

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 6th October, 2022

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

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

PRAYER

(Loud consultations)

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Order, Members! What are the murmurs for? We have quorum to transact our Business. Clerk, please read the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KAREN C SCHOOL

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from the Karen C School, Nairobi City County, who are on an academic trip.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Thank you.

(Applause)

Hon. Senator for Nairobi City County, proceed.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. On behalf of the Nairobi City County delegation, I welcome our lovely students from Karen C. You may wave to the Senators so that they can see you.

(The visiting delegation waved)

Mr. Speaker, Sir, I would have loved to introduce the rest of the Nairobi City County delegation, but I do not see them. We have quite a number of Senators from Nairobi, my dear students. I am the head of delegation because I am the one who was elected by your parents. Thank you for coming to the Senate. I hope you will have a good experience that will inspire some of you to also sit in this House.

To the students and teachers, no dream is too big for you even at your early age. Most of you should be in middle school, right? Yes. You are lucky to school in a county where the National Assembly and the Senate sits. Some of us went to school in rural constituencies represented here by Sen. (Dr.) Khalwale. We did not have the privilege of visiting such national institutions.

I wish you a good time here and hope you learn something. Thank you to the teachers who are here because I know you all voted for me. *Karibuni* Senate.

Sen. (Dr.) Khalwale: On a point of Order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Hon. Senator is done with his welcoming remarks, Sen. (Dr.) Khalwale.

What is out of Order? Please proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It is the dignity of the House. It is against the practice and traditions of this House for any Member in the Public or the Speaker's Gallery to wave, greet, shout, congratulate or acknowledge a Member on the Floor. Since most of us are still new here, I wanted the House to guide itself. In future, we should not ask delegations to cheer and greet us.

The Speaker (Hon. Kingi): Very well, Sen. (Dr.) Khalwale. If you are aware, the Hon. Senator for Nairobi City County is among the new Senators. Certainly, he has taken up the advice.

Next Order.

Proceed the Senate Majority Leader.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, Thursday, 6th October, 2022. It is quite lengthy.

THE NTSA REGULATIONS, 2022

The National Transport and Safety Authority (NTSA) (Transport Network Companies, Owners, Drivers and Passengers) Regulations, 2022 (Legal Notice No.120 of 2022).

THE CBK BANK SUPERVISION ANNUAL REPORT FOR 2020

The Central Bank of Kenya (CBK) Bank Supervision Annual Report for 2020.

REPORT ON MSMEs CREDIT GUARANTEE SCHEME PERFORMANCE

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MSMEs Credit Guarantee Scheme Performance Report by the National Treasury and Planning for the financial year ended 30th June, 2022.

THE PUBLIC SERVICE COMMISSION ANNUAL REPORT

The Public Service Commission Annual Report for the financial year 2021/2022.

THE EAC SUPPLEMENTARY APPROPRIATION BILL

The East African Community Supplementary Bill, 2022; and,
The East African Community Supplementary Appropriation (No.2) Bill, 2022.

THE EAC APPROPRIATION BILL, 2022

The East African Community Appropriation Bill, 2022

THE EAC COMPETITION (AMENDMENT) BILL, 2022

The East African Community Competition (Amendment) Bill, 2022.

THE EAC PERSONS WITH DISABILITIES BILL, 2022

The East African Community Persons with Disabilities Bill, 2022.

RESOLUTION OF EALA PAYING TRIBUTE
TO THE LATE RT. HON. JACOB OULANYAH

Resolution of the East African Legislative Assembly paying tribute to the Late Rt. Hon. Jacob Oulanyah, former Speaker of the Parliament of Uganda.

RESOLUTION OF EALA PAYING
TRIBUTE TO THE LATE H.E MWAI KIBAKI

Resolution of the East African Legislative Assembly paying tribute to His Excellency Mwai Kibaki, 3rd President of the Republic of Kenya.

RESOLUTION OF EALA TO ENHANCE GENDER EQUALITY
IN ACCESS TO FOOD AND NUTRITION SECURITY

Resolution of the East African Legislative Assembly urging the EAC Council of Ministers to recommend to the partner states to enhance gender equality in access to food and nutrition security in the EAC community.

RESOLUTION OF EALA TO ERADICATE CHILD SEXUAL ABUSE

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Resolution of the East African Legislative Assembly urging the Council of Ministers to recommend to the EAC partner states to eradicate child sexual abuse in the EAC region.

RESOLUTION OF EALA GRANTING ITS MEMBERS ACCESS
TO OFFICIAL DOCUMENTS OF THE HOUSE

Resolution of the East African Legislative Assembly granting the Members of the Assembly permission to access official documents of the House to be used in evidence before the East African Court of Justice on a matter regarding arrears owed to them;

REPORT OF EALA COMMITTEE ON
COMMUNICATION, TRADE AND INVESTMENT

Report of the East African Legislative Assembly Committee on Communication, Trade and Investment on the On-Spot Assessment of the status of implementation of the EAC One-Stop Border Post and the hydro-electric infrastructures at Elegu/Nimule, Kobero/Kabanga and Rusumo.

REPORT OF EALA COMMITTEE ON ACCOUNTS

Report of the East African Legislative Assembly Committee on Accounts on the benchmarking mission on the mandate of the National Assemblies and Implementation of Recommendations of Parliament on Annual Audit reports.

REPORT OF EALA COMMITTEE ON
AGRICULTURE, TOURISM AND NATURAL RESOURCES

Report of the East African Legislative Assembly Committee on Agriculture, Tourism and Natural Resources on the oversight activity to assess the performance of the tourism sector in the EAC.

REPORT OF EALA COMMITTEE ON
LEGAL, RULES AND PRIVILEGES

Report of the East African Legislative Assembly Committee on Legal, Rules and Privileges on the assessment of the status of the ratification and implementation of EAC Protocols and EAC Laws by the partner states.

EAC PROJECTED FINANCIAL STATEMENT
FOR THE EAC BUDGET FOR FY 2022/2023

The East African Community projected financial statement for the EAC budget for the Financial Year 2022/2023.

REPORT OF EALA COMMITTEE ON REGIONAL
AFFAIRS AND CONFLICT RESOLUTION

Report of the East African Legislative Assembly Committee on Regional Affairs and Conflict Resolution on the implementation of the Nairobi Protocol for prevention, control and reduction of small arms and light weapons in the Great Lakes region and the Horn of Africa.

ANNUAL COB REPORT FOR THE FY 2020/2021

Annual Report of the Controller of Budget for the Financial Year 2020/2021.

COB REPORT ON NATIONAL GOVERNMENT BUDGET
IMPLEMENTATION REVIEW FOR FY 2021/2022

Report of the Controller of Budget on the National Government Budget Implementation Review for the Financial Year 2021/2022 (First Half).

COB REPORT ON ANNUAL NATIONAL GOVERNMENT BUDGET
IMPLEMENTATION REVIEW FOR FY 2021/2022

Report of the Controller of Budget on the Annual National Government Budget Implementation Review for the Financial Year 2021/2022.

COB REPORT ON COUNTY GOVERNMENTS BUDGET
IMPLEMENTATION REVIEW FOR FY 2021/2022

Report of the Controller of Budget on the County Governments Budget Implementation Review for the Financial Year 2021/2022 (First Nine months).

COB REPORT ON COUNTY GOVERNMENTS BUDGET
IMPLEMENTATION REVIEW FOR FY 2021/2022

Report of the Controller of Budget on the County Governments Budget Implementation Review for the Financial Year 2021/2022 (First Quarter).

COB REPORT ON ANNUAL COUNTY GOVERNMENTS
BUDGET IMPLEMENTATION REVIEW FOR FY 2021/2022

Report of the Controller of Budget on the Annual County Governments Budget Implementation Review for the Financial Year 2021/2022.

CAJ BI-ANNUAL REPORT

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Bi-Annual Report of the Commission on Administrative Justice for the period between July-December, 2021.

ANNUAL CAJ REPORT FOR FY 2020/2021

Annual Report of the Commission on Administrative Justice for the Financial Year 2020/2021.

KRA 7TH ANNUAL TAX SUMMIT REPORT

Seventh Annual Tax Summit Report by the Kenya Revenue Authority.

KLRC ANNUAL REPORT FOR FY 2021/2022

Annual Report of the Kenya Law Reform Commission for financial year 2021/2022;

THE KENYA WATER TOWERS STATUS REPORTS

The Kenya Water Towers status report for Shimba Hills for the period 2018-2019 (4th quarter);

The Kenya Water Towers status report for Elgeyo Hills for the period 2018-2019 (4th quarter);

The Kenya Water Towers status report for Makuli-Nzau for the period 2018-2019 (4th quarter);

The Kenya Water Towers status report for Chyulu Hills for the period 2016-2017 (3rd quarter);

The Kenya Water Towers status report for Nyambene Hills for the period 2019-2020 (1st quarter);

The Kenya Water Towers status report for Gwassu Hills for the period 2018-2019 (4th quarter);

The Kenya Water Towers status report for East Mau (Revised) for the period 2016-2017 (4th quarter);

The Kenya Water Towers status report for Namanga Hill for the period 2018-2019 (1st quarter);

The Kenya Water Towers status report for Mt. Elgon for the period 2017-2018 (4th quarter);

The Kenya Water Towers status report for Cherangany Hills for the period 2017-2018 (3rd quarter);

The Kenya Water Towers status report for South-West Mau for the period 2018-2019 (2nd quarter);

The Kenya Water Towers status report for Kirisia Hills for the period 2017-2018 (1st quarter);

The Kenya Water Towers status report for Endau Hill for the period 2018-2019 (2nd quarter); and,

The Kenya Water Towers status report for Nthangu-Kitondo for the period 2019-2020 (2nd quarter).

Mr. Speaker, Sir, that is it. I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 11TH OCTOBER, 2022

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, pursuant to Standing Order No.57(1), I hereby present to the Senate, the business of the Senate for the week commencing Tuesday, 11th October, 2022.

Before I proceed with the Statement, allow me to take this opportunity to congratulate all Senators on their election and convey my best wishes and success as they discharge their constitutional mandate. I also take this opportunity to congratulate colleagues who have been appointed to Senate leadership offices and convey my best wishes as they take up their duties and responsibilities of the said offices.

I express optimism that we will continue to work in a cordial and consultative manner to ensure that the mandate of the Senate is respected and that its legislative agenda is achieved.

On Tuesday, 11th October, 2022, the Senate Business Committee (SBC) will meet to schedule the Business of the Senate, which is projected to contain business that will not be concluded from today's Order Paper, and any other business scheduled by the SBC.

The Order Paper for Wednesday, 12th October, 2022, will contain business that will not be concluded on Tuesday, 11th October. On Thursday, 13th October, the Order Paper will contain business that will not be concluded on Wednesday, 12th October, as well as Motions, Petitions, Statements, and any other business as directed by the SBC.

Pursuant to Standing Order No. 27(6), debate on business appearing at Order No.8 in today's Order Paper will continue on Tuesday, 11th October, being the third and final day.

At conclusion of debate and after the Question has been put, the Resolution of the Senate together with the Votes and proceedings, and the HANSARD Report of the proceedings will be transmitted to the Presidency as is standard practice, for the Executive to consider proposals by Senators in formulation of Government policy and legislative proposals.

In this respect, I urge Hon. Senators to observe decorum, to remain relevant, and to be objective and constructive in their contributions, so as to avoid frivolous and

unnecessary points of order that deny other Senators the opportunity to debate and give their perspectives.

Concerning the question of Select Committees of the House, the Senate Leadership is seized of the matter and will shortly submit to the SBC names of Senators nominated to serve in various Committees. We, therefore, urge for patience as we would like to get the membership to these Committees right, from the start owing to their significance in discharging the mandate of the Senate.

The SBC has already recommended to the House a Calendar for the remainder of the Session, and this debate will come up at Order No.9. I will reserve further comments on the matter until the time for moving the Motion.

There are a number of critical Bills that lapsed during the term of the 12th Parliament. I assure the House that the Senate Leadership will consider these Bills so as to have them republished for introduction to the Senate. Returning Senators who had sponsored Bills that were not successful through the legislative process in the 12th Parliament are encouraged to have them republished at the earliest opportunity, while Senators who wish to take up Bills that lapsed are equally encouraged to liaise with the Office of the Clerk to have them republished.

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

(Sen. Cheruiyot laid the Statement on the Table)

The Speaker (Hon. Kingi): Next Order.

MOTION

THANKS FOR PRESIDENTIAL ADDRESS DURING OPENING OF THE 13TH PARLIAMENT

THAT, pursuant to the provisions of Standing Order 27 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President during the Opening of the 13th Parliament delivered on Thursday, 29th September, 2022.

(Sen. Cheruiyot on 05.10.2022)

(Resumption of Debate interrupted on 05.10.2022)

The Speaker (Hon. Kingi): Hon. Senators, we now resume debate on this Motion which started yesterday. I now call upon call Sen. Maanzo to proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this great speech. From my experience in Parliament in the last ten years, this was the shortest speech ever. A former Governor, Dr. Alfred Mutua, boasted of having advised the President to make the speech very short. Ordinarily, the speech carries the whole activity of the Executive arm of Government. This one was very short.

Mr. Speaker, Sir, I will go to paragraph 21 of the speech. In that paragraph, the President talked of a mission to dramatically scale up productivity in agriculture to ensure that every Kenyan farmer, fisherman and pastoralist contributes to the sustainable economic growth and production of adequate and affordable food. He also stated that he wants them to generate great income and produce the raw materials required for the agro-industry and manufacturing value chains which would boost Kenya's export performance and create millions of jobs.

I agree that creation of millions of jobs can happen in the agricultural sector. One of the latest developments following this commitment was the lifting of the ban on Genetically Modified Organisms (GMOs) in the country. The GMOs were banned after a serious consideration by the Cabinet in 2012 under the leadership of the late President Mwai Kibaki. At that time, the current President was the Minister of Agriculture and he supported the Government decision to ban GMOs.

I was once a Member of the Committee on Agriculture in the National Assembly and the issue of the GMOs came before us between 2013 and 2017. It is a constant issue. I am aware that most countries in Europe have rejected GMOs. They have given a choice to the consumers. For example, United States of America (USA) has companies that grow GMOS, but they have serious a regulatory framework which makes it possible for someone who goes into a supermarket to make a choice to either eat GMO or go organic food. In fact, there is a law in USA that their President cannot consume GMOs at all and cannot be served with GMOs.

The same is also practiced in many countries in Europe, including the Holy City of Rome that hosts the Pope; the leader of the Catholics in the world. I believe the catholic faithful follow and obey their leader who does not only consume GMOs, but also condemns them. I believe the same applies to Muslims who have a word commonly known us '*haram*' which refers to anything that may tamper with what God has given to be holy.

In the event that this ban has been lifted in Kenya and consumption of the GMOs ensues immediately or later, then I want to urge this House to come up with a serious regulatory framework. We need a policy that must be debated by the two Houses.

All scientists making contributions on this should contribute during public participation. Even those against GMOs should contribute. In fact, the world, and not just Kenya, is divided into two halves. We have those who support GMOs and those who do not.

The latest experiment was carried out by a French scientist in 2012. Upon feeding rats with genetically modified foods, and a little bit of pesticides, which GMOs are sprayed with, all the rats caught growths, commonly known as cancer. That particular experiment has also happened in the United States of America (USA), where a famous company that was called Monsanto, whose name has changed, had been sued several times by people who had consumed GMOs and had medical complications which could be proven scientifically. Most of the suits were settled out of court.

Also other farmers will be affected by those growing GMOs. That is why we should have a law to ensure that areas where we have GMOs or organic foods are demarcated.

In Germany, for example, there are areas where corn is grown to feed horses and other animals because GMOs have lesser effect on animals. Horses are not eaten because they consume GMOs. Those farms are marked.

In fact, passersby are warned not to pick any maize that is genetically modified. In Germany, you can pick maize from any a farm as you walk along and roast or boil it. However, there is a clear warning on those farms.

In our context, we have a regulatory authority dealing with GMOs and it is a parastatal. We do not have an Act of Parliament. Therefore, we need to have a policy first, an Act of Parliament and regulations therein if we were to allow GMOs in this country. Otherwise, it affects consumer rights which are protected in the Constitution.

If GMO food is provided in this House, I should know that, for example, on Wednesday, we will have GMO food. The President visited Parliament yesterday. It is a practice for many Presidents in the world that they should not consume GMO either by tradition or by law. Therefore, we should have a warning that whatever we eat here or in our homes is genetically modified.

One time when I was a Member of the National Assembly, I raised an issue about a product called Aromat. That was a new product that had been introduced in the market and it was clearly indicated that it was manufactured out of GMO products.

When I raised the issue in the Committee on Agriculture and in the House, it was immediately withdrawn from the shelves and banned in the country.

Sen. Cherarkey: On a point of order, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 122(1)(e) which states-

“A Senator commits an act of gross disorderly conduct if the Senator deliberately gives false information to the Senate.”

Sen. Maanzo is engaging in a wild goose chase by alleging that the Government will implement the directive on GMO without putting in place necessary legislative and policy intervention. He knows very well that that directive has not been implemented.

Mr. Speaker, Sir, is it in order for the learned senior friend--- At one time, he disappeared with a certificate, but that is a story for another day.

(Laughter)

The Orange Democratic Movement (ODM) Secretary-General should know that he once disappeared with a certificate. Is he in order to give misleading and false information about a Government directive? The President said in his speech that we should have legislative and policy intervention.

Mr. Speaker, Sir, kindly declare Sen. Maanzo out of order, so that he does not run around with rumors and scare Kenyans to believe that GMOs are meant to kill them. He even cannot substantiate that GMOs cause cancer. If he wants to substantiate, let him table the evidence

He cannot mislead the House. We will not allow him to undermine the Government. The Secretary-General of the ODM said today in a television station that he will not allow this Government to fail. Therefore, Sen. Maanzo, we will not allow you to engage in a rat race.

Mr. Speaker, Sir, declare him out of order.

The Speaker (Hon. Kingi): Sen. Cherarkey, I have been keenly listening to Sen. Maanzo. What he is doing is to propose what the Government ought to follow. That is the route towards introduction of GMOs and it should be cautionary.

I did not hear at any one given moment him blaming the Government for introducing GMO food in this country. Therefore, as long as he is cautioning the Government and giving a path that can caution the introduction of GMOs, I do not think he is out of order.

Proceed Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Sen. Cherarkey has become an expert of raising Standing Orders which he does not quote. However, let me go on with my contribution so that he does not interrupt me. I believe this is also for his own benefit. Having been a Member of Parliament longer than him, I believe I am familiar with this topic because I was also a Member of the Committee on Agriculture.

The effect of lifting of a ban allows any business person who wishes to carry out that kind of business in this country. All I am saying is that we have a Constitution which provides for consumer protection. That is a practice world over.

We all want to be safe knowing what cancer has done to many people in the world, what causes it and the medication thereof which is not found at all. There are only pain relivers from substances that Prof. Wajackoyah is familiar with in the USA.

Mr. Speaker, Sir, we have to be cautious as a country because we have young and old people who should be allowed to make a choice. We also have another practice in the world where people want to stay healthy by feeding well. In many jurisdictions, they even protect fish because of herbicides and all that.

I have evidence that GMOs require more herbicides than the normal plants. Once you plant, the seed cannot be replanted because it cannot not germinate at all. That is the effect of genetic modification and genetic engineering.

We want to have enough food in the nation. That does not mean that we do not have sufficient supply in the country. This Senate is concerned with issues affecting the counties. When short rains come, farmers should have proper seeds.

The farmers in the Rift Valley where Sen. Cherarkey comes from have a lot of maize in their stores. The Government should take the initiative to buy that maize from the people of Rift Valley and supply it to all Kenyans.

In his speech, the President talked about insufficient water. In Makueni, we are doing Thwake Dam which will supply water for irrigation in many parts of Kitui, Makueni, Kajiado and Machakos counties.

There is also another irrigation project called Galana Kulalu. We have River Tana and River Athi flowing into the Indian Ocean. The water should be used by counties such as Tana River and Kilifi. That way, we can produce a lot of food.

If Israel can grow food in a desert, we can grow a lot of food in this country if we utilise our water well without necessarily investing in GMOs. In fact, the whole world will come and buy our food because organic food is more expensive, but with a lot of demand in the world than any other food. For us to be food sufficient and sell the excess

to other countries in the world, we need to utilise the water we have. The President talked about that.

On a positive note, the President talked about encouraging people to save, which is good. I believe he is going to implement it. That is Paragraph 25 which talks about access to affordable credit. He is looking for a magic formula.

He proposed the Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs). We can raise our national savings by forming cooperatives. In fact, the best way to do it would be through Savings and Credit Cooperative Societies (SACCOs). In the USA, for example, they are called credit unions. They are the ones who hold the economy of America. We have 14 million Kenyans in the cooperative movement. All of us in this House are savers in the Parliament Savings and Credit Cooperative Society (SACCO). You know how quick and effective it is. You can borrow and within an hour, you have the money to sort out your emergencies, for instance, by buying food for people.

Currently, there are families that are starving and we help them in our own small ways. At the moment, we invest in co-operatives and we have serious institutions like the Harambee SACCO which is even bigger than a bank. We have the Co-operative Bank which has affordable ways of loaning co-operatives so that they can serve Kenyans.

We are talking of housing. There are land co-operatives and housing co-operatives where if Kenyans join the co-operatives in large numbers, especially the youth, the money of the so called Hustlers Fund can effectively be given to the business beginners through SACCOs, whether they are motorbike, matatu and whatever SACCOs formation. The business people and Jua kali people have SACCOs. There is a good SACCO in Kisumu where they have saved so much money from working in the Jua kali sector.

We should encourage Kenyans to save and this can only be done through the SACCOs. Once you put everyone into that movement, then it will be easier to distribute the Hustlers Fund through them. If you just give out the money free to the people, you will make them poorer than they have ever been.

Every time you give someone free money, he becomes poor and poor. However, the moment you help them fish by giving them the beginning capital and you regulate it properly to make sure it is not consumed, then we are beginning to transform this nation. I believe that is not just the responsibility of the President, but it is the responsibility of each one of us, the 42 million Kenyans, so that we can invest and leave wealth for the generations to come.

On the issue of electricity, the President said:

“Concerning electricity, we shall facilitate the development of innovative and effective modalities to provide better off-grid systems including enabling consumers to form small co-operatives for that purpose.”

I have done this in Makueni before. We had donors who gave solar systems to markets and places where electricity has not yet been provided from the grid. They were able to make their own electricity and you can even sell it to the grid as solar. Again, co-operatives come in handy here.

When it comes to health, I believe we have got a very big problem almost in every county in Kenya in that the Magnetic Resonance Imaging (MRI) is not found in many counties. Whenever somebody is taken to hospital as an emergency case, they need that MRI to be taken to know where the problem is especially when they have a head injury. They are then forced to travel long distances to get this service. They either go to Nairobi or to a few counties that have this equipment.

I believe this equipment should be installed into every county. If we invest in that equipment to be in every county - and I believe it is this Senate that takes care of the counties - then we will be saving many Kenyans from a lot of expense and trouble.

There is the issue of digital technology, which has become a critical player in economic growth. The youth and the world has gone digital. Therefore, this is an area we have to invest in. We are already digital in this House. In many of our schools learning is now done digitally.

When it comes to the issue of supply of electricity, it is important to have co-operatives in every village. With the supply of electricity in every school where there is no grid, at least they should have solar. Consequently, the children in those places will familiarize themselves with computers at the earliest time possible.

Mr. Speaker, Sir, the last time I went to New York via Kenya Airways and I really want to thank Sen. Poghiso for having brought that direct flight to New York with his other Senator friends in USA. The big planes are now being flown digitally. Long time ago the old pilots used to struggle with the steering of a big plane, the Triple Seven manually. The steering of those big planes looks like one of a bicycle and it would be very tiring for a 16-hour flight from here to New York.

Now that the world is going digital, I believe this should go to every school. We have a responsibility as a nation and as a Senate to advise the President that GMOs need to be investigated further.

Now that there are two divergent scientific opinions, we have to be very cautious before totally lifting this ban or making any legislation to enforce this ban. My request is that the President should not reinforce a ban until we have a proper law and regulation in conformity with our Constitution to protect Kenyans from the poisonous GMOs.

I thank you.

Sen. Korir: Thank you, Mr. Speaker, Sir. Allow me to first congratulate you for being elected as the Speaker together with the Deputy Speaker. I also congratulate His Excellency the President and the Deputy President for being elected to serve this country.

I will also take this time to congratulate the elected and nominated Senators chosen to serve in this House. Additionally, I thank Kenyans for trusting the Kenya Kwanza Government.

I listened carefully to the speech made by His Excellency the President during the opening of the 13th Parliament and I wish to comment as follows:

It is very clear from the tone of the speech that he respects the stability of the governance institutions of this country and all the other Government organs.

The speech affirms his commitment and readiness to provide sound leadership that is going to steer this country to success. I am lucky to have been in the previous Government as a women representative in the lower House. I can attest to a number of

things that happened that infringed on the rights of the Members and even the members of the public.

I know that His Excellency the President respects the different institutions that we have and I know there will be a great change in this nation. The speech affirms his commitment and readiness to provide sound leadership that is going to steer this country to a success.

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

The Speaker (Hon. Kingi): What is your point of order, Senator for Nairobi City County?

Sen. Sifuna: Mr. Speaker, Sir, I rise pursuant to Standing Order No.95 that prohibits a Senator from reading a speech which is exactly what my sister is doing.

The Speaker (Hon. Kingi): Hon. Senator for Nairobi City County, the Hon. Senator is referring to notes. You can see her eye contact, 80 per cent of her eyes are up and very less per cent are down.

Sen. Korir: Thank you, Mr. Speaker, Sir, for protecting me from Sen. Sifuna.

The President's speech also affirms the President's commitment to implement the Kenya Kwanza manifesto. We did move around the country trying to enlighten the members of the public, especially the hustlers, on the importance of having a Government that is concerned about them bearing in mind that the President of this country was a hustler.

He was a chicken seller and a Member of this House. He has undergone a number of issues. He is aware of what the current *mwananchi* wants on the ground. He is a true champion of democracy and respects the rule of law as demonstrated by his appointment of the Judges of the Court of Appeal only a day after his inauguration. The former Government took a lot of time to appoint the judges hence undermining the independence of the Judiciary and the rule of law.

(Applause)

The President implores us to explore mechanisms in the Standing Orders to facilitate questioning of the Cabinet Secretaries (CSs). This confirms that he believes in accountability of the Executive arm of Government. We should all support that move regardless of our party affiliations.

Mr. Speaker, Sir, I know this has been a hot debate since we started yesterday. A number of reactions were raised by the Members of this House on how this can be actualised. I know the CSs have been coming to our various committees. However, the issue that the President was talking about is to have the CSs come to this House to reply to issues that are affecting the nation. Sometimes, it is hard for us to engage them because every now and then when you call upon them, they send their representatives. It is time we changed some provisions to allow them to come to this House to face Members and respond to issues that are being raised.

Mr. Speaker, Sir, let me now address myself to the issue of the reduction of the price of fertilizer. Immediately the Government took over, the first thing they did was to reduce the price of fertilizer. We are talking about fertilizer because the President, in his manifesto, is interested in food production in this country. This has been a challenge.

A number of our colleagues have talked about the issues of GMOs. The only way to remove this issue is by reducing the prices of fertilizer and seeds for us to be able to produce enough food to serve the people of this nation. I thank the President for seeing the sense of doing the same immediately even before doing other things.

The President also talked about the Hustlers Fund. This will improve the lives of downtrodden and hardworking hustlers. I beseech the hon. Members to support this fund. When we were on the ground, a number of us would go to hustlers selling chicken in markets and also to *boda boda* guys promising them a lot of things. Unless we provide resources to these people, their lives will never change. If we give them resources as per the manifesto of Kenya Kwanza Government, I know their lives will surely be change.

Mr. Speaker, Sir, the President also touched on the agenda of the mass house production to aide Kenyans access affordable and decent homes. This confirms that he was truly committed to the Big Four Agenda of the Jubilee administration that was affected negatively by the infamous handshake of 2018 between the former President and the former Prime Minister.

I know the hon. Member from Kibra Constituency can bear me witness of the change that was brought sometimes back when they started the issue of housing. We all know that a number of Kenyans are living in abject poverty. If we take this initiative as was envisaged in the manifesto of the Jubilee administration, a number of Kenyans will live in decent homes and access basic amenities as enjoyed by hon. Members.

Mr. Speaker, Sir, the President also focused on making Universal Health Coverage (UHC) a reality in this country. It will enable many Kenyans access affordable healthcare. This commitment to an efficient National Hospital Insurance Fund (NHIF) will ease the burden of Kenyan of accessing expensive healthcare.

Mr. Speaker, Sir, allow me also to comment on the issue of the National Government Constituencies Development Fund (NG-CDF). The NG-CDF has played a vital role in enabling those from humble backgrounds access education through bursaries. Many projects in various communities within the country have been successfully completed using these funds. The reason why the NG-CDF was passed by the previous Parliament was to enable equality across the country.

Despite the fact it has been declared unconstitutional by the court, I must applaud the President for seeing the sense in it, having served as a Member of Parliament (MP) for the last 15 years. This money has really made a lot of changes in the lives of Kenyans. In his speech, he said the National Assembly will get back the NG-CDF and the Senate will get money to assist in their oversight role.

I know that the Senators have been undergoing a lot of challenges. Many members of the public do not know the exact role of the Senator despite the fact that we have 17 of them who were re-elected to this House. I also congratulate members of public who re-elected the 17 Senators because they were aware of their oversight role in this country.

Mr. Speaker, Sir, no one in this House will object to hon. Senators getting oversight funds as contained in the President address. I know they have been moving across the counties using their own money.

On the issue of the women agenda as one of the key issues in the Kenya Kwanza manifesto, the President talked about the 50-50 per cent. We have seen it in terms of nomination, 29 elected Members of the National Assembly, we have three elected Senators and seven Governors.

The Kenya Kwanza Government is leading in terms of the women who have been elected to serve. As a nation, we have seen the sense of having women in political arenas and in the Executive.

I am glad that His Excellency the President is keen on the social protection agenda. The proposed universal social and security system is a positive step. Many children under 5 years have malnutrition. As you are aware, the Nation Safety Net Programme (NSNP) is currently providing support to 1.4 million beneficiaries. We have about 13 million children who are in dire need of assistance.

Focus on social protection is the line in which Kenya Kwanza Government is committed to eradicate malnutrition in five years. I was lucky to serve in the National Assembly as the Vice Chairperson of the Committee on Labour and Social Welfare. I also got an opportunity to move around a number of counties and saw the issues that members of the public are facing. I applaud the Kenya Kwanza Government because I know they are going to improve the lives of people.

Mr. Speaker, Sir, a sound social protection programme shall reduce the scramble by many Kenyans to acquire 50 metres by 100 metres plots to cushion themselves. It will reduce the problem of land fragmentation that affects meaningful agricultural practices.

Mr. Speaker, Sir, allow me to also touch on the proposal to cut down---

The Speaker (Hon. Kingi): Hon. Senator, your time is unfortunately up. Proceed, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika.

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

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

Sen. Cherarkey: Mr. Speaker, Sir, I refer to Part I, General No. 5 of the Speaker's Rules, on conduct of Senators within the precincts of Parliament. It says-

"Senators are required not to enter Chamber, lounge or dining room without being properly dressed. This means that a male Senator shall be dressed in a court, collar, tie, long trousers, socks and shoes or service uniform, religious attire or such other decent dressing as may be approved by the Speaker from time to time. An equivalent standard shall apply in respect of women Senators, who may also wear *kitenge*, or such other African attire."

Mr. Speaker, Sir, I am referring to the Senator seated next to Sen. Kavindu Muthama, I think it is Sen. Oyomo. The dress she has worn is not religious. I need your ruling as to whether the good Senator is properly dressed. Look at the collar. Her dress is not religious. I think it is a modern dress.

(Loud consultations)

Mr. Speaker, Sir, can I make my point?

The Speaker (Hon. Kingi): Order, Members!

Sen. Cherarkey: Mr. Speaker, Sir, this is a House of traditions, practices and usages.

The Speaker (Hon. Kingi): When the Chair is speaking, Sen. Cherarkey, you take your seat. Sen. M. Kajwang', order please.

Hon. Senators, we are here to transact very serious business. Of course, it is within your right as a Senator to rise on a point of order. Let us sometimes think twice before we raise the points of order.

I had not seen Sen. Oyomo walk in. She stood up when the point of order was raised, just to show the Speaker and Members how she is dressed. I do not see anything wrong with her dress code.

Therefore, Sen. Madzayo, please proceed.

Sen. Wambua: On a point of order, Speaker, Sir.

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

Sen. Wambua: Mr. Speaker, Sir, I rise under Standing Order No. 121(1)(a), (b) and (c).

Mr. Speaker, Sir, since the beginning of this Session, the hon. Senator for Nandi County has in every twist and turn created disorder by rising on frivolous point of orders. I invite the Chair to make a specific ruling on the conduct of the Senator for Nandi County, so that we do not reduce this House to conversations of a market place.

The Speaker (Hon. Kingi): Thank you, Sen. Wambua. Hon. Senators, I am going to say this again. It is within your right as a Senator to rise on a point of order.

The second point of order that Sen. Cherarkey rose on and read, was based on the Speaker's Rules. Maybe he may have misconstrued those rules. That does not mean he was frivolous. I think I have ruled on it. It does not mean that if your point of order is overruled, it was frivolous. Therefore, I may not hold the Senator for Nandi disorderly.

Sen. Madzayo, kindly proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Nafikiria ni jukumu ndani ya Bunge hili la Seneti, kwamba upande huu wa walio wachache, watakuwa wakiiangalia Serikali inavyotekeleza wajibu wake. Ikiwa Serikali itatekeleza wajibu wake sawasawa, tutawapa kongole. Serikali isipotekeleza wajibu wake sawasawa, ni jukumu la upande huu kuikashifu na kuwaelekeza njia nzuri. Kazi ya upande huu isije ikawa inaingiliwa zaidi kutokana na sababu ya hoja za nidhamu zinazotoka upande wa Serikali. Ama pengine hawataki upande wa Upinzani uweze kuendelea na Hoja hii.

Kwa nini upande huu hauna hoja nyingi za nidhamu kama upande wa walio wengi? Kwa nini ni mtu mmoja anazua hoja nyingi za nidhamu?

Bw. Spika, ikiwa utaniruhusu, naweza kuchangia Hoja hii. Jambo la kwanza ni kukushukuru kwa kunipa nafasi hii niweze kuchangia hotuba ya Mhe. Rais wa Jamhuri ya Kenya aliyoitoka katika kikao cha pamoja katika Bunge la Kitaifa.

Mhe. Rais aliweza kuwapa Maspika wa Bunge la Kitaifa na Seneti kongole kwa kuchaguliwa kwao na vile vile Bunge hizi mbili zilikubaliana na uamuzi huo. Mhe. Rais alikuja Bunge wakati huo kutoa hotuba yake kama inavyoruhusiwa na Katiba.

Jana, Mhe. Rais wa Jamhuri ya Kenya aliweza kuingi katika majengo ya Bunge, bila Wabunge wowote kujua. Hakutoa taarifa yoyote kwamba angezuru majengo ya

Bunge. Hili ni jambo la kushangaza na silo la kawaida. Kwamba Mhe. Rais anaweza kuingia ndani ya Bunge bila kuwaarifu Wabunge na akatoka vivyo hivyo.

(An hon. Senator spoke off record)

Tafadhali usiningilie kama bado ninaongea.

The Speaker (Hon. Kingi): Sen. Madzayo, address the Chair.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, vilevile tunaona katika hotuba ya Mhe. Raisi---

Sen. Thang'wa: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Senator for Kiambu County?

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise on a point of order where an Hon. Member is misleading this House. We understand the President was in this Senate yesterday. I would want to know---

(Loud Consultations)

The Speaker (Hon. Kingi): Hon. Senators, can we hear the point of order in silence. If only we conduct our debate with decorum, we will have less friction and make a lot of progress.

Proceed, Sen. Thang'wa.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. The custodian of the rules of this House is both the Speaker and the Clerk. I understand the President was here yesterday.

Is it in order when an hon. Senator stands and says that the President came here without informing anyone? The President can only inform the Speaker and the Clerk. The President is not required to inform the hon. Senator for Kilifi County.

(Applause)

As I stand here, I would want the hon. Senators, especially from the Opposition side---

An Hon. Senator: Cite the Standing Order.

Sen. Thang'wa: I will cite it at the end. It does not say you cite it when you stand.

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, we cannot degenerate into shouting at each other. The Chair gives opportunity to each one of us to speak. When given that opportunity, let the other Senators respect that opportunity given to that Senator. Ultimately, the Chair is going to rule.

Proceed, Sen. Thang'wa.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. We are now used to---

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

Sen. Thang’wa: Mr. Speaker, Sir, is the hon. Senator in order to say that the President never informed anyone, including this House, the Speaker or the Clerk when he came yesterday?

We are used to hon. Senators saying that the President has gone to their area of jurisdiction without being informed. For example, the day he was in Homa Bay County and somebody complained that he was not informed. He now came to where the Homa Bay Senator is, but they are also saying that they were not informed.

If the President cannot get you in your area of representation, he will come to where you are if he wants to discuss anything with you. Does that mean the President was wrong to come looking for those Senators whom he could not find when he went to their areas of jurisdiction?

The hon. Senator should desist from making those remarks, that the President never informed anyone. He is not the Speaker or the Clerk.

The Speaker (Hon. Kingi): We need to lay this rather not so important issue to rest.

Sen. Madzayo, may I inform you that leadership of Parliament was fully informed of the presence of His Excellency the President. Kindly, proceed to make your contribution on the speech.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, asante kwa kunikosoa. Hata hivyo, Mhe. Rais sio mtu wa kawaida bali ni Mhe. Raisi wa Jamuhuri ya Kenya.

Bw. Spika, tunajua ya kwamba mahakama ni mahali ambapo kila mtu anaweza kwenda. Pia Bunge la Kitaifa ni mahali ambapo mtu yeyote anaweza kuja. Kulingana na uamuzi uliufanya sasa hivi, pia katika wakati Bunge letu linafunguliwa kirasmi, ni taratibu za Bunge kuwaalika watu. Moja wapo ya waalikwa ilikuwa Mahakama Kuu ya Kenya. Iliongozwa hapa na Jaji Mkuu, Makamu wa Jaji Mkuu na Majaji wengine.

Jambo la kushangaza ni kwamba sisi sote tunazingatia kwamba mikono ya Serikali ni mitatu. Katika hii mikono mitatu, ni upande ule wa utawala wa Executive, upande wa Bunge ambayo ni Legislature na upande wa Judiciary. Jambo lingine la kushangaza zaidi ni kwamba katika historia ya nchi yetu ya Kenya tangu enzi ya ukoloni, tukio hili halijatokea. Jaji Mkuu anaongoza Majaji wengine kuingia katika maeneo ya Bunge, kupiga msitari na kumngoja Mhe. Raisi. Tukio kama hilo halijawahitokea katika historia ya Bunge na nchi hii. Tuliona kitendo hicho kuwa cha ajabu. Katiba inatuambia kila moja ya mikono mitatu ya Serikali, inaweza kujitetea na kujiangalia jinsi wanavyoendesha Serikali.

Jambo lingine ni hili janga la njaa. Tunaona kuna mikakati tofautitofauti ambayo imefanywa na Mhe. Rais. Hata hivyo, kuna sehemu zingine ambazo zimekumbwa sana na janga la njaa. Baadhi ya sehemu hizi ni upande wa Turkana, Kaskazini mwa nchi, yaani *Northern Frontier*, kuanzia Manderu, Wajir, kuja mpaka Garissa. Vilevile maeneo ya Kilifi, Tana River, Kwale na Ukambani.

Kila mahali kuna janga la njaa na mifugo ya Wakenya inamalizika. Ng’ombe na mbuzi ambao ndio chakula cha kutegemewa na wafugaji katika maeneo mengi wakufa njaa.

Mhe. Rais katika Hotuba yake hakuangalia njia mwafaka ya Serikali kutatua janga la ukame na njaa. Hakueleza ni jambo gani ambalo Serikali yake itafanyia wafugaji ambao mifugo yao yanamalizwa na janga la njaa.

Ninatoka katika maeneo ninayoyafahamu sana. Maeneo kama ya Ganze na Magarini yameathiriwa vibaya sana na janga la njaa na ukame. Kuna sehemu zingine nchini ambazo ni afadhali lakini zingine ukame umezidi sana.

Bw. Spika, Mhe. Rais hakusema atasaidia hao Wakenya kwa njia gani ilihali hao ni Wakenya na walipiga kura. Wengine walimpigia kura na wengine hawakumpigia lakini wote walipiga ni Wakenya.

Ni jukumu la Serikali kusaidia Wakenya walioathirika na janga la njaa na ukame. Hawa wenzetu wanapoteza mifugo wao na hawana chakula kwa sababu chakula hakiwezi kupandwa kule kikamea.

Juzi walisema kwamba mbolea ya bei nafuu imepelekwa kila mahali. Hatukatai kwamba Serikali ilileta mbolea. Hata hivyo, utapata hii mbolea haijafika katika sehemu zingine. Sen. Mungatana alikubali hapa ya kwamba hajaiona hiyo mbolea kule upande wa Kaunti ya Tana River.

Ni mikakati ipi ama mipangilio gani ambayo Serikali itaiweka ambayo inaweza kusaidia wale watu wanaoishi katika zile sehemu za ukame na wanaoathiriwa na janga la njaa. Tungependa kujua pia mikakati iliopo katika sehemu ambazo watu wanaweka mifugo ilikuhakikisha ya kwamba ile mifugo itaweza kusalimika katika ile hali ngumu wanaoipitia.

Mhe. Rais alisema kuwa watu wanaofanya kazi za kawaida kama wale wanaofanya kazi ndogo ndogo pia wanaweza kuwa na hazina inayowekwa kwa ajili yao. Hii ikimaanisha kuwa watu wawekeze kwenye National Social Security Fund (NSSF) ambayo ni shirika la wafanyikazi. NSSF ni shirika huru ambayo haliambatani. Wafanyikazi wenyewe wanasimamia shirika hilo.

Mhe. Rais alisema ya kwamba ana mikakati ya kuanzisha mpangilio mwingine ambao unaweza kuangalia swala la pesa za wafanyikazi. Hii itakuwa kuingilia hali ya wafanyikazi na pahali ambapo wanaweka pesa zao. Itakuwa vyema kama hao wafanyikazi wataachiliwa wafanye kazi vile wanataka, waweke pesa zao wanapotaka hata kama itakuwa ni NSSF ilhali iwe ni jukumu yao.

Katika hotuba yake, Mhe. Rais alisema ya kwamba ataingilia kati na kupendekeza pesa zaidi kuwekwa katika NSSF. Hilo silo jambo nzuri. Kulingana na sheria za United Nations Charter, pesa hizi zinapaswa kuwa huru na Serikali haitakikani kuingilia katika matumizi yake ya kidemokrasia.

Mhe. Rais aliposhika hatamu ya uongozi alisema amemsamehe yule aliyemkosea na aliomba wale waliokosewa na mtu yeyote kuwasamehe. Wakenya huangalia mbele wala si nyuma. Ni jambo la kusikitisha kuona ya kwamba baada ya Mhe. Rais kutamka maneno hayo sasa anajaribu kuingilia hazina ya wafanyikazi katika NSSF.

Mhe. Rais akae kando na aache kuingilia pesa za wafanyikazi. Yule mkubwa wa hazina la NSSF na kiongozi wa wafanyikazi hawakuelewana naye kisiasa. Kiongozi wa wafanyikazi alijitoa na hayuko tena katika hilo shirika la hazina za kuweka pesa za wafanyikazi. Kwa hivyo, Mhe. Rais asiharibu wala asiingilie shirika hilo. Aliache shirika hilo liendeleo katika hali yake ya kawaida.

Kuna mambo mengi ambayo Mhe. Rais alisema atayaangalia katika hotuba yake. Alisema ya kwamba ataweka mikakati ya kuboresha uchumi wetu. Tunataka taifa kuwa na uchumi dhabiti ndio watu waishi bila njaa. Tunataka taifa ambalo linahakikisha kwamba watu wanaoishi kwenye maeneo ya ukame wanapata maji kisawasawa ili kila mtu aweze kufaidi kama Serikali yake iko tayari.

Asante, Bw. Spika.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. The President addressed the joint sitting of Parliament in compliance with Article 132 of our Constitution.

I listened to him carefully when he addressed the House. Thereafter, I went through the speech and I am happy to note that he came out clearly on how he intends to govern this country. He also recognized the role of this House in helping him govern this country. That is the essence of the speech as seen in paragraphs 14 and 15.

He promised to unite the country and serve every Kenyan irrespective of his political affiliations which is in accordance with his oath of office. If you read Schedule 3 of the Constitution, the contents and the nature of the oath of office, the President undertook to serve every Kenyan and to do justice to all in accordance to the Constitution. This is an important point to note. We have come from an election and this country should be united by us, the leaders.

In this House, we have elected Senators and those of us who were nominated to serve the Kenyan people. I call upon my colleagues, in this House, to accept the spirit that was expressed by the President.

Mr. Speaker, Sir, on your right are Members of the ruling coalition, that is Kenya Kwanza, and on your left are the Members of Azimio. One unique thing is we are under one roof under your leadership and we use one door. We do not have a door for Azimio and one for Kenya Kwanza.

When you see the Members walk out, they leave this place to go and take tea together. They dine together. That is important. As we proceed as a House, we want to inculcate the spirit of unity of purpose.

Some of us went to school together. Sen. (Prof.) Tom Ojienda, SC, and I were classmates at the University of Nairobi. He is a professor and I am not because he went to further his studies after university while I came to this House with you in 2007. Our children go to the same schools and our communities intermarry. For Sen. (Prof.) Tom Ojienda, SC, to reach Kisumu, he has to leave Nairobi County and go through Nakuru, Bomet and Kisii counties.

One gift that we can give the nation, as Members of this House, is uniting this country as the President has done. As we receive various legislative proposals and policy interventions as outlined by the President, we should debate as a House to fulfil the clear plan of the Kenya Kwanza Government in serving this country. We are going to do so with one heart without saying that it is being done by the Kenya Kwanza Coalition.

I am happy to be in this House. I know that we will work hard to ensure that we do what the President encouraged us to do in Paragraphs 14 and 15 of his Address. I am also happy that he promised to run an administration which is open, transparent and accountable to the people of Kenya.

His proposal is for both Houses of Parliament to amend the Standing Orders to allow Cabinet Secretaries to appear before us, so that we can ask them questions and raise issues which concern our people. In my view, it was clear that the President had nothing to hide. All he wants is to ensure that Kenyans get value for the taxes they pay.

Mr. Speaker, Sir, Sen. (Dr.) Khalwale, yourself and I were MPs in 2007. Allow me to inform the new Members. In 2007 when we had the Tenth Parliament, this used to be the Chamber. The National Assembly Chamber was reconstructed just the other day. Sen. (Dr.) Khalwale and Sen. Mungatana will remember this.

At that time, I was the Assistant Minister for Justice and Constitutional Affairs. I remember I was asked why there are no law courts in Homa Bay, Nakuru and other parts of the country. I remember making clear undertakings in the House. I shared with the Permanent Secretary (PS) who at that time was Hon. Amina Mohamed, the outgoing Cabinet Secretary (CS) for Sports, Heritage and Culture and we availed funds to those institutions. It was possible to achieve that because the Ministers could be invited in the House. Therefore, I agree with the President that that is the way to go.

I was the Chairperson of Justice and Legal Affairs Committee (JLAC) in the National Assembly in the Twelfth Parliament. Previously, I was the Chairperson of the Committee on Delegated Legislation in the Ninth Parliament. We used to invite Ministers to our committees and only Members of the committee could ask questions.

We had a situation where the Ministers in charge of Internal Security--- Currently the people of Baringo, Turkana, Elgeyo-Marakwet and Samburu counties are facing serious challenges of insecurity, but we cannot invite the CS in charge and ask questions. If we follow the President's proposals, I assure Kenyans that these Members will hold the Government to account.

I am proud to belong to the Kenya Kwanza Coalition because the President of this country would like CSs to appear before the Houses of Parliament. Most of them do not do certain things because they fear. Therefore, this is positive and, I appreciate the President. It is important that we give him the support he needs. I am saying this from experience following what I witnessed in 2007 to 2013 when I served as Assistant Minister for Justice and Constitutional Affairs.

Mr. Speaker, Sir, allow me to also comment on the issue of access to justice. That was a whole paragraph in his Speech. Article 159 of the Constitution sets out the principles. It states that justice shall be done to all and that justice shall not be delayed. They say that justice delayed is justice denied.

In my county, we have a High Court in Kabarnet but we have six constituencies. Somebody in Tiaty Constituency has to travel more than 250 kilometres to access justice in the High Court. It is even better because we have a High Court in our county headquarters. However, other counties do not have even one. Justice cannot be accessed by Kenyans in certain areas if that is the case.

I would also like to share my experience because I want my colleagues to understand. When I was the Chairperson of the JLAC in the National Assembly, we used to receive proposals from the Judiciary and their resource requirements used to be to the tune of Kshs34 billion. How much do we give them every financial year? It is not more than Kshs18 billion. Half of their budget is not availed.

I am happy that the President of the Republic of Kenya has agreed to implement and actualize Article 173 of the Constitution so that we have the Judiciary Fund. That is the only way we can ensure that Kenyans access justice. We need enough money to build enough courts in our counties.

I propose that ultimately; we should have a court in every sub-county. That is in every constituency. That is the only way we can ensure that our people access justice. Of course, other lower courts should be established. Therefore, I support the proposal by the President that we need to allocate more money to the Judiciary. You cannot understand the problem until the day you need justice.

Finally, because of time, let me speak to the 'Hustlers Fund'. The President is a man who keeps his word. During the campaigns, he promised that given a chance to lead the country, he would provide Kshs50 billion for the Fund. That is money for the entire country.

Each Senator here, whether elected or nominated, faces the problem of unemployed youth in their county. Now that we are Senators, we will experience some problems. You may want to employ them but there are no opportunities. We need to avail resources to the young people who are willing to do business.

I agree with Sen. Maanzo that we need to come up with appropriate policies. When the Women and Youth Fund was established, I realized that many young people were taking loans but repayment was a problem. We must establish proper policy mechanisms or interventions that will make the 'Hustlers Fund' to revolve without interest. We need to ensure that there are regulations and rules---

(Sen. Cheptumo's microphone went off)

The Speaker (Hon. Kingi): Senator, your time is up. Proceed, Sen. Syengo.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. Let me add my voice to those who said that the President's Speech was the shortest in the history of Kenya. It was very brief.

The content of the Speech was good, but there are issues that I am concerned about. Looking at paragraph 12 where the President drew the attention of the nation to how he was the opposition leader within the Government and how the former President became the opposition leader, to me, the President seems to still be in campaign mode. I would wish to remind His Excellency the President that campaigns are over. Over seven million Kenyans did not vote for him and we need to be united. We need the country to heal so that we may support the administration moving forward.

Looking at the whole Speech, generally, allow me to observe that this Speech is full of promises and yet the President is now in charge and he needs to actualize what he is thinking of doing for this country and implement it. We need to see the implementation of the campaign promises that he made when he went around the country campaigning. He made promises during his campaigns and now it is time to work.

Going specifically to issues, looking at paragraph 24, he talked about the saving culture. I would say that this is very good. It is not that Kenyans do not want to save, but poverty is the issue. Will people buy food or save when they do not have enough food to

eat? The saving culture is good but we need proper strategy on how we must move Kenyans out of poverty so that they may accept and adopt the saving culture.

Looking at Paragraph 31, it is a good proposal on Public Private Partnership (PPPs). However, we cannot reinvent the wheel. There have been previous attempts for this initiative. There are institutions that have tried to venture into this. We are aware that there are various organizations in this country that are supporting women development. I will talk of a specific organization which I have been involved in, this is Maendeleo ya Wanawake. They have tried. In areas where they have failed, we need to come up with ways to support this and other organizations to further PPPs.

Allow me to look at Paragraph 32 which addresses women agenda. I have been a leader of women in this nation. It is very important to put women into leadership. I want to appreciate the efforts of His Excellency the President for nominating women as Cabinet Secretaries. However, I have one issue with this. We have the grassroots women who carry the burden of our society in this country.

We need to have an agenda for grassroot women where they are also involved. In our society, we find women headed households with children which need serious support from the Government so as to enable them to participate in the development of this country.

Allow me to also talk about water. Kenya is not homogeneous in both counties and in regions. There are regions that are ASAL and semi-arid areas. I come from Kitui County and we know that there are areas that do not get reliable rainfall. It is very important when we are talking about water agenda to have specific ways. I would beseech this House to come up with policies that will enable us to look at regions that do not get adequate rainfall, how they will get water, water harvesting strategies and how to make sure that Kenyans have clean and safe water.

As I conclude, I would wish to mention something on Hustlers Fund. I know that this was used largely during the campaign period. However, to me this was meant to whip emotions of the unemployed youths and those who are very poor. It was meant to stir emotions so that they may support the Government. I would request that we come up with ways of creating employment for our youth and making sure that we handle the poverty issue in this country.

I thank you.

Sen. Cherarkey: Mr. Speaker Sir, from the onset I want to congratulate the President His Excellency Dr. William Samoei Ruto for the wonderful and an inspirational state of the Nation address after being elected.

You have to appreciate that Dr. William Ruto faced so many challenges. As I speak to you, courtesy of his support, there is no police station that I have never slept in, in this city. There is no police station that I have never slept outside. I am one of the happiest Senators. I want to advice my colleagues; if your profession is heckling, it is important sometimes to do it outside there.

The Speaker (Hon. Kingi): Sen. Cherarkey, just address the Chair and make your contribution.

The Senator for Mombasa, acquaint yourself with Standing Order No. 84. I think that is the first Standing Order that will see some of us being asked to leave the Chamber. Please acquaint yourself accordingly.

Sen. Cherarkey: My apologies to the Chair, Mr. Speaker, Sir. I almost cried. However, where I come from, crying as a man is a taboo. I got carried away because of what we have experienced, from the intimidation and the de-whipping of some of us who were in House leadership in the last Senate to being arrested and blackmailed. There are many people who lost their property. There are many people who were subjected to fabricated cases including our former colleagues like Sen. Mithika Linturi who is the CS nominee for Agriculture.

I remember Sen. Haji - may his soul rest in eternal peace - who was then the chairperson of National Security Committee; where we called the Police Inspector-General and the head of Security agencies to appear before the Senate because of intimidation and blackmail. I am happy and I want to thank the great people of Kenya for electing the son of nobody, a peasant, a chicken seller to the highest office.

It is inspirational to the guests who are in the Public Gallery that you do not need to be a son of a chief or a daughter of a Senator to rise to the highest office in the land. I hope it will inspire these young people across the country.

There are two issues that I want to mention and the President has confirmed this.

He will not rule with an iron fist of intimidating, promoting *Kamata* Fridays or creating fabrications, like the former Director of Criminal Investigations (DCI) who was more of an actor and creator of some funny movies that are only famous on *Netflix* and other channels.

Secondly, as I congratulate the President, I have heard Members of the opposition saying that this was the shortest Address. With all due respect, this was like a woman's skirt; long enough to cover the essentials and short enough to arouse curiosity so that Kenyans can understand the inspiration that the President was providing.

Mr. Speaker, Sir, it is of note that I bring to the attention, a few salient features of the Speech by H. E. the President. One, is on the issue of water. I know that more than 23 million Kenyans across counties are facing drought and famine. I agree that the provision of water should be a priority.

Even in my own county, there was a dam called Keben Dam that was stalled because of issues of politics. There was also Arror and Kimwarer Dam and now Sondu Miriu Project that we are now sharing with my brother, Sen (Prof.) Tom Ojenda, who happens to have been my law lecturer. There is also Thwake, Mwache, Karimenu and many other dams.

Mr. Speaker, Sir, I assure my brothers and sisters on the minority side that provision of water will create irrigation. Therefore, farmers will be able to irrigate in Kitui, where my sister, the Hon. Senator and my brother the Deputy Minority Leader, Bishop, Sen. Wambua comes from. I congratulate him. I know he will increase the prayers in the Senate Business Committee so that we can do well. Provision and access to clean water is very important. It is a constitutional right.

I thank the President for prioritizing all projects, including water and dam projects that are closed. The National Irrigation Board (NIB), the Ministry of Water and county

governments should priorities on how to supplement. This is because the Government can do major dams. We want to see boreholes, provision and access to water and many other projects. That is what is important.

Mr. Speaker, Sir, you remember that most of the projects, especially from areas that were perceived to support President William Ruto, were stopped. Where I come from, five tarmac roads that were built to bitumen standard, for example, the road from Moi University-Cheptiret to Moi University to Lessos, Lessos to Himaki, from Kisumu all the way to the highway of Timboroa. We had one from Kaiboi Trading Centre all the way to Chepterwai and way to Kakamega County. Most of those projects stalled. Their only offense was being supporters of William Ruto.

I am happy God has given him the grace. I know there were many projects that were stopped in areas that supported William Ruto. I confirm to the nation that William Ruto will ensure equitable share of development across the country.

Mr. Speaker, Sir, the second point is on open governance. Being one of the champions of Open Governance Policy (OGP), where we were led under the stewardship of the then Deputy President and the current President of the Republic of Kenya, the President has committed to open an accountable and transparent Government. I ask the minority side to let us criticize the Government in a credible, substantive and non-malicious way. I agree with the Senate Minority Leader, who is my learned senior and retired judge, your Senator, Sen. Madzayo, when he said that we will give credit where it is due and criticise where it is necessary.

Allow me to borrow sentiments of my good brother, Sen. Edwin Sifuna when he said that he does not wish the Government to fail because the country will fail. I ask my brothers on the minority side to support the Government where it is necessary for the benefit of Kenyans. I assure you that the cornerstone of this Government of William Ruto will be openness, transparency and fairness, going into the future.

Mr. Speaker, Sir, another salient feature in the Address that was only equated to being Solomonic was on the issue of amending Standing Orders. I have been the Chairperson of the Committee on Justice, Legal Affairs and Human Rights in this House. I can tell you that many Cabinet Secretaries (CSs) do not want to come to the Senate, yet the Constitution under Article 153(3) provides that a CS shall appear before a Committee of the National Assembly or Senate.

I remember the notorious CS of Interior and Coordination of National Government who used to decline to appear before this House until we issued summonses. Why should we invoke the Powers and Privileges Act where we are fining individuals who do not want to appear before the Senate Kshs500,000, yet this Senate has *quasi-judicial* powers of the High Court.

I laud the President for that so that we can improve on accountability. I might be the Chairperson of the Committee on National Security, Defense and Foreign Relations, but it is better to have the CS in charge of Interior and Coordination of National Government, our good brother and former colleague, Sen. (Prof.) Kithure Kindiki and our superb chief agent appear before us. You are aware how he handled matters at the Bomas of Kenya. That is a real son of Tharaka-Nithi and Mt. Kenya.

We would wish to have him sit here so that Sen. Wambua and Sen. Olekina question him directly and not through proxies in the name of chairpersons, where they go and meet CSs behind doors and discuss some things, when they come before the House, they want to shield the CS.

Mr. Speaker, Sir, I laud the President for that. I hope to see the CSs attend Committee sittings. I am not warning anybody but CS nominees should tread carefully. This is because the President has said that they must appear before Parliament. I request the President that any CS who will defy Article 153(3) should form a ground of firing or even being impeached or vote of no confidence by Parliament of the Republic of Kenya.

The fourth point is on the issue of financial autonomy. When I was the Chairperson of JLAC - you were the Chairperson of the Council of Governors (CoGs) - we were trying to push for the operationalization of the Judiciary Fund. I am happy that that operationalization and autonomy of the Judiciary Fund has come to form.

I heard the Senate Minority Leader infer that there is State capture of Judiciary simply because the Chief Justice (CJ) and the Deputy Chief Justice (DCJ) gave courtesy greetings to the President when he came to Parliament. That is not the case. The Judiciary now has the power to control their own purse. There is a saying that; who pays the piper, calls the tune. Now the Judiciary can do their own stuff.

I am happy that the police will no longer be available for political errands, including national Government administration. This is because the Inspector-General has been made an accounting officer. He has Authority to incur Expenditure (AIE). The President has signed autonomy where the IG has his own access to money. Police will no longer be available. I assure the minority side that police will only provide security, maintain law and order as per the National Police Service Act and any other Acts that are relevant.

In future, I wish also to request governors to give financial autonomy to county assemblies. I know this is sweet music to my brother, Sen. Edwin Sifuna. This is because some governors are controlling---

Mr. Speaker, Sir, luckily, you have been a governor until just the other day. I know governors would want to control. My prayer is to let county assemblies have financial autonomy. God willing, I will bring an amendment to the Public Finance Management Act so that Speakers and Members of County Assemblies (MCAs) can have direct access to their money so that governors do not control and try to emasculate them when doing their oversight role.

Another issue is on the 'Hustler Fund' and Kshs50 billion is available. I call my colleagues from both the majority and minority sides--- I assure the 'hustlers'; *mama mboga, boda boda*, wherever they are; from Kisumu all the way to Mombasa that this is their chance to change their lives because Kshs50 billion is available for them. The President has directed that the money will not be given at the constituency or the county levels, it will be given at ward headquarters. I would really want to see 'hustlers' take that money and ensure we change lives.

This is because there are many young people that are unemployed. I can tell both the minority and majority sides, when you walk to our offices, you will think we are employment bureaus. There are applications in our offices. The only way is to ensure that

we are creative in terms of creating opportunities for the young people. I hope we will assist the Government in formulating the right legal procedures so that the rightful 'hustlers' can access the money.

You remember with the Youth Fund, people at 60,70 and 80 years were considered youth. For these 'hustlers', there must be a rigorous vetting process so that we see what to do.

Mr. Speaker, Sir, public debt is becoming a threat. As we talk, the country is looking at the Kshs10 trillion public debt. I am among seven Senators, including Sen. Wambua, who voted against the raising of public debt ceiling. We were insulted and told that we did not know what we were doing. Nevertheless, with time, we have been vindicated because we rejected the raising of public debt. That was because the first charge when revenue is being collected, is always on debt.

The Speaker (Hon. Kingi): Sen. Cherarkey, your time is up. We need to be fair since I declined to allow those who wanted to speak after their time was up.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir.

(Interruption of debate on the Motion)

The Speaker (Hon. Kingi): Before I allow Sen. Olekina to speak, I need to make a communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM GETA SECONDARY
SCHOOL, NYANDARUA COUNTY

Hon. Senators I would like to acknowledge the presence in the Public Gallery this afternoon of the visiting teachers and students from Geta Secondary School Nyandarua County, who are on an academic trip.

(Applause)

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

I thank you.

Maybe before I allow Sen. Olekina to contribute to the Motion, let me give two minutes to the Senator of Nyandarua to welcome the delegation.

Sen. Methu: Thank you, Mr. Speaker, Sir. I take this opportunity on my own behalf and those of my colleagues who are here, to welcome our young brothers and sisters from Geta Secondary School.

Geta Secondary School is in Kipipiri, just next to the Aberdare Forest. It is a school that is coming up well. Our students from Nyandarua and all the other places of

this country have seen me campaign around Kipipiri and Nyandarua. As a young person, I will tell them that what has brought me this far was education.

I come from a very humble background in a small village. The sky is not the limit but the limit is your own self. Just believe in yourselves, work very hard and you shall become whosoever you want to become. I wish you all the best as you undertake your studies.

Additionally, I would wish that one day when I become the president of this country, one of you will be representing me in this Senate and all the other Houses that are around. *Karibuni sana* and thank you very much.

(Resumption of debate on the Motion)

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

Sen. Olekina: Mr. Speaker, Sir, I thank you for giving an opportunity as part of the Senate to record my thanks on the Speech of the President during the opening of the 13th Parliament.

However, before I do that, let me also appreciate the young men and women who have visited the Senate today from Nyandarua. I encourage them to continue following the deliberations of this House so that they too can be part of nation building.

It is important for the students to realize that our work in the Senate is to be able to correct, criticize and oversight our county governments. I hope that when you go back to Nyandarua, you will be able to share our gratitude with the people of Nyandarua.

Mr. Speaker, Sir, now to the President's Speech. My job here as a Senator is not to praise the President for giving a Speech. However, it is to analyze, critique and correct the Speech of the President so that it can be meaningful to this nation.

The Speech of the President, in my own view, was a bit utopia. It was wishful thinking and brief. When you follow the Speech from the beginning, the President was trying to build consensus. He wanted to get a buy-in for his policies which is not a bad thing.

I think in every democracy, any leader would want to be able to have his or her policies adopted in a bipartisan approach. I will not fault the President for doing that. I think if I was the one seated in that seat, the first thing I would seek to do is to entice, seduce and try to buy-in so that the people who are supposed to be criticizing and overlooking my work can also be able to dance to my tune.

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

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

I am going to be very brief and straight to the point. I will go straight to the issue that was an invitation to this House to amend the Constitution through the backdoor.

My colleagues have alluded to Article 153 of the Constitution which mandates every Cabinet Secretary (CS) to appear before a Committee of the House either in the National Assembly or the Senate if they are invited. Reading from the President's

Speech and his wishes, I would only conclude that the President would want us to go back to a Westminster kind of parliamentary system. This is whereby, the representatives elect one of their own to become the head of government so that they can be accountable to that person in that House.

If this Parliament goes ahead and follows through with the proposal made by the President, we will be amending Article 153 of the Constitution which is quite explicit and very clear.

It states as follows -

“A Cabinet Secretary shall attend before a committee of the National Assembly or the Senate when required by the committee to answer any questions concerning a matter for which a Cabinet Secretary is responsible.”

I dare say that in this House, apart from the Senators who are elected and nominated, the only other person who is supposed to stand where I am standing right now, is either the Clerk or the Serjeant-at-Arms helping us. In fact, a very good example that I can use to demonstrate to the public that any other person who stands here is a stranger is one of our own. Hypothetically, if Sen. Crystal Asige, the nominated Senator, would have come on the day when the President was addressing the two Houses of Parliament, she would not have been allowed to sit where she is right now. She would have been asked to sit at the Speaker’s Gallery because she was a stranger even though she was nominated, until she was sworn in as a Senator. The only reason why she can now comfortably sit here is because she has taken the oath.

Mr. Deputy Speaker, Sir, I would like to invite my colleagues to relook at Articles 153 and 125 of the Constitution very carefully which is what my good friend and colleague Senator or Nandi was referring to in term of, if the Senate or the National Assembly have the quasi-judicial powers to summon witnesses.

As the House of reason and as the other Arm of Government I would really like to beseech my colleagues for us to move away from this language of referring to each other as the Opposition and the Government.

In this House, I do not see any opposition.

What I see is another independent Arm of Government, which is the legislative Arm of Government and tasked to legislate.

Mr. Deputy Speaker, Sir, as I refer to the speech of the President, I would like to comment on the issue of the Judiciary. I welcome the support given to the Judiciary by the President. I welcome the respect that the President demonstrated first, by appointing the six judges. The six had not been appointed by the previous administration despite numerous court orders. That was a good move. It is also good to allow the Judiciary to control its own purse.

I will compare apples to apples. In the event that the President can stand and say; “I will give the Judiciary x amount of money. I will approve the oversight kitty for the Senate. I will push for the National Government Constituencies Development Fund (NGCDF).” We all become gullible and say; “Hooray, Mr. President!”

Let all Kenyans be reminded that the body that controls the purse is this Parliament. We are the ones that divide the money between the two levels of Government.

The President said he will increase Judiciary money so that they conclude corruption cases. He should have said that he will seek Parliament to approve his proposals. When the Executive brings a budget here, it is a proposal until Parliament approves or disapproves it.

Mr. Deputy Speaker, Sir, I remind Kenyans that the moment we start respecting the principle of separation of powers or the check and balance system, is the time that we will develop as a democracy. I have no beef with the President proposing to set up a fund for Kshs50 billion to help Kenyans. It is something that we, in Parliament, must consider.

On one hand, the President is proposing to cut the budget by Kshs300 billion. In the other hand, he is suggesting to increase the budget by Kshs50 billion to be able to create what he calls the 'Hustlers' fund. If the President would have taken us step by step and demystify where this Kshsh300 billion will be deducted from, I would be giving a different opinion. However, as things stand now, it was more like a statement because he did not give details as to where this money was going to come from.

Mr. Deputy Speaker, Sir, I now get into a very important issue. I hope this House will take very careful measures in agreeing to it. In line No.20 of his Address – I will read it in order to be able to prosecute it – the President said; “We are on a mission to dramatically scale up productivity in agriculture and make sure every Kenyan farmer, fisherman and pastoralist, contributes to sustainable economic growth by contributing to adequate and affordable food.”

Mr. Deputy Speaker, Sir, about a week ago, we all woke up to news that the Cabinet had approved the lifting of the ban on Genetically Modified Organisms (GMOs). The only way to scale up productivity in agriculture in this country today when we are facing severe drought, is by altering the genetics of any crop which is planted here.

Before we do that, I beseech both the Executive and this House, to educate Kenyans on the dangers of altering the genetics of any food or crop. Some of them include resistance to antibiotics and allergens. Most importantly, in a country of many poor people, it reduces the nutritional value of the food. So, we have to be open and careful when we come to this suggestion.

Finally, on the issue of the NG-CDF and the Senate oversight fund, my views are a little bit unorthodox. We are a legislative arm of Government and that money should not be coming to the Senate or the National Assembly. It should be sent to county governments to promote devolution. We then need to find a mechanism where Members of both Houses can be part of a committee that ensures they scrutinise the budget. The budget has to become a project-based budget.

Mr. Deputy Speaker, Sir, my time is over but I wish I had more time. Let me end by stating that let us not tamper with Mother Nature. Let us be very careful about GMOs. The moment we alter the genetics of anything that goes into our stomachs without telling citizens who do not have access to that information, is the day that Mother Nature will be pissed off with us and we will end up encouraging more disease to come into this country.

(Sen. Cherargei spoke off record)

Thank you and I hope my dear friend who is saying that I am out of order, can pick up an English dictionary and see what “pissed off” means.

The Deputy Speaker (Sen. Kathuri): Next, let us have Sen. Crystal Asige.

Sen. Crystal Asige: Mr. Deputy Speaker, Sir, thank you for this opportunity to speak. First, I congratulate the Hon. Members in this House for their elected or nominated positions. I would also like to further extend my thanks to my Party, Orange Democratic Movement (ODM) and the wider *Azimio* coalition, for giving me this opportunity and for seeing a light in me, to add value in this House.

(Applause)

Mr. Deputy Speaker, Sir, it is not often that People with Disabilities (PwDs) get opportunities such as this. This being my first time to speak, I would like to share some of my perspectives on the Presidential Address by H.E the President. I will also explain the length of which I see some of the points that were made and some of the concerns that I would like to bring to the House.

First of all, in the blind and visually impaired community, there is a popular saying that goes; what is worse than being blind, is having sight but no vision.

Mr. Deputy Speaker, Sir, the President’s speech although touching on pertinent issues, I feel that it had some gaps in terms of representation of Persons with Disabilities (PWDs). Article 54(1)(b) of our Constitution provides for the rights of PWDs. The same Article further talks about the state and country having an affirmative action of at least five per cent representation in elective and appointive positions for PWDs.

The first point that I noted from the address is that there was celebration and appreciation, by the President, on the improvements over the two different election periods on re-elected Members. If I remember correctly, he actually said and affirmed the maturity of our democracy because the numbers had gone up.

However, there are also some other numbers that went up, that have not been celebrated within the PWDs community. The numbers that went up include us, PWDs, not being represented in county assemblies, over the last two elective cycles. In 2017, there were 17 county assemblies that did not have any PWD representation. In 2022, that number has gone up to 22 county assemblies, having no PWD representation. If this trend continues, PWDs will continue not being represented in this country as they should be.

My next point on representation is on the recent announcement of Cabinet Secretaries (CS) by the President. Unfortunately, that list has no representation of PWDs. During his campaigns, the President made promises and assurances to the PWDs community, that he appreciates and understands the need for our voice to be heard; the need for our representation in CSs, Principal Secretaries (PS), county assemblies and so forth. Unfortunately, the list that has been announced is not considerate of this. I urge the President and other Kenyans who are listening, to push for more representation of this vulnerable group of people in the country.

The President spoke about accountability and transparency and I was very pleased about it. He celebrated women leaders that are taking their seats and places at the table. I

want to share with this House and Kenyans, that there is an intersectionality of being a woman. I am an example of that intersectionality. Not only do I stand in this House representing people with disability but I also represent women, youth and a population of this country that is hardly spoken about, which is creatives.

As a young black Kenyan woman with a disability, studies show that we are the group that is left furthest behind in our population. It is because we carry multiple burdens of discrimination. We are four times more likely to suffer Gender Based Violence (GBV), three times more likely to lack education and three times more likely to lack healthcare. We are two times less likely to be employed and two times less likely to use the internet. Young women and girls in Kenya are disproportionately uneducated, unemployed, impoverished and abused.

When I stand here today, I do not only stand for myself but in front and on top of shoulders of women and young Kenyans who have gone before me and I wish to amplify their voices in these areas.

(Applause)

Mr. Deputy Speaker, Sir, if the President is listening - I hope that he is - I would like to urge him to remember that it is not just women leaders that he should be pushing and celebrating in leadership positions but also PWDs; and specifically women PWDs. That we can no longer be on the menu but take our seat at the table.

Another point that I noted in the presidential address is the President's submission on development. It all sounded fantastic and I was pleased to hear some of the plans that he shared in the presidential address. However, again, I did not hear how PWDs were featured in this development.

I would like to bring to the attention of the House, a few terms that I use in my profession, outside the corridors of the Senate. I am vehemently passionate about diversity, equity, inclusion, accessibility, inclusive transport and mobility in Kenya, as well as like I said, the creative industry.

In development, there is a principle called universal design. For those Kenyans listening and do not know what universal design is; it is the design of any building, road, product, service or technology, to be accessed, used and understood by the widest spectrum of users, no matter their age, size, ability or disability. This relates to the development plans spoken of by the President. There must be universal design in every project, activity or development plan in order for it to be accessible to every Kenyan. When that is done, every Kenyan will be served and none will be left behind.

As the biggest minority group in the country, when a building of a primary school is inaccessible or not universally designed, children with disabilities miss out on essential early childhood learning.

(Applause)

When a high school is not universally designed, teenagers miss out on integral adolescent education to take them forward in their lives. When a work place is not universally designed, we miss out on employment.

Mr. Deputy Speaker, Sir, just a few minutes ago, I had lunch with Hon. Tim Wanyonyi and members of Kenya Disability Parliamentary Association (KEDIPA). We spoke about how PWDs are left so far behind that when a building or school is inaccessible, it means that we probably will only start school at the age of 12, 13, 14 or 15.

That is why you will find most of the times PWDs starting Grade One at the age of 20, 25 or 30. Poverty as well as inaccessibility play a big role in that. I feel there was a bit of gap in the development plan laid out by His Excellency the President.

Universal design, like I said, is not just in infrastructure or buildings. It is also about the roads and transport system. Many times I have not been able to travel or go to a city centre because of non-inclusive transport and road network. That means that I have missed out on many opportunities.

I have seen my colleagues, high school mates, family and friends going about their lives while I remain stuck. This is not just my story. It is the reality of approximately 0.9 million PWDs in the country. Universal design is extremely important. I wish His Excellency the President considers that in development plans and activities.

The next issue I want to talk about are budgets. I have said this before but not on the Floor of the House. The number of PWDs, according to the 2019 population census, has been contested widely by PWDs.

Before the 2019 census, we were just above 4 million PWDs in the country. Post-2019 census, we have now gone down to 0.9 million PWDs. This affects our budgets and equitable allocations. That is the main reason why we are suffering in terms of not being represented and not being seen and heard in different areas of development in the country. I urge His Excellency the President to consider how we can look for possible remedies to cure the disparity in the data.

Mr. Deputy Speaker, Sir, I would like to share---

(Sen. Crystal Asige's microphone went off)

The Deputy Speaker (Sen. Kathuri): Sorry Senator, I will add you two minutes to conclude your maiden speech.

(Applause)

Sen. Crystal Asige: Mr. Deputy Speaker, Sir, that is an example of noble leadership. Thank you very much.

As I conclude, I would like to touch on the creative industry that was not spoken about in the address. Artists do a lot for this economy. However, they are not seen nor heard because they are not understood.

Young people are fighting with their parents about the choices they are making to become writers, musicians, dancers, painters, film makers and so on. I would like to urge

His Excellency the President to consider creative arts as well as he moves forward with his plans as stated during his Address to Parliament last week.

I would like to finish by saying that sometimes it is heartbreaking to be a PWD. It is painful to see people going about their lives, moving, going where they want and having what they have dreamt of as you remain stuck, watching people pass by and leaving you behind.

I would like everyone, including His Excellency the President, and especially people serving in his Office, to ensure that we are represented in every facet of this nation. That includes education, health, employment, development, maritime affairs and the whole lot.

Mr. Deputy Speaker, Sir, I would like to finish by quoting Mahatma Gandhi. He said; “the true measure of any society can be found in how it treats its most vulnerable members.”

I thank you.

(Applause)

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Crystal Asige, for that moving contribution. At some point you wanted to inform Sen. Cherargei about universal designs of buildings and roads and transportation. He is now informed. Sen. Cherargei, make sure that all the points get to that office.

(Interruption of debate on the Motion)

Hon. Senators, we have a visiting delegation from Kisumu which is represented by the distinguished Senator for Kisumu County, the one and only Sen. (Prof.) Tom Ojienda, SC. Therefore, I have the following communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM OTIENO OYOO
SECONDARY SCHOOL, KISUMU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Otieno Oyoo Secondary School in Kisumu County, who are on an academic trip.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them, and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

(Applause)

Sen. (Prof.) Tom Ojienda, SC, you have the Floor. Please welcome the visitors from Kisumu County.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, I take this opportunity to welcome to the House students from Otieno Oyoo High School, which is just about five kilometres from Kisumu Town. I also welcome the teachers who have accompanied the students.

It is instructive for students to note that a visit to the Senate is a great opportunity to exploit and understand how Parliament functions. When you go back to Otieno Oyoo High School in Kisumu County, you should share your experience on what you saw in the “Lower House” which is the National Assembly and the Senate which is the “Upper House”.

That experience is important because students, upon visiting the Senate, are able to aspire and sharpen their skills, not just in learning, but also understanding that various professions lead to certain results.

In this Senate, we have different professionals because we have Senators who are experts in different sectors. We have industrialists, lawyers, businessmen and educationists. It is important that whichever way you go, you have an opportunity to serve your people in standing up and advocating for your people to the best of your ability.

Mr. Deputy Speaker, Sir, as I welcome the students and teachers to the Senate, I encourage them to learn as much as they can before they go back to Kisumu County. *Karibuni.*

I thank you.

(Resumption of debate on the Motion)

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mandago.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to make comments on the Presidential Address.

First, allow me to congratulate Sen. Crystal Asige for representing PWDs well. I agree with most of what she has said. We need to ensure that PWDs can access services and particularly Government offices.

Having said that, looking at paragraph 19, regarding the comments of the President in terms of fighting corruption in this country, I would like to say that fighting corruption is not about how much we talk or shout about it but in how much we invest in institutions that are mandated by law to deal with matters corruption

Mr. Deputy Speaker, Sir, the President in his speech made it clear that he is going to respect the separation of powers of the various arms of Government. In that regard, the President has already made sure that funds to the Judiciary Fund are increased. In the quest to fight---

The Deputy Speaker (Sen. Kathuri): Hon. Senator, sorry for the interruption. The Senator who has just crossed the Floor, kindly walk to the bar, bow and then cross over.

*(Sen. Montet walked to the bar and bowed,
then proceeded to take her seat)*

Proceed, Sen. Mandago.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir. The President, in his endeavor to fight corruption in this country has committed to empower the institutions responsible.

One of the ways to empower the institutions is give them resources that can enable them deliver. Access to justice has been limited by the number of courts we have across this country and by the number of Judges available to deliver justice in this country. By increasing the funds to the judiciary, the President intends to ensure that justice is served at the nearest point to our citizens in this country.

Therefore, I would like to confirm to this House that the President and his administration have every intention of making sure that the fight against corruption is upscaled but in a new manner where the institutions responsible are given the necessary resources.

The President in his Address discussed about the issue of availing subsidized fertilizer to counties and regions that are going to experience short rains. I would to congratulate the President for this initiative and add that this subsidized fertilizer that is being moved to regions that are going to experience short rains, as a Senate and aware that agriculture is 95 per cent devolved, we would like the Ministry to work with county governments to ensure that this fertilizer reaches the intended farmers.

As you are aware, county governments have data of their farmers. They have extension officers in the field. When national Government sends the fertilizer to counties to distribute, then we are confident that the intervention will produce the desired results.

Other sectors of agriculture have also been touched by the President. A Senator here alluded that it seems at the onset of this administration, regions that never voted for this administration are being discriminated against. In the President's speech he talked about 23 counties and 23 million Kenyans who are facing starvation. The speech did not specify that those 23 million Kenyans are those who supported this administration. The intervention that is being put by the President to ensure we have food through the subsidized fertilizer is timely and welcome.

However, we encourage the national administration to make sure they work with county governments who have the actual data and who know the actual farmers in the counties so that this fertilizer can reach the intended population.

On the Paragraph 27 of the President's speech, he informed the House of the reduction of the cost of credit by the mobile operators or online lenders. I want to congratulate the President for having consistently talked about this in his campaign. In his few days in office, he engaged these lenders and succeeded in ensuring that the cost of credit has been lowered by 40 per cent.

Although the lowering by the operators is welcome, I would want to still say that the outstanding percentage is extremely high. I say this because if you check on the lending rates of these online lenders the interest rates go as high as 24 per cent after the reduction that was recently given by these operators. We would urge the operators to lower the cost; if not lower that what the banks are offering, equal to the rates the banks are lending because this is credit that is available to a majority of Kenyans at the comfort of where they are doing their business.

On the “hustler fund”, this is a fund that will be a game changer in this country for our youth depending on how the legislation, legal framework, regulation and training that is going to be offered to all the borrowers to ensure that this is sustainable.

As you are aware, many young people in this country have innovations and some of these innovations have been stolen from the young people. There are blue-chip companies in this country who have taken advantage of our young people and their innovations. For lack of capital, they have stolen the applications and innovations from these people.

This fund is going to sort the problem of applications or innovations of our young people and citizens of this country being taken over by multinationals because of their financial muscle to develop them. This affords our young people and the country the opportunity to innovate using easily accessible and affordable credit.

The administration has promised to make sure that the funds are available at the ward level. As the Senate we would ask the national administration to make sure that county governments are involved at that level so that every Kenyan in every part of this country can access the Hustler Fund.

As a Senate, we would like to be part of this process in overseeing these funds to make sure it is sustainable. We have seen in the past funds like the youth enterprise fund, women enterprise fund makes an impact, but not the one desired when they were being established. We would like to see this Hustler Fund programme succeed so that we can reduce the level of unemployment in this country.

The President in a quest to make sure Kenyans live in decent houses has proposed to invigorate the affordable housing programme that has been going on but has faced a number of challenges.

I support the President in this initiative because once launched, the development of about 250,000 units will create a high opportunity for employment. I also want to note that housing as a function is a concurrent function between county governments and the national Government.

As this programme is being initiated it should be noted that the sharing of assets between national and county Governments particularly on housing was not concluded and the national Government still holds to all the housing lands in the country that were supposed to be shared. If this programme is to succeed county governments must be involved so that this programme can be availed to all counties.

Also on this housing project, this was a programme that was ongoing. We want a situation where a county like Machakos should be able to supply sand and cement being manufactured in the country, used in affordable housing. We do not want a situation that we saw in the last programme, where the contractors were importing cement in millions of tonnes from China. By the time the programme was launched, all materials for construction of affordable housing were imported and our companies suffered from depressed markets. This is because the cement that was available for this programme found its way into the market, creating unfair competition.

Mr. Deputy Speaker, Sir, I urge this House to be very keen for us to develop legislation and frameworks, that will safeguard the local contractors. Also, realizing the magnitude and the volume of this project, the cost and funds involved, there is need to

integrate the development of this housing with capacity building of our contractors and all our young people in our universities, so that we build local capacity. In the future, local contractors should undertake all these kinds of construction.

I say this because the national Government commenced the program of constructing the Expressway, which expended over Kshs60 billion to Kshs70 billion from the national coffers. The technical knowhow was with the foreign contractors. You can see their multitude---

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

The Deputy Speaker (Sen. Kathuri): Sen. Mandago, do you wish to be informed by the Senator for Mombasa County?

Sen. Mandago: Mr. Deputy Speaker, Sir, I have no objection. Being a 'mono,' I should be willing to be informed so that I learn.

The Deputy Speaker (Sen. Kathuri): Sen. Faki, kindly proceed.

Sen. Faki: Mr. Deputy Speaker, Sir, I thought the Nairobi Expressway was a Public Private Partnership (PPP) project and not a Government project.

The Deputy Speaker (Sen. Kathuri): That is a PPP. The Government comes in as the public partner.

Proceed, Sen. Mandago.

Sen. Mandago: Mr. Deputy Speaker, Sir. I agree but from Sen. Faki's statement, he 'thinks' so, he is not sure himself.

The reason we need to integrate with training is so that we have capacity that, that project had a lot of structural constructions, that required very high expertise.

Our universities and local contractors, if within the framework would have been involved in that project, within three or four-years' time, it will be unnecessary to have international tenders for them to carry.

The impact of that in the economy is that when we have local contractors doing such volume of work, the kind of money that will remain in this country will spur the economy and grow our tax base.

On the issue of PPP, the current Act is not very facilitative. The turnaround time for one PPP project to take off is between three to five years. There will be no investor locally or internationally who will be willing to keep running around offices following these forms or documents---

(The amber light went on)

The Deputy Speaker (Sen. Kathuri): Sen. Mandago, your time is up. Maybe, next time, you will conclude once you see the yellow light.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. Before I get into the Speech of the President, allow me to try and settle that conflict in terms of the right position on the Expressway.

I sat in the Committee on Roads and Transportation in the last Session. Both Sen. Faki and Sen. Mandago are right. It was indeed a PPP, but there was a Government

component of the project that relocates existing infrastructure like electricity and water pipes.

The Speech read by the President - I am saying the Speech read by the President deliberately. I will try to be brief and make my presentation in three segments. I will express my views first on my expectations. Secondly, I will give an overview of the Speech. Lastly, I will get into the specifics.

In regards to my expectations as a leader in this country and the elected representative of the interest of the sovereigns of Kitui County, I was underwhelmed, actually, disappointed by the Speech read by the President.

Prior to the reading of the Speech, there was a live conversation across the political divide among leaders whether they were going to attend this session or not. I made a deliberate choice to attend. I expected that two things would happen.

First, that solutions to the skyrocketing cost of living across the country will form the centerpiece of the President's Speech. To my recollection, I have gone through this Speech many times. That did not happen. Immediately after the Speech was read on the 29th Thursday, 2022, I travelled to Kitui County on Friday and the cry of the people of Kitui on the President's Address was; what solutions had he given to deal with drought and starvation in sections of the county? That is still a live matter and must be appreciated by us all. If there is one challenge that this country is facing is drought and starvation in pockets of the country.

The second issue that I expected the President to deal with was the Competency Based Curriculum (CBC). Although later the President appointed a taskforce to look into it, I expected that because he was setting the agenda of the nation for the next five years, to boldly address himself and make policy pronouncements on the issue of CBC.

Mr. Deputy Speaker, Sir, the Senate Majority Whip, yourself and I know that when it comes to matters and issues touching on education, it requires the highest office in the land to intervene with proper information.

I am reminded of former President Bush of the United States of America when he signed the No Child Left Behind Bill into law. This was meant to address issues of public schools, especially issues of access to minority groups including the blacks. That photograph is going to be forever engrained in my mind of that boy standing beside the President as he signed the Bill into law. Later on, President Obama signed Every Child Succeeds Act. This is because education issues are very important to the life of a nation.

My expectations were not met. It was not my speech. It was the Speech read by the President. Therefore, an overview of the Speech has two to three issues.

Firstly, colleagues have argued on the length of the Speech. Some have said it was short. Others have said that it was okay. However, from where I sit, substance is not necessarily on the length of the Speech, but on the detail in every paragraph, whether short or long.

My biggest beef with this Speech is that whereas there were expectations that it would set the agenda of the Government for the next five years, it does not speak to itself. I am a journalist of long and good standing. When you look at the paragraphs into this Speech, you are tempted to believe that somebody slept on their job because the President does not write his speech.

When you look at Paragraph 45, for example, the President takes issue with “hustlers” who are saving as little as Kshs200 a month, which cumulatively for 30 years would total to Kshs72,000. All of us are “hustlers.” In the same Speech in Paragraph 47, the President is encouraging us to save. The Government will be giving as little as Kshs1 for a maximum of Kshs6,000 saved in a year in a national saving scheme.

On one hand, you are saying that you are saving Kshs200 shillings is too little in a month, while on the other hand, the Government is giving Ksh1 shilling for every Kshs6,000 saved for the same period of time.

When you go to Paragraph 41, the Government wants to save Kshs300 billion this year, while in Paragraph 28, it is creating the “hustler” fund of KShs50 billion.

In the Speech the President was given to read, we do not know the policy statement and agenda for his Government for the next five years. That is my appreciation of the Speech. Let me know go to the specifics.

In Paragraph 11, the President commits himself to an issue-based political leadership. I advise that different regions in this country have different needs. What one considers an issue in one region, may not necessarily be an issue in another region. As I said, a little has been touched in the Speech on the issue of water. I come from a region that has serious water deficit with very erratic rainfall.

The first concern for the people of Kitui and the people of the lower Eastern region is water and water only. I would expect---

The Deputy Speaker (Sen. Kathuri): Hold on, Sen. Wambua. What is your point of order, Sen. Ali Roba?

Sen. Ali Roba: Mr. Speaker, Sir, I rise on a point of order on Standing Order No.122 (e). Sen. Wambua has given inaccurate information as to the content of the Presidents Speech. If you look at Paragraph 47 of the Speech, Sen. Wambua said that the President said that for every Kshs6,000 saved, he will give a Shilling.

Sen. Wambua reports the President as saying that for every Kshs6,000 saved, he will give Kshs1. However, in Paragraph 47 the President said-

“For every Kshs2 saved in the scheme up to a maximum of Kshs6,000 a year, the Government will contribute Kshs1 shilling. For every Kshs2, Kshs1. Therefore, the information given initially is not factual. I needed to correct that.

I thank you Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): That was actually a point of information, and it is okay. Maybe you can make the correction, Sen. Wambua.

Sen. Wambua: It is a point of information, which does not change the facts. The facts remain the same. I do not know how it does it. If you remember, the context of my overview was about a speech that is not speaking to itself. There is a saving here that is said to be very low, but there is a lower saving that is being encouraged.

If you allow me, I would want to move and conclude my presentation. On Paragraph 17, the President has devoted himself to be President of every Kenyan; to serve all regions irrespective of their political affiliation. I encourage the advisors of the President and the President himself on the Floor of this House to match his words with his actions.

Sen. (Dr.) Khalwale knows very well of the contents of the Sessional Paper No.10 of 1965 on African Socialism and its Application to Planning in Kenya. It talked about political equity, wealth creation and human dignity.

Opinion is divided on that Sessional Paper. There are those who believe that it was a very good paper. Others believe that it only gave resources to areas that were already resourced. Areas that were not resourced were left to suffer.

This commitment, from where I sit, speaks to the principle of Sessional Paper No.10 of 1965. While the President says that he will serve Kenyans irrespective of their political affiliation, in his latest and first appointment of Government Cabinet Secretaries, that does not hold true.

Our duty in this House as Senators and Members of Parliament in the National Assembly is to hold the Executive to account on their own word.

May I make this very clear because I see a temptation, especially on leaders seated on the right side of the Speaker, thinking that they are more Government than leaders seated on the left side of the Speaker.

Mr. Deputy Speaker, Sir, there is no attempt by any Member of Parliament (MP), elected or nominated, that will make us part of the Executive. Our duty as legislators is to hold the Executive to account. As Sen. Sifuna said, even when the Executive succeeds, this country succeeds. If and when the Executive fails, this country will fail.

Therefore, there is no right or wrong in this Speech. Senators and Members of the National Assembly will interpret the Speech from where they sit. They will do what they must do to hold the Executive to account on their promises.

Lastly, if time will allow, I laud the President for inviting the Legislature to hold the Executive to account. I call upon the President to reign on Members of his party and coalition not to pretend that the President is more of their President than he is the President of the Minority side.

Mr. Deputy Speaker, Sir, thank you for the opportunity to make my presentation. I hope that going forward, Members, both on the left and the right of the Speaker, will remember the words of my senior colleague, Senator and now Gov. James Orengo, that Governments eat their children.

The Deputy Speaker (Sen. Kathuri): Thank you.

Sen. Abass, you may have the Floor.

Sen. Abass: Mr. Deputy Speaker, Sir, thank you for the opportunity. The President of the Republic of Kenya talked about 52 issues within a very short time. He talked eloquently and with a lot of vigour, which made the Speech to be seen as very short.

The President started by asking for cooperation between legislators of the two Houses; the National Assembly and the Senate. The President's Speech gave hope to the young, upcoming politicians and the minority of Kenyans. If I may quote, with your permission, Mr. Deputy Speaker, Sir;

“With the support of Kenyans, we have dislodged ethnicity as a central organising principle of our politics. In Kenya, the sitting Deputy President became the candidate of opposition and leader of opposition became the candidate for the Government. As things would be, the opposition candidate won the election and became the President of the

Republic of Kenya and the President became the leader of Opposition. This is the beauty of democracy”.

This has given us a lot of hope because issues of dynasties are now over and every Kenyan has the opportunity of becoming the President of this country. Adding to that, he also asked the two Chambers to work together for the interest of this country and deliver for the people of Kenya.

Mr. Deputy Speaker, Sir, another thing that is a concern to me is that today, 3.5 million Kenyans are facing drought and famine. Many Kenyans in 23 counties do not have food to eat. This has been the precedent in this country in the past Governments and even today.

This country has enough resources and even the marginalised areas can produce enough food for the country. I can assure you that is only possible if we give enough attention and resources to the Arid and Semi-Arid Land (ASAL) areas. The Gross Domestic Product (GDP) of this country will grow by a double digit.

Unfortunately, as one of our colleagues said, the Sessional Paper No.10 really marginalised the marginal areas and given opportunity to high potential areas. Today, after every two or three years, we have a disaster in the ASAL areas. Whatever intervention is done, is only *ad hoc*. We ferry little maize and beans that is not even enough for the school-going children in those areas.

Mr. Deputy Speaker, Sir, we can do better. This country needs to plan for the marginalised and arid areas. Actually, the livestock we keep in those areas contribute about 70 per cent of the GDP. If well planned, resourced and utilised, it can produce over Kshs150 billion. The same sector employs about 15 million Kenyans. However, they face starvation after every three years. Their animals die in large numbers and those people starve. All they are given is some peanuts in form of maize, but there is no plan.

His Excellency the President talked about developing water through Public Private Partnership (PPP). The PPP for the crucial areas such as Northern Kenya, will not work well. Therefore, priority should be changed. There is enough water.

Wajir, Mandera, Garissa, Tana River and Turkana mostly depend on subsurface water. Tana River is a big river that flows 24/7 through Garissa and Tana River counties. Gallons of water flow into the ocean every second. That water can be tapped and diverted for food production. It can be used to take care of the people who are now having water problems. I do not know what is happening. Tana River meanders through part of Kitui, Embu and Garissa counties, yet all these places always have acute water shortage. It should not be there.

Mr. Deputy Speaker, Sir, countries like Egypt do not get any rainfall even for five to six years consecutively. Egypt depends on River Nile. Waters of that river flow from Lake Victoria; some if it is used along the way and the rest goes to the oceans. That is where we need to tap water for production of food for this country. We must alleviate this kind of water shortage and famine, which makes our people to lack food. That is a misplaced priority.

The President pledged that he will be loyal, hardworking, devoted and will serve all Kenyans without prejudice. I hope and believe that, that will happen.

He also talked about scaling up agriculture. Farmers in other parts of the world like America and Europe always get subsidies. In Kenya, the farmers are left to struggle on their own to produce food. The President said that the Government will subsidise food production at the production level and not the consumer level.

We have become consumers in this country instead of producers. We import everything, including oranges from Tanzania and sugar from Uganda. We have land and resources in this country. Kenyans are well educated and we have researchers and scientists, but I do not know what is happening. We need to make changes and look at how we can be self-sufficient in food production.

We cannot only subsidise fertilizers. It is unfortunate that we lose about 100,000 to 200,000 livestock. We see carcass on international and Kenyan television stations, yet no intervention is made in time. We need to have a timely intervention for that kind of business.

I should laud the President for scaling up agriculture. However, scaling up agriculture should not only mean crop agriculture. We also need to scale up fishing and livestock farming. We all know that 70 per cent of this country is in the marginalised areas, which have low production capacity. Nevertheless, we can grow foods like cassava and sorghum in those regions. There are many options, but the unfortunate thing is that we are only giving exemptions to things like maize, tea and coffee, which are produced in a small area in this country. We need to do better by thinking outside the box.

I also want to applaud the President for reducing the credit facility by 40 per cent. Today, most of the small-scale farmers and the small and medium entrepreneurs are able to access credit. That was good timing. The 'Hustlers' Fund is a good idea and we will appreciate if the fund is utilised appropriately. We have the Women Fund and Youth Fund, which have not had any huge impact in the past because of looting. I hope that measures will be put in place to ensure that this money is safeguarded and that it goes to the right people.

Finally, the low cost of housing is a good suggestion as most Kenyans live in shanties that are not habitable. The low cost housing should not only cover Nairobi and other big towns. We need it to go to Wajir because we also want to change the other parts of the country. Those people should also have decent housing.

With those few remarks, I beg to support.

The Deputy speaker (Sen. Kathuri): Thank you. Let us listen to the Senior Senator for Siaya County, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to contribute to the Presidential Speech.

I start by thanking the President for having recognised that this was a very hotly contested election. Elections in Kenya are different from elections in all the countries in East Africa. I do not think there is any other country in East Africa where democracy is as vibrant as it is in Kenya.

However, I would like to plead with the President to desist from weakening the opposition because the opposition is supposed to oversight the Government of the day. The undemocratic culture of poaching Members from the opposition by luring them with

goodies is a process of weakening the opposition side, which is the minority in the new Constitution. I hope that this culture is going to stop.

I can tell the Members who think that there are goodies on the other side, from the experience that I have had in Parliament, that there is no difference between Members on that side and Members on this side. There is nothing that they are going to get there which is more than what they would have gotten if they stayed on this side.

Some of them campaigned from the side of *Azimio* up to the end, but after the elections, they are now pretending to be the good boys on the other side where they never contributed. They want to harvest where they did not sow.

The other issue is the additional resources that were given to the Judiciary. You will recall that the Judiciary has been starved of funds. They were starved of funds when the current President was the Deputy President. At some point he was actually seen as a co-President, yet the Judiciary was starved of funding.

When we talk of the independence of the three Arms of Government, they should be truly independent. The President cannot purport to be dishing out money to the Judiciary and strengthening them, yet they are supposed to be independent. He is conceding by saying that he will allocate them more funds, but the true independence of these institutions is that they should be financially independent.

The Judiciary should be given an opportunity to prepare its budget and present it to Parliament. Once Parliament has approved it, they should be given direct funding from the Consolidated Fund; the same way Parliament should be funded directly from the Consolidated Fund and not given a favour, which is like bribery.

When you talk of giving the Judiciary funds to strengthen it, it is like bribing them or thanking them for some actions they have done or omitted. I did not take that kindly and thought that was not a good way of talking about the independence or strengthening of the Judiciary.

The issue of not subsidising consumption but subsidising production is a principle that is correct. We should not be subsidise consumption but production.

The President went ahead to mention that the price of fertilizer will reduce from Kshs6,500 to Kshs3,500. I do not know whether that fertiliser was a donation. Secondly, it came late at a time when people did not require it, but that is not the issue because fertiliser is only one factor in the production of maize, for instance.

When you talk of farm inputs to spur production, there is also the issue of land preparation. Nowadays land preparation is not done using hoes and clearing bushes with *pangas*. It is done by tractors that use diesel. Therefore, when you remove fuel subsidy and call it consumption, yet it is an input in land preparation, you are not helping the farmer. At the end, the final product will be expensive because you excluded other inputs, which are necessary to help farmers to produce food.

As we all know, there are many other production processes which affect the cost of farming, including post-harvest losses, storages and also making the products accessible. Making them accessible means facilitating transportation from areas where they are produced to where they are needed.

Sometimes, you have a situation where maize is available in areas where it is produced, but you will find people facing hunger in other areas. Therefore, transportation

should be one of the considerations and that should have been outlined by the President instead of thinking about GMOs.

GMOs have failed in South Africa because of many reasons, including patenting of the seeds by seed companies that make them inaccessible to farmers by making them expensive. Now that we are talking about how to introduce them, there are other factors, including health issues, which should be considered.

We should have a policy that should be discussed by members of the public before GMOs are introduced. It is something that none of the East African countries has implemented. All the East African countries have rejected it. I was a Member of the East African Legislative Assembly (EALA). This matter came up and we had a hot debate. It was rejected by the EALA because of many reasons, including health issues.

Mr. Deputy Speaker, Sir, I do not want to continue on this subject. I would like to conclude by saying that giving money to smallholder traders by putting aside Kshs50 million--- Kshs50 million is a drop in the ocean. If you have to give to about 10,000 people, maybe they will get less than Kshs2,000 each.

I do not think that is a way of encouraging business because it will not spur business growth. Instead, it will only help to impoverish the so-called hustlers. It will make them poorer and dependant on cash transfers rather than helping them to improve their standards of living.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to end my contribution.

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader *emeritus*, Sen. Murkomen, please, proceed.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to speak on the important Speech of the President, which is our constitutional dictate.

The President gave a brief Speech. I have been here for the past 10 years. Presidential speeches of this nature, such as opening of Parliament or State of the Nation Address, have always been done for almost one or one-and-a-half hours. The points were targeted and the President was certain in what he presented. He was also clear in his thoughts about what he wants to do for this Republic.

Mr. Deputy Speaker, Sir, I must start by saying that where the President started was important. He talked about democracy in this country. To many, Dr. William Ruto was not supposed to be the President of the Republic of Kenya at this point in time.

A lot of energy and effort was spent by the outgoing Government, which was a conglomerate of the former Opposition with the existing Government then. In the words of Sen. (Dr.) Oburu, the deep state was on that side. Having put together their forces, they did everything that was humanly possible to make sure that Dr. William Ruto does not ascend to office.

However, since we have strong Government institutions and firm officers at the Independent Electoral and Boundaries Commission (IEBC), we were able, as a nation, to cross that bridge and deliver the will of the people of Kenya who elected Dr. William Ruto as the President. Having been elected, the President recognised that the results were very close. That demonstrates that things that unite us are more than those that divide us.

Even when the President said that there must be a mechanism for Cabinet Secretaries (CSs) to come to this House and the “Lower House” to make presentations and be questioned about what they are doing, that mechanism already exists in the Standing Orders.

Like Sen. M. Kajwang’ submitted yesterday, that can easily be done as soon as we lower this Mace and have a Committee of the Whole. It is possible for a CS to come to this Chamber and make a presentation and be questioned on any issue. In any case, we have done that before.

When we were dealing with the issue of Medical Equipment Services (MES) in this House, we summoned the CS. We were almost a full House even though we did it through Committee of the Whole that I chaired at that point in time.

Therefore, it can become a practice to enhance accountability. It may not be necessary to do it every week, but that is something that can be done once in three months.

Many Senators here know that for the past 10 years, most CSs were non-responsive to the invitations by this House. We have had fights. Sometimes we had to go to the extent of issuing summons to them. In fact, some of them were fined because they were not responsive to the requests by this House to come and account to the people of Kenya through their elected representative.

I wonder when I see my colleagues in the minority side criticizing that very important point. I think it is because they are used to the National Assembly, where they had this luxury of Cabinet Secretaries, who come running because they knew the mandate of National Assembly included budgeting of their department and ministries. This House has, however, been ignored for long. It is important to have a President in office who appreciates the role of the Senate and Parliament and wants to give support to the Legislature to function.

Number two, the President talked about support for the Judiciary. It is instructive to note that this President has a majority in both the National Assembly and the Senate. Therefore, when he is having budgetary proposal from his Cabinet Secretary, it includes budgetary allocations that are related to the Judiciary.

We cannot close our eyes. We all know of the separation of powers. However, there are limits to the separation of powers. Separation of powers does not mean enmity between the Executive, Judiciary and Legislature. We all play our roles. If that was the case, then the Judiciary would not even send the Registrar to come and defend the judicial budget in Parliament.

The argument would then be that the President should not have a say on what Judiciary can get. That argument can be extrapolated to mean that the National Assembly should not also have a say in the budget of the Judiciary, yet it is a constitutional responsibility that budgetary proposal should come from the Executive and the National Assembly would play a role in ensuring the allocation of the budget is successful.

It is not enough that we have a budget. We all know that there are administrative bottlenecks that can easily hinder various agencies of government from receiving their allocation. We know this for sure because many of the counties have not received their

allocation, since there are bottlenecks in the National Treasury and the office of the Controller of Budget (CoB) that sometimes makes it difficult for counties to exhaust the resources allocated to various county projects.

Supporting the Judiciary does not mean that it will be subservient. If you had Judges, who only needed budgetary allocation for them to rule in favour of the Executive, then those judges in the first place do not deserve to be members of the Judiciary.

Sen. (Prof.) Ojienda, SC will tell you - since he served in the Judicial Service Commission (JSC) - that the Judges they hired are not of that caliber. They are men and women of integrity, who are even able to associate and even socialize with Members of Parliament but when a matter is before them and is touching on us, they will rule in favour of the law.

There are many times that the Judiciary has made rulings that are not favourable; declared legislations that we passed unconstitutional or cases where Members of this august House have even been found guilty in the court of law, notwithstanding the fact that they play a role in budgetary allocation. Therefore, it is not true that our Judges are so easily swayed by an Executive that is advocating for proper allocation of resources.

Mr. Deputy Speaker, Sir, the President went ahead to speak about matters that are so dear to Kenyans. Most important is the question of fertilizers. It was the promise of the Kenya Kwanza Coalition, that if we assume office, we will do everything humanely possible to reduce the price of fertilizer from Kshs6,500 to Kshs3,500.

The subsidy programme was quickly implemented. As we speak, already there is fertilizer for midterm rains being distributed across the country in areas where cereals including maize are planted, to ensure that we deal with the question of food security and the high cost of foodstuffs.

Mr. Deputy Speaker, Sir, the President also spoke about credit the many Kenyans that are suffering because of M-Shwari and Fuliza. Again, true to his promise, the President held a meeting with our most profitable company, Safaricom and managed to negotiate for a reduction of credit.

The President promised that we must change the current Credit Reference Bureau (CRB) system, to a credit system that rewards prudence or scores points. It is a system that has been used successfully in many parts of the world. This will help a great deal to ensure that we have a Nation that is capable of accessing credit and doing business.

Mr. Deputy Speaker, Sir, the President also spoke about the 'Hustlers' Fund. It is again misunderstood by a few presenters from the Minority side. It is not a gift or handout to small or medium size enterprises. To the contrary, it is a fund that is meant to assist and support small businesses of hawkers, *mama mboga*, *kinyozi* and *makanga*. It is for the people whom we promised that we will help to work from bottom-up and grow the economy.

The President spoke about housing. The housing project is very important. One of the rights that every Kenyan must enjoy as promised in Article 43 of the Constitution is affordable housing; a proper dignified house and not the kind of houses that we see in Mukuru kwa Njenga, Mathare slums, Kibera, Huruma in Eldoret and Kaptembwa in Nakuru amongst other parts of the country. The people of Kenya must have access to proper housing.

Again, the President also promised implementation of Article 43, in ensuring that people have a right to water. To ensure that many people get this water, the President has promised a change of funding, so that we can have a water purchase agreement. He has invited the private sector to invest in water by constructing large dams, distributing the water and billing the users. The private sector can then recoup their expenses and profits that they need through charges that will ensue in that sector.

Therefore, the President's Speech had so many issues, including Universal Health Care (UHC), further distribution of electricity using digital technology, just tax system and enhancement of savings by the people of Kenya.

Mr. Deputy Speaker, Sir, I, therefore, call upon my colleagues and Members of this august House to close ranks and support where the President and Government is right. Let us also close ranks and criticize or properly oversight the government. This is a Government that is ready to be oversighted. Let those who will work in the Executive be ready. We have a President who is willing to be assisted by the Legislature to bring about change in this country.

I want to encourage each and everyone of us in this House - unlike what Sen. (Dr.) Oburu said - not to go to bed with the Executive. Not only those who are in the Minority side, but also those in the Majority. It is our responsibility notwithstanding the side which we are sitting, to make sure that we hold the Executive accountable. If we do not do that, we are going to make the Executive fail.

Those of us who are sitting in the Majority side, notwithstanding the fact that we supported, campaigned and brought a President into office, must not be sycophants. He has called us into constructive criticism and support, to make sure that anybody appointed by the President, from Cabinet Secretary to a sweeper in any office is accountable to the people of Kenya by the assistance of the legislature. It is not one side but both sides of the legislature.

I want to allay the fears that the Minority side have that perhaps maybe, we are sitting here as the majority to cover up for the Executive. No! If we cover up for the Executive, the people of Kenya will know and see through our behaviour and actions and we may not have a chance to be reelected again. It is a call for all of us to make sure that we stand together as a legislature.

It is a call for all of us to make sure that we stand together as a Legislature. The Senate must not sleep on its job, abrogate its responsibility or live this responsibility to the National Assembly. We must be on the forefront.

In any case, His Excellency the President has also promised that he will support the funds for accountability in this House. We need to follow through that promise and ensure that there are enough resources for the Senators to go to the counties and hold their governors and their county executives into account, through proper meetings that are funded by the Executive.

We must also support the National Government Constituency Development Fund (NG-CDF). We all know the difference it is making, as a unit of further devolution of resources to the constituency level. We may have had issue before with the Members of the National Assembly, but we cannot argue with the benefits that come with the NG-CDF.

Mr. Deputy Speaker, Sir, you are a witness. You have been a Member of the National Assembly. Without the NG-CDF, many of our schools would not have the infrastructure that they have today.

I beg to Support and wish His Excellency the President and his Government the best as they serve the people of Kenya.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Murkomen. That was well spoken. First, I wish you the best in everything in your near future endeavor. If you go with that mindset in the Executive, you will add a lot of value in what the Executive does in this country.

Let us now hear Sen. (Prof.) Tom Ojienda, SC, the Senator for Kisumu County.

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. I am speaking after my colleague and friend, Sen. Murkomen, the now CS for Roads, Transport and Public Works. I join issue with him, on the question of the importance of separation of powers, given that the House as a whole, has an obligation as the Legislature to oversight the Executive.

That is not only a function that is only exercisable by the Minority Side or opposition, but also by the Majority Side. They must ensure that the Government is kept in check and that they perform every task in line with the law.

I rise today to also congratulate my colleague, Sen. Murkomen, for his appointment as a CS. I hope that those who have served in the Senate will get the approval of Parliament. We have Sen. Soipan, who was appointed in the Ministry of Lands and Environment and Sen. Linturi, who was a former Senator as well. I hope they will get the approval of Parliament.

I hope and believe that my other colleague, Sen. (Prof.) Kithure Kindiki, the Cabinet Secretary for Interior and National Administration will also get a nod. We need to have this Executive in place, so that they serve Kenyans.

Mr. Speaker, Sir, I have a burning issue even before I go to the Speech. That is the issue of performance of functions of this Ministries and the question of fertilizer subsidy.

In my home county, Kisumu, we are having problems securing the fertilizer that is currently available at Kshs3,500 from the National Cereals and Produce Board (NCPB) because of a decline in registration of members. It is a fact that I have communicated to the incoming CS for Agriculture, Livestock and Fisheries.

I hope that the people of Kisumu County will not suffer. They are unable to access the commodity. Instead, our neighbours from Cherargei's county are coming in, getting registered and taking away our fertilizer. That is an issue that needs to be solved.

Concerning the President's Speech, let me start by congratulating His Excellency the President, William Ruto, on assuming office and taking up the charge of this country. As a Member of this Senate, I must point to issues that need to be pointed to and that fall short in this Presidential Speech.

I agree with Sen. Murkomen on the question of the importance of Judiciary as an Arm of Government.

However, the Judiciary budget for Financial Year 2022/2023 stands at Kshs18.9 billion. The Kshs18.9 billion was given against the projected budget of Kshs39.5 billion falling short of the requirement of the Judiciary.

The Judiciary runs several courts and has a huge number of staff. Both judicial independence as an important facet of the Judiciary and decisional independence are aspects of independence that must be safeguarded by ensuring that the Judiciary is met at its need.

International practice requires that judiciaries in the world be resourced. Most countries place the funding of judiciaries at 2.5 per cent. Out of the budget of Kshs3.3 trillion in the last budget, the budget given to the Judiciary of Kshs18.9 billion amounts to 0.0189 per cent, which is still short. It is less than one per cent of the national budget.

The Government can do better and give the Judiciary more money so that it meets its target of Kshs39.5 billion that it sought. I am aware that the Judiciary Fund was activated by the retired President, Uhuru Kenyatta. Under Article 173 that Fund is functional. Going forward we need to capacitate the Judiciary, so that it can deliver to the people of this country.

The other question of interest to me is climate change that impacts on every life and every concept or principle of environmental law. The principles of intergenerational equity behoove upon us to ensure we manage our environment to the level that we will pass on to the next generation safely for use and application.

We currently have a legal framework in the nature of the Climate Change Act No. 11 of 2016, which was enacted and came into force on 27th May, 2016. The framework creates a National Climate Change Council chaired by His Excellency the President himself, which is Section 5 of the Act.

At Section 7 we have a Climate Change Council whose membership include Cabinet Secretaries of this country. Of instruction is that the structure of the Act creates a framework that leads to carbon credits so that the control of global greenhouse gases is not just at the national level but also at the county level. All the citizens of this country can then benefit from carbon credits.

This is a powerful statement because this is why the Senate is involved in this action. That national policy as spelt out should point to what Government should do. The Government can get funding from all fronts and ensure that the Fund created at Section 25 is sufficiently resourced, so that every citizen of the 47 counties of this country can benefit from the Climate Change Fund.

The President should have pointed deliberately to what amount of budget he will add to the fund under Section 25, instead of stating generally that the Government will be concerned or will prioritize Climate Change.

My good friend Sen. Soipan Tuya is the nominee for the position of CS for Environment. This is an area subject that is dear to my heart. It is a subject I will follow to ensure we deliver as a country on the question of climate change.

Climate change and the distraction of the Ozone layer is not about this country. It is about the entire world. Therefore, it is as important as the life of every citizen on the globe.

Mr. Deputy Speaker, Sir, I propose that on the question of climate change, the Presidents' Speech fell short. It should have been more specific on the measures that should be taken to encourage and ensure every citizen is involved in activities that mitigate the advancement of climate change. Climate change does not only affect basic life, but every aspect of life, including agriculture. It affects fishing, which is key in my county and other aspects of the lives of our children.

Lastly, is the question of Parliamentary oversight. Article 93(2) of the Constitution remains the guiding compass for oversight. Under Article 96, this House undertakes oversight in the same manner as the National Assembly and the county assemblies. The role of oversight cannot be overstated. When the President pointed the need to create an oversight fund, all of us were happy. It is because we believe that the Senate, as an "Upper" House, must be strengthened to undertake its oversight role.

Apart from the provisions of Article 153 on the question of attendance of Cabinet Secretaries (CSs), of course, they are required to attend Senate if summoned. Given the complimentary provision of Article 10 on their obligations, they should be accountable as public officers.

I propose that we will need to work with the National Assembly, to ensure that we have legislation that creates ability of oversight by both the National Assembly and the Senate, beyond what was provided under the NG-CDF Act. I think the President lauded that.

Mr. Deputy Speaker, Sir, that is all.

The Deputy Speaker (Sen. Kathuri): Thank you. We have three minutes left. Proceed, Senator for Kiambu County. Kindly, note that you have three minutes and you shall continue on Tuesday.

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to contribute on the Presidential Address to this House. I have three minutes, but as you have stated, I will continue on Tuesday when we resume.

As it was stated here by Sen. Cherarkey, I would want to use the same words although he never quoted where the words came from in describing the Presidents' Address. With the words of Winston Churchill, the Presidential Speech was like a woman's skirt; long enough to cover the subject, but short enough to create interest.

It is for the first time in the history of this country that the Opposition, immediately after the Address, were unable to give comment. I remember an Hon. Member from the National Assembly saying; "No comment." In the school of communication, we were told, when you say; "No comment", either you did not comprehend or your questions were answered. I would not want to believe that a Member of the Senate or National Assembly would not be able to comprehend. Therefore, I would want to agree that all their questions were answered.

The President started by congratulating the Members on being elected, but what captured my attention was Paragraph 10. He said that with the support of Kenyans, we have dislodged ethnicity as a central organizing principle of our politics, which is true. I come from Mt. Kenya and this cannot be far from the truth.

The Deputy Speaker (Sen. Kathuri): Sen. Thangw'a, you will have 13 minutes on Tuesday. We will start with you and so, you must come into the Chamber early enough. You will have an opportunity to proceed with your 13 minutes.

Sen. Thang'wa: I thank you, Mr. Deputy Speaker, Sir.

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 11th October, 2022, at 2.30 p.m.

The Senate rose at 6.31 p.m.