

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 5th October, 2022

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

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

PRAYER

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Hon. Members, I have confirmed that we have quorum. Let us proceed.

COMMUNICATION FROM THE CHAIR

PUPILLAGE, INTERNSHIP AND ATTACHMENT PROGRAMMES IN THE SENATE

Hon. Senators kindly make your way into the Chamber.

(Several Senators walked into the Chamber)

Hon. Members, this is Communication No.008 of 2022 concerning pupillage, internship and attachment programmes in the Senate.

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of eight young men and women who are undertaking pupillage, attachment and internship programmes. The objective of these programmes is to provide young people with first-hand experience in the legislative process and to expose them to the intricate world of public policy and public service.

I request each person to stand when called out, so that they may be acknowledged in the usual Senate tradition.

They are-

1. Kenneth Ouko- Pupillage
2. Cadey Kerubo Moguche -Pupillage
3. Florence Mwende Muinde- Pupillage

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4. Lekorere Daisy Santana- Pupillage
5. Miranda Lawrence -Attachment
6. Emma Oginga -Attachment
7. Geoffrey Ojal- Attachment
8. Maria Atwoli- Internship

On behalf of the Senate, and my own behalf, I welcome you to the Senate and wish you well during the programmes.

I thank you.

The Senate Majority Leader (Sen. Cheruiyot): Thank you Mr. Speaker, Sir. I take this moment to welcome these young Kenyans undergoing one of the most important programmes that we run as Parliament. This is one of our living legacies as Members of the fourth Parliamentary Service Commission (PSC).

This programme is one of the most competitive in the country for pupillage. If you speak to many young lawyers in the country, they will tell you despite Parliament not being considered as a prestigious posting in terms of a law firm, this programme has given opportunity to many young people to join the ranks of Parliament after gaining experience in it.

The way it is administered is such that we pick the best of the applicants after an interview, from each of the 47 counties. We cannot pick all of them at ago. It takes us three years to go through our list of 47 counties.

I do not know each of them individually, but if you ask each of them, you will hardly find any two coming from the same county. It tells you that the programme is administered by competent staff, who are well ranking in the legal profession and provide such a good opportunity and platform for young people to learn the workings of Parliament.

This is so that in future, in the course of their career, much as it may not arise in many occasions, they may find demand for them to understand the operations of Parliament. Sometimes when you follow court proceedings, even senior lawyers and counsel struggle about very basic operations of Parliament. The experience they receive from Parliament cannot be gainsaid.

I congratulate and wish them well. May they extremely work hard in the things they are doing. May they interact with Members as freely as they can and learn as much as they wish to in their six months' stay in the institution.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it was not my intention or plan to give comments on this Communication, but allow me to give at least two more Senators a chance to make their comments. I will start with the Senator for Makueni County, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to welcome these young people under pupillage to the Senate. As a lawyer, there is a lot to learn here. The legal profession has very many branches and opportunities, including a lot of work process in the Senate and the National Assembly (NA), where there is a lot in law required to be learned.

As the Senate Majority Leader has said, quite a number of people do not understand this branch of Government, the drafting and intrigues, which go into the practise of law and the learning you are going to go through here.

When this young people sit here, they get to imitate, learn from us and get role models. I believe that some of them are going to be good lawyers. Some will end up in this Chamber as Senators and Speaker.

I welcome, congratulate and wish them well in their career.

The Deputy Speaker (Sen. Kathuri): I am looking for a non-lawyer to give a comment. I know you are a lawyer by profession, Sen. Cheptumo.

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

The Deputy Speaker (Sen. Kathuri): What is out of order? A minute Sen. Faki. Just a minute. I hope you have your Standing Orders with you because you must give me the correct Standing Order you are quoting.

Sen. Faki: Mr. Deputy Speaker, Sir, I will.

The Deputy Speaker (Sen. Kathuri): Okay.

Sen. Faki: I wanted to----

The Deputy Speaker (Sen. Kathuri): Which Standing Order? Do you want to contribute or make a point of order on?

Sen. Faki: Mr. Deputy Speaker, Sir, I am not contributing. I am surprised that my learned friend, Sen. Maanzo, a lawyer of repute, can allege in this House that there are bad and good lawyers.

The Deputy Speaker (Sen. Kathuri): Sen Maanzo, do you want to withdraw? Withdraw. You know there are lawyers of good repute---

Sen. Maanzo: I was talking of lawyers of good repute. We know that in the Law Society of Kenya (LSK) we have a disciplinary committee and a number of lawyers have gone through it, having stolen clients' property.

I am encouraging the young lawyers to be good lawyers and to emulate good lawyers like Sen. Faki.

The Deputy Speaker (Sen. Kathuri): Sen. Gataya, Senator of Tharaka-Nithi. Let us close there, Hon. Senators.

Sen. Gataya: Thank you Mr. Speaker, Sir. I am not a lawyer, but I know that this House is composed of very many brilliant brains. I am sure that the young people taking their pupillage from this Institution will harvest a lot.

I know that they really want to become good lawyers like Sen. Maanzo, Sen. (Prof) Tom Ojienda, SC, and any other person of that calibre. This is the best ground from which they can learn.

As a Senator from Tharaka-Nithi, I wish them well. I am very sure that in future they are going to find themselves in this House.

I wish you well. I hope you continue making serious decisions, so that you can learn more.

The Deputy Speaker (Sen. Kathuri): I have decided to give a few more Members. I understand that we should encourage these young professionals and also get advice from seasoned lawyers like the Senator of Kisumu County.

At least two minutes each. Sen. (Prof.) Tom Ojienda SC.

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

The Deputy Speaker (Sen. Kathuri): What is out of order, Sen. Cherarkey?

Just a moment, Sen. (Prof.) Tom Ojienda, SC.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, Sen. Cherarkey was my student. He should respect his senior.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, Sen. Dullo should stop intimidating people. She should be aware that she is on the Minority side. She used to intimidate us then, but not now.

Mr. Deputy Speaker, Sir, despite Standing Order No.1---

(Loud Consultations)

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, he is out of order.

The Deputy Speaker (Sen. Kathuri): No, have your seat Senator for Kisumu County.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, you have power under Standing Order No.1 to allow seamless running of the House. However, I have seen my colleagues from both sides of the aisle raising their hands to catch your eye. To allow that seamless running of the House, you should advise them to request.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you are out of order. I am following a very elaborate list here on my left. If you continue guiding me on how to preside over this session, you will be treading on very dangerous ground.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I am not guiding you. I am requesting my colleagues to request when they want to speak.

The Deputy Speaker (Sen. Kathuri): They are all guided. Thank you.

Sen. (Prof.) Tom Ojienda, SC, proceed.

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. I wish to encourage the students who are in the Senate today. Parliamentary practice, especially learning the practice experientially from seeing how Senators do their work, will add to the knowledge that the students require to learn.

I am a law teacher and I know some of the students seated in the Gallery must have read the books that we have published. I can see Sen. Cherarkey is smiling. This is the beginning of preparation for the practical undertaking of learning at the Kenya School of Law (KSL). When they finish their pupillage, I am sure they will be seeking employment in law firms and in other institutions, including Parliament. Therefore, I encourage them.

As the Senate Majority Leader has advised – he is the Majority Leader until we change – this is an opportunity to learn and also interact with other professional colleagues. Since this is a programme that is open to many Kenyans who have learnt law,

I expect that in future, we diversify beyond those who are here. With time, let us get people from different counties, so that the programme goes on.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Mungatana.

Sen. Mungatana: Thank you, Mr. Deputy Speaker, Sir. I join the previous speakers in congratulating the students who have come to join us. I am sure they will have a good opportunity to learn.

In reference to the selection that the Majority Leader mentioned, when selecting the new lot of students to come on attachment, we want the principle of equality to be applied.

(Loud consultations)

Mr. Deputy Speaker, Sir, I am not sure whether you can hear me.

The Deputy Speaker (Sen. Kathuri): Yes. Kindly proceed, Sen. Mungatana.

Sen. Mungatana: Mr. Deputy Speaker, Sir, kindly protect me from the other Senators who are not giving me a chance.

The Deputy Speaker (Sen. Kathuri): Okay. You are well protected Senator. Proceed.

Sen. Mungatana: Thank you, Mr. Deputy Speaker, Sir. In the Senate of the United States of America (USA) where we borrow a lot from, even the chairs are measured, such that the entire Senate people are equal. There is neither a tall or short person. It is the principle.

May I emphasize from the very beginning that all counties are equal in this Senate. So, when choosing students, let us not be told that these are the best students and so, we pick from Nairobi, Mombasa and Kisumu counties. What about Tana River County? We want to see equality in this House from all the 47 counties. I urge that the next lot should not repeat the same students who are represented in this lot.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Mungatana. However, you should know that this House does not decide who should come for pupillage or attachment. Those decisions are not made from this Floor. A different office is involved. That office should make sure we have diversity from all the counties.

Sen. Mungatana: Mr. Deputy Speaker, Sir, without revisiting your direction---

The Deputy Speaker (Sen. Kathuri): If I did not give you the microphone to contribute---

Sen. Mungatana: Mr. Deputy Speaker, Sir, if I could clarify this issue? It is very important. If a student has been taken from Nairobi City County, the next lot in terms of waiting and those to be selected should be from other counties. It should be circulatory.

The Deputy Speaker (Sen. Kathuri): I honestly agree with you, Senator. Sen. Madzayo, Senate Minority Leader, proceed.

(Sen. Wambua spoke off record)

Sen. Wambua, do you mean you are more senior than Sen. Madzayo in this House? Do you know there is superiority in contributing?

Proceed, Senate Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Naibu wa Spika. Kwanza ninawapa kongole wanafunzi wote wanaofanya kazi katika hili Bunge la Seneti. Wako katika hali ya kujifunza jinsi kazi inafanywa ili watakapomaliza masomo, wawe wafanyakazi wa kutekeleza majukumu yao.

Ninakubaliana na ndugu yangu, Sen. Mungatana, kuwa ingekuwa vyema kuona wanafunzi kutoka sehemu mbalimbali ya taifa la Kenya. Tusiwatoe tu kaunti moja peke yake. Ni jambo muhimu kuwa Bunge la Seneti linatoa fursa kwa wanafunzi, waje kujionea viongozi wao wakiwa kazini. Watakapotoka hapa, watakuwa na elimu ya kutosha ambayo itawasaidia maishani.

Vilevile, ni vizuri hili Bunge la Seneti lionyeshe mfano bora. Ni muhimu na pia ni jukumu letu sisi viongozi, kuonyesha njia murwa kwa watakaokuja baada yetu. Ninawashukuru Maseneta wenzangu kwa sababu wanakutana na hao vijana mara kwa mara na kupata maoni kutoka kwao. Tutaendelea kutembea pamoja nao na kuwafunza. Wakitoka hapa, niko na hakika elimu hii itawasaidia katika siku zijazo.

The Deputy Speaker (Sen. Kathuri): Asante sana.

Proceed, Sen. Cheptumo. After that, we will have one more.

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I support this pupillage programme for our students from KSL, which is being taken in this House. Over the years, the intake of students to the university has increased substantially, especially for the law students. My hands and classmate, Sen. (Prof.) Tom Ojienda, SC, will confirm that the number of practicing lawyers are unable to take all the students for pupillage.

This programme is important. I propose to the Majority Leader, who seems to be consulting here, to increase the number from 15 to 47 annually, if space will allow.

If we do that, we will have at least one pupil from every county every year. That will deal with two situations. Firstly, it will deal with the numbers that are increasing every other year. Those of us who have law firms and practice do have problems sometimes. We receive about 20 students who want to be admitted for pupillage, and we only take either one or two and others remain without opportunities. I would really urge--

(Sen. Cheptumo's microphone went off)

The Deputy Speaker (Sen. Kathuri): Give him 30 seconds to finish.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I propose that we increase the number. I also encourage our young people that this is the way to go. We were like them before. I was in their situation in 1989 and, today, I am a Senator. They can still be great leaders in this country. I want to encourage them to work hard and take this programme seriously.

The Deputy Speaker (Sen. Kathuri): The last one is the Senate Deputy Minority Leader, Sen. Wambua. You may proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I want to join you and my colleagues in welcoming the students who are here on internship. For the record, we need to clarify a point to this country. These students are not attending pupillage, but they are from different disciplines. They are all not lawyers. There are also other disciplines in the internship programme. For our benefit and the benefit of those

who want to apply for this programme, it is important that they know that the burden of deciding who joins this programme and who does not is not that of the Senate. It is a burden that lies elsewhere.

Having said that, I want to make an observation. With your permission, I refer you to Standing Order No.1, which gives you, the Speaker, a lot of latitude and discretion. I beg that we read Standing Order No.1 together with Standing Order No.2. Decisions made by the Chairperson should be based on the Constitution of Kenya, consented laws, messages, precedent, customs, procedures and traditions of the Parliament of Kenya. That will help us to transact business in a more dignified manner.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next Order!

PAPERS LAID

The Deputy Speaker (Sen. Kathuri): The Senate Majority Leader, you have a couple of Papers to lay. Take enough water or your deputy should be beside you to give you additional bottles.

You may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, 5th October, 2022. It is a lengthy one. They are about 40 papers.

THE SENATE CALENDAR FOR THE FIRST SESSION

The Senate Calendar (Regular Sessions) for the First Session of the Thirteenth Parliament (September to December, 2022).

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES' CAR LOANS/MORTGAGE SCHEMES/FUNDS

Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2015.

Report of the Auditor General on the Financial Statement of Baringo County Assembly Members' Car Loan Fund for the year ended 30th June, 2016.

Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2016.

Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2017.

Report of the Auditor General on the Financial Statement of Narok County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2018.

Report of the Auditor General on the Financial Statement of Nyandarua County Emergency Fund for the year ended 30th June, 2018.

Report of the Auditor General on the Financial Statement of Nyandarua County Executive Committee Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2018.

Report of the Auditor General on the Financial Statement of Baringo County Assembly Members' Car Loan and Mortgage Fund for the year ended 30th June, 2018.

Report of the Auditor General on the Financial Statement of Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June, 2018.

Report of the Auditor General on the Financial Statement of Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nyandarua County Assembly MCAs Car Loan and Mortgage Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nyandarua County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nyandarua County Assembly Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nyandarua County Assembly Civil Servants Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nakuru County Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Bungoma County Assembly Trade Development Loan Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Bungoma County Assembly Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Samburu County Assembly Staff Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Samburu County Assembly Youth and Women Enterprise Development Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Samburu County Assembly Persons Living with Disability Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Isiolo County Education Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Isiolo County Education Bursary Fund for the year ended 30th June, 2020

Report of the Auditor General on the Financial Statement of Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Narok County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Narok County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Vihiga County Community Empowerment Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Nairobi County Assembly Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor General on the Financial Statement of Marsabit County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of West Pokot County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Kitui County Textile Centre for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Bungoma County Disaster and Emergency Management Fund for the year ended 30th June, 2020

Report of the Auditor General on the Financial Statement of Trans Nzoia County Nawiri Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Kitale Municipality for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Embu County Water & Sanitation Company Ltd for the year ended 30th June, 2020.

Report of the Auditor General on the Financial Statement of Embu County Water and Sanitation Company Ltd for the year ended 30th June, 2020.

(Sen. Cheruiyot laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Let us go to the next Order. Senate Majority Leader, read the two, one after another.

NOTICES OF MOTIONS

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to give Notices of the following Motions-

THANKS FOR THE PRESIDENTIAL ADDRESS DURING OPENING OF THE 13TH PARLIAMENT

THAT, pursuant to the provisions of Standing Order No.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.

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APPROVAL OF THE SENATE CALENDAR
FOR THE 2022 SESSION

THAT, pursuant to Standing Order No.32(1), the Senate approves its Calendar (Regular Sessions) for the First Session of the Thirteenth Parliament (September to December, 2022), laid on the Table of the House on Wednesday, 5th October, 2022.

I thank you.

The Deputy Speaker (Sen. Kathuri): Let us go to the next Order. Today, it seems the Senate Majority Leader has a bit of work to do.

Proceed to move the Procedural Motion.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTIONS

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion-

THAT, pursuant to Standing Order No.111(1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

Mr. Deputy Speaker, Sir, this is a Procedural Motion. Just to mention, at the beginning of the term of a new Parliament like now, we usually have a number of such Motions to lay ground rules on the procedures to be followed. There are similar Motions such as the one I have just read. It is a fairly straightforward matter and I do not expect a contest like we had yesterday.

In fact, Sen. Faki was concerned about the induction process. We showed our new colleagues how debates can be protracted in this House. Let us also show them how peaceful and amicable we can coexist in the course of our business.

This is a straightforward matter. We have two others that we are expected to deal with today on limitation of time. Basically, it is to do with how much time an individual can take when a Motion is sponsored.

We have limitations of time for the Senate Majority Leader, the Senate Minority Leader, the Mover and the Responder. It is, therefore, important that our colleagues get to acquaint themselves with these rules.

That is displayed on our tablets. If you want to keep record of how many minutes you can speak to a particular matter, the same has been availed on the tablets that are before each Senator.

I, therefore, do not want to take long. I beg my colleague, the Senate Minority Leader, to second.

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, you have the Floor.

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, this is a Procedural Motion. I second.

(Question proposed)

If the House is agreeable to that, then I will proceed to put the question.

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Let us go to the next Order.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion-

THAT, notwithstanding the provisions of Standing Order No.110(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty minutes, and shall be confined to the question of adjournment.

Mr. Deputy Speaker, Sir, this is also an important one. The reason we have this one complete with the rules is because we experienced difficult times in this House. Somebody moved an Adjournment Motion and they did not have a specific number of days for which they wanted the House to adjourn.

Therefore, they abused the provisions of the Standing Orders, and the House almost went on a long recess, when we were in the middle of a busy period of Parliament. That must have been around the budget time, which is normally between February and April.

I like the provisions of the Standing Orders that expressly provide for how long a recess that is occasioned by a Motion like this, which is different from the normal recess periods in our Senate Calendar can take. It can only be a maximum of three months.

I do not foresee any such situation because this is the beginning of a new Session of Parliament and people are anxious and want to present Bills before this House. Therefore, I do not foresee any of that happening. However, like I said in the previous Motion, it is important that we lay ground rules. These are the rules that will guide us for the next five years.

Colleagues, it is important that before you approve or reject any Procedural Motion, first of all, you need to read and understand it. That is actually akin to signing a contract.

Mr. Deputy Speaker, Sir, I would also like to say this before I resume my seat. The tradition of the House is that we normally do not debate Motions on Procedure. However, like you did by allowing us to graciously welcome pupils who visited the Senate, two or three Senators may have a chance to speak on it.

Despite this being a Procedural Motion, it is important that we acquaint our colleagues who are still learning the curves, ways of doing things and procedures in this House. Let them have a chance to speak. Parliament is a place for people to speak. I am not a fan of the business of “the mood of the House is that we pass” because we came here to speak and debate regardless of the mood.

Mr. Deputy Speaker, Sir, I can see that my colleague, Sen. Wambua, is probably not okay because of the situation he has found himself in this afternoon. I will, therefore, grant him the opportunity to second this Motion. Perhaps he will talk about issues that he was putting across to you earlier on.

Mr. Deputy Speaker, Sir, when you gave him a chance to speak, instead of welcoming visitors, he went on a long rant about why you need to observe Standing Orders and be firm. Now that he has brightened up a bit, I am sure he will do a good job.

I request my friend and pastor from Kitui, Sen. Wambua, to second this Motion.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Deputy Minority Leader.

Sen Wambua: I thank you, Mr. Deputy Speaker, Sir. From the outset, I want to second the Procedural Motion on limitation of time.

Let me hasten to say that there is a reason we would have limitation of time on debates on Motions, Bills and every matter that comes to the Floor of this House. I think this comes from a tradition before this principle of limitation was introduced, where Members would speak on one issue for three hours. At times their intentions were not pure. However, now that we have limitations, it guides and makes us be able to efficiently use the time of the Senate. Therefore, I support.

As you know, the Majority Leader is a ranking Member in this House and does a lot of good things in this House apart from just bringing the business of the Government to the Floor of the Senate.

We looked at the names of those brilliant students that have been nominated for internship in Parliament and noted that this time round there is a serious observation of gender issues. Knowing Sen. Cheruiyot and his passion for gender issues, he must have had a hand in making sure that we have more ladies than men in this internship.

Mr. Deputy Speaker, Sir, I second and congratulate the outgoing Parliamentary Service Commission (PSC) representative of the Senate for doing a good job in this selection.

I thank you.

(Question proposed)

I can see from my list a few Members. I do not know whether they want to contribute to this Procedural Motion.

Let us now listen to the Senator for Nairobi County.

Sen. Sifuna: Mr. Deputy Speaker, Sir, welcome to Nairobi. Reading from the Motion on the Order Paper, it makes reference to Standing Order No. 110 (4). My copy of the Standing Orders has Standing Order No.111(4) as the order dealing with the limitation of debate on Motions. Do I have the wrong document?

It also talks about nine calendar days and I heard the Majority Leader refer to 90 days. That is the clarification I seek.

I thank you.

The Deputy Speaker (Sen. Kathuri): For HANSARD purposes, Majority Leader can you correct that?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, apologies if I said 90 days. I meant nine days. The correct number is nine calendar days.

The Deputy Speaker (Sen. Kathuri): Thank you. Let us now, listen to Sen. Methu.

Sen. Methu: Thank you, Mr. Deputy Speaker, Sir. From the outset, you have to bear with the Senate Majority Leader and the Senator for Kericho. According to the tongue of the area where he comes from, Nine and 90 are close to each other and they pronounce them almost synonymously.

As I rise to support the Procedural Motion as has been brought by the Leader of Majority, I think there is something that I have liked from the proposal. I think that 15 minutes are enough for a Senator to prosecute his case. I will be able to prosecute my case and that of the people of Nyandarua that I am representing here.

Our colleagues from the 'Lower House', the National Assembly, have only five minutes to contribute. Therefore, the 15 minutes and 20 minutes that have been proposed are sufficient for all of us.

As I support this Motion, I would wish to say that from my experience, the time that we have to speak here, we only get about three to five minutes and we are able to prosecute our cases. Therefore, 15 minutes are enough to have us move forward.

Thank you very much, and I support.

Sen. Beth Syengo: Thank you, Mr. Deputy Speaker, Sir. What has been said is sufficient enough. The only thing I can add is what Sen. Methu said concerning the nine and 90 days. Those are two different words.

I thank you.

(Question put and agreed to)

The Deputy speaker (Sen. Kathuri): Proceed, the Deputy Senate Majority Leader.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTION
ON THE ADDRESS BY THE PRESIDENT

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Sen. Tabitha Keroche: Mr. Speaker, Sir, I beg to move the following Procedural Motion-

THAT, pursuant to Standing Order 27 (6), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than 15 minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to 30 minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to 30 minutes each.

I request Sen. Dullo to second.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Dullo.

Sen. Dullo: I second.

(Question proposed)

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
DURING OPENING OF THE 13TH PARLIAMENT

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, pursuant to the provisions of Standing Order No. 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 be hereby recorded.

Mr. Speaker, Sir, this was a very important day. Many of us were happy about it because we had been assured that we will never see such a day, but who is God in heaven?

When we left this Chamber a few days to the general election, many of us had come here to transact a Motion for the House to formally adjourn *Sine Die*.

You remember how my colleagues in the Minority Side, on that particular day were excited, exuberant and sure that they had the 'system'. We promised them that we had the people and God.

The fact that we are here today referring to this particular Speech moved on that particular day, has reminded all of us that elections are like a sign wave; you never know when it will toss you up or down.

On that day, we were reminded that elections are firmly behind us. It is now time to close ranks. We have a very serious agenda before us. As the leadership of the country, Kenyans are looking up to us to solve many issues that continue to bedevil them.

Mr. Deputy Speaker, Sir, many of our colleagues, especially those who have joined Parliament for the first time will come to learn that this issue of Majority, Minority, opposition or Government only exists in our minds as leaders.

On many occasions, for example, in social gatherings, members of your family or friends ask you questions about the things that bother them and look at you as a leader. In most cases, they will not be so much bothered about which side of the political divide you come from. They look up to you to provide direction and leadership. The excuse that you are not in Government or it is the Executive and not the legislature that is supposed to do this or that rarely holds in such discussions.

Many times, they will demand that because we have been granted the opportunity by the people of Kenya, our constituents who gave us the chance and the platform to be in this House, to represent them, legislate and oversight the Executive and ensure that we leave a country that is better than we found it when we first came to this House.

It was on that account that the President, His Excellency William Samoei Ruto came before a Joint Sitting of both Houses of Parliament and laid his initial agenda of what he intends to do for the country and what he considers to be important for us as Legislature.

Remember, in a democracy such as ours, even a popularly elected President, without the support of a Legislature, will find themselves in a very difficult place. The President is less likely to deliver unless he has the thumb of approval from the Legislature.

Mr. Speaker, Sir, for the Judiciary, unless somebody files a petition or complain about things that the Executive is doing, they are innocent bystanders to what the Executive is doing. However, as parliamentarians have the singular honour of interrogating every business that the Executive busies themselves with. From the day that we joined this House, up to the last day.

Many colleagues are yet to realise that when proper work begins and you find Statements being laid before this House with request for exposure or even members of the public raising issues via petitions, all of us in this House will speak with one voice. We will demand from the Executive that they do that which they promised.

The fact that we sit to the left or right of the House is a small matter. We know very well that what ranks at top of the work of a Legislature is to represent your people and ensure that any time there are challenges, and there will be many challenges across as we move on this leadership journey, we demand the best from our people.

Therefore, the President laid a speech. I will give a few highlights of the things that struck me out of his presentation before the joint sitting of the Houses and raise my thoughts on the same.

I expect my colleagues to also take time to read, understand what the President was saying and speak about it because we are duty bound and we have it in our Standing Orders.

The last Motion that we just passed gives each Senator at least 15 minutes to give a reaction to whatever was said. Whether you agree or disagree with him, the same is contained in this Speech. I have seen hard copies of the same being circulated and soft copies are in the tablets that are before each and every Member of this House. This is very important.

Of course, in his beginning, he noted that for the first time, this is a Parliament that has had as many as 193 Members of the National Assembly and 17 Senators re-elected to this House. That has not happened under the new Constitution before.

We have such a high attrition rate as Members of Parliament (MPs) that it was getting to a place where being an MP in Kenya was about to be added to the list of a thousand ways to die. When you are an MP, after every five years, you have to face the electorate and chances of survival are only 20 or 30 per cent. Therefore, this is not the kind of job that many people would pick.

However, with this count, 17 out of 47 works up to slightly close to 30 per cent. It is an improvement. If you are a keen follower of many legislatures, especially those that are bi-cameral in nature, like the one we have in our country, the 'Upper House,' that is the Senate, is actually a House that retains the best that it has to offer in terms of leadership.

On many occasions, it is the holding place before people proceed to either Presidency or higher levels other than legislation.

Mr. Deputy Speaker, Sir, the fact that most of our colleagues were voted back, is good testimony that the country is beginning to appreciate us. There was a huge debate in the country, especially to those that faced reelection in the 2017 General Election on what the work of a Senator is. On many occasions, you had to defend yourself since this whole Senate business was new to the Kenyan voter.

Many of us would attend functions during the first Senate of this Constitution and have cases where the governor would rise to speak and mention the development he had brought to a particular area. Then the Member of the National Assembly would rise and say, "Good people of this village, this classroom was built by myself. Let us now welcome our Senator, to say something." You would then be speaking about oversight, which was completely strange. What is this animal called oversight?

On many occasions, the ordinary voters would consider Senators to be joyriders or idlers, who disappear into Nairobi and come back after five years for another chance. That seems to be waning off in the mind of Kenyan voters. They are beginning to appreciate the place of the Senate and that can be seen in the number of Senators that were re-elected.

Mr. Deputy Speaker, Sir, I believe that the people will begin to enjoy more the fruits of devolution, if we as a House pull together, execute our constitutional mandate and hold governors and Executive to account. We shall ensure we devolve as much as possible of the national resources to our counties and partner with our county assemblies. It will then be possible to have more than 50 per cent of us reelected to this House. Therefore, it will be just a good celebration.

As it had been mentioned earlier, the President is a champion of gender inclusion in leadership. This has been noted in his Speech. In the 12th Parliament, we had only 23 women elected into single constituencies. The National Assembly has now 29 women elected into single constituency. That is a good improvement.

It is unfortunate that as a Senate, we did not have growth in terms of women Senators that were elected. We had three last time and three this time as well. I wish that

as we continue to place Senate in its rightful place, we can convince Kenyans to vote in many women as Senators.

Did we have four? I am being reminded that we had four last time, when we added Sen. Kavindu Muthama. It is actually a downgrade. It is something that should worry us, Senators. We now have only three elected Senators.

Secondly, the President moved in to remind us about our duties as Members of Parliament (MP) where the nexus is drawn between us and the agenda that he has for the people. Of course, there was a moment of celebration because unlike in the past and I agree with him, that there was a paradigm shift in this election. Many of our colleagues were elected on the basis of promises that they gave to the electorate, more than just being party loyalists.

You can see the decoration in terms of the many parties. We have Senators elected as independents and Senators such as Sen. Okiya Omtata who were elected on a party not aligned to any major coalition. Even in the two sides of the House, we have Senators elected on different political parties.

This points to the maturity that Kenyan voters continue to show in every election. For a long time, we have always yearned for an issue based political contest. We hoped that at the end of the electoral process, one was able to point out the ideology that resonated mostly with the people of Kenya, to a point that they were able to agree with them and grant them leadership of the country. That is something celebrated and noted. It is something that we need be proud of and perhaps even grow.

I believe that those who have been in political circles longer than I know that this Kenyan journey began from a single party state. For a long time, we journeyed through multipartyism and ensured people were voted in from as many parties as possible.

We are now going to the next step. That even amongst us, you can be within a similar political party but represent a particular thinking that may not necessarily agree to the general view or common thinking amongst the people that you campaign with, and people will listen to you and grant you the opportunity to lead. That is something that was tested and proved during this election.

The President also gave us his commitment. He read out something that was quite assuring. It is not every day that you hear the President speak the words and give the commitment to be loyal, hardworking, devoted and President for every Kenyan. This has been the testament.

Mr. Deputy Speaker, Sir, you have seen the President in one or two occasions visit regions that did not necessarily give him the sign of approval. They never voted for him but he wants to spread his message and ensure we build together, close ranks and have the political divide that existed before the election firmly behind us.

It is assuring to hear the President speaking and engaging Kenyans. It is not an everyday occurrence to hear a President say that he will be for us all. Of course, the challenge to us, as the legislature, is to hold him to account. This is so that we ensure every government programme given is not skewed towards a particular region, so that some people feel as if they are lesser Kenyans than others. This is something that we shall hold the President to account.

I, however, at least celebrate him. It begins by first voicing it and admitting that there are people who may not have necessarily voted for you and do not see you as their President. Regardless of that particular situation, he says he will still undertake his duties, execute programs and run his development agenda so that every Kenyan will feel part and parcel of this country. That is something worth applauding.

He then moved on to lay the legislative agenda in this House. We have a long-standing issue between us and the National Assembly, on which Bills are supposed to come to the Senate and which ones can be prosecuted by the National Assembly without any particular reference to this House.

I listened to him. I have had an occasion to privately hear him commit and say that this protracted battle that has existed for the last two Sessions of Parliament is not helpful to us as a country. We need to lay this matter to rest. The Members of the National Assembly should listen to the good reason of the Senators even as we wait for the Supreme Court to make a determination.

There is nothing wrong with having a second eye. A different House from the one that laid out a particular Bill, may speak to it, add their voice, make it better and make particular changes. There is nothing wrong with that. It does not reduce their authority as a House.

In any case, if it is about resources, because that is the source of the biggest battle, none of us has ever insisted that we want to do the national budget. As Senate, we always busy ourselves with the Division of Revenue. Once it has been divided between the two levels of government, our next point of debate with them has been how much goes to the specific counties.

Mr. Deputy Speaker, Sir, I hope that as we conclude on this process by either a ruling of the court or consensus, we can settle this matter soon, even before this Session of Parliament comes to an end. As we begin the new calendar year, we can then know very well the place of Senate and National Assembly, so that we can focus to that which matters to ordinary citizens.

The ordinary citizen is not bothered with which is the upper or lower House and who is supposed to consider budgetary issues. What they want to see are tangible results, better lives, their votes counting and having a meaningful proposition for waking up early and giving us a chance to lead them. Therefore, it is something worth considering.

Consequently, Mr. Deputy Speaker, Sir, in paragraph 16 of his Speech, the President requested if, through our Standing Orders, we can consider allowing Cabinet Secretaries (CSs) to explain Government policy and answer questions on the Floor of our House.

If there will be a bigger beneficiary to this policy, then it is the Senate. Senators who have been in this House previously know that this will be quite important to us. In the course of time, you will realise that on many occasions, when a CS has been invited before the National Assembly and the Senate, Sen. M. Kajwang' will tell you where they are most likely to go and why.

Therefore, if we succeed to convince both Houses and have this included, I do not see a reason we cannot do this. It will be important to face our colleagues in the Cabinet and have them appear before this House. We will set time for them either in the morning

or afternoon and ask them issues about our constituencies and things that are dear to our constituents. This will be different from just being in an enclosed session in a Committee.

You know how much we have struggled on many occasions. In fact, towards the end of the last term of Senate, I can count on one hand how many CSs used to honour summons to this Senate. Therefore, should we agree with the request of the President, the Senate will be a beneficiary to this policy shift.

We will get a chance to interrogate these CSs. Let them come and stand where I am standing, so that Members can question and demand answers from them. Members will have the opportunity to raise and have a personal touch and connection with every CS since it is not specified. There is no debate about CSs who have functions that align with devolved functions or anything of that kind. This is the olive branch that was being extended.

This is extremely important. As a leadership, I look forward to us getting the opportunity to agree with him and review this, so that as soon as the Cabinet is in place, they can come to this House and respond to all our questions and explain policies. We will have the opportunity to challenge them on some of the things that we do not agree with. I do not believe that it is possible to run a country where for every policy decision that the Government takes---

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

The Deputy Speaker (Sen. Kathuri): Do you want to be informed by Sen. Omogeni?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I do not mind being informed by my neighbour, the Senator for Nyamira County. In any case, if he wrongly informs me, I will block his way home to Nyamira County.

The Deputy Speaker (Sen. Kathuri): Okay. He has accepted that information. Kindly inform him.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to inform the Senate Majority Leader, my neighbour from Kericho County. The Member is creating the impression that the Constitution of the Republic of Kenya has not created an enabling constitutional framework for CSs to appear before the House and respond to all the queries that this House may wish them to clarify.

However, I want to inform the Senate Majority Leader that, that issue is adequately addressed by the provisions of Article 153 (3). If you may permit me, Article 153 of the Constitution states that:

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

I wanted to inform the Member---

Sen. Korir: Mr. Deputy Speaker, Sir, he is out of order.

(Loud consultations)

Sen. Omogeni: Sorry, Mr. Deputy Speaker, Sir. I have permission of the Senate Majority Leader that I inform him. Nominated Senator from Bomet County, that is how

business runs here.

I wanted to inform my neighbour that even without amending the Standing Orders, the Constitution already has a very clear framework for CSs to appear before us. What I should be hearing from the Senate Majority Leader is that the President should tell his incoming CSs to respect the Senate.

(Applause)

Any time we summon them to appear before us, they should appear. The issue is discipline of CSs and not inadequacy of the provisions in the Constitution to enable us summon the CSs.

The Deputy Speaker (Sen. Kathuri): Sen. Korir, why are you interrupting the Senator for Nyamira County?

(Loud consultations)

The Senator who was being informed is the Senate Majority Leader and he has not complained that he has not been informed. He is very comfortable that he has been informed. So, nobody should---

(Laughter)

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I only allowed Sen. Omogeni because he is my neighbour and lawyers refer to him as Senior Counsel.

However, little did I know that Senior Counsel can misinform as well. I am afraid what he gave me was misinformation and not information. If he bothers to read the Speech of the President, there is no impression, whatsoever, that the President suggested in any way that his Cabinet will not honour or respect this House.

Read Paragraph 16 of his Speech and you will understand of what value the proposition is.

An hon. Senator: On a point of order, Mr. Deputy Speaker, Sir!

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, Sen. Omogeni, has been in this House. He knows very well what value we draw every time we have had a CS in a Committee. This is akin to the Committee of the Whole where we have all Senators---

The Deputy Speaker (Sen. Kathuri): Just a minute, Senate Majority Leader. There are two interventions here. One has been here for quite some time from the distinguished Senator for Kisumu County. Are you on intervention or you want to contribute? The second one is from Sen. (Dr.) Khalwale, the Senate Majority Whip.

Yes, Proceed.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir! The principle of a Member being responsible for the accuracy of his statement in this House is a cardinal principle.

Secondly, ---

The Deputy Speaker (Sen. Kathuri): What point of order are you on?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am on the point of order as a result of the utterances by Sen. Omogeni.

Mr. Deputy Speaker, Sir, secondly, it is important that the records of this House record nothing but facts. If Sen. Omogeni, who is a Senior Counsel, can fail to read and understand the provisions of the Constitution, then what are we saying about the teaching of law at the University of Nairobi?

(Laughter)

Sen. Omogeni: On a point of order, Mr. Deputy Speaker, Sir!

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, Article 153 of the Constitution speaks through on the mandatory---

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, you know he is on a point of order. Let him clear his point of order and then I will give you time to respond to that allegation. We have our students here on pupillage and he must clear.

Please, proceed in 30 seconds.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, this is an important issue. The Senior Counsel has read to us Article 153(3) and we thank him. It says mandatory, that a CSs "shall attend Committees". Our understanding is that both the President and Sen. Cheruiyot, are addressing the lacuna where CSs are not able to face the whole House.

I am standing on a point of order that the Hon. Member be asked to retract his statement because it is not based on fact. Secondly, he should apologise to Kenyans and the Law Society of Kenya (LSK) for his inability to read and understand the Constitution of Kenya.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. (Prof.) Tom Ojienda, SC. Proceed.

Sen. Omogeni, I give you just two minutes to clear that issue.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I have known the Senator for Kakamega County, Sen. (Dr.) Khalwale, as a fairly experienced Senator. However, I am surprised that the Senator does not seem to understand that even a Senate Sitting can sit as a Committee of the Whole House. This is a basic principle that is in our Constitution. There is nothing out of order on Article 153 of the Constitution which I have read to this House. This Article is broad, liberal and gives leeway to this House to summon a Cabinet Secretary (CS) to appear before the House and answer any question which the CS is responsible for. The point I was trying to bring to the Floor of the House is that the Article is adequate; it gives power to this House to summon any CS to appear before the House and respond to any issue.

If Sen. (Dr.) Khalwale interpreted this Article and read it in Kiswahili language, he will understand that those powers are there. The problem has been the failure by the CSs in responding to summons whenever issued by the Senate.

The Senate Majority Leader, Sen. Cheruiyot, will tell you that in the last Senate, we issued several invitations or summons to CSs, but they never appeared before the Floor of this House. This is why I was informing the Senator for Kericho that what he should be telling---

(Sen. Cherarkey spoke off record)

Please, Senator, I am informing the Member. In good faith and intentions, I want Sen. Cheruiyot to whisper to His Excellency the President to preach good manners to his CSs to respond and appear when we summon them.

Mr. Deputy Speaker, Sir, Article 125 of the Constitution is clear. We sit as a High Court and have power to summon. That is adequate and we do not need to be lectured that we need to amend our Standing Orders. The Constitution is adequate. I hope the 22 men and women who are coming in as CSs will respect the Senate and they will respond whenever required to respond to queries raised by this House.

Sen. (Dr.) Khalwale---

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Omogeni. Before you resume, I would like to guide this House in this manner---

Sen. Omogeni: Mr. Deputy Speaker, Sir, there is one point I would like to make. The Member is breaching our Standing Orders by imputing wrong motive, that as a Senior Counsel I have misread Article 153 of the Constitution.

I have not added a comma nor a full stop to the provisions of Article 153(3). I have read it the way it is. Therefore, the Member is out of order for imputing wrong motive on my person. He should apologise.

The Deputy Speaker (Sen. Kathuri): I would like to give guidance to this House as follows: If you want to have a point of order executed, do not shout 'point of order.' Press the intervention key and keep quiet. There are seven hon. Senators who want to contribute to the Motion, but most of them are not even talking.

I would like to guide you that if you raise your hand, shout or stand up you will not catch my eye. I will only look at the intervention key so that we can have order in this House.

I would like to give two more Senators an opportunity to raise their point of orders. I will start with number one on this list. This is the Senator for Homa Bay County, Sen. M. Kajwang'. I thank you because you did not shout. This is the way I would like us to proceed.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I would like to encourage the House that we do not have to fight on every matter. The first two sittings of this House have been tumultuous. However, there are some things we should take a common position on as a House. I refer to Standing Order No.181 that talks about the Committee of the Whole to anchor my point of order.

I also bring my experience in the last Senate. I am perhaps the only Senator who was fortunate to chair two Committees; that is the County Public Accounts and Investments (CPAIC) and the Devolution and Intergovernmental Relations Committees.

There was impunity in the Executive. As a Chairperson of a Committee, you could never get the CSs to appear before the Committees. That impunity was entrenched by the leadership of the House that shielded them. You would find people going on retreats with the Matiang'i led National Development Implementation and Communication Committee (NDICC) and the leadership of the Senate and agree in hotels.

Mr. Deputy Speaker, Sir, you would find a situation where a Committee summons a CS and he/she goes to the Speaker's Office to negotiate whether he/she should appear or not. The matter as raised by Sen. Omogeni is clear in the Constitution.

On the matter raised by the Senator for Kakamega County, when the Mace is lowered, we can go into a Committee of the Whole and a member of the Executive can come to this House and be grilled. The only thing we cannot do without a constitutional amendment is to bring members of the Executive in this House when the Mace is on the Table. That requires a constitutional amendment.

What the President wants to achieve is possible if he talks to his CSs to desist from impunity. What encourages me is the fact that Sen. Murkomen, who has sat in this House, will be a Cabinet Secretary. I do not expect us to drag him to appear before us. Sen. Soipan Tuya, Sen. (Prof.) Kindiki Kithure and Sen. Linturi have also been to this House. We might be having one of the best executive teams.

On this matter, we do not have to caucus into the majority or minority side. The provisions are there and what we need to deal with is the impunity that we saw in the last administration.

The Deputy Speaker (Sen. Kathuri): The next one is the Senator for Kiambu County, Sen. Thang'wa.

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. I want to weigh in on the point of orders that have been raised. I totally agree with Sen. Omogeni and Sen. M. Kajwang'.

It is true that the previous national executive was full of impunity. I want to assure them that we took them home. The members of the national executive who never honoured the Senate are no longer in those positions. They should rest assured that we have a different Government. It is the same Executive that is proposing that the CSs should be coming to this House.

It is up to us. We know what we have to do if we want them to come to the Senate. If we do not want them to come, it is okay. However, the President stated that he has instructed his Cabinet appointees to appear before this House whenever they are called upon without fail. I am worried to see the opposition that supported that same Government crying foul saying that the Executive never honoured this House. They even wanted them to come back here. Nonetheless, we cleaned the country and Government.

The Deputy Speaker (Sen. Kathuri): Thank you. I beg the House to allow the Senate Majority Leader to move this Motion to the end uninterrupted so that we get the seconder and then open the Motion for debate.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I will try and make progress. Sen. Omogeni has sent me to the President. Before I deliver his message, I must first get an undertaking from him that he will read paragraph 16 of the President's speech. If he did so, then he will not need to send me to the President. The President gave his commitment. He said:

“On this matter of oversight and holding Government accountable, my administration commits to restore the place of Parliament in our democracy by respecting the autonomy and oversight authority of Parliament on the Executive.”

If that is done, then we do not need to have the kind of debate we are having. I appreciate that he needs to read and understand the speech.

Mr. Deputy Speaker, Sir, another important issue highlighted in this Speech, alongside the theme of independent institutions is the place of the Judiciary. The President said there is significance in the first act you undertake when you get into office. He said when you have an opportunity to be somewhere, the first thing you do is quite remarkable in both African culture and in general practice across the globe.

The first act, a public function that the President undertook which he reported to the House, was to appoint six judges of the Court of Appeal who had been condemned by the previous administration for reasons nobody knew. That was quite shameful because we have judges of the High Court who have been presiding over court cases yet people are questioning their characters.

Mr. Deputy Speaker, Sir, if you may remember, in a typical function as it was the standard of practice in this country, people were being accused by the former Director of Criminal Investigations (DCI) in newspapers, including men and women of our Judiciary. We are politicians. If Mr. Kinoti accused me, I would have a public platform to respond. However, when members of the Judiciary are accused, they have no other avenue to respond to those accusations.

It was a trying time for those six judges. In many occasions, many people were questioning the basis upon which the President had rejected their elevation to the Court of Appeal. He appointed them and reported to the House that he had already done it and that is how he intends to operate.

As a constitutional democracy, we should respect the sovereign doctrine of separation of powers. We should ensure that the Judiciary has its place. If you read the next paragraph of his speech, he talked about committing additional funding.

It is a shame that the National Assembly in the past few years has been increasing the budgets of almost all key public institutions like Parliament and the Executive, yet the Judiciary continues to receive a paltry Kshs14 to Kshs18 billion.

The President made a commitment that in the next five years progressively, the Judiciary will get an additional Kshs3 billion. He also promised to ensure that we have a Judiciary Fund in place to enable Kenyans have access to justice. Following the additional resources, we will have a High Court in each of our 47 counties to enable citizens to access justice without any hindrance. That is something I am proud of.

He also talked about agriculture. In many occasions, we have been reminded that agriculture is the backbone of our economy. However, we do not treat it as so. As long as we continue to rely on rain-fed agriculture, because that is what 80 to 90 per cent of

our farmers rely on, if we did not incentivize them and ensure that they can access markets and farm inputs at a cheaper price, then we shall never be food secure as a country.

I appreciate the commitment by the President when he read his speech. He reported that he has put mechanisms in place to bring down the cost of fertilizer from Kshs6,500 to Kshs3,500 for a 50-kilogramme bag. I want to challenge our colleagues. For those who will have the opportunity to be Members of the Committee on Agriculture, Livestock and Fisheries, please hold the Executive to account and ensure that subsidized fertilizer is available across the country.

In fact, you need to push the Ministry of Agriculture and Livestock Development because agriculture is largely a devolved function. There is absolutely no reason why the national Government should not partner with our county governments to ensure proper distribution of fertilizer, so that we do not have cartels at the Ministry where if someone knows another person, they can access cheap fertilizer and store it in their hardware before selling to farmers. That has been the story of our subsidy programmes as a country.

I urge colleagues who will be Members of the Committee on Agriculture, Livestock and Fisheries to push the Ministry to partner with the county governments, so that our farmers can have the right fertilizers in the right quantities and at the right time so as to produce cheaply. They should push county governments as well to work with the Ministry of Agriculture and Livestock Development and the Ministry of Cooperatives and Micro, Small & Medium Enterprise Development because we need to ensure that our farmers get value for their produce.

For those of us who had the opportunity to move around and listen to farmers during campaigns, the main two challenges are the cost of farm inputs and market for their goods. They should sell their produce at good prices without feeling that they are being exploited.

A good aggregator for all our products will enable our farmers to enjoy the fruits of their labour. As it is the practice now, if we allow it to continue without having the kind of policies that he proposed, we will continue with the trend where an ordinary farmer is not the beneficiary of their practice.

As a country, we must have a discussion about value addition. We cannot continue, for example, talking about the tea sector. We have 14 Senators in this House who represent tea farmers. We cannot be the world's leading producer of the best black tea, yet we are only bulk selling. We must have a discussion about value addition so that in the next five years, we can add value to our tea in excess of 50 per cent. Right now, we are only doing 5 per cent.

Our farmers will never enjoy the fruits of their labour as long as they continue picking tea, taking it to the factories, packing it in containers and transporting it to Mombasa for auction. We must have a ready market for value added tea. The final product should fetch up to US\$5 per kilogramme as opposed to what is being sold right now at a dollar or two. Those are the policies that he proposed in his speech.

(The amber light at the timer was switched on)

I thought I still had time. I think you did not hold my time. Allow me three or five minutes to conclude because I know many of my colleagues want to speak.

Mr. Deputy Speaker, Sir, I would like to conclude by saying that it was a good speech. There are two or three things he said which I would like to highlight. He talked of affordable credit, something that Kenyans have been talking about. If you were to call your domestic workers back in the village and ask if you can send them money to buy something from a shop, the first thing they will tell you is not to send it to a particular number because of Fuliza or M-Shwari loan and the likes.

Affordable credit is a big challenge to the ordinary citizens of this country. I am happy that it came up in his speech. Owing to that, the interest rate on Fuliza loans, which is one of the most popular avenues for mobile borrowing, has reduced by 40 per cent. However, that is not enough.

I still find the charges being pushed for to be extremely high. I look forward to our colleagues who will be Members of the Committee on Finance and Budget to demand that it should be as competitive like in other jurisdictions.

Finally, is the issue of health. The President dwelt a lot on his plan on the Universal Health Care (UHC). We have had this discussion. If there is something for which this Senate must be counted, it is UHC. Colleagues who have been here before know the journey that we have had trying to push for UHC.

We all remember the trial phase that was launched in four counties last term which had many challenges. County governments reported very little progress in terms of penetration and access to affordable healthcare.

This Senate should partner with the Executive and pass the necessary legislation for reforms in the National Hospital Insurance Fund (NHIF). We also need to pass additional resources to go to our county government in terms of user-foregone fees, so that ordinary citizens can access primary healthcare at affordable fees. That was properly exposed.

Mr. Deputy Speaker, Sir, I look forward to colleagues who will be nominated to serve in the Committee on Health partnering with the Executive because as we oversight them, we are also partners. If there are legislative interventions that they want from us, let us deal with them as quick as possible, so that all the 47 to 50 million Kenyans that live in this country can access healthcare cheaply and at the right time. Nobody should sell their land or any other property because of the unfortunate occurrence of being sick. That is the kind of a country that I look forward to living in.

I am sure my colleagues will also speak about many other issues, including the Kenya Revenue Authority (KRA) and the kind of reforms needed which were espoused by the President.

Mr. Deputy Speaker, Sir, I beg to move and request Sen. (Dr.) Khalwale to second.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise to second the Motion on the Speech of his Excellency the President of the Republic of Kenya which he delivered during a Joint Sitting of Parliament. Before I do so, it is very important that I be

understood by Kenyans who are following this debate why I used very strong language on a Senior Counsel when I was executing my point of order.

Since this is a House of records, I want it to be eternally clear that the President was very clear in his mind and he has repeatedly said so, that unless we tweak the Standing Orders we will not be able to extract maximum benefit from the Cabinet Secretaries appearing before the House.

This is a problem we had in the second Senate where Sen. Madzayo and I had the privilege to sit. What goes on is actually a joke whereby the chairperson of a committee purports to respond to issues raised either in the Senate or in the National Assembly on behalf of the Executive.

Mr. Deputy Speaker, Sir, I agree with Sen. Omogeni, Senior Counsel that a committee of this House can quickly transform itself into a Committee of the Whole and the Cabinet Secretary (CS) will come. Please, let it be further clearer to you that when he does so, the Mace of this Senate is lowered. Once you lower it, it means that you have stepped down the authority of the House. It is, therefore, means that if the CS is addressing this House with a lowered mace, the authority of this Senate will be such that you can only push him that much on whatever he has presented to the House.

Mr. Deputy Speaker, Sir, we would like CSs to come to this House when the House is exercising full authority so that we hold them responsible for all their utterances, including their commitments on what they will do.

Sen. Omogeni, you can imagine if a Member of the lower House---

The Deputy Speaker (Sen. Kathuri): Order, Sen. (Dr.) Khalwale. Avoid addressing Sen. Omogeni directly.

Sen (Dr.) Khalwale: Yes, Mr. Deputy Speaker, Sir. You can imagine if it is a sensitive issue---

The Deputy Speaker (Sen. Kathuri): Look at my eyes directly and address me. I am listening to you.

Sen (Dr.) Khalwale: Mr. Speaker Sir, your eyes are very harsh.

(Laughter)

Mr. Deputy Speaker, Sir, the reason why this matter must be settled once and for all, through what the President proposed in his speech is because when there is a critical issue, or when the House is debating a matter of grave national importance, for example, people are dying in West Pokot, and the CS cannot come here, so as to commit himself on the security measures that he is putting in place, then the Parliament's authority goes down.

We would like this to be taking place when the Mace is in place. I thought I should make that one clear. Next time I go to Sen. Omogeni to represent me in court, he should not have second thoughts. I was not casting aspersions at him. I was worried that he is misreading the Constitution and I want him to read it properly.

Having said and being clearer, I want to use this opportunity to thank Kenyans who turned out in large numbers to give us the results that gave us the fifth President of the Republic of Kenya.

The Deputy Speaker (Sen. Kathuri): Majority Whip, Sen. (Dr.) Khalwale, I think I guided the House that we move the Motion, second and then we can continue. However, the way you are moving it, you are attracting so many points of order. Could you restrict yourself to seconding the Motion so that we make progress?

Sen (Dr.) Khalwale: I am so guided, Mr. Deputy Speaker, Sir.

Sen (Dr.) Oburu: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Are you satisfied Sen. (Dr.) Oburu Odinga? What is your point of order?

Sen (Dr.) Oburu: Mr. Deputy Speaker, Sir, I am rising on a point of order on the issue which is being introduced by my very good friend, Sen. (Dr.) Khalwale, whom I respect a lot. That is the issue of the CSs coming to address the House. Is he introducing the Building Bridges Initiative (BBI) through the backdoor, which proposed amendments to the Constitution so that CSs can be coming to address this House directly? Was His Excellency the President agreeing with us that we should amend the Constitution so that the CSs can come and address us directly?

Sen (Dr.) Khalwale: Mr. Deputy Speaker, Sir, certainly I cannot attempt to introduce the BBI on the Floor of this House for the reason that the Supreme Court of Kenya made a serious pronouncement which guided the entire country. Amongst other things, the Supreme Court said that the BBI was a mongrel that was null and void. I would not want to be the mother who gives birth to a mongrel called BBI.

Sen. M. Kajwang': On a point of order, Mr. Deputy Speaker, Sir,

The Deputy Speaker (Sen. Kathuri): What is out of order, Sen. M. Kajwang'?

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I want to bring the attention of the House and that of Sen. (Dr.) Khalwale to Standing Order No. 185, which that talks about general application of rules in Committee of the Whole. That Standing Order says the same rules of order and of debate for conduct of business shall be observed in Committee of the Whole as in the Senate.

Mr. Deputy Speaker, Sir, is Sen. (Dr.) Khalwale in order to mislead or misdirect the House that the Committee of the Whole is inferior simply because the Mace is lowered?

Furthermore, if you look at Article 255 of the Constitution on Amendment of the Constitution; a proposed amendment shall be by referendum if it touches on a few things, part of which is on the principle of separation of powers. That principle of separation of powers makes a distinction between the Executive, Legislature and the Judiciary.

The point at which the Executive then wants to come to this House to perform roles that are legislative in nature, that will call for an amendment to the Constitution.

I am raising this point of order not to spur debate, but just to guide us in our thinking. I believe that this is a matter that we should not contest. However, it is a matter that we should think deeply about and see how we can achieve it under the current laws. If we want to go to the extreme, how we can achieve it through a constitutional amendment, which perhaps will not be BBI, which could be that constitutional amendment that we need to declare the Senate the upper House and to strengthen the Senate?

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you can preserve your comments now to the debate. When you are contributing, you can make your comments about amending the Constitution, introducing the BBI or bringing in the other mongrel as you put it. So, proceed and please expedite your seconding so that we can move on.

Sen (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I want to agree with Sen. M. Kajwang'. He is perfectly right. When I was disagreeing with the Senator of Siaya, I was doing so on the mongrel called BBI.

Mr. Deputy Speaker, Sir, if there is need for us to relook at the Constitution, which many people agree, including the report of the Auditor General, that was ordered by the President, an audit that was concluded, the Auditor General consulted institutions of the Government. There was public participation. There was a recommendation on what needed to be done if a pedigree like that one is introduced, we would be part of it. We are against the mongrel. However, regarding the pedigree, hallelujah!

Mr. Deputy Speaker, Sir, I was raising the issue of the President congratulating us who are elected and thanking members of the public for participating in the election.

I take this opportunity to thank the people of Kakamega County for voting for me overwhelmingly. I had no idea during the campaign that the Orange Democratic Movement (ODM) had become so powerful in Kakamega County.

I congratulate the ODM for the effort and the show that they put up in Kakamega County. Being the gentlemen, they are, I hope they will also find time to congratulate me for giving them the scare that I did, up to and including, winning the position of Senator overwhelmingly. They should also congratulate me for also helping the President to get the kind of support he got in Kakamega County that was unprecedented for the last two elections of 2013 and 2017.

Mr. Deputy Speaker, Sir, having congratulated the voters and the candidates, I also congratulate the referee, the Independent Electoral and Boundaries Commission (IEBC). They did a sterling job. At the risk of me inviting points of order, I use this opportunity to celebrate Mr. Wafula Wanyonyi Chebukati, the Chairman of IEBC. For three days, that one man held our country together.

It was a shame that some Members of this august House, took it upon themselves to conduct themselves in Bomas that afternoon in an unacceptable, an unhelpful and unlawful manner.

Today, as I sit here, I have always wondered why big people commit serious crimes and no action is taken. I sit here and say, while I was alive, it is on record and in my autobiography that big people in this country are above the law. That a Senator would do what I saw him do in Bomas that afternoon; it is a shame that up to this day, he has never been arrested or arraigned in court. It is a shame to our criminal---

(Loud consultations)

Mr. Deputy Speaker, Sir, if I am challenged, I will respond. This is not the first time we are allowing politicians to get away with serious offences. There was that one of Bomas. We all saw it and it was unfortunate. Before that, there was another one, where another politician swore himself in as a President. We must bring this to an end, so that

no one can ever swear himself in as a President or attack an IEBC official when he/she is discharging his/her constitutional mandate.

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

The Deputy Speaker (Sen. Kathuri): What is out of order, Sen. Osotsi?

Sen. Osotsi: Mr. Deputy Speaker, Sir, Sen. (Dr.) Khalwale is my neighbour and a good friend. I am concerned that he seems to be discussing a Senator whom he is not mentioning by name. There is no substantive Motion to discuss a Member. Is he in order?

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you may respond.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the distinguished Senator for Vihiga County could be suffering from an ailment of daydreaming when his eyes are wide open.

I have not stated the name of any Member, neither of this House nor the other House. The word Senator could mean, I was referring to Sen. Cheruiyot, Sen. Osotsi or Sen. Olekina. It could be anyone of those people. Why are you forcing me?

I laud the President for the concern that he has about agriculture which is the single largest sector that employs our hustlers. Therefore, if indeed our bottom-up agenda is going to affect our people positively, then agriculture is the first line of intervention.

Mr. Deputy Speaker, Sir, I thank the Deputy President for the proposals he made. However, I call upon this House, the Senate and also the National Assembly---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I thought the Motion is about the Presidential speech, not the Deputy President.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir. It is about the President. However, I was thinking of Hon. Gachagua, the Deputy President that is why I had a slip of the tongue.

I invite this Senate and the National Assembly to help President William Ruto's Government, by doing more. We need to be courageous as legislators and speak to the land tenure policy in this country. For as long as we continue sub-divide ancestral land into tiny and tinier pieces so that every brother has got his own piece, we will not achieve food security. It is important to have a clear policy on land tenure so that we can encourage urbanization and possibly achieve land consolidation so that we can have large scale production of food.

This being the case, this is now the modern era, where science is guiding the whole world. Therefore, I appeal to colleagues that it is time for us to also encourage the farm introduction of genetically modified foodstuffs so that we can have food security in this country.

Mr. Deputy Speaker, Sir, the President raised the important issue of the shylocks and the need for us to strengthen our Small Medium Enterprises (SMEs). He chose to refer to the prohibitive lending fees that borrowers are exposed to and special reference in this case, using my own words, Safaricom Limited. Hon. Members of this Senate, we must fight hard. What is going on, on that monopoly called Safaricom is not acceptable. Safaricom declares obnoxious profits at the end of each financial year.

That my daughter can call her boyfriend and tell her, "Mirembe mno" then she will pay for greeting her boyfriend. It does not make sense. We need to make the cost of calling cheaper. We are now doing most of the learning in this country virtually.

The Deputy speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you know once you use that local language you must interpret because I was lost. Can you please sort out the other Members by explaining what you meant?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, by saying “*Mirembe mno*” I was merely saying that she is telling the boyfriend, “may peace be with you, my lover.”

I did not find it necessary to expound because that language I am speaking is spoken by seven million people. Under the Constitution, a language that has got that number of people does not have to be explained.

It is expected that people from communities with fewer people will learn to speak the language of the bigger communities. For instance, you have to hear them and you are supposed to do business with them. Most of us strain to hear certain languages because we need to do business with those people. It is not an offence or unconstitutional for somebody to speak mother tongue, but not in this House.

We need to encourage the President to talk more with his people. These profits they make is not business. It is criminal and profiteering.

The President talked about the issue of the hustlers’ fund. If we are not careful and roll out the National Hustlers’ Fund before doing the proper legislation, we will run the risk of the fund being either a failure or abused the way the Uwezo Fund, the Youth Fund and so on have failed.

Members of the public will say it is Government money. They will collect it and would not want to meet their obligation. So, we need to support the President by expediting the proper legislation to convert groups into either Savings and Credit Cooperative Societies (SACCOS) or whatever organized groups so that money goes to people who will know their obligation.

Having said all the good words, I appeal to this House on the challenges we had with the other House. You will notice in my speeches I am not referring to the National Assembly as the lower House. I am deliberately calling it the other House.

The problems we had with the National Assembly is a question of attitude. If our attitude would be that we respect the National assembly, automatically they will respect us. During that mutual respect we should demonstrate that we are custodians of bigger ideas and agenda.

My time is up.

I second.

(Question Proposed)

The Deputy speaker (Sen. Kathuri): I can see we have a list of Senators who wish to make contributions to this Motion. I want to start with the nominated Sen. Nyamu. If you are not ready, then maybe I can give somebody else.

Sen. Nyamu: Thank you very much, Mr. Deputy Speaker, Sir, for this opportunity to make a few remarks on the President’s address during the opening of the 13th Parliament.

I will summarize the address as the hustlers’ reprieve. Given the proposals the President gave the target was the Small and Medium Sized Enterprises(SMES). I will talk about the Credit Reference Bureau (CRB). Instead of blacklisting people and getting

them out of the lending system, he proposed the international based practice of a scoring system. Whereby, the defaulters are given the lowest score and the ones that are servicing their loans are given a higher score. The lenders can then classify their clients according to their profiles.

According to the Managing Director (MD) of Metropol which is one of the three CRB companies, 19 per cent which amounts to 4.6 per cent defaulters that are listed in CRB owe less than a Kshs1000. This is the bulk of the hustler nation so to speak that has been locked out of the lending system.

Another proposal the President came up with was the Hustlers' Fund that he went round the country promising the same people who are engaged in small, micro and medium enterprise. He is committed to provide Kshs50 billion towards this end. This is going to open the trade space. The biggest challenge for these group of businesses is due to the informality whereby they do not qualify for formal financing.

As a self-imposed youth president, I would like to recommend that in this fund, we give a chunk of maybe 50 per cent to young people and a good percentage for innovation so that our young people are kept busy. With Kenya experiencing a youth bulge, we have great resource in our young people. That is just a proposal that this fund goes to help the youth and innovation.

In the culture of saving, I laud the President because he made that bold suggestion that we move away from saving Kshs200 a month. As I quote him, he said that "no return rate in the world can turn that into a meaningful retirement scheme." It cannot amount to anything.

We need to support him through legislation. I know it has been attempted before, but was challenged in court. We need to support him in both Houses. These proposals need a bipartisan support from the Senate Majority and Senate Minority sides. I do not expect politics to come to play during these very crucial proposals that are going to change our country and our economy in a big way.

As I conclude, allow me to liken our President His Excellency (Dr.) William Samoei Ruto to the former Prime Minister of Singapore Mr. Lee Kuan Yew, a respected leader who changed the economy that country.

(A Senator spoke off record)

Are you saying something?

The Deputy speaker (Sen. Kathuri): Sen. Nyamu, do not bother with the Senators speaking off record. Prosecute your issues.

Sen. Nyamu: Mr. Lee saw Singapore transformed, economically, in a big way. I call upon this House to leave politics aside and support the President in his proposals.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, please, proceed.

Sen. Omogeni: Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to also contribute to the speech that His Excellency the President made to Parliament.

First, we appreciate the fact that this was a closely contested election. As Azimio, we had more than seven million Kenyans behind us. We also appreciate abide by the Constitution and we said we do not agree with the decision of the Supreme Court, but we

respect it. Now, what we need to do is to really put the President on toes, so that he can deliver on the promises that he made to the people of Kenya.

Yesterday, I heard an assertion from the Senate Majority Leader, Sen. Cheruiyot, Senator for Kericho County, that this Senate will have a very close working relationship and goodwill from President William Ruto. I hope that the President will invoke the provisions of our Standing Orders that give him a leeway to come and address the Senate – not Parliament – as a House.

I hope that during his tenure, he will take advantage of that Standing Orders and come and address the House. It is good to come and have lunch within Parliament, but we wish him to appear before us, so that he addresses issues that are of concern to the Senate.

Mr. Speaker, Sir, I have read his speech. How I wish his actions can match the contents of his speech. The President tells us that we should not give a lot of grounding to ethnic mobilisation and rewards in our politics.

I have gone through the names of the 22 CSs. I am surprised that there are a number of small ethnic minorities in this country which have never had an opportunity of having a CS appointed since Independence. I am talking about ethnic minorities like the Kurias. In the entire six counties of the former Nyanza Province, the Kuria sub-tribe has consistently supported the political party under which the current President has either run for office as a running mate of His Excellency the retired President Uhuru Kenyatta, or under the United Democratic Alliance (UDA).

The two Members of Parliament (MPs) for Kuria East and Kuria West constituencies did not get a CS appointed from that sub-tribe. We saw the effort, time and investment that Gov. Nanok gave to His Excellency the President, yet there is no CS from the Turkana sub-tribe. We saw the efforts of the Taitas and Tesos.

On the other hand, when you go to central Kenya - I have nothing against my brothers from central Kenya, the Kikuyus - the President is telling us not to place a lot of premium on one ethnic group. Why should we have one ethnic group producing the Deputy President (DP) and seven CSs, to the exclusion of these other minorities?

(Applause)

If you look at the votes that the President got from Kisii and Nyamira County where I come from, without those votes, he would not have attained 50 plus one per cent. Nyamira County has not got anything. If you removed one CS from the Kikuyu community and you reward the people of Nyamira County, then I will be saying His Excellency the President is walking the talk of his speech.

As we were reminded by the President, let us be honest and truthful to him. Let us tell him that the best way to change this culture of placing a lot of premium on particular ethnic groups is by picking a Cabinet that is representative of the 42 ethnic groups.

Sen. Joe Nyutu: On a point of order, Mr. Deputy Speaker, Sir!

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, please let us hear the point of order from the Senator for Murang'a County, Sen. Joe Nyutu.

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, I am following what the Senator for Nyamira County has just presented before the House. Is he in order to preach tribalism and clannism at the altar of qualification?

May I bring to his attention that the Kikuyus that he is talking about, represent over 30 per cent of the population of this country. I also remind him that His Excellency the President could only appoint 23 CSs. We have 43 communities in Kenya. He has mentioned the Turkana community. In the outgoing Government, we had CS, Hon. Munyes, from Turkana County. Even if it was going to be done rotationally, then you cannot say that the Turkana have been excluded.

We had CS Matiang’i who comes from Kisii County, which neighbours Nyamira County. The Senator should not mislead this House. Everyone has seen that this Cabinet is the most evenly distributed in this country ever.

Mr. Speaker, Sir, we should not allow the Senator for Nyamira County to continue misleading this House that the distribution of Cabinet appointments was not done evenly.

Sen. Omogeni: Mr. Deputy Speaker, Sir, ---

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, just a minute. There have been two points of interventions from Sen. Ali Roba and Sen. Abdul Haji. I do not know whether they have points of order or they want to contribute. Maybe they can press the right button to contribute so that we can move on.

Sen. Abass, do you have a point of order? Proceed.

Sen. Abass: Mr. Deputy Speaker, mine is a point of order. Our respected Senior Counsel is a well-known person, but today he is talking like somebody from a Nyamira village. It is quite unfortunate that he has clients across the country. As a senior Senator, I request the senior Senator to withdraw that statement.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Deputy Speaker, Sir, with tremendous respect to the Senator for Murang’a, Sen. Joe Nyutu and Sen. Abass, I think that we need another induction for Members to understand what the Standing Orders are. I do not see any point of order. I am sure you will agree with me. I will, therefore, ignore and proceed.

Mr. Deputy Speaker, Sir, I am reading what is in paragraph 10 of His Excellency President William Ruto’s speech. He says that we have to dislodge ethnicity as the central organizing principle of our politics. He says that we need to do away with the politics of exclusion, discrimination and tribalism.

Mr. Deputy Speaker, Sir, the point I am making this afternoon on the Floor of this House is that I am looking to a time when we shall have a President who will pick CSs from at least half of the 42 ethnic groups in this country. That is when we will walk the talk of saying that we want to dislodge ethnicity as the central organizing principle of our politics. That is the point I am making.

We want our children to grow up knowing that even if they were born in Nyamira County, with a minority of one million votes, they also have a right to get an opportunity to serve in the Cabinet.

I was watching television on Sunday and I saw the Senator for Tana River County, who comes from one of the most marginalized areas, protesting. He was saying

that of the 22, at least one should have come from Tana River County. I support Sen. Mungatana that exclusion is not right.

Mr. Deputy Speaker, Sir---

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

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, what is out of order? Members, kindly wait for your time to contribute.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I am rising on a point of order, as per Standing Order No.96. The Senior Counsel (SC), who succeeded me as the Chairman of the Committee on Justice, Legal Affairs and Human Rights (JLAHR) is misleading the nation.

When it comes to appointments, Article 10 of the Constitution which speaks on national values and principles of good governance sets out how appointments should be done. Casting aspersions to individuals who have been appointed as Cabinet nominees is misleading the nation.

(Loud consultations)

Mr. Deputy Speaker, Sir, let me build my case. I did not know that the Senior Counsel can be a heckler. I knew him as a person who could keep quiet and listen. He is joining Sen. Sifuna in heckling. He should stop heckling. Can he listen? He will have an opportunity to speak.

Mr. Deputy Speaker, Sir, please protect me.

The Deputy Speaker (Sen. Kathuri): Order! I am trying to get his point of order. Let us give him time.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, heckling is their profession.

It is out of order to profile individuals and Kenyans that have been nominated. I am talking about minorities and majorities. It has been captured. The Cabinet is yet to be completed. The Principal Secretaries (PSs) and Chief Administrative Secretaries (CASs) are yet to be appointed. The Government is an entity and not just the Cabinet.

Mr. Deputy Speaker, Sir, the national values and principles of good governance in the Constitution is the guiding principle for the President. He cannot be guided by comments of Senator for Nyamira County.

He should be grateful that one of his tribesmen, Hon. Machogu, is a Cabinet nominee for the Ministry of Education. He is out of order to try and profile Kenyans. If he has an issue, let him bring a substantive Motion to discuss those individuals as per the Standing Orders.

I thought I did a good handing over when he succeeded me as the Chairman of JLAHR. However, I can see him in camera and still guide him around. I know he is my senior in law, but he needs to be guided in other things.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Kindly conclude, Sen. Omogeni.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. I am happy that by your ruling, you have made a conclusion that there is no substantive point of order that was raised by Sen. Cherarkey.

Mr. Deputy Speaker, Sir, not to deliberate that point, let us build a country that values all the 42 ethnic groups. That is the only time we will be able to walk the talk, when we say we want to give equal opportunities to all Kenyans.

His Excellency the President still has time. Let him go back and reconsider the issues that have been raised by people like the Senator for Tana River County, Sen. Mungatana. He should have a Cabinet that represents all the 42 minorities of this country. That is the only time we will all have a sense of belonging and acceptance as Kenyans.

Mr. Deputy Speaker, Sir, respecting the independence of Judiciary should include the culture of respecting decisions emanating from our courts of law. The High Court has ruled not once or twice that the position of CAS is illegal, unconstitutional and it has no space in our Constitution.

If you read the Constitution from Article 152 all through to 155, you will know the positions that create the Cabinet. Article 152 has the President, Deputy President, Attorney General and appointed Cabinet Secretaries. Article 154 has the Secretary to the Cabinet. More importantly, Article 155 says that there would-be Principal Secretaries (PSs) who will be the administrators of these ministries.

Mr. Deputy Speaker, Sir, the Cabinet Administrative Secretary (CAS) has no space in our Constitution. In his speech, the President told us that he wants to respect the independence and decisions coming from the Judiciary. Therefore, he should exercise his powers as permitted within the confines of our Constitution.

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

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, do you wish to be informed by Sen. Cherarkey?

Sen. Omogeni: Mr. Deputy Speaker, Sir, is it a point of information?

(Laughter)

Mr. Deputy Speaker, Sir, Sen. Cherarkey is my junior. I like hearing what he has to say for him to keep learning. One day, he will also rise to become a Senior Counsel. Kindly hold my time, so that he does not eat into it. Be a good student.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, Sen. Omogeni is my good friend. My point of information is that it is in public domain that the Public Service Commission (PSC) has put out an advertisement to get the public opinion on creation of the position of Chief Administrative Secretary. I inform my learned senior that the process of regularizing within the law has started. The CAS will be processed through the PSC. Kenyans will have an opportunity. I urge my brother to relay any reservations to the PSC.

I assure him that the President of the Republic of Kenya, Hon. (Dr.) William Samoei Ruto is committed to the rule of law and the Constitution.

The Deputy Speaker (Sen. Kathuri): Okay, Sen. Omogeni.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I wanted to give Sen. Cherarkey an opportunity because as I said, he keeps on learning.

I want to take Sen. Cherarkey to the provisions of Article 234 of the Constitution. I read the Constitution before I rise to say something. I read the advertisement that was placed on the newspapers by the PSC.

The issue is that offices are being created in the public service and not officers who can serve in the Cabinet. So, you must draw a distinction. They can create positions for directors and all that. However, you cannot create positions for Chief Administrative Secretary (CAS). If you read Articles 152, 153 and 154, there is no room for that.

Mr. Deputy Speaker, Sir, the idea of going out of the way trying to re-write our Constitution to reward political failures is a bad culture. If you vie for a political office and you are rejected, you should wait for another five years.

If the President wants to respect our Judiciary, let him accept the reality that there is no space for appointment of CAS. We have a Constitution which we should all respect.

The other thing I want to talk about is agriculture. Let us not be in a hurry and kill Kenyans in the process. In 2012, a scientific report stated that Genetically Modified Organisms (GMOs) can cause cancer. We now want to allow entrepreneurs in the name of ensuring food security. That is not promoting hustlers as they told us. They now want to allow entrepreneurs from outside the borders of this country to come and poison our people with GMOs which cause cancer. Why is our President in a hurry? If the Cabinet halted that idea in 2012, when did we have another study?

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, you might be entering into dangerous grounds and you know that because you are a legal professional. This is Parliament. Therefore, we must be careful about the message that we pass to Kenyans.

You must substantiate how GMOs cause cancer. You should prove scientifically to “Wanjiku” out there who does not know what a GMO is. Maybe you should give a definition of GMO, so that we pass the right information to Kenyans.

Let us not digress from the Presidential address to the Houses.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I respect the rules of this House. I never rise before reading a document fully---

The Deputy Speaker (Sen. Kathuri): Do you have some literature on GMOs and how they can cause cancer?

Sen. Omogeni: Read paragraph 21 of His Excellency the President’s speech.

The Deputy Speaker (Sen. Kathuri): I want to know how GMOs can cause cancer.

Sen. Omogeni: Mr. Deputy Speaker, Sir, you can go to page 21 of the Speech. I am passionate when I speak about this.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, I am the one presiding over, but I can tell that you are making some references that might mislead Kenyans. I have given you latitude this afternoon. When I was in the other House, I used to really enjoy your debates.

(Loud consultations)

I wanted to know whether you have the scientific evidence that you are referring to that GMOs can cause cancer. If not today, you can substantiate tomorrow or the day after.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I will reserve my comments on that matter until I bring a substantive Motion on that issue.

The Deputy Speaker (Sen. Kathuri): Okay, proceed.

Sen. Omogeni: Mr. Deputy Speaker, Sir, as I conclude---

(Sen. Cherarkey spoke off record)

I do not know why the Senator for Nandi County, Sen. Cherarkey is not a good listener.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, has said he will not talk about the issue of GMOs until he brings evidence to this House on how GMOs can cause cancer. So, let us not go back there.

Sen. Omogeni: Mr. Deputy Speaker, Sir, as I conclude, His Excellency the President made pledges to small-scale traders, hawkers, *mama mboga* and the *makanga*. We were told that the hustler nation will be a government formed by hawkers, hecklers and the *mama mbogas*. They also said that BBI was about sharing positions. However, I have not seen any *mama mboga* or hawker in the Cabinet. What I have seen instead is sharing of positions.

Mr. Deputy Speaker, the President has left behind the hawkers; the people who put him into office. Instead of asking people who have already been elected to be in the Cabinet, those are the people the President should have brought on board.

The issue of food prices is still a problem. He told us that he will lower the price of *unga* from Kshs200 to Kshs100. When I went to Ikonge Market in Nyamira County, I found that *unga* is costing---

(Sen. Omogeni's microphone went off)

The Deputy Speaker (Sen. Kathuri): Senator, your time is up.

(Sen. Omogeni spoke off record)

Sen. Omogeni, your time is up. Let us give time to other Members to also contribute. Next time when I sit here, I will be magnanimous to allow you some more time.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next is the Senator for Tana River County, Sen. Mungatana.

Sen. Mungatana: Mr. Deputy Speaker, Sir, I take this opportunity to thank His Excellency the President for his exposition of public policy, where he needed us, as a House, to support him in his plans to make reality of the pledges that he made to the people of Kenya.

The President talked about the drought situation and I would like to begin from there. Drought is ravaging counties in the north and those on the far side of the Coast like Tana River, which is my county. He talked about 3.5 million Kenyans who are affected

by drought in 23 Arid and Semi-Arid counties, mine being one of them. The issue of drought has been with us for a long time. In reaction to this, I would have loved to see the President take definitive action to help our people in these areas.

During the campaign period, the President spoke about a Marshall Plan. He also recorded economic pacts with various counties, including Tana River. It is the desire of the people of Tana River and many other people in Arid and Semi-Arid Lands (ASALs) that the Marshall Plan is implemented as fast as possible.

What is a Marshall Plan? Marshall was the Secretary of United States of America (USA) during the time of President Harry Truman. Those were many years ago. George Marshall came up with an economic plan to help areas that had been ravaged by war in Europe after the end of the World War. USA had not been hit so much. The essence of the Marshall Plan was to enable transfer of resources from one area to another.

Mr. Deputy Speaker, Sir, this is what I hope that the policy makers listening to this speech will help us implement. In this country there has been a deliberate economic segregation of some areas. Sessional Papers have legitimized this economic segregation of areas such as the one I represent.

We pray that the President, in dealing with this matter of hunger, will effect a Marshall plan. It is our prayer and hope that resources will be made available, not to just save lives in the short term as has always been the case with previous administrations, but that resources will be made available to our counties to help in production so that hunger can be an issue of the past.

I plead with His Excellency the President and the policy makers around him, that time has come that we should do away with the mentality of those sessional papers that legitimized the economic separation of people within this country.

I pray that this will be the end of that. We are hopeful that the President will actualize the plan to create a new deal like President Roosevelt did for those disadvantaged areas in the United States of America such that our counties which are not as productive will be helped to come up in this idea of bottom up. This will ensure that those counties that are at the bottom now will be brought up. We preached this language. Our people have understood it and we are waiting for action from the very highest level.

I want to speak to the issue of the National Government Constituency Development Fund (NGCDF). I am grateful that His Excellency the President stated in his Speech that he will support efforts to constitutionalize this Fund.

As I speak to you, in Tana River County like in many other counties, so many students who were dependent on the CDF bursaries have been sent back home by the headteachers and principals. We cannot demonize these heads of institutions. We cannot say that they should not send these children home, because what are they going to feed them on?

These funds were a reality and I know for a fact that there is a Member of Parliament from our county who was elected solely because he managed that CDF very well as far as bursaries were concerned. Every parent was saying they would re-elect him because their children were not paying school fees. These children are now back home.

The President must do something to the million of Kenyans not just in Tana River but the whole country who are back at home. We as legislators, even our governors, do

not have the resources to pay for each and every individual to send them back to school where they belong.

We risk creation of a generation of people who are going to stay at home and then become despondent. They will go back to doing all the things we told them not to do. They will start engaging in activities that we as parents do not wish them to engage in.

I pray that on the Floor of this House as I plead with the Government, that temporary measures should be made between the National Treasury and the Ministry of Education, so that funds are transferred to these schools. Mr. Ukur Yattani the Cabinet Secretary for Treasury told us that he has not released those funds because he is waiting for an interpretation through the Attorney General of the opinion of the Supreme Court.

As that process is taking place, intervening measures can be made so that our children will not miss school. I know that it is possible because this is a 'hustlers Government' and they know what our people are going through. Something needs to be done as an interim measure. It is possible for Government to work together so that children go back to school even as the issues of CDF are being resolved.

Mr. Deputy Speaker, Sir, I want to speak on the issue of our democracy. The President spoke about the fact that our democracy was maturing. He said that there was so much freedom even the Deputy President who is in Government becomes a candidate of the opposition and then goes to win and a sitting President becomes a leader of the other side. He said in a positive way that this was what we were talking about democracy in Kenya.

I want to mention something connected with democracy in this country. We must legislate to increase the space for participation rather than reduce the space for participation.

In this occasion, there was a judgement that has gone into the minds of everybody in this country about the qualifications that are requisite for somebody to run for governor. In my opinion, we should continue to legislate in such a way that we increase the space and do not reduce it.

People who have become governors were once in this House. Senators who were in this House have become governors. In this House you do not need to have a degree. We are not in any way belittling education but let us increase the space. On that same note, let us increase the space for political parties to participate.

It is wrong for big political parties to continue to reap from the National Treasury through the office of the Registrar of Political Parties. We are paying a lot of money and yet the formula excludes all the small political parties. We must legislate to increase the space. If political parties present presidential candidates they must be facilitated, whether they win or not. If we are not going to get people being given facilitation because they are small, then let all of us not have facilitation.

Let the playing field be levelled. It is wrong for certain political parties to have billions while others which are coming up having nothing. When do we grow political parties and space? Let us legislate to increase the space rather than to decrease space for democracy to flourish in this country.

I beg to support.

Sen. Oyomo: Mr. Deputy Speaker, Sir, I would also want to add my voice to the speech made by His Excellency the President. I want to start by saying that His Excellency the President made notice of the growing confidence in the contribution of women leadership in decision making in our governance and political institutions.

He not only made reference to the growing number of women that were elected into Parliament but he also gave numbers, although the numbers are still insignificant.

My contribution is to the fact that in leading this country and having taken cognizant of that fact, I would like the President to demonstrate that contribution of women in the coming appointments that he will be making.

I am happy that a number have made it to the nomination list of the Cabinet Secretaries (CS). I state that the Kenyan women are looking forward to getting more names of fellow women in the forthcoming appointments that he will be making as he firms up his Government.

Secondly, the President laid his mission to dramatically scale up productivity in agriculture, fisheries and pastoralist for sustainable economic growth for food security and for economic income.

The mention of fisheries excites me because I come from the Lake Victoria Region. According to the Executive Order No.1 of 2022, fisheries is listed under the State Department for Blue Economy, in the Ministry of Mining, Blue Economy and Maritime Affairs. I state that there are all the reasons for retaining fisheries as a department rather than have it domiciled in other sectors.

It is worth noting that fish from Lake Victoria accounts for such a high percentage in the total quantities and value of the national fish catches respectively. I emphasize on some of the reasons why there is need even if not from Lake Victoria region but for the country as a whole to maintain fisheries as a department on its own.

Fishing has a significant role in the provision of food security in this country, an area which His Excellency the President also mentioned. Therefore, to remove fisheries as a distinct department will severely demean the participation of the Lake Victoria Fisheries Organization (LVFO), which is a regional organization. The fisheries department has been linked to other sister fisheries departments at the LVFO which is a regional fishery management organization.

I emphasize once more that fishing is a key contributor to the blue economy. Therefore, singling it out gives it the strength it deserves to attract investment and collaboration by people who view the blue economy to be much of maritime and fishing. To make it clearer, fisheries is the common name for ‘hustlers’ who understand what fish entails. It sinks more with the masses in this country.

Mr. Deputy Speaker, Sir, on the legislative agenda, the President emphasized that his administration will rely on oversight to ensure that the public gets value for money. It is on the same note that His Excellency talked about the National Government Constituency Development Fund (NG-CDF).

There was more emphasis on the setting up of the Senate Oversight Fund to be used to provide oversight on county funds. I support the setting up of the Senate Oversight Fund. Whoever may be uncomfortable with this is somebody who is not keen on the growth of counties.

I support.

The Deputy Speaker (Sen. Kathuri): Thank you, Proceed, Sen Ali Roba.

Sen. Ali Roba: Thank you, Mr. Deputy Speaker, Sir. I stand to contribute to the Address by the President in the joint sitting of Parliament. I would like to reflect on a few paragraphs among the other issues that have already been reflected on.

First is the issue on paragraph 16 where the President discussed and invited this House of Parliament as a whole and challenged them to create facilitative amendments in the Standing Orders where necessary, provisions of the Constitution notwithstanding.

As Senate, I would like us to consider that point. Rather than reflecting on what did not go right in the past, we should try and make right this opportunity provided by his Excellency President William Samoei Ruto.

The other issue is on Paragraph 41 where the President discussed the issue of managing the blowing expenditure. In paragraph 39 he discussed, the issue of public debt to the tune of Kshs900 billion.

In Paragraph 41, he also discussed his direction to The National Treasury and various Ministries on the reduction by combing through the numbers and getting Kshs300 billion in this year's Budget in order to reduce our borrowing burden

This is the opportune time to revisit the report on the presidential task-force on parastatal reforms which was carried out in 2013 but was never implemented. The report gives us the opportunity to reduce on parastatals that are doing functions that are already devolved or duplication of functions in various parastatals. The President will be able to streamline and make sure that there is no duplication of responsibilities within various parastatals.

Secondly, I would like to reflect on paragraph 45 where the President discussed the issue of the National Social Security Fund (NSSF). The reality is exactly what the President discussed.

We have an opportunity because as a country, we should be able to have a retirement fund that is able to support those that retire substantively. A contribution of Kshs200 is not going to support anyone that is retiring. This requires a bipartisan view in order for us to propel the country forward.

I would like to reflect on the issue, my brother Sen. Mungatana discussed, as a former governor, as well as the Chairperson of Frontier Counties Development Council (FCDC) that has brought together 10 counties and the Council of Governors (CoGs) of Arid and Semi-Arid Lands (ASAL) Committee.

The drought we are faced with right now is of great concern to the country. The National Drought Management Authority (NDMA) has issued an alarm phase for ten counties namely: Isiolo, Mandera, Samburu, Kajiado, Tharaka Nithi, Turkana, Wajir, Laikipia, Tana River and Marsabit.

It went further to issue alert stage of drought phase for the counties of Embu, Garissa, Kitui, Makueni, Meru, Narok, Nyeri, Taita Taveta, Kwale and Kilifi. We engaged non-state actors who used to come in to help Government efforts in the past. Now that Kenya is a middle-income country, that help is not forthcoming anymore. As a middle-income country, it is believed that this country will be able to support itself by getting itself out of such emergencies.

Drought emergency is an issue now that these counties that I have mentioned have lost more than half of their livestock. We are in that phase where threat to human life is a clear and present danger in our counties. Counties that I have mentioned are ill-equipped and ill-resourced for purposes of dealing with disasters of this magnitude. I thus welcome the President's speech.

I hope and pray that whatever that the President has promised is going to be forthcoming as an intervention in the short term because we are already in an alarm stage of drought within 10 counties out of the 20 that are severely affected.

We should not only do short term intervention to get to bail out human life and livestock out of this catastrophic but as also my brother Senator Mungatana mentioned, put long term preventive measures with the support of county governments in terms of dealing with this issue.

This requires deliberate resource allocation and marshal plan in order to deal with ending drought emergency in these areas.

I support.

The Deputy Speaker (Sen. Kathuri): I will encourage us maybe we finish today's session if Members can take less time such as what the last two Members have done. We can then have several of us contributing to the Motion.

Senator Osotsi, you may proceed.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to also raise my voice on the President's address which is guided by Article 132 of the Constitution which says that the President will address the newly elected Parliament.

My colleagues have talked many things about this. I will seek not to repeat what they have said. Generally, the President's speech sounded very progressive. However, there are rough edges which I will be addressing in my contribution.

Mr. President alluded to the fact - from where I have come from - I mean the National Assembly; this was a real challenge. He said that we would like to have Cabinet Secretaries (CS) coming to the House to address Members' concerns, questions, statements *et cetera*, because the current arrangement is not very productive. In the end, it is weakening Parliament as a key institution of running a government.

I disagree with the President's route of doing it. He is proposing that we look at the Standing Orders and ways of having CSs responding to issues on the Floor of the Parliament. I beg to differ because that contracts Article 97 of the Constitution on National Assembly Composition and Article 98 of the Composition of the Senate. Article 98 provides, for example, in case of Senators, we have elected and Nominated Senators and the Speaker who is an *ex-officio* Member of the Senate. For that to happen, we would need a constitutional amendment. In my speech, I will allude to constitutional amendment. So, even as we think through it, we must be alive to the fact that the Standing Orders are derived from the Constitution and cannot be superior to the Constitution.

So, if you want to tinker with the composition of the House, you have to amend Article 98 for the Senate so that you tinker with the composition and allow the CSs to address the Senate. Otherwise, we can allow them to come but they will sit in the

galleries and address us from there which does not look neat. This is an issue that we need to interrogate.

I am happy the other side which was against any form of constitutional amendment has seen the light. I remember even in their political rallies they said that not even a comma was going to be amended.

They are now alive to the fact that we can have a constitutional moment where we can look at things which will make us progress; where we can look at issues such as the National Government Constituency Development Fund (NG-CDF) and the Oversight Fund.

Although the Minority Whip castigated the Building Bridges Initiative (BBI), it had very progressive provisions. If we want to progress in terms of reorganizing the NG-CDF to constitutionalize it, having the Oversight Fund, or even having CSs to appear on the Floor and answer to issues we raise, we have no choice but to look at our Constitution.

Mr. Speaker, I am happy with the President's presentation that his Government is going to be open and transparent. For a government to be open and transparent, it must believe in the spirit of public participation. We have seen some decisions being made in this new Government which are not guided by the spirit of public participation. An example is the Genetically Modified Organisms (GMOs) and many other issues.

Sen. Joe Nyutu: On a point of order.

Sen. Osotsi: No, you will have your chance to defend.

The Deputy Speaker (Sen. Kathuri): Just a minute Senator. What is your point of order Senator?

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, I rise on a point of information to inform Senator Osotsi.

The Deputy Speaker (Sen. Kathuri): Then he must accept it.

Sen. Joe Nyutu: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): He must accept your point of information.

Sen. Osotsi: Mr. Speaker Sir, I do not want his point of information.

The Deputy Speaker (Sen. Kathuri): Which point of order are you referring to? Order, Hon. Senators. I guided the House that when Members are contributing, you will get your chance to correct whatever you feel is not okay.

(Sen. Nyutu spoke off record)

Proceed Sen. Osotsi.

Sen. Osotsi: Mr. Speaker Sir, just for guidance, you know you and I are coming from the other House where, every Member who rises on a point of order must point out the Standing Order on which he is rising. Otherwise, we are going to have frivolous points of orders in this House and we will not proceed.

The Deputy Speaker (Sen. Kathuri): Proceed, Hon. Senator.

Sen. Osotsi: Mr. Deputy Speaker, Sir, the President talked about an open and transparent Government. We want him to live to the word. An open and transparent Government means---

Sen. Olekina: On a point of Order.

The Deputy Speaker (Sen. Kathuri): What is not in order, Senator Ledama?

Sen. Olekina: Mr. Deputy Speaker, Sir, I rise on Standing Order No.98. This is a House of union and one which positions itself as an “Upper House”. It is imperative that when a Member rises to speak on a point of order, he or she should point at the exact point of order. This is as instructed under Standing Order No.98. Allow me to read it so that I prosecute my concern.

Standing Order No.98(2) states:

“When a Senator raises a point of order during the speech of another Senator, the Senator who was speaking shall thereupon resume his or her seat and the Senator raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Senator may, except by leave of the Speaker, speak on the point of order.”

Mr. Deputy Speaker, Sir, the same Standing Order says that we must cite what is out of order. I listened to my colleague on the other side of the aisle rising. I remind the House that this is another Arm of Government. A Senator is sitting on this side, arguing on a matter about the Motion on the Senate recording its thanks for the President’s Speech.

The only way that we can grow each other, is if we allow divergence of opinions. There is no way I can share the same opinion as the other Member. When it comes to debating, some of these issues that we are raising as out of order, might just be your different opinion and everyone is entitled to that.

I beseech the other side of the aisle, that for us to be able to grow as the other Arm of Government, let us allow other Members to be able to air their views and say what they thought about the President’s Speech. When I get an opportunity to speak, I will also argue my points.

Mr. Deputy Speaker, Sir, I request that you guide the House properly.

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

Sen. Osotsi: Mr. Deputy Speaker, Sir, Sir, I continue with my contribution. The President alluded to the fact that he will have an open and transparent Government. He also said that he will be a firm believer in democracy and the rule of law.

Those of us on this side want the President to live to his word. Some of the actions that he has started do not live to this spirit. When you talk about belief in democracy, you say it, but we have seen the President himself poaching members from this other side. We have seen him engaging in illegal post-election agreements when the law is very clear that you can only have one coalition agreement at a time.

We had a very serious debate here yesterday on the same. It touched on the rule of law and non-belief in democracy. That is a good thing but we will hold the President accountable for his own speech that is tabled in this House; that he is going to be a firm believer in democracy.

Mr. Deputy Speaker, Sir, the President also talked about the National Social Security Fund (NSSF) as part of a saving strategy. The NSSF belongs to the workers and cannot be part of a National Government saving strategy. That is money for our workers. We saw how money was stolen from NSSF during the Kenya African National Union (KANU) Government.

We cannot say we want to put more money in NSSF, without restructuring it, removing corruption and misplaced investments that happen in it. Mr. President, it is good to increase the deduction to NSSF but make sure NSSF is restructured so that Kenyans have confidence to put their money in it.

The President also talked about the hustler's fund. I join my colleague and friend, Sen. (Dr.) Khalwale, that unless we have proper legislation and structures in place, this will be another avenue for corruption. I beseech Parliament, both National Assembly and this Senate, let us not appropriate any money to this Fund without a proper legislation and structures in place. We are no longer in the campaign environment; we are now working for Kenyans. Therefore, we must ensure that there is value for money and proper accountability of the funds of Kenyans.

Mr. Deputy Speaker, Sir, I am so disappointed with this Speech because he did not talk about corruption. This has been the tendency of the other side. In their rallies and meetings, they do not talk about corruption because they are beneficiaries of corruption.

(Applause)

We expected the President to tell us one way of ensuring that this country has money, is to fight corruption. We are told this country is losing Kshs2 billion a day. That is about Kshs700 billion in a year. This is enough money to inject into the economy and improve it. We are wondering how the President is going to implement all his promises to us, without fighting corruption. The fight against corruption is key and is a cancer in this country.

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

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, what is out of order? Also, quote the Standing Order that you are standing on.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the Hon. Member---

The Deputy Speaker (Sen. Kathuri): Which Standing Order?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I look at Standing Order No.98. With all due respect, it does not ask any Senator to state any Standing Order but to explain---

(Loud consultations)

Be that as it may, this is important. We are all united here to fight corruption for a better Kenya. A Member of this Senate alleges that we are corrupt. He knows that the Kshs2 billion that he is saying was getting lost every day, was at the Office of the President of the "handshake" government". The same "handshake government" that stole the money for COVID-19 and the money was received by relatives and friends of one of the partners of "handshake Government".

Mr. Deputy Speaker, Sir, you must find him grossly out of order under Standing Order No.98.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, let him finish his point of order then you can execute yours.

(Loud consultations)

Sen. Olekina, you may have the Floor.

Sen. Olekina: Mr. Deputy Speaker, Sir, this is a House of record. It is a bit ludicrous for a seasoned politician and legislator, to stand here and mislead this House. Standing Order 98(1) is very explicit.

It says:

“Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and that Senator shall be required to indicate the Standing Order upon which the point of order is based.”

Mr. Deputy Speaker, Sir, when the Majority Whip misleads this House that there is no such Standing Order and we leave that on record, we will be setting a very bad precedence. I request the Majority Whip, to withdraw his statement and apologise. These Standing Orders are here to guide us and not just for the sake of it. It is pure English and this a man who speaks English better than people in Butere or Narok County. Please, just read Standing Order No.98(1) clearly and then correct it and withdraw.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I confirm that what Sen. Olekina has said about Standing Order No.98(1), is true and correct.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am lucky that I was one of the people who crafted this Standing Orders. The intention of Standing Order No.98 (1), does not require that when you stand, you must say; “Standing Order No.105---

(Loud consultations)

Wait, why do you not listen? You have already acknowledged that I know how to speak English.

The Deputy Speaker (Sen. Kathuri): Let him finish.

That will mislead us further.

Sen. (Dr.) Khalwale: I know how to speak English.

It says, at the pleasure of this Plenary, you can be challenged when you are looking to be irrelevant. A Member of Parliament can rise on a point of order and refer to a point of order which is somewhere. You cannot expect every Member to remember all the standing orders when they stand up however brilliant they are though they must remain within the Standing Orders.

The Deputy speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, with due respect, that is why we have the rules of the House. Every Member is supposed to acquaint themselves with the rules of the House for us to be orderly.

(Applause)

You cannot dismiss a Standing Order which has been passed by this House. You know the Standing Orders are a product of this House.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I stand guided. However, I would want the country and my colleagues to understand my reading of this Standing Order---

The Deputy speaker (Sen. Kathuri): Maybe, the Member who does not know the Standing Orders can consult the veterans to know the Standing Order that he or she should apply. By that, the House will be orderly and we will transact business.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I stand guided but my reading of this Standing Order is that it is a warning to any Member not to stand on a frivolous point of order. However, it does not say at what point thou shall be expected to state.

That is my departure. My brother went to the United States of America where black people speak broken English and probably this is why he is not seeing---

The Deputy speaker (Sen. Kathuri): Sen. Khalwale, kindly, let us use a parliamentary language.

Sen. Veronica Maina: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy speaker (Sen. Kathuri): What is out of order, Sen. Veronica Maina?

(Sen. Orwoba stood in her place)

Sen Orwoba, you are out of order.

Members are rising on points of order and I will give an opportunity if you have one.

Proceed, Sen. Veronica Maina.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I rise under Standing Order No. 105 to respond to Sen. Osotsi in respect to his reference to the loss of Kshs2 billion per day.

Standing Order No. 105 states that:

“A Senator shall be responsible for the accuracy of any fact that the Senator alleges to be true and may be required to substantiate any such facts instantly”.

I want to bring it to your attention that the statement that has been thrown to the Floor of this House has no relevance absolutely to the current Speech of the President and must be withdrawn.

Mr. Deputy Speaker, Sir, Standing Order No. 105(2) further states that:

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (*Disorderly conduct*) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”.

I want to invite you to request the Hon. Senator to withdraw that statement as unbecoming, not relevant and not part of the Speech that is before the House and to give a suitable apology under that Standing Order.

(Applause)

The Deputy speaker (Sen. Kathuri): I want to commend you, Sen. Veronica Maina, for being accurate on the Standing Order that you rose upon. For instance, many colleagues here are not able to quote the Standing Orders under which they are rising.

Sen. Osotsi, you made a statement about the Kshs2 billion.

(Sen. Veronica Maina spoke off record)

Let me get the facts right, Sen. Veronica Maina. Who is supposed to substantiate this matter? I am told that it is Sen. (Dr.) Khalwale who talked about the Kshs2 billion.

(Applause)

The HANSARD has captured Sen. (Dr.) Khalwale and not Sen. Osotsi.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, just a reminder and you can confirm, that statement was made by Sen. Osotsi. This is a House of integrity and he was the first one to refer to it.

Mr. Deputy Speaker, Sir, do I have your ear?

The Deputy speaker (Sen. Kathuri): If we are not sure, we will consult the HANSARD in a few minutes.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I will remind you that he is the one who gave that statement on the Floor of the House. That is a heavy statement. It is not an issue to be tossed around. He has even referred to some people as thieves. It is not a statement that should be taken lightly. He is not even denying it.

The Deputy speaker (Sen. Kathuri): Sen. Osotsi, before we consult the HANSARD, confirm or deny that you are not the one who made the allegations. I will ask the Clerks to confirm that and you know the consequences will follow you.

Sen. Osotsi, you either confirm or deny that you did not make such allegation before we consult the HANSARD.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I will remember what I said when the HANSARD is produced. I said we have been told and my good friend Sen. (Dr.) Khalwale came in and gave specific information. I have nothing to substantiate.

The Deputy speaker (Sen. Kathuri): Sen. Osotsi, you know the consequences.

(Loud consultations)

Sen. Osotsi: Mr. Deputy Speaker, Sir, I wish to draw your attention to Standing Order No. 105 (2) which states that:

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (*Disorderly conduct*) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”.

Mr. Deputy Speaker, Sir, I require that we produce the HANSARD. My HANSARD and Sen. (Dr.) Khalwale’s HANSARD.

The Deputy speaker (Sen. Kathuri): I want to make a quick ruling. I will consult the HANSARD and we will give direction of what should happen by tomorrow afternoon.

(Applause)

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. I think this is just a strategy to eat into my time.

The Deputy speaker (Sen. Kathuri): I have already ruled on that matter.

Sen. Osotsi: Nevertheless, I will continue.

(Several Senators consulted loudly)

The Deputy speaker (Sen. Kathuri): Who was on the Floor?

Sen. Osotsi: I was on the Floor.

The Deputy speaker (Sen. Kathuri): Kindly, finish up very fast.

(Several Senators consulted loudly)

Sen. Osotsi: Mr. Deputy Speaker, Sir, I do require your protection.

The Deputy speaker (Sen. Kathuri): I think I have made the right ruling on the matter of consulting the HANSARD.

Sen. Osotsi: Mr. Deputy Speaker, Sir, then let me proceed.

The Deputy Speaker (Sen. Kathuri): Sen. Methu, I made a ruling. If you have any intervention, just press the button and wait until I allow you to speak.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I need your protection from Members on the other side.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, I told you to proceed. What is the problem?

Sen. Osotsi: Mr. Deputy Speaker, Sir, to wind up my contribution, we had a lot of expectations when we went to listen to the President but some of us were disappointed.

One of the expectations I had as a Senator representing the people of Vihiga was for the President to tell us more about the bottom-up economic model that they were talking about during the campaigns. How are we going to legislate and allocate money on the same? The President did not tell us anything about it.

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

The Deputy Speaker (Sen. Kathuri): Sen. Methu, what is out of order again? Please quote the Standing Orders.

Sen. Methu: Mr. Deputy Speaker, Sir, we are trying to do what we are supposed to do. I would like to quote Standing Order No.117(1)(e) which states that a Senator commits an act of gross disorderly conduct if the Senator deliberately gives false information to the Senate.

Sen. Osotsi, a respectable Senator for Vihiga, has given false information. He said that in the President's Address---

(Sen. Osotsi spoke off record)

I am not talking about what you have said. The Deputy Speaker ruled on the issue of Kshs2 billion. Sen. Osotsi in his submission alleged that the President never mentioned anything about corruption.

If you look at Paragraph 19 of the President's Address, he said that he will seek additional resources to support the bottom-up scaling of justice and empower the Judiciary to acquire capacity and develop infrastructure needed to more efficiently adjudicate and expeditiously conclude corruption cases.

(Sen. Sifuna spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, kindly give him time to put his point.

Sen. Methu: In my opinion, Mr. Deputy Speaker, Sir, the Senator for Vihiga is completely out of order to mislead the House that the President, in his address, did not touch on corruption.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, kindly conclude. You have 30 seconds to finish.

Sen. Osotsi: Mr. Speaker, Sir, to wind up, my last point is that the President, in his Speech, recommended that Ministries should adjust their budgets to save Kshs300 billion in order to support the savings programme.

We would like to know more about that. I am sure that the Budget will come to Parliament. We would like to know where he is going to get the money. Is he going to reduce peoples' salaries and allowances?

He was also contradictory because he talked about reducing the expenditure in Government, yet he gazetted additional State Departments.

(Applause)

He proposed to have the so-called advisors to the Cabinet who will draw more money from the Exchequer. I find that to be contradictory.

The Presidents' Speech was contradictory and it fell short of the expectations of Kenyans.

The Deputy Speaker (Sen. Kathuri): Your time is up. Sen. Korir, did you have a point of order? If not, Sen. Cherargei, please proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, there is an issue that was raised on the Floor of the House. Looking at Standing Order Nos.121 and 122, I am sure that you will make a ruling on this matter tomorrow in the afternoon.

It is not wise and fair for Members, even with points of relevance under the Standing Orders, to raise issues that are outside the purview of the Presidential Address.

Regarding the bottom-up approach, in his speech, he talked about the "Hustlers" Fund. Therefore, Senators who comment on the Address of the President must acquaint themselves with the provisions of Standing Order Nos.121 and 122.

Mr. Deputy Speaker, Sir, you should not to be merciful. The only mercy is by Jesus Christ. Any other mercy is imported. So, if a Member makes unsubstantiated allegations on the Floor of the House, deal with them firmly and ruthlessly. We are not somewhere in Vihiga County.

In fact, instead of fighting the Government, Sen. Osotsi should be grateful that one of his constituents is the Prime Cabinet Secretary in the Kenya Kwanza Government. How can you bite the hand that feeds you?

The Deputy Speaker (Sen. Kathuri): Sen. Cherargei, I have been here for the past three and a half hours and now we are almost approaching four hours. Members here will agree with me that I have done well this being my first time on this Chair.

(Applause)

I would like to remind you that Sen. Osotsi's life is already hard because there is an expected ruling tomorrow on this Floor. We are consulting the HANSARD.

My rulings are objective. Of course, I am merciful because that is my character but I assure you that nobody will abuse that trait.

(Laughter)

Next is Sen. Tobiko. Hon. Members, as I said, you can save a few minutes if possible so that others can be heard.

Sen. Tobiko: Mr. Deputy Speaker, Sir, I rise to support the Motion on the Presidential Address to both Houses of Parliament.

I heard Sen. Osotsi say that the President did not expound on the bottom-up economic model that the 'Hustler Movement' has been talking about to *mwananchi*.

I thought it is good to inform Sen. Osotsi, now the Senator for Vihiga whom we also served together in the National Assembly, that the Presidents' Speech was full of bottom-up tenets that we sold to all Kenyans who bought the ideas and elected Dr. William Samoei Ruto as the President of the Republic of Kenya.

I am going to talk about a few of what the 'Hustler leadership' promised Kenyans because I do not want to go through the entire Speech. We have some low-hanging fruits that have already been implemented and Kenyans are already benefiting.

We have cheap fertiliser that the President talked about. The first thing he did when he got into office was to lower the prices of fertiliser. By the time we were campaigning, a 50-kilogramme bag was around Kshs6,500. Now, a sack is going for Kshs3,500. That is one of the many components of the bottom-up economic model because we want productivity.

The President also emphasised on agricultural productivity. That includes livestock and fishing farming in this country instead of just having subsidies on foodstuffs. I believe we are moving in the right direction now that the President started acting immediately, he got into office.

Hopefully, when we get into the rainy season, productivity will improve in this country, in all sectors, whether it is in fishing, farming or the pastoralist communities.

Mr. Deputy Speaker, Sir, the President mentioned and also emphasized on affordable housing, and this has been elaborated in the presidential speech. All Kenyans, according to the Constitution, deserve and have the right to live in affordable and decent houses. That is why the President appealed to both Houses to embrace and enhance Government policy on affordable housing so that every Kenyan can afford a house, live in good condition and in homes that have running water and electricity. It is well elaborated in his Speech.

Mr. Deputy Speaker, Sir, in the Presidential Speech, there was the issue of the Hustler Fund. It is really one of the main things of the bottom-up economy that we were talking about during the campaigns. The President confirmed and affirmed that he will allocate Kshs50 billion every year to the Hustler Fund in order to help *mama mboga, boda boda* guys and small enterprises.

I think everything the President said in his Speech was underscoring the bottom-up economy. He expounded what the Kenya Kwanza manifesto had on affordable credit.

The President, in his Speech, alluded to the fact that he had spoken to the operators of *Fuliza* and *M-Shwari* the previous day and they gave the President their word that they were going to lower the cost of credit by 40 per cent. I think we are on the right track. The President has really preached the bottom-up economy like a bible.

Mr. Deputy Speaker, Sir, the President began by appreciating Kenyans, Members who got elected and the steps which we have made as a country, particularly in having women in leadership. The single constituency holders have increased to 29 from the initial 23. The retention in both Houses is much better than it was before.

I, however, have something to say about women in elective positions. Political parties in this country still have a long way to go. I am sure that all the women who got elected, be it governors, constituency holders or women representatives have a story to tell of the hurdles that political parties are still putting to women across this country. There would have been a better percentage of women representation. One third can be achieved because Kenyans are now ready to elect women.

However, the mindset of political parties is yet to change because women in this country are still relegated to nomination slots whereas women have got into competitive politics. Kenyans have proved that if given a chance, they trust women leadership much more.

Mr. Deputy Speaker, Sir, going forward as a country, we would want to see a fair playing ground in political parties, so that we have elected women Senators, like, Sen. Kavindu Muthama, whom I can see coming in, and the others who have come through the elective position.

As a country, having the President who was supported by more than 50 per cent of the women electorate of this country, I am sure will enhance that space and help Kenyan women achieve the one-third representation in both Houses.

Mr. Deputy Speaker, Sir, the President had talked about effective oversight in both Houses. He even proposed that there should be an oversight fund to help the Senate undertake its duty of effective oversight over the counties. This should be a welcome gesture by this House and the National Assembly on the issue of National Government Constituency Development Fund (NG-CDF).

I represented a constituency - Kajiado East Constituency - for two terms in the National Assembly. Therefore, I know the importance of the CDF at the constituency level. I can for sure vouch for the Members of the National Assembly that the NG-CDF should be retained.

There must be a way for the Judiciary to understand. This is because laws are meant to help human beings and not cartelize the benefits for our communities. The children depend on the bursaries on NG-CDF.

Mr. Deputy Speaker, Sir, because you also represented the constituencies, you therefore know that we used NG-CDF to build many schools, police stations and roads. This fund should not be lost.

I do not know whether I have taken more time than I have been allocated. I just want to convince Sen. Osotsi and the others who are casting aspersions and doubts on the Presidential speech, that he has internalized the bottom-up tenets. They are well expounded in the presidential speech. So, we urge you to support it.

Thank you.

The Deputy Speaker (Sen. Kathuri): You have just used the time that was allocated for you precisely.

Sen. Orwoba, proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I want to mention a few things about the President's Speech, particularly, about the Kshs50 billion Hustler's Fund.

One of the observations that have previously been made in this House on the funds that have been there, is that they are not sustainable. *Uwezo* Fund that was supposed to be a revolving fund was misused and politicized. It is refreshing to know that we have a Government that is willing to cure the problems of the existing funds.

I take this opportunity to urge that when that piece of legislation comes to the Floor of the House, we push and ensure that we cure the problems that the likes of *Uwezo* Fund, Youth Fund and Women Fund have.

You will note that I am a nominated Senator under the gender top-up. However, I am a youth advocate and has been pushing for the empowerment of youth. One of the things that have been a big problem with the empowerment of youth in terms of funds is that there is no sustainability of the same.

Speaking to the President His Excellency William Ruto, we discussed issues on how this fund is going to be dispatched. I am glad that in his speech he articulated that one of the things they are going to push for is the use of technology to manage and distribute the fund.

When I bring legislation on this Fund, I hope I will be supported. It is time that *Uwezo*, Women, Youth Funds and any other existing funds that have not been impactful, will be collapsed and replaced with the Hustlers Fund. The intention will be that any beneficiary of that fund would at least at the bare minimum undergo a basic business training.

The Speech says –

“My administration will allocate Kshs50 billion every year to the Hustlers’ Fund from the micro small and medium enterprises so that they can access affordable credit to start and expand their businesses.”

For *Uwezo* Fund, we were being encouraged to apply for it as groups and money was distributed. However, there was no business being started. At one point, politicians, some of them in this House, started using it as a sort of token to give to the electorate. They did not understand that at the end of the day when the fund ceases to be a revolving fund the same electorate will blame them for impoverishing their lives.

The Hustlers Fund is a good direction. I hope my fellow Senators will assist when the Bill comes to the House. We have Public Private Partnerships with Community-Based Organization (CBOs) and the Non -Governmental Organizations (NGOs) that are already offering free business skills training. It is a prerequisite before you receive the fund that you undergo a one-month business training course.

In his Speech our President stated that digital technologies have become a critical player in economic growth. It is time we capitalize on them. I speak from a point of information. Before I was a Senator I worked as a manager of the data center of *Facebook* in Denmark.

I hope we will practice political maturity when that Bill comes to this Floor. When we hold this big organization such as *Facebook*, *Google* and *Amazon* accountable in terms of them remitting taxes to this country, we will vote as a House in the interest of the electorate and our people.

It is known that these organizations are currently not operating locally but are based in a cloud abroad. The jobs we have for the youth have been exported to these other places from where they are operating.

I was happy to hear that the digital economy will be prioritized. It is time that this House brings legislation that will hold these companies accountable and localize our data and where we store it.

Facebook, for instance, is operating as a proxy where they have outsourced their employees. You cannot sue *Facebook* when they are mistreating their employees. Their employees do not have benefits in terms of housing and medical covers since they are operating as contractors.

It is a good time to serve in the Senate because I am passionate about these things. I have already tabled a Bill on localizing our data to hold these companies accountable. I hope my fellow Senators will support the President into turning the digital economy into one that is impactful to this country.

Thank you, Mr. Deputy Speaker, Sir, for this opportunity. This is just a by the way, I do not know which route to follow.

It is very unfair for Senators to walk in at 6.00 p.m. and shine, so that they can be recorded in the HANSARD. They then walk out with that as a contribution. Some of us have come here to work; to sit through the motions and listen. It is very unfair and something should be done.

(Applause)

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

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it is now 6.30 p.m. There being no other business, the House stands adjourned until tomorrow, Thursday, 6th October, 2022, at 2.30 p.m.

The Senate rose at 6.30 p.m.