imported.

People are fond of creating artificial sugar shortage. We know people who have done that in the past, but I will not mention their names, some have been governors, *et cetera*. We know people while they have been in charge of sugar they were also the ones profiting by importing and repackaging. That is criminal.

I travelled with a friend of mine to Western who has never been to that part of the country. He said, 'Why do you people complain about? There are so many good roads.' I told him you are seeing this road, but look at the people. You can see poverty in people's faces. You can see mud houses, grass-thatched, next to a tarmac road. That tells you that there is poverty. You will not see that in other parts of the country. It just speaks about poverty. It is a big shame.

I am glad that the Board shall ensure that there is a bird's eye view from the sugar industry, farmers *et cetera* on the importation of sugar. So, that when we say we are opening this window for this quantity and amount it is clear it is not just a way to bankroll. We need to really look at where is the best and most appropriate conditions for you to grow sugar so that you have the best sucrose content, the highest yields and resistance to crop diseases. Unless we do so, we are going to be in a vicious cycle in this industry.

Mr. Temporary Speaker, Sir, the Arbitration Tribunal needs to be completely devolved. We cannot have the arbitration tribunal in Nairobi. This tribunal needs to be devolved into the areas where these farmers, the poor farmers who unless they are in those cooperatives cannot find a way to access this tribunal can have their disputes listened to.

Mr. Temporary Speaker, Sir, additionally, I want to contribute until I finish. We need to make sure that the composition, in as much as it is devolved, a lot of these is the national Government, but the composition---. I hope we can bring amendments and put more efforts into county governments. This is happening within those counties. We have seen the politics that have come in. I would want us to divorce politics from the discussion on sugar. These are livelihood issues.

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, when this Motion comes back on the Order paper, you will have a balance of six minutes.

ADJOURNMENT

The Temporary Speaker (Sen. Kinyua): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Thursday, 7th April, 2022 at 2.30 p.m.

The Senate rose at 6.30pm