

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 16th February, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): I ascertain that we have quorum. So, let us transact business.

Please proceed.

The Senate Minority Leader (Sen. Madzayo): On a point of order, Mr. Deputy Speaker, Sir.

POINT OF ORDER

ALLEGED DELAY IN COMMUNICATING TO THE HOUSE CHANGES IN LEADERSHIP IN THE MINORITY COALITION

The Deputy Speaker (Sen. Kathuri): What is it Senate Minority Leader?

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

The Deputy Speaker (Sen. Kathuri): Which Standing Order is your point of order from?

The Senate Minority Leader (Sen. Madzayo): Communication from the Chair.

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

The Senate Minority Leader (Sen. Madzayo): Bw. Naibu Spika, kwa heshima na taadhima, jana, tulikuwa hapa na pia wewe ulikuwa hapa. Uliweza kusikia ya kwamba kuna Ujumbe ambao utawasilishwa ndani ya Bunge la Seneti kuhusiana na upande wa Upinzani na ile ratiba walikuwa wamekuletea ya megeuzi ya uongozi ndani ya Seneti inayohusika na upande---

(The Clerk-at-the-Table consulted)

with the Deputy Speaker)

Bw. *Clerk*, ni heshima kama ninaongea na Naibu wa Spika, ingekuwa vizuri ungekaa chini kwanza ukangoja nimalize alafu uende ukaulize. Heshima si utumwa.

The Deputy Speaker (Sen. Kathuri): Kiongozi wa Walio Wachache, naomba uwasilishe ombi lako moja kwa moja.

The Senate Minority Leader (Sen. Madzayo): Bw. Naibu Spika, ndio nawakilisha sasa lakini nimeona ukiongea na nikaona masikio yako hayanisikizi vizuri ndio sababu ninaleta hii hoja.

Bw. Naibu Spika, nikiwa naongea na wewe, ningependelea Kiongozi wa Walio Wengi anyamaze. Angoje niongee nimalize na yeye aweze kuongea kulingana na Kanuni za Kudumu za Bunge la Seneti.

The Deputy Speaker (Sen. Kathuri): Naomba uendelee tafadhali.

The Senate Minority Leader (Sen. Madzayo): I should be heard in silence.

The Deputy Speaker (Sen. Kathuri): Niangalie mimi usisikilize chochote.

The Senate Minority Leader (Sen. Madzayo): Bw. Naibu Spika, jana tuliambiwa na Spika - na wewe Naibu Spika ukiwepo ndani ya Seneti – kwamba, hivi leo, taratibu ambayo ilichukuliwa na upande wa Walio Wachache itaweza kuletwa hapa kama Ujumbe kulingana na yale mageuzi ambayo Upande wa Walio Wachache, waliyaleta ndani ya Seneti.

Bw. Naibu Spika, ninaomba kusikizwa kwa kimya. Jana tulipokuwa hapa, Spika alituahidi ya kwamba, leo atatoa Uwasilisho kutokana na malalamishi yaliyotolewa na Upande wa Walio Wachache. Bw. Naibu Spika, wewe ulikuwa hapa wakati ahadi hiyo ilitolewa. Uwasilisho wenyewe ulitakiwa kutoa mwongozo kutokana na mageuzi yaliyoletwa hapa Bungeni na Upande wa Walio Wachache.

Katibu amesimama na kusoma shughuli ya Uwasilisho kutoka kwa Spika katika Ratiba ya Bunge. Ni kwa sababu tulipaswa kusikia Uwasilisho wa Spika. Hata hivyo, nimeona hakuna Uwasilisho wowote na umeendelea hadi shughuli ya nne. Umekosa kuleta yale mawasiliano.

Bw. Naibu Spika, ninaomba kujua kuhusu yale mawasiliano ambayo tulikuwa tumewasilisha kwako na ukaahidi kuleta haba Bungeni leo. Hivi sasa, umeenda katika kipengele cha nne.

Upande wa walio wachache hawana Kiranja wala Naibu wa Kiranja. Ulikuwa utufahamishe ili tujue iwapo uongozi upo, ndiposa tuweze kuendelea na Kanuni za Kudumu za Bunge la Seneti. Ni jambo la kusikitisha kwamba umepita shughuli ya tatu ya Uwasilisho wa Mwenyekiti.

Tungependa kujua iwapo ulifanya uamuzi wowote. Unatakiwa kuleta Uwasilisho lakini sasa ninaona kuna kizungumkuti kinachoendelea. Tunataka kujua kwa nini hutaki kutupatia jawabu. Ni kizungumkuti gani kinachoendelea hapa, kiasi cha kwamba unanyima Upande wa Walio Wachache kuwa na viongozi wanaohitajika?

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

The Deputy Speaker (Sen. Kathuri): I can see requests and interventions.

Sen. Olekina, proceed.

Sen. Olekina: Mr. Deputy Speaker, Sir, thank you for this opportunity. I rise to inquire from the Chair's desk on the Communication that the Chair promised to deliver in terms of the leadership of the Minority side.

We know from history that what goes around comes around. I am a bit perplexed that the Chair has decided to draft new Standing Orders. The Standing Orders are drafted and passed by this House. Yesterday, we conversed on the issue of the communication from the Senate Majority Leader, on matters dealing with the leadership of the Minority side.

Mr. Deputy Speaker, Sir, we do not want to impute any improper motive on the substantive Speaker of this House. You are our colleague but today, you are sitting in that seat as the Speaker. However, we are concerned because the substantive Speaker is now exhibiting characters of a prefect. Someone who wants to come and prefect political parties. It shocks us that the substantive Speaker--- We are not discussing the character---

The Deputy Speaker (Sen. Kathuri): Order, Sen. Olekina. You are a renowned outstanding Senator for Narok County.

Sen. Olekina: Yes, Mr. Deputy Speaker, Sir. I agree.

The Deputy Speaker (Sen. Kathuri): Of course, you know the Standing Orders do not allow you to discuss, leave alone the Speaker, but the conduct of any Kenyan who is not here to defend himself.

Sen. Olekina: Mr. Deputy Speaker, Sir, okay. I am guided.

The Deputy Speaker (Sen. Kathuri): Can you kindly execute your issues without referring to the---

Sen. Olekina: Mr. Deputy Speaker, Sir, I will not refer to the substantive Speaker in person. However, the Speaker's Office is an institution. When we see that the institution is now attempting to investigate on the circumstances that led to the Minority side deciding to change their leadership and appointing a new leadership, that in itself leaves a lot to be desired.

This is a House of reason and union that is supposed to show high level of discipline. This House has the best legal minds. The secretariat advises us – legislators – whenever we have any matter to deliberate here. However, we are concerned because our side has no leadership at the moment. We only have the Senate Minority Leader and his Deputy. We do not have a Whip or Deputy Whip. The communication--- I am trying to understand.

Sometimes I wonder whether people go to different schools when it comes to reading simple English. Standing Order No.23 (6) is self-explanatory. I do not want us to cause any havoc. A House of union, that is supposed to make laws in this country, led by a distinguished Speaker, cannot clearly read what is indicated here.

Standing Order No.23(6) clearly says-

“Upon a decision being made by the minority party under this Standing Order, the decision of the party shall be communicated to the Speaker in writing, together with the minutes of the meeting at which the decision was made.”

It does not talk about anything to do with fair administration of justice, different conflicts or the Speaker trying to meddle into party affairs.

Mr. Deputy Speaker, Sir, I may want to beseech the Chair to desist because a Chair is not a prefect of a political party. The Chair sits there, he is blind and is only there to guide. However, there is a dictatorial tendency where the Chair dictates what can come out of our mouths and what we should say. It is some sort of gagging. If we are going to continue with that trajectory, I dare say that we might as well fold and leave because democracy has already been sunk into a six-foot hole. We cannot allow that.

Mr. Deputy Speaker, Sir. You are one of our colleagues and I beseech you; can we stick to this? I believe that if we do not abide by this Standing Orders, it will come back to what Sen. Orenge was telling us here; that we have to be very careful of our actions as leaders and demonstrate it because if this House alone cannot respect itself, then what exactly are we doing?

I beseech you because of what is happening here. Of course, nothing stops us from exercising the Constitution and the Standing Orders.

The Deputy Speaker (Sen. Kathuri): Conclude, Sen. Olekina.

Sen. Olekina: Mr. Deputy Speaker, Sir, these Standing Orders are very clear that we have other avenues.

Therefore, there is no proceeding with business here. I can assure you that with all due respect that---

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, why are you threatening the Chair.

Sen. Olekina: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): I have been very lenient to you.

Sen. Olekina: Mr. Deputy Speaker, Sir, we have agreed from the onset that I have a lot of respect for you and I am not disrespecting you in any way. Therefore, I would like to know---

(Sen. Cheruiyot spoke off record)

I am not speaking to the Senate Majority Leader. Senate Majority Leader, have some respect. You need to shut up when other people are talking. This business of talking every time as if you are the only one who has the monopoly of words---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, are you through?

Sen. Olekina: Mr. Deputy Speaker, Sir, it is a little bit ludicrous and we will not allow. I have respect for the Speaker and we will not allow this sort of gagging.

(Loud consultations)

We are elected leaders. When we are in this House---

The Deputy Speaker (Sen. Kathuri): Are you done? I want to give opportunity to the next speaker.

Sen. Olekina: Mr. Deputy Speaker, Sir as I finish, let me state that this sort of dictatorship which is being orchestrated--- I see the Senate Majority Leader acting as if he is the prefect of this House; he is not. He is disrespecting your Chair.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, let us have respect and stop name calling.

Sen. Olekina: I appreciate that Mr. Speaker, Sir. but let us respect---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): I gave you time because I wanted you to ventilate enough on this matter.

Sen. Olekina: I thank you.

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

(Loud Consultations)

Senate Majority Leader, do you have an intervention?

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I said yesterday that I have no interest whatsoever in the leadership that the minority side choose to bring. What I will not allow is for us---

(Loud Consultations)

The Senate Majority Leader (Sen. Cheruiyot): As the Senate Majority Leader, what I will not allow---

(Loud Consultations)

Do what you want to do! Do what you want to do! Do your worst.

(Loud consultations)

Mr. Deputy Speaker, Sir, what I will not allow is for us to come here every afternoon and be dragged into their dispute.

(Sen. Oketch Gicheru stood in his place)

The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, kindly resume you seat.

Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I hope that I can be heard in silence because when they were speaking, I kept quiet. When they were speaking, I was quite

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, let us have decorum.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I listened to him for a cool 20 minutes. I listened to you for a cool 20 minutes.

(Loud consultation)

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, stop exchanging across the aisle.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I will keep my cool. I am surprised that there are people who have never even spoken in this House yet they want to be the loudest. Can you say something substantive? You cannot be known in this House for just being a heckler.

(Laughter)

Anyway, this is my point; how can we each and every afternoon---. The Senate Minority Leader asked a very simple question. Why have you not given them the communication that they asked from you?

What I expect from you---

*(The Senate Minority Leader (Sen. Madzayo)
walked to the Dispatch Box)*

The Deputy Speaker (Sen. Kathuri): The Senate Minority Leader, you know that when there is another Senator on the Floor, you cannot stand up and interrupt what he is saying. Resume your seat. You were doing your work so well. Resume your seat.

*(The Senate Minority Leader
(Sen. Madzayo) walked back to his seat)*

Senate Majority Leader, proceed and finish. In fact, I want to give a few more Senators time to speak and then I will give my ruling on this issue.

The Senate Majority Leader (Sen. Cheruiyot): I wanted to make a very simple proposal that the Senate Minority Leader has asked you a very simple question that they came yesterday with a letter to you and they expected the Speaker to give a communication on the same.

(A hon. Senator spoke off the microphone)

Okay it can be even last year.

The Senate Minority Leader (Sen. Madzayo): I was sitting with him when I handed the letter.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, can I be heard in silence?

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): This is the point that I am trying to prosecute here. They asked you a very simple question; why have you not communicated? To the best of my knowledge and I do not want to be dragged into the operations of the Office of the Speaker; I am only concerned for time; that now its 2:55 p.m. I thought by now, because we have serious business that we want to prosecute, you should have either given the communication the way they want it or informed them the reasons why they have not received the communication.

That is the only thing that I wanted to say. I have no problem with you guys,

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

(Loud Consultations)

The Senate Majority Leader (Sen. Cheruiyot): How can I say it when you are heckling?

The Deputy Speaker (Sen. Kathuri): Thank you, the Senate Majority Leader.

Sen. M. Kajwang' you have the Floor.

Sen. M Kajwang': Thank you, Mr. Deputy Speaker, Sir. The substantive point of order is that before we leave Order No.2, we expect a Communication from the Chair. We do not expect a ruling because there is nothing to rule on. A ruling comes when there is ambiguity; when there are grey areas but where the Standing Order is clear on how the majority or minority side should conduct themselves as far as leadership is concerned---

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang', before you proceed, the Senate Minority leader asked me a very simple question. I will give him a response right way.

Sen. M Kajwang': Mr. Deputy Speaker, this is my point of order, it is not on the Senate Minority Leader

The Deputy Speaker (Sen. Kathuri): You are dwelling on what I should give, he asked me a question and I will answer it right away.

Sen. M Kajwang': Mr. Deputy Speaker, Sir, this is my point of order. It is not synchronised with the Senate Minority Leader. We do not and I do not expect a ruling. If you are going to give a ruling, then you will be taking powers that do not belong to you.

The role of the Speaker in the Constitution is to be an umpire and not a player. You cannot put on the uniform of one side and purport to decide for some side of the game how they should conduct themselves.

This House is the last frontier for free speech. I have a lot of respect for the Chair. I do not expect the Chair to gag us. I have a lot of respect for the Chair as an institution and the gentleman sitting on the Chair. This is the last frontier for free speech. We must ensure that there is fidelity to the Constitution and the Standing Orders.

I urge you not to be dragged to be part of political parties or coalition intrigues. I urge you to allow the Minority to be led by those they want and the Majority to be led by those that they want. I want to say this on the Floor of the House; there is no Senator who is more special than the other. All of us can serve; all of us can lead.

When we communicated change in the leadership of the Minority side, we were saying that we need someone else to be our Whip and someone else to sit on the Bench. Personally, I have been very conflicted in the decision that we have taken. In this House, the senior most Member of this House in terms of longevity is Sen. Madzayo, followed by Sen. Dullo, followed by Sen. M Kajwang' and followed by Sen. Cheruiyot. If leadership was conferred based on experience in this House, I would not vote against Sen. Dullo to stop being our Whip but sometimes there are factors that come into play and issues of political party management.

Mr. Deputy Speaker, Sir, allow us to have the leadership that we want. Do not be compelled by anybody in leadership of this House to influence your thinking.

Finally, My friend Sen. Cheruiyot - he is smiling - is a very good friend of mine. I want to advise him and the bullfighter - nowadays he is a bit chilled.

Sen. Cheruiyot, if you are looking for a Chihuahua, a toy dog that you can control, go and look for it outside. Do not look for it in the seat of the Speaker. Do not attempt to control the Speaker. Do not attempt! Do not attempt to convert the Speaker to a puppet of the Senate Majority leader.

The Deputy Speaker is not your Chihuahua; the Speaker is the umpire of this House.

I submit

(Loud consultation)

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. M. Kajwang'. Be rest assured that a Member of this Chair can never be a Chihuahua.

(Laughter)

I will allow one Member from this side to speaker so that we can make progress. Sen. (Dr.) Khalwale, you have the Floor.

(Sen. Faki consulted loudly)

Now, you are making me your Chihuahua, Sen. Faki.

(Laughter)

Leave me alone to make my decisions. If I can be one, then not a Chihuahua but may be a German Shephard; not a Chihuahua. My son has a Chihuahua; I cannot be a Chihuahua.

The Senate Majority Whip, you may proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. We will not rise to the attempts by the Senator for Homa Bay County to invite me and the Chair to the bad manners of name-calling.

The point of order raised by Sen. Madzayo is important, if we are true to the Standing Orders of this House. Proceeding on Standing Order No. 23, Sen. Mathayo---

An hon. Senator: Madzayo!

Sen. (Dr.) Khalwale: Thank you.

Mr. Deputy Speaker, Sir, the distinguished Senator from Kilifi is perfectly in order. As we support him, it is unimaginable that anybody other than the leadership on the side of the Minority can decide who leads that side in this House.

Just as much, I do not expect anybody else, other than ourselves, to decide who leads us on our side.

(Applause)

This is the Senate of Kenya. The opportunity to have orderly business in this House is vested in the Chair, through the Senate Business Committee (SBC) as established under Standing Order No. 190.

Hon. Members of the Senate, let us be faithful to our Standing Orders. The composition of that Committee, from which you draw your power to control business is defined in that Standing Order. One of the Members of that Committee is the Senate Minority Leader, who, as of now is Sen. Madzayo.

He is aware that you can only proceed, according to Standing Order No.190, after the SBC has met and made a decision that the Order Paper will be in the form that it is.

Sen. Madzayo, with maximum respect to you, you are being disorderly for this reason. You are not telling your colleagues in the Minority side that, yourself, the Senate Majority Leader and others sat in SBC and made a decision on this matter.

Hon. Senators: No! No!

Sen. (Dr.) Khalwale: We did. I beg you to listen to me even if I am wrong. If you do not know, I am now informing you. We sat yesterday and the Senate Majority Leader was invited to communicate any change to the Membership of House Committees he had communicated. The same day, the Senate Minority Leader had not communicated. The Order Paper ---

(Sen. Madzayo stood in his place)

You will object. I thought you are a judge---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale is on a point of order. You can only give him information.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, this must be on record. In that meeting which was attended by others including the Senate Minority Leader, the Senate Majority Leader submitted his changes. The Minority Leader was invited but was not ready. He was told that he cannot hold the Majority side, it will proceed---

Sen. Olekina: Mr. Deputy Speaker, Sir, on a point of information.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, do you want to be informed by Sen. Olekina? He has some information for you.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, no, because he did not sit in the Committee that I am talking about. I do not know which information he wants to give me.

The Deputy Speaker (Sen. Kathuri): Okay, He will not allow you. Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: I will allow you to inform me after I conclude. I am not your enemy.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, that opportunity will have been lost. If you want to be informed, it should be right away.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, then I would rather lose it because I am not running short of information as it is now.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, proceed and conclude.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, speaking with the dignity that is bestowed to us by this House, the Speaker then informed Sen. Madzayo to organize his changes, write to him and the matter will be processed.

(Loud consultations)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, protect me. I am about to conclude.

The Deputy Speaker (Sen. Kathuri): Proceed and conclude. I am not able to give them any opportunity to contribute because you are also on a point of order. I was circumventing through a point of information.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, as I sit here now, just like them, I was expecting that the Chair would make a communication as to why the SBC has not sat to process their list if they have delivered.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I would like to give an opportunity to the Senate Minority Leader.

Sen. (Dr.) Khalwale: You are hon. Members!

The Deputy Speaker (Sen. Kathuri): Just a minute, to allow me give direction.

(Sen. (Dr.) Khalwale resumed his seat)

I was asked a question by the Senate Minority Leader this afternoon. I want him to repeat it so that I answer right away, then we make progress.

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, I would be the last person to mislead this House. I swear that I cannot mislead the House or the Chair. The communication I made to the Speaker was in the presence of everyone in Committee Room 4. It does not require voting.

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, you are my friend. I have asked you to repeat your question to the Chair. This will assist Members who have come in late to move together with us.

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, you were not sitting in the SBC. He has gone out of his way to say---

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, I gave you an opportunity after Order No.2 was read. What did you ask the Chair to do?

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, I asked why you are not communicating the leadership changes as expected. We have no leadership on this side. You have accepted changes on the Majority side but not on the Minority side.

Can you clarify that?

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have listened to several Senators on the Floor, Sen. Olekina and others. You are articulate about who should communicate. You have severally mentioned the substantive Speaker. When this question was asked yesterday, I was in the House. The Senate Minority Leader canvassed his communication. He wanted the Speaker to make the ruling.

From where I sit, the Speaker is not in a position to give the Communication at the moment.

(Loud Consultations)

Hon. Senators, I request that we wait for the Speaker to come and give the Communication.

(Loud consultations)

Sen. Sifuna, the Communication is with the Speaker, Rt. hon. Kingi.

Sen. Olekina, I am happy that you quoted well, that you are waiting for the Speaker to come. Hon. Members, wherever the Speaker is, he might be drafting the Communication.

We will move to the next order.

(Loud consultations)

The Deputy Speaker (Hon. Kathuri): Next order.

(Several hon. Senators stood in their places)

(The Deputy Speaker consulted with the Senate Majority Leader, Senate Minority Leader and several Senators)

The Deputy Speaker (Hon. Kathuri): Sen. Cherarkey and the Senate Minority Leader, have your seats.

Hon. Senators, resume your seats.

I will listen to everyone present in this House today. Sen. Sifuna, when you come to the Chair waving the Constitution, how do I give you the opportunity to speak when you are just in front of my eyes? If you have an issue, please communicate to the Table. You should sit down, press your button and you will be given the opportunity to speak.

(Sen. Sifuna spoke off record)

We must have order in this House. Sen. Sifuna, what is it?

Sen. Sifuna: Mr. Speaker, Sir, first of all, none of us here on the Minority side--- Let me go to the Dispatch Box.

(Sen. Oketch Gicheru stood in his place)

The Deputy Speaker (Hon. Kathuri): Sen. Oketch Gicheru, please take your seat.

Sen. Sifuna: Mr. Deputy Speaker, Sir, none of us from the Minority side mean to disrespect the Chair or anyone occupying that seat at any particular time. We are getting frustrated because this is not why we were elected to come to the Senate. We have serious business to transact. We do not understand how a simple matter such as Communication from the Chair requires all this drama.

Our point of departure with the Chair is under Article 107(b) in the Constitution: -
“In the absence of the Speaker, the Deputy Speaker presides.”

That is exactly why we have Members of the Speakers’ Panel. It does not have to be the substantive Speaker for any business of the House to be transacted. There are Members of the Speakers’ Panel here who come and transact business there.

Mr. Deputy Speaker, Sir, the question I am asking myself is, if indeed you say that in your capacity as the Deputy Speaker, sitting on that Chair, you cannot undertake a simple task like reading a Communication, how then would you transact Bills and Motions, which are far more serious matters that have to wait for the substantive Chair?

Secondly, I want to say here: Nobody is going to scare us. This is our House. I was elected here and in both Houses of Parliament, no Member got as many votes as Sen. Sifuna. You are not going to threaten me! You have nothing on me!

I want to make it clear that it does not matter which shenanigans are employed. It does not matter how long it takes or what we have to do. We are going to change our leadership because it is our right.

Whether the communication that comes from the Speaker's Office is legal, right or wrong, we do not care. We want it to come out of the Speaker's Office, so that we can take other avenues in order to enforce our rights as the minority side.

(Sen. Cheruiyot spoke off record)

You will not gag me Sen. Cheruiyot. You did not even get half the votes I got. So, be quiet.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna---

Sen. Sifuna: *Hautanitisha*. These are the numbers and numbers do not lie. Protect me---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you must be orderly. Make your contribution facing the Speaker.

Sen. Sifuna: Lastly, Mr. Deputy Speaker, Sir, I want to say this without any fear of contradiction because we are proceeding under the Standing Orders.

Under Standing Order No.23 (5), in fact, this communication from the Chair, in my view, is superfluous. It states that-

“The removal of a Senator from office under paragraph (3) shall not take effect until a Senator is elected in the manner provided under paragraph (1).”

A Senator has been elected to replace the outgoing Senate Minority Whip. Another Senator has been elected to take the space of the Senate Deputy Minority Whip. From here, we are proceeding to enforce this. We do not need your communication so that we can enforce it.

An hon. Senator: On a point of order!

The Deputy Speaker (Sen. Kathuri): Just a minute. Let me also give some more guidance.

When the Speaker leaves his desk to preside over the House, we do not carry any documents from the office. Everything is in these files. When we moved to Order No.2, there was no communication to be made by the Chair. If there was any, I could have done so proudly.

When I was in this Chair, there was no communication by the time we were on Order No.2. When a communication is brought when I am here or any other Speaker is in the Chair, then he or she must communicate. However, there is no communication in this file. If that communication lands on my desk now, I will communicate.

What I want us to understand is that it is not that I am not able to read the communication. It is only that the communication is not here with me.

(Loud consultations)

I wish that communication is brought now. If it is not here, then Senate Minority Leader, you know the office that you placed your request. That is where you should walk and get the communication. As I speak, this is the file, with no communication. What do I communicate?

(Several hon. Senators stood up in their places)

The Deputy Speaker (Sen. Kathuri): I want us to make some progress. Any time that communication is brought here, I will relay the same. If you ask me where the communication is, I cannot tell you.

Sen. Olekina: On a point of Order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): What is it, Sen. Olekina?

Sen. Olekina: Mr. Deputy Speaker, Sir, let me thank you for the direction you have given. You have brought some sanity. My only fear is that your directive is purporting to mean that the secretariat has not done its work. That is something dangerous.

I would like to persuade you, going by your own words, to allow us to adjourn this House for five minutes. We shall bring the communication to your desk so that you make the communication. We should all---

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, you are now directing me on what I should do. I think I will not follow that path---

Sen. Olekina: I am requesting, not directing. Fair enough, let me complete my sentence.

You have done something good and I want to thank you for that. You have told us here that anytime the communication comes to your desk, you shall read it. I thank you for that. Give us three minutes and it will land on your desk.

The Deputy Speaker (Sen. Kathuri): You have all the time. Three minutes are too little.

(Loud consultations)

Sen. Cherarkey, you have one minute.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I would like to read Article 107 which states-

“1) At any sitting of a House of Parliament—

(a) the Speaker presides;

(b) in the absence of the Speaker, the Deputy Speaker presides; and

(c) in the absence of the Speaker and the Deputy Speaker, another Member of the House elected by the House presides.”

The Constitution does not say they may preside in favour of the minority side. That is where we depart. I have been listening to you.

Mr. Deputy Speaker, Sir, under Article 3 of the Constitution, every person, including you, should protect the Constitution. It means if the issue the minority side is

raising did not meet or violated Article 47 on fair administrative action, you cannot just be a conveyor belt.

Standing Order No.23 does not mean that the Speaker is a conveyor belt. What the minority side is inviting you to do is to become one. When you read Standing Order No.45---

(An hon. Senator spoke off record)

Please listen to me. I was listening to you *omwami*. You should behave.

(An hon. Senator spoke off record)

Mr. Deputy Speaker, Sir, please protect me.

The Deputy Speaker (Sen. Kathuri): You are okay and doing so well. Please proceed.

Sen. Cherarkey: Standing Order No.45---

(Sen. Sifuna spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, kindly let us have order in this House.

(Loud consultations)

Sen. Cherarkey: I am on the Floor. All of us are colleagues. We must behave in a respectful manner towards each other.

(Sen. Oketch Gicheru spoke off record)

Sen. Oketch Gicheru, you do not need to shout because we are not in a public rally. Can I conclude?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, stop engaging other Members. Conclude your prosecution.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, you need to protect me because I am not an expert in demonstrations or *maandamano*.

(Laughter)

Standing Order No.45(2) states as follows-

“Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the Senate, direct.”

You cannot tell us---

The Deputy Speaker (Sen. Kathuri): I was invoking that Standing Order. That is why I said any time I get the communication, I will communicate.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, can I get to the meat?

Article 107 invites you to preside over the House but Standing Order No.45(2) states that business shall be disposed of in the sequence which appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the Senate, direct. The Deputy Speaker has said he can re-arrange the Order Paper.

Sen. Sifuna might be new. We have always re-arranged the Order Paper. This is not the first time. The tradition---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have been heard. Thank you very much.

Sen. Cherarkey: As I conclude---

The Deputy Speaker (Sen. Kathuri): You have concluded.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, we have re-organized the Order Paper before. Do not be invited to the circus that I am seeing here.

The Deputy Speaker (Sen. Kathuri): Your point is clear, Sen. Cherarkey.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I am increasingly getting concerned. I invite you to look at Standing Order No.121 on disorderly conduct. I will read it so that it is clear. I am seeing a scheme here that the Minority side does not want to process any business today.

They are setting a very bad precedent that in future, if for whatever reason the Majority side decides on a particular matter and your office either disagrees, delays or it is not able to do it in the manner and speed that the Majority side wants, we become chaotic and disorderly. We forget that this is a House of Order and Rules, and begin to engage in a shouting match. I do not think that is the precedent we want to set in this House.

I have been where the Minority side are today. We used to be seven Senators only on this side during the famous days of the "handshake." Nonetheless, there is no day that I created chaos in this House. I would sit down, wait for my turn and make my point whether I won or lost. We used to lose every vote everyday, but there is no day I became disorderly because I respect this House.

Mr. Deputy Speaker, Sir, teach Sen. Sifuna some manners. It cannot be that every time---

(Loud consultations)

Sen. Ososti: On a point of order.

The Deputy Speaker (Sen. Kathuri): No point of Order. Nothing is out of Order, Sen. Ososti.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, it cannot be that every time when other leaders are speaking, you want to be the one that is shouting.

You are shouting at the Speaker and your colleagues. For Heaven's sake you are only three months old in this House. Keep your calm, learn and be a good disciplined student.

Sen. Sifuna: On a point of Order.

The Senate Majority Leader (Sen. Cheruiyot): There is nothing to be excited about being elected. For your information, I have been elected three times. I did not have to try six times like you before coming to this House.

(Sen. Sifuna spoke off record)

The Deputy Speaker (Sen. Kathuri): Majority Leader, kindly, have your cool also.

(Loud consultations)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, it cannot be ---

The Deputy Speaker (Sen. Kathuri): Resume your seat, Sen. Sifuna.

The Senate Majority Leader (Sen. Cheruiyot): *Ai, kwani unatisha nani wewe? Peleka huko. Kwenda kabisa.*

The Deputy Speaker (Sen. Kathuri): Majority Leader, I want to make some progress. I have given the directions on what we are doing.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I have not invited you to my point of order. My point of order is Standing Order No.121 and I want you to read it with me, so that it can be understood.

A Senator is disorderly if –

(1) Creates disorder like they are doing.

I do not need to read paragraph 2.

(3) Unnecessarily interrupts the proceedings or consults in a disruptive manner.

That is what we are witnessing this afternoon. What option do you have because we now want to progress? The side that I lead wants to sit down and conduct the business that brought them to this House this afternoon. We are tired of being engaged in something that is not productive. If there is a dispute between you and them, please, find a way of sorting it out. As for us, we came to transact the business that our constituents elected us to come and do in this House.

I urge you to exercise your powers under Standing Order No.122, so that you lead out Senators who are grossly out of order.

The Deputy Speaker (Sen. Kathuri): The Senate Majority Leader, definitely I am very well versed with these Standing Orders.

The Senate Minority Leader (Sen. Madzayo): On a point of order.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, wait. So, why are you engaging me, Sen. Madzayo? Why are you engaging the Chair? I have been so lenient the whole of this afternoon.

Sen. Oketch Gicheru and Sen. Sifuna, I do not want to mention the third Senator who I have been lenient to. I wanted to give an opportunity to the elder of the House to give some guidance. However, you are out-powering him with your voice.

I have told you that I can reorganize the business of the day at any time. I have the powers to do that. Nonetheless, as we speak, I do not have that communication. Allow me to proceed with the business of the day. If there would be any other communication that would come, then I will not hesitate to do it.

The Senate Majority Leader (Sen. Madzayo): Mr. Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): The Minority Leader, if you bring the letter that you gave the Speaker, how can I prosecute the letter from where I sit? It is not possible to do that. If you have a new letter, process it the way it should be processed. I cannot process it from where I sit. Of course, you know that.

Clerks, I want to make progress now.

Hon. Senators: Mr. Deputy Speaker, Sir, point of order.

The Deputy Speaker (Sen. Kathuri): Next Order. I have made a very good ruling on this matter.

(Loud consultations)

MESSAGE FROM NYANDARUA COUNTY ASSEMBLY

RESOLUTION ON A MOTION ON THE EXPLOITATION OF WATER UNDER THE SASUMUA AND KENOIKE DAMS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have a Message from the Speaker of the County Assembly of Nyandarua.

Hon. Senators: Mr. Deputy Speaker, Sir, on a point of order.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, after I finish with this Message, I will hear your point of order. Allow me to read this message.

(Loud consultations)

I wish to report to the Senate that I have pursuant to Standing Order---

(Loud consultations)

Sen. Sifuna: You do not conduct business by force.

The Deputy Speaker (Sen. Kathuri): I have given direction on this matter. Senators, have your seats, please. If you do not want to have your seats, then you can do the honourable thing. We cannot transact business that way.

(Loud consultations)

I have said I will give you an opportunity, Sen. Madzayo, after I am through with the Message.

(Several Senators spoke off record)

Hon. Senators, can you resume your seats, so that we make progress. Senate Minority Leader, you are out of order. You have no respect for the Chair and we cannot transact business that way. Sen. Madzayo, is it your business to order the Chair what to do? You are engaging me. Are you engaging me?

(Loud consultations)

Sen. Madzayo, you are out of order. I will throw you out of this Chamber. You cannot direct the Chair on what to do.

(Several Senators stood in their places)

I have given you more than three points of order. Senator Madzayo, why are you making this House to be disorderly? You are a leader in this House.

(Hon. Senators spoke off record)

Sen. Oketch Gicheru, my cool is running out on you. Can you sit down? Sen. Olekina, Sen. Sifuna and Sen. Osotsi, resume your seats.

Minority Leader, I am giving you the very last point of order on this matter. On behalf of the whole team in the Minority side, I am giving you that opportunity.

Proceed, Minority Leader. Proceed.

(Loud consultations)

What is your point of order? You have been rising on a point of order, when I was reading the Message. What is your point of order?

(Loud consultations)

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, you and I have been in this Parliament. You were in the National Assembly and I have been in the Senate.

Mr. Deputy Speaker, Sir, what is being demonstrated here is a creation of the House leadership. I do not know why, as the Chair, you do not want to unlock it. You have stated very clearly that if I get the minutes and everything I wrote even right now---

The Deputy Speaker (Sen. Kathuri): Sorry, what are you getting? Is it the Communication from the Speaker? Do you have it?

The Senate Minority Leader (Sen. Madzayo): No, not the Communication from the Speaker.

The Deputy Speaker (Sen. Kathuri): What did I request of you to deliver?

The Senate Minority Leader (Sen. Madzayo): You stated very clearly that if I get---

(An hon. Senator spoke off record)

The Deputy Speaker (Sen. Kathuri): No, I said that I want the Communication, in the normal way, so that I can read it.

The Senate Minority Leader (Sen. Madzayo): There is the HANSARD. There is also a notice that I had given; a forwarding letter, minutes and signatures of Senators who have signed.

The Deputy Speaker (Sen. Kathuri): I think this is the letter that you gave to the Speaker's Office.

(Loud consultations)

That is the communication I am waiting for.

Hon. Senators: Yes!

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, can you allow me---

The Deputy Speaker (Sen. Kathuri): Table your Communication and I will read it.

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, can you allow me to talk? The issue here is that you are so inclined on one side and not looking on the other side. You are supposed to be blind in that Chair.

I beseech you not to destroy the Senate. Since I came here in 2013, we are normally guided by our Standing Orders. It is the first time I am seeing this Senate discarding, killing and raping the Standing Orders. It is unfair. I will table this letter here in the presence of all and sundry.

The Senate Majority Leader (Sen. Cheruiyot): Okay, table it.

The Deputy Speaker (Sen. Kathuri): You can table it.

(Sen. Madzayo laid the document on the Table)

(Loud consultations)

Thank you.

Let me now read the Message.

This is the letter to Rt. Hon. Amason Kingi, EGH, MP and Speaker of the Senate. It is about discharge of a Senator from leadership office.

(Loud consultations)

This is the letter the Speaker is working on and this is the Communication I am waiting for. A reply to this letter is what I am waiting for and that is what the Senate Minority Leader was asking for last night.

An. Hon. Senator: Reply!

The Deputy Speaker (Sen. Kathuri): Do you want me to reply?

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, let us make some progress now.

An Hon. Senator: Point of order, Mr. Deputy Speaker, Sir!

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, you know very well what you were flogging. You know where your Communication is.

Sen. Olekina: Simply communicate. Read the Communication, Mr. Deputy Speaker.

The Deputy Speaker (Sen. Kathuri): Where is the Communication? Where is it? Is it this letter?

Sen. Olekina: Standing Order No.23.

(Loud consultations)

(The Deputy Speaker consulted the Clerk-at-the-Table)

The Deputy Speaker (Sen. Kathuri): Resume your seats.

(Loud consultations)

An. Hon. Senator: Just communicate.

(Loud consultations)

(Sen. Madzayo and Sen. Olekina approached the Chair)

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, please, do not approach the Chair again. Please, you and Sen. Olekina, resume your seats. I want us to proceed.

(Loud consultation)

Hon. Members, I have been very lenient and I have called you severally. I want us to proceed with the business of today.

I now proceed to read the Message.

MESSAGE FROM NYANDARUA COUNTY ASSEMBLY

RESOLUTION ON A MOTION ON THE EXPLOITATION OF
WATER UNDER THE SASUMUA AND KENOIKE DAMS

The Deputy Speaker (Sen. Kathuri): This is a Petition by the Speaker of Nyandarua County Assembly.

Hon. Senators: No!

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I wish to report to the Senate that I have, pursuant to Standing Order 48(4) and (6), received a Message from the Speaker of Nyandarua County Assembly.

The Message is dated Wednesday, 7th December, 2022 and communicated by way of a Petition addressed to the Speaker of the Senate.

Hon. Senators: Shame! Shame!

(Loud consultations)

The Message which communicates a Resolution of the County Assembly on a Motion, petitions the Senate to among other matters -

(The Deputy continued to read the Message amidst chants of "Kingi must go!")

(1) Ensure exploitation of water under the Sasumua and Kenoike Dams is reviewed and agreements amongst the respective water services providers that own the two dams, the National Government and the Nyandarua County Government are drafted and ratified by Parliament and also ensure equitable sharing of the resources with the County and the residents of the area to enable them accrue benefits for their steadfast and continued conservation of the environment;

(2) Ensure the Exploitation of the forest harvest in the Aberdare Forest and other public forests in Nyandarua is done within a legal framework that ensures equitable sharing of the proceeds thereof and that an agreement superintended by the National Government between the Kenya Forest Service---

Sen. Olekina: Shame!

(Loud consultations)

(Sen Olekina stood in his place)

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, I am on the Floor and you know the rules of this House.

Sen. Olekina: You are violating the Constitution by violating the Standing Orders.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, you are grossly out of order. I will read to you Standing Order No.121 (1). It states:

“A Senator is disorderly if the Senator-

(a) creates disorder;”

I now invoke Standing Order No.121 and request Sen. Olekina to leave this House until the next sitting.

(Loud consultations)

Sen. Olekina, you are exhibiting gross misconduct. Please, Serjeant-at-Arms, remove Sen. Olekina until the next sitting of this House.

(Loud consultations)

I will continue reading until I finish.

(Loud consultations)

(3) Ensure allocation of funds by the National Government for the construction of dams in Nyandarua County for the distribution and use by the residents of the County for domestic and commercial use especially irrigation which is a major source of livelihood--

An Hon. Senator: You are destroying this House. You are destroying this Senate. You are violating the Standing Orders.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, Standing Order No.48(7) states that---

“(3) When a Message from a County Assembly ---

(Loud consultations)

Senate Minority Leader, you are next.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, Standing Order No.121 will fall on you.

An Hon. Senator: Just communicate!

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, you are also disorderly. I request you to also leave the premises.

An Hon. Senator: You cannot do that.

The Deputy Speaker (Sen. Kathuri): Both the Senate Minority Leader and Sen. Olekina should leave the Chamber until tomorrow. Both of you should leave the House.

(Loud consultations)

The two members should leave the House. We cannot proceed before you leave.

(Loud Consultations)

Sen. Olekina and the Senate Minority Leader, please leave.

Whoever is withdrawing from the Chamber, kindly do it silently, so that we can transact business on the Order Paper.

(Sen. Olekina and Sen. Madzayo withdrew from the Chamber)

Hon. Senators, I have read this message from Nyandarua County and I want to conclude by reading the prayers. Hon. Senators, pursuant to Standing Order No. 48(7) which states that when a message from the County Assembly is reported, the message shall be deemed to have been laid before the Senate and the Speaker may-

- a) direct that the Message be dealt with forthwith;
- b) appoint a day for consideration of the message; or,
- c) refer the message to the relevant committee of the Senate for consideration.

Hon. Senators, in this regard, I refer the matter to the Standing Committee on Lands, Environment and Natural resources for appropriate action. There is another Message here. If you have any comment, I will give you five minutes after this other message.

MESSAGE FROM THE NATIONAL ASSEMBLY

APPROVAL OF HON. JOHNSON
MUTHAMA AS MEMBER OF THE PSC

Hon. Senators, I wish to report to the Senate that Pursuant to Standing Order No. 46(3) (4) I have received the following message from the Speaker of the National Assembly regarding the approval of the National Assembly of appointment of a member

of the Parliament Service Commission (PSC) Under Article 127(2) (d) of the Constitution.

Pursuant to the said Standing Orders, I now report the message. Pursuant to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly. In accordance with the provisions of Article 127(2) (d) of the Constitution passed on Wednesday 15th February, 2023, the National Assembly approved the appointment of the Hon. Johnson Muthama as a Member of the Parliamentary Service Commission.

Now, therefore, in accordance with the said provisions of the Standing Orders, I hereby convey the affirmation resolution of the National Assembly and invite the Senate to also consider and approve the appointment of the male member of the Parliamentary Service Commission.

Hon. Senators, as you may be aware, the Senate Majority Leader on Tuesday, 14th February, 2023, on behalf of the Vice Chairperson of the PSC tabled the Report of the PSC on the nomination of the Hon. Johnson Muthama for appointment as a non-member of Parliament Commissioner to the PSC. Further, I made a communication---

*(Sen. Wakili Sigei walked into the Chamber
without bowing to the Chair)*

Sen. Wakili Sigei, you are out of order.

(Several Senators spoke off record)

You are out of order.

Further, I made a communication committing the matter to the Standing Committee on Justice Legal Affairs and Human rights for consideration and directed the Committee to, within 14 days from the day the report was tabled, to consider the matter and report to the Senate the suitability of the candidate for appointment to the PSC.

Hon. Members, I urge the Committee to move with speed and consider the matter and report back to the Senate. I do not know whether there is any member who has a comment.

Proceed, Senator for Nyandarua County.

Sen. Methu: Thank you, Mr. Deputy Speaker, Sir. I congratulate the Nyandarua County Assembly; the county I represent in the Senate for this Petition they have done to the Senate. This Petition is long overdue and for the benefit of the members here today, Sasumua Dam is one that contributes about 14 or 16 per cent of all water used in Nairobi City County and managed by the Nairobi Water and Sewerage Company.

Part of the reason the Petition has come to the Senate is because the people of Nyandarua County, specifically Njambini area where the dam is, have always cried of taking care of the dam, yet they receive nothing in return. Whenever we ask what is in it for the people of Nyandarua, we are referred to treaties that were signed long before

Kenya got Independence; treaties that were signed by the Britons in 1902. Those treaties state that the people of Nyandarua County and Njambini area are only supposed to take care of the water and not use it.

The Kenoike Dam is also in Nyandarua County and serves to a big percentage the residents of Nakuru County. While we want to say that we are our brothers' keepers and support other counties because we have the natural resources from our county. It is only fair even as we share the resources that we have. It is not right to ask for food from hungry people. It is not fair that Nyandarua County continues supplying water to both Nairobi and Nakuru Counties, while the people there do not enjoy water services from both dams.

I Chair the Committee that will look into the Petition. I would like to implore my colleagues that once we look at the facts and figures, I have been able to look at them as the Senator of the area; to support the people of Nyandarua, so that we can deal with this injustice; a long term on that has been meted on the people.

Secondly, the exploitation of forest harvests from the Aberdare Forest and other public forests in Nyandarua County. During the long rains, my office together with the Nyandarua County Assembly plans on planting at least four million trees around the Aberdare Forest and lake Olbolosat. The people of the county have continuously been taking care of the forest, planting the trees, and taking care of trees.

When tree harvesting happens, we only see private lorries logging and taking the trees and there is nothing the people get. I am apprised on that matter and a substantive Bill will be coming to address this particular injustice. I would want to commit on behalf of the Standing Committee on Lands, Environment and Natural Resources that we shall do justice to the people of Nyandarua County.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Next Order! Proceed, Senate Minority Whip.

PAPERS LAID

Sen. (Dr.) Khalwale: I rise to lay on the Table of this House the following Papers, today, 16th February, 2022.

RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23rd October – 12th November, 2022.

I thank you.

ANNUAL REPORT AND FINANCIAL STATEMENTS OF THE POWER OF MERCY ADVISORY COMMITTEE FOR THE FY 2021/2022.

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The Annual Report and Financial Statements of the Power of Mercy Advisory Committee for the financial year 2021/2022.

ANNUAL REPORT AND FINANCIAL STATEMENTS OF THE
NATIONAL POLICE SERVICE COMMISSION FOR THE FY 2021/2022

The Annual Report and Financial Statements of the National Police Service Commission (NPSC) for the financial year 2021/2022.

COMMISSION ON REVENUE ALLOCATION SECOND COMMISSIONERS' END TERM REPORT
FOR THE PERIOD JANUARY 2017 – DECEMBER, 2022

The Commission on Revenue Allocation (CRA) Second Commissioners' End Term Report for the period January 2017 – December, 2022.

REPORTS ON FINANCIAL STATEMENTS
OF VARIOUS COUNTY FUNDS

Report of the Auditor General on Garissa County Scholarship Fund for the year ended 30th June, 2022.

Report of the Auditor General on County Assembly of Nyeri Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on County Assembly of Nyeri Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on Kiambu County Assembly Staff Loan Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on County Assembly of Kirinyaga Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on County Assembly of Murangá Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

(Sen. (Dr.) Khalwale laid the documents on the Table)

The Deputy Speaker (Hon. Kathuri): Chairperson, Committee on Finance and Budget?

REPORT ON THE COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION CASH DISBURSEMENT SCHEDULE
FOR FY 2022/2023

Sen. Ali Roba: Mr. Deputy Speaker, I beg to lay the following Paper on the Table of the Senate today, 16th February, 2023-

Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocation Cash Disbursement Schedule for the Financial Year 2022/2023.

(Sen. Ali Roba laid the document on the Table)

The Deputy Speaker (Hon. Kathuri): Simultaneously, you can give notice of the Motion.

(The Clerk-at-the-Table consulted the Chair)

NOTICE OF MOTION

ADOPTION OF REPORT ON COUNTY GOVERNMENTS ADDITIONAL ALLOCATION CASH DISBURSEMENT SCHEDULE FOR FY2022/2023

Sen. Ali Roba: Mr. Deputy Speaker Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Government Additional Allocation Cash Disbursement Schedule for the Financial Year 2022/23 laid on the Table of the Senate today 16th February 2023.

I thank you.

The Deputy Speaker (Hon. Kathuri): Hon. Senators, I want to reorganize the business of the day. We will skip Order No.7 to Order No.15 on the Order Paper.

STATEMENTS

FORM ONE INTAKE IN THE COUNTRY

DISASTER MANAGEMENT PREPAREDNESS IN KISUMU COUNTY

INVASION OF THE AHERO RICE FIELDS BY QUELEA BIRDS

REVERSAL OF DELOCALIZATION POLICY IN EMBU BY THE TSC

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 21ST, FEBRUARY 2023

(Statements deferred)

BILLS*First Reading*

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO.1 OF 2023)

(Bill deferred)

First Reading

THE KONZA TECHNOPSIS BILL
(SENATE BILLS NO. 2 OF 2023)

(Bill deferred)

First Reading

THE PROMPT PAYMENT BILL
(SENATE BILLS NO. 8 OF 2022)

(Bill deferred)

First Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO. 9 OF 2022)

(Bill deferred)

First Reading

THE OFFICE OF THE COUNTY
PRINTER BILL (SENATE BILLS NO. 10 OF 2022)

(Bill deferred)

First Reading

THE EMPLOYMENT (AMENDMENT)
BILL (SENATE BILLS NO. 11 OF 2022)

(Bill deferred)

Second Reading

THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL (SENATE BILLS NO. 3 OF 2022)

(Bill deferred)

Senate Majority Leader, you may proceed.

MOTIONS

APPROVAL OF THE SENATE CALENDAR FOR THE
SECOND SESSION OF THE THIRTEENTH PARLIAMENT

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I thank you for indulging me. Colleagues, you understand that we are living in very unique times. Therefore, when we get a little breather and some sense of sanity in the House, we want to move as fast as possible and transact as much as we can.

This is one among a series of Motions that I want to move this afternoon, so that we can set the Calendar of the House and a few things that we want to do, like Committees. This is because there are colleagues who do not have the same.

Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT pursuant to Standing Order No. 32 (1), the Senate approves the Calendar (Regular Sessions) for the Second Session of the Thirteenth Parliament (February to December, 2023), laid on the Table of the Senate on Wednesday, 15th February, 2023.

Mr. Deputy Speaker Sir, I laid that Calendar here yesterday and most of the Members have it. It is on their gadgets. It is a simple procedure of setting the dates upon which we shall be meeting, from February all the way up to December. This is a long period. Of course, there are recesses in between. There are moments we will take a break. However, it is a fairly straightforward matter. I want to convince my colleagues in the Senate that we pass this Motion, so that now we have a fixed Calendar.

There will be amendments here and there, as is the usual practice. There may be a need for a special sitting at a particular time. However, given that this is the first order that we want to do, I request that we pass this Calendar of the House, so that we know how we proceed from here. It is a fairly straightforward matter, which I do not want to speak very much at length to.

I request Sen. Chimera to second.

The Deputy Speaker (Hon. Kathuri): Sen. Chimera?
Sen. Chimera: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Hon. Kathuri): Any Member who wants to---
Sen. Cheptumo, you may proceed.

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. I recognize that this House can manage its own agenda. I am reminded of those days before the Constitution, 2010 when this House could be controlled from outside.

Today, we have the capacity, the legal framework to manage our calendar, the timeframe to be in the House, to be on recess, and so on. Therefore, it is good progress. We have seen the Calendar.

I support.

The Deputy Speaker (Hon. Kathuri): Sen. Wakoli Wafula, Senator for Bungoma.

Sen. Wafula Wakoli: I have nothing much to say. However, to reiterate what my learned friend has said, I am a teacher by profession. Therefore, the Calendar as presented here, will allow the House to proceed properly and equally allow us to do our research and prepare properly. It will also ensure that whatever is brought on the Floor of the House is adequately handled.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Hon. Kathuri): Sen. Githuku?

Sen. Githuku: Mr. Deputy Speaker, Sir, I rise to second.

The Deputy Speaker (Hon. Kathuri): To support!

Sen. Githuku: I rise to support this Motion because we need to make progress. As you have seen, there have been a lot of shenanigans in the House.

Kenyans are watching and they want us to work for them. They sent us to this House, so that we can do the work that they sent us to do. So, I support that we need to make progress, so that everything goes properly as it is arranged or planned.

Thank you. I support.

The Deputy Speaker (Hon. Kathuri): The Mover to reply.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I thank my colleagues for their comments. We will be guided by the decision of this House. I plead that we pass this Motion, so that we can set the ball rolling.

I know that there are many who may have wanted to speak, but I have explained to them the unique times that we are living in and the need to prosecute business when there is order as fast as we can.

I thank you.

I beg to move.

The Deputy Speaker (Sen. Kathuri): Thank you. This matter does not concern counties. Therefore, I proceed to put the question.

(Question put and agreed to)

Next Order.

Majority Whip, you may move the Motion.

APPROVAL OF SEN. DAVID WAFULA WAKOLI, MP
TO SERVE IN THE COMMITTEE ON POWERS AND PRIVILEGES

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise to move Motion No.16 being the approval of Sen. David Wafula Wakoli, MP; to serve in the Committee of Powers and Privileges.

THAT, NOTWITHSTANDING the resolution of the Senate made on 13th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Orders No. 197 and 199, the Senate approves Sen. David Wakoli Wafula, MP to serve in the Committee of Powers and Privileges in place of Sen. Miraj Abdulahi, MP.

Mr. Deputy Speaker, Sir, this is a Procedural Motion. Therefore, in keeping with tradition, customs and practices, such Motions are usually dispensed off expeditiously.

I, therefore, beg to move the Motion and invite Sen. Miriam Omar to second.

The Deputy Speaker (Sen. Kathuri): Sen. Mariam Omar, you may have the Floor.

Sen. Mariam Omar: Mr. Deputy Speaker, Sir, I rise to second the Motion. I believe that Sen. Wafula can do better and is capable of the position.

I second the Motion.

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

(Question proposed)

Do we have any Member wishing to contribute?

Sen. Tabitha Mutinda, you may have the Floor.

Sen. Tabitha Mutinda: Thank you, Deputy Mr. Speaker, Sir. I would wish to congratulate Sen. Wafula on the new appointment to the Committee. The Committee's key mandate is to look at the privileges that Members of the Senate do actually misuse.

As per what you have actually seen, from the day we resumed the House on Tuesday, it has been very chaotic. I would urge you as you join that Committee, to try and do as pertains the Committee and as per the Standing Orders of the House.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Wamatinga. You may have the Floor.

Sen. Wamatinga: Mr. Deputy Speaker, Sir, thank you very much. I also support and take this opportunity to welcome the Senator.

I serve in the same Committee as the vice-chairperson. Without wanting to sound as a sadist, I was hoping that we would get some business from the occurrences of today. It is unfortunate that we did not get any. We can sit around and wait for it to happen, if it does not happen then we can sit back.

Welcome.

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

Having no other Senators, I call upon Sen. (Dr.) Khalwale to reply.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I beg to reply.

Thank you.

The Deputy Speaker (Sen. Kathuri): This matter does not concern counties under Standing Order 84(2). Therefore, I will put the question.

(Question put and agreed to)

Next order.

Sen. Orwoba, you may have the Floor.

APPROVAL OF CHANGES IN THE
MEMBERSHIP OF STANDING COMMITTEES

Sen. Orwoba: Mr. Deputy Speaker, Sir, I rise to move the Motion on the approval of changes in the membership of Standing Committees.

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 13th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate, and pursuant to Standing Orders 199, 228, and the Fourth Schedule to the Standing Orders, the Senate approves the Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

- (1) Standing Committee on Agriculture, Livestock and Fisheries - Sen. David Wafula Wakoli, MP to replace Sen. Maureen Tabitha Mutinda, MP.
- (2) Standing Committee on Devolution and Intergovernmental Relations - Sen. David Wafula Wakoli, MP to replace Sen. Esther Okenyuri, MP.
- (3) Standing Committee on Energy - Sen. William Kisang' Kipkemoi, MP to replace Sen. Veronica W. Maina, MP.
- (4) Standing Committee on Information, Communication and Technology - Sen. William Kisang' Kipkemoi, MP to replace Sen. Gloria Magoma Orwoba, MP.
- (5) Standing Committee on Justice, Legal Affairs and Human Rights - Sen. Karen Njeri Nyamu, MP to replace Sen. Samson Kiprotich Cherarkey, MP.
- (6) Standing Committee on Labor and Social Welfare

Sen. Gloria Magoma Orwoba, MP to replace Sen. Karen Njeri Nyamu, MP.

- (7) Standing Committee on Trade, Industrialization and Tourism - Sen. (Dr.) Lelegwe Ltumbesi, MP and Sen. Esther Okenyuri, MP, to replace Sen. Danson Mungatana, MP and Sen. Tabitha Karanja Keroche, MP.

I would like to invite Sen. Munyi Mundigi to second the Motion.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, you may second.

Sen. Munyi Mundigi: Bw. Naibu wa Spika, naunga mkono hayo yote yamesomwa hapa. Pia, ni aibu kubwa sana kwa yale yaliyotendeka siku ya leo katika Kenya kwa sababu walikuwa wanapiga kelele kama Mwenyekiti amekalia kiti. Tumeona yale waliokuwa wakisema kwa muda mrefu. Seneta alisema ile siku tutakuwa tukipitisha mambo ya *Independent Electoral and Boundaries Commission (IEBC)* kutakuwa ni maandamano. Kwa hivyo, wametuonyesha aibu kubwa sana katika Kenya walipotoka nje.

Hicho ni kitendo kimoja kibaya sana. Kwa hivyo, sisi watu wa Kenya Kwanza tutaendelea vizuri, tutasimamisha Kenya kwa kipindi ya miaka mitano.

Pili, nikimalizia nasema kwamba yale wametenda yanaonyesha hawana aibu wala shukrani. Kile tunaomba ni mazuri kwa Serikali ya Kenya Kwanza ndio ituletee maji ya kilimo na suluhu kwa swala la janga la njaa na mengine mengi. Nyinyi hamna shukrani kwa wale watu waliowachagua.

Jambo lingine ni maneno ambayo yalisemwa hapa na Sen. Sifuna kwamba alichaguliwa na kura nyingi kutuliko sisi wote.

Hapa Kenya, hata kama ulichaguliwa kwa kura nyingi ama kidogo, sisi sote ni Maseneta. Mimi ni Sen. Munyi Mundigi kutoka Kaunti ya Embu.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, kabla uondoke, sijasikia ukisema kama unaunga mkono au la, ama umekuwa ukizungumza kuhusu mambo mengine? Umeunga mkono kweli?

Sen. Munyi Mundigi: Bw. Naibu Spika, nimeunga mkono kabisa.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Asante.

(Question proposed)

I can see that a few Senators are interested to contribute. Sen. Nyamu, please proceed.

Sen. Nyamu: Mr. Deputy Speaker, Sir, I rise to support the approval of the changes in the Standing Committees. I commend the leadership of the Majority Side because of the wisdom, fairness and delicate balance that they continue to apply in allocating and assigning Members to various Committees, unlike the Minority Side where they have openly made complaints about assignment to Committees.

I also thank the leadership of the Majority Side where I belong for giving me the opportunity to serve in the Committee on Labour and Social Welfare. We had begun finding solutions and fighting for the rights and the welfare of our people in the Gulf, particularly in Saudi Arabia, where we recently made a fact-finding tour.

Mr. Deputy Speaker, Sir, I urge Members of the Committee to continue fighting hard because the welfare of our people, especially the domestic workers in Saudi Arabia, is something I am passionate about. They should go hard on this matter. I would love to see a solution on this matter.

I thank you.

The Deputy Speaker (Sen. Kathuri): I want to allow a Member who has not spoken today like Sen. Seki to say something. Please proceed.

Sen. Seki: Mr. Deputy Speaker, Sir, I rise to support this Motion. I am in support of the changes that have been made by the leadership of this House.

I am looking at the changes made in the Standing Committee on Tourism, Trade and Industrialisation where I Chair. I welcome Sen. (Dr.) Lelegwe Ltumbesi and Sen. Okenyuri to my Committee.

We have many assignments in our committee. It is my hope that we will finalise the assignments on our table.

Mr. Deputy Speaker, Sir, thank you and I support.

The Deputy Speaker (Sen. Kathuri): Last but not least, Sen. Okenyuri, please proceed.

Sen. Okenyuri: Asante, Bw. Naibu Spika kwa fursa hii. Ningependa pia kuunga mkono Hoja hii.

Nashukuru viongozi wa chama kwa kunipa nafasi ya kutumikia wananchi katika Kamati ya Ugatuzi na Mahusiano ya Kiserikali. Sisikitiki kuondolewa kutoka Kamati ya Ugatuzi na Mahusiano ya Kiserikali kwa sababu nimejifunza mengi katika muda mfupi ambapo nimekuwa mwanakamati.

Ninapojiunga na Kamati ya Biashara, Viwanda na Utalii, naahidi kutia bidii na kufanya kazi na Maseneta wenzangu. Nitawakilisha vijana na wananchi wote ambao wametutuma kufanya kazi katika Seneti.

Ningependa kumkaribisha Seneta wa Bungoma, Sen. Wafula, ambaye atachukua nafasi yangu katika Kamati ya Ugatuzi na Mahusiano ya Kiserikali. Tumefanya kazi nzuri na natumai pia ataendeleza kazi hiyo na kuwa kielelezo katika Seneti.

The Deputy Speaker (Sen. Kathuri): I can see a lot of interest on this matter, but I said she is the last person. So, I will stick to my principle.

I now call upon the Mover to reply.

Sen. Orwoba: Mr. Deputy Speaker, Sir, before I reply, I would like to say that I actually had a good time serving in the Senate Committee on Information, Communication and Technology (ICT) as the Vice Chairperson. I hope that all the things we started working on will come to fruition.

I would also like to thank my Chairperson for trying to push the agendas that we had. Going forward, I hope that he will not be compromised and that he will actually see that the agendas that we started are seen to fruition.

Being de-whipped as a lady Vice Chairperson in this Senate is also a good thing. We can now speak about it and say we were there then de-whipped. I think that is all I have to say.

I will continue with my ICT agenda through the caucus for Women Members of Parliament (MPs) in ICT which was fought. Now I will have more time to just deliver the agenda for women MPs in ICT. I welcome my Chairperson to follow and perhaps learn a few things from what the caucus will be doing out there.

Mr. Deputy Speaker, Sir, I beg to reply.

The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, you know you are enterprising. You can get so many things to do at any time. So, you are not short of ideas.

Again, this matter does not concern county governments. Therefore, I will proceed to put the question.

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri) Next Order.

APPROVAL OF SEN. WILLIAM KISANG' KIPKEMOI,
MP, TO SERVE IN THE SELECT COMMITTEE ON CPISF

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion-

THAT, notwithstanding the resolutions of the Senate made on 19th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate and pursuant to Standing Orders 194,197 and 199 of the Senate, the Senate approves Sen. William Kisang' Kipkemoi, MP, to serve in the County Public Investments and Special Funds Committee, in place of Sen. James Kamau Murango, MP.

Mr. Speaker, from the onset, I would want to congratulate the said Senator because I never got an opportunity to congratulate him. He was elected as the Senator for Elgeyo-Marakwet County to fill the gap that was left by the now Cabinet Secretary (CS) for Roads and Transportation, Sen. Kipchumba Murkomen. I know he is up to the task and I believe he will fit the big shoe that was left by the CS.

I also take this opportunity to thank the Kenya Kwanza Government because while others are fighting for leadership, we are looking for opportunities where we need to fix the members of Kenya Kwanza so that they can deliver on their mandate inside the Committees.

This Committee is a special one of which I should declare that I am a Member. So, I welcome the Senator for Elgeyo-Marakwet. We are tasked to look at the investment

of funds that the counties engage in or have not limited to water companies, conservancies agreements and regional blocs investments that any county would have engaged in.

I do believe that the Senator together with the Members of the Committee will continue looking into the mandate of the said Committee.

Mr. Deputy Speaker, Sir, I ask the Members to support this Motion. so that the Member can join other Members in Committees. When he was elected, he needed to sit together with other Senators in the Committees. A lot of business of this House is transacted in Committees than in the plenary.

I believe that when you become a member of this Committee we are going to take this Committee to the next level.

Mr. Deputy Speaker, Sir, I beg to move and call upon the Senator for Trans-Nzoia County, Sen. Chesang' to second the Motion.

The Deputy Speaker (Sen. Kathuri): Sen. Chesang, you have the Floor.

Sen. Chesang: Thank you, Mr. Deputy Speaker, Sir. Before I second, I would like to also congratulate the said Senator, Sen. Kisang', who is my immediate neighbour, the Senator of Elgeyo-Marakwet County.

I believe he is one man who will bring a system to this Committee. Once again, I would also like to thank Sen. Orwoba, and also assure her that we will continue with our mandate and make sure that the things we were pushing for while we were there will not stall or stop.

I also want to assure the Senate Standing Committee of Labour and Social Welfare that Sen. Gloria Orwoba is one person that will help the Committee to achieve their mandate.

Mr. Speaker, Sir, I second the Motion.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have the Floor.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion. I think from the onset when some of our colleagues were appointed to the Cabinet and by-elections were held, it is natural that new Members be nominated to serve in various Committees of this House.

I to congratulate Sen. Kisang'. Some of us had opportunity of campaigning for him. However, when he was being sworn in, I was not around.

We hope he will fit because he was a Member of the National Assembly and a former Chairperson of Committee on Information, Communication and Technology (ICT). He is coming with a lot of wealth of experience in the ICT Committee.

As the Chairperson, we will walk together to ensure he settles in. Senate is the House of respect. When some of us were working out to get a few stationary items to discharge serious matters, I met people that were removing the name of Sen. Dullo from the leadership of this House along the corridors. It is very unfortunate.

I only have three things to say. One, most of the work is done at the Committee level. Kenyans should not assume that when a Senator or a Member of the National Assembly is not speaking in the Plenary, they are not doing their job. Almost 80 per cent of the work is done at the Committee level.

It also gives Members an opportunity to learn and serve in various Committees. All of us want to get exposure. Everybody wants to serve in one committee or the other.

The County Public Investments and Special Funds Committee (PICSFC) is very important. I think Sen Kisang' has never served in the Senate or its Committee before.

I was his chief escorter when Sen. Wafula was being sworn in. In my culture, when you do such a job, there should be at least two cows. He promised, but I do not know when he will deliver them. May be in Luhya culture, *Omwami*, Sen. (Dr) Khalwale will teach me what they give out because there was a promise that was made.

I congratulate him and a number of Senators to whom changes have happened. It increases efficiency in the House.

I wish colleagues well as they serve in those new positions. For us, we are willing to work together if there are any issues, we can discuss to ensure that the learning curve of our colleagues comes to fruition.

I hope as we learn, especially for our new colleagues we should not pick some of the manners that our Minority Side will show. This is because when Jubilee was frog-marching us and putting us in Subaru's and de-whipping us, they were the ones then who were busy cheering.

I want to assure them that if the Senate could not be destroyed then by "handshake", I can tell you nothing else will affect it. This Senate will grow in leaps and bounds and become strong.

I would like to ask Sen. Githuku from Lamu County to fear not, as the Bible says. Do not fear anybody. Fear only the one who can kill the body and the soul. They will only kill other things.

Mr. Deputy Speaker, Sir, I know you are a son of a clergy. We should encourage Sen. Githuku not to fear anybody. We are here and we will walk together through this challenge. We have gone through many challenges in this House. At some point, our colleague, the Senate Deputy Majority Whip, Sen. (Dr.) Lelegwe Ltumbesi, was put in the boot of a Subaru from here all the way to Maralal. Now, he is the Deputy Majority Whip.

I am not saying you must go through being put in the boot of a Subaru to become a Whip. I am only encouraging you that things are getting better going into the future.

I thank the House leadership led by Sen. Cheruiyot. On the Majority Side, we consult so that Members can do their best and serve.

I support the Motion.

The Deputy Speaker (Sen. Kathuri): Now that you have mentioned my late father, he used to tell me, "never put your trust in a man, but to always trust God." This is why you did not keep your trust in man last time. You trusted in God and now you are serving in good positions.

Similarly, Sen. Githuku from Lamu County, fear not as you have been told. Next time you will be in a better position than where you are.

Sen. Mbugua, proceed.

Sen. Mbugua: Thank you, Mr. Deputy Speaker, Sir. I rise in support of this Motion. I congratulate my friend Sen. Kisang' on the new assignment.

I also wish to congratulate the leadership of the Majority Side for the way they have treated us, especially the new Senators. We are happy. We have had a beautiful time and been taken care of by the leadership. Personally, I am indebted to Sen. (Dr.) Khalwale, the bullfighter. We have settled well.

I support.

(Sen. Dr. Khalwale clapped)

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. (Dr.) Khalwale, next time somebody praises you, do not clap for yourself. You should wait for other people to clap for you. May be I should request hon. Members to clap for you so that you feel happy.

(Laughter)

(Applause)

(Sen. (Dr.) Khalwale stood and bowed)

That is nice.

Let us have Sen. Methu then Sen. Veronicah Maina. Two minutes each, kindly.

Sen. Methu: Mr. Deputy Speaker, Sir, I know why Sen. (Dr.) Khalwale has clapped loudly. He rarely gets those kinds of accolades because he rarely does good things, but it is okay.

Mr. Deputy Speaker, Sir, I support this Motion. As my colleagues have said, the movement is important for our learning. I had an opportunity to serve in the Committee that Sen. Wafula will be serving. I served in the Committee on Public Investments and Special Funds (PICSF) for a day. I was sent there by the Majority Whip. I had my fair share of lessons from it even though it was just one day.

As I wind up, there are major lessons to learn from these movements on the Majority Side. We do not need to disagree or make it look like some Members are lesser than others. Any of us can be in any Committee or in any position of leadership. We do not have to do the kind of hullabaloo that we witnessed this afternoon. It is as easy as people sitting down and agreeing so that we are able to make progress.

Finally, I feel it is a big injustice to the people who elected the Senators who walked out. Article 1 of the Constitution states that all the sovereign power belongs to the people of Kenya and shall be exercised directly or through their elected representatives.

Nobody was elected to the Senate of the Republic of Kenya to come here and walk out. We are now discussing important matters and the constituents of the Senators

who left are not represented in the Senate. An important Bill has been brought by the Committee on Finance and Budget. The constituents of the Senators who left are not represented and nobody is there to speak for them.

Maybe it is time – especially for the people of those regions – to reconsider the kind of people they elect to the Senate. I do not think the people of Nyandarua County would clap for me for walking out of the Senate. As a people, we must agree that it is not the kind of leadership that we would want for our country.

We must also understand where this matter came from. Yesterday, there was a Parliamentary Group (PG) meeting of the Senators who have walked out. So, these are the instructions of their party leader, who wanted to be President of this great country. If he was elected as the President, it means he would have walked out on the problems of the people of Kenya. If he is not able to sort out our economy, roads or healthcare, he would just walk out. If those are the instructions he gave his Members, it means that he believes in walking out. Time for such kind of leaders is long gone.

As young people of this country we need and must invest to ensure change in the political order that has been there. That way, we can take this country where we want it to be.

The Deputy Speaker (Sen. Kathuri): Sen. Veronica Waheti Nduati, proceed.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, thank you for the opportunity. I am Sen. Veronica Maina. Nduati is my father's name, but I prefer Maina.

Mr. Deputy Speaker, Sir, I rise to support the Motion. This is a Motion where Members from the Majority Side have been assigned different Committees. Sometimes change can bring discomfort. What we must acknowledge and accept is that Senators serving in this House are qualified to serve in any capacity. I believe all Members assigned to different Committees have the requisite qualifications and skills to serve to the best of their ability.

I was serving in the Committee on Energy. I urge the new Member replacing me to co-work with colleagues in that Committee. Specifically, I want the Committee to focus on the cost of power bills in this country. We cannot continue talking about the cost of living being high when power bills are at an all high level.

I congratulate all the Members who have been moved to different Committees and the new Members who have been assigned different Committees. I urge every Committee to dispense its mandate with the seriousness it deserves. Some Members are assigned Committees, but they do not attend Committee meetings.

It is the responsibility of every Member who have been assigned. We specifically persuade Members on the Majority Side, to take their responsibilities seriously within the Committees, dispense what is supposed to be done and enrich the processes in the Senate.

Mr. Deputy Speaker, Sir, on a different note, I wish to bring your attention to Standing Order No.43, which deals with the order of the business in the House. I hope I will not be out of order. The business of this House needs to be placed before the Senate within a certain period of time. The Order Paper is posted to the parliamentary website at

least 12 hours before the Senate meets. If there is a supplementary Order Paper, it should be made available at least one hour before the Senate meets.

The kind of sabotage I have seen being pushed by the Minority Side is against Standing Order No.43. I urge this House to show semblance of order, procedure and total etiquette in the Senate. The Speaker and Members of the Speaker's Panel must come down heavily with Standing Orders that deal with disorderly conduct.

We have heard unparliamentary language being used today. There was a reference to a chihuahua. I would have liked to speak with the Minority Side present. The reference to the little dogs of Beverly Hills is unparliamentary. It should not be allowed in this House and it should not interfere with the Business of this House. We do not agree with the manner in which the business is being conducted by the Minority Side. We must enforce, affirm and ensure that Standing Orders are respected.

Mr. Deputy Speaker, Sir, I have watched the Minority Side disrespect your ruling and that should not be tolerated. If it becomes tolerated, a day will come when no business will be conducted in this House.

I support the Motion that is before the House. I congratulate the Members who have been appointed to serve in different Committees.

The Deputy Speaker (Sen. Kathuri): Sen. Wakili Sigei, is it on this Motion.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, I will be brief because I understand the directions you had earlier on given.

I also rise to support the changes that the Majority Side of the House has made in terms of leadership and membership to the various Committees of this House. As has been supported by the Members who spoke before me, every Member from the Majority Side has the capacity to take charge and responsibility of the business that is supposed to be transacted in Committees. I also congratulate the Members, including Sen. Kisang who have been assigned the various roles.

The Deputy Speaker (Sen. Kathuri): Lastly, Sen. Wafula.

Sen. Wafula: Asante, Bw. Naibu Spika. Ningependa kushukuru uteuzi wa Seneta mwenzangu aliyechaguliwa juzi kuhudumu katika Kamati ya Teknolojia. Wakati huu sasa, watu wanasonga katika mawimbi ya teknolojia na tuliwaahidi Wakenya kwamba shule za msingi, upili na vyo vya vitaunganishwa na teknolojia.

Tumeshuhudia mtandao wa pesa za *bottoms-up*, zile za Hustlers Fund unavyochunguza kupitia teknolojia. Sote tuliopewa nafasi kama mimi kuhudumu katika Kamati ya Ukulima, tutashughulikia masuala ya miwa, ngano na mifugo maeneo yaliyo na ukame ili kuhakikisha Wakenya wananufaika katika Serikali ya Kenya Kwanza.

Bw. Naibu Spika, naunga mkono Hoja huu.

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

Mover, you may reply.

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. As I rise to reply, I bring to the attention of this House that no Senator garnered more votes than I did. However, I am not shouting about it and neither am I disrespecting anyone.

(Laughter)

Mr. Deputy Speaker, Sir, I understand that in this House, we are all equal. We were brought to this House to represent our people. My votes were 48 times more than those garnered by the Senator from Lamu, but I also respect him.

I thank the Members of this House for supporting this Motion. It is my first Motion and no one has opposed this Motion. I agree with Sen. Cherarkey that 80 per cent of the Senate work is done in the Committees. I would like the House to remember that when we conduct our business.

Sen. Mbugua requested that we support the new Members so that they get experience from other Members who were here before. I thank Sen. Methu for highlighting that on the Kenya Kwanza side, disagreements bring about agreements even when someone has been removed from a Committee.

Mr. Deputy Speaker, Sir, Sen. Veronica Maina talked about the discomfort brought when someone is removed from a Committee. That discomfort has not been portrayed in this House. Kenya Kwanza is able to sit and agree once we have looked at the talent, profession and performance of every Senator.

I also thank Sen. Wakili Sigei and Sen. Wafula for supporting this Motion. We were talking about the CPISF. When Sen. Wafula was thanking the Senator for being brought in this Committee, he also talked about the same Senator being put in the Committee on Information, Communication and Technology (ICT). Maybe, there was a little mix-up.

Mr. Deputy Speaker, Sir, I beg to reply.

The Deputy Speaker (Sen. Kathuri): This Motion does not involve counties and county governments. I will, therefore, proceed to put the Question.

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Next Order.
We have a Statement from Sen. Munyi Mundigi.

STATEMENTS

REVERSAL OF DELOCALIZATION POLICY IN EMBU BY THE TSC

Sen. Munyi Mundigi: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Education on Reversal of Delocalization of Teachers' Policy in Embu County by the Teachers Service Commission (TSC).

In the Statement, the Committee should-

(1) State the number of requests received by the TSC from teachers wishing to transfer to schools in their home counties following the reversal of delocalization of teachers' policy by Government, stating why it has taken inordinately long to comply with the Government directive.

(2) Inform the Senate how many requests by teachers to be transferred to their home counties have been granted, giving a breakdown per county and further state when the pending requests will be processed.

(3) State reasons why the TSC is authorizing the transfer of teachers from other counties to Embu County while not approving similar requests by teachers whose home county is Embu even after the said teachers requested the TSC to be transferred back to their respective sub-counties in Embu.

(4) Spell-out measures in place to address challenges faced by TSC in implementing the reversal of delocalization of teachers' policy by Government.

The Deputy Speaker (Sen. Kathuri): Sen. Okenyuri, you can proceed to give your Statement. Comments will be after her Statement.

STATUS AND WELFARE OF BABY JUNIOR SAGINI

Sen. Okenyuri: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on the status and welfare of baby Junior Sagini, whose eyes were gouged out after he was allegedly abducted by his relatives.

In the Statement, the Committee should-

(1) Apprise the Senate on the status and welfare of baby Junior Sagini, indicating measures the Government has taken in ensuring adequate provision of all his basic needs.

(2) State mechanisms, if any, that the Government has put in place to ensure effective and efficient response to reported cases of child abuse, neglect and violence at county and sub-county levels.

(3) Outline the plans, if any, that the Government has put in place to provide for specially-trained and designated public prosecutors to handle cases of child abuse and in ensuring the child protection centres are managed by trained counsellors.

(4) Shed light on the loopholes and challenges affecting the realization and implementation of comprehensive child protection services in Kenya.

(5) Recommend measures that can be adopted to increase public awareness and sensitization on the widespread challenge of child abuse, neglect and violence in Kenya.

My other Statement is as follows.

STATE OF CHILD PROTECTION SERVICES IN KENYA

Mr. Deputy Speaker, Sir, I also rise pursuant to Standing Order No. 52(1) to make a Statement on an issue of general topical concern, namely: The State of Child Protection

Services in Kenya and the manner in which child abuse cases are being reported and handled.

According to a new national study conducted by the Ministry of Labour and Social Protection, one in two young adults in Kenya experienced violence as a child, whether physical, sexual or emotional.

One example that stood out recently is the very sad and unfortunate case of Baby Sagini, an innocent three-year-old boy who was left blind after his close relatives gouged out his eyes.

It begs the question, what is the problem and where is help for those vulnerable children that so desperately need it?

Mr. Deputy Speaker, Sir, Article 53(1)(d) of the Constitution, states that-
“Every child has the right to be-
protected against abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment and hazardous or exploitative labour.”

The rights of children have also been protected and preserved by a number of legislation, including the Children’s Act, 2022 and the Convention on the Rights of the Child (CRC). Other strategies and policies have also been put in place at the policy level to address the matter of child protection.

Mr. Deputy Speaker, Sir, all these support my earlier assertion that despite the Government's robust legal and policy framework for protecting children, thousands of young Kenyans experience violence, abuse and neglect every year.

This results in impairment of their chances for long-term health and well-being, education as well as professional success. It is evident from the foregoing that the problem with the current status of child protection services is in implementation, not in our Constitution, laws, or policies.

Mr. Deputy Speaker, Sir, in order to safeguard children from abuse, neglect, violence and exploitation, I want to emphasize the importance of putting in place an efficient child protection system.

While appreciating the country's efforts to enact the proper laws and policies, including the ratification of the CRC, it is crucial to ensure that sufficient resources are provided in order to put these laws and policies into action.

This may be achieved through strengthening comprehensive child protection services and implementing particular interventions such as:

- (i) Establishment of child protection centres in every sub-county;
- (ii) The development of an integrated data management system for children;
- (iii) The implementation of children rehabilitation programmes;
- (iv) Facilitation of alternative family care services (adoption, foster care and guardianship); and,
- (v) The finalization and implementation of the National Community Development Policy.

I now call upon this Senate, being the protector of county governments, to ensure the above interventions are followed up through the relevant Standing Committee to ensure implementation.

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

Next Order. Sorry. There are comments from few Senators.

The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir, for allowing me this chance.

We have long established a tradition that, when time allows and when colleagues bring Statements that are topical, and we feel the need to enrich or give a general comment on the Statement, we are permitted.

Thank you for allowing me this chance. I believe to my colleagues as well.

I rise to support the Statement by Sen. Munyu Mundigi only that I wish that the same can be expanded, as the TSC brings its report before the Committee, so that we get a countrywide report as opposed to Embu County alone.

I say this is because during our campaigns, and you know this for a fact and the rest of the colleagues who campaigned for us, every time we visited various far-flung parts of the country, teachers would rise in our meetings and demand an end to this delocalization policy in the form and structure in which it is currently being executed.

There are benefits, pros and cons to this delocalization policy that TSC can espouse on and when you listen to them it makes sense. The only bit that I do not agree with is where it becomes forceful or as is the case nowadays, as is increasingly becoming the case in TSC when it is used as a form of punishment.

You find a teacher from Embu or Meru being transferred to far-flung primary school somewhere in Lamu or Ugunja in Siaya, parts of the country where they have never been, have no relatives and nothing to do there. We all understand the salary of a teacher. There is nothing extra teachers teaching outside what would pass as their home, are being paid.

If you recall back in the day and observe, teachers were very much revered in the village. I say this because I know the kind of respect we used to accord them in the community we grew up. That afforded us the chance to be disciplined because it meant when you ran into a teacher, it was not only that you feared him in the classroom, but even deep down in the community.

Whenever you saw a teacher, you knew that discipline had to be maintained. However, that is not the case anymore. If you bring a teacher who is from outside the region or locality where the children come from, there are many things that the particular teacher or student will struggle with, for example, cultural issues and understanding their background.

This is one policy that needs to be properly thought out. I am not fully opposed to it per se. However, I feel it should be carried out in a more consultative manner ensuring that teachers who are willing are given the first priority. There are teachers willing to trade places amongst themselves. You will find that a teacher in Meru who wants to teach

in Embu and vice-versa. Through their own ways and means, they can engage. If it fits the bill, they can do the transfer.

As is the case today, TSC has a firm iron fist on this particular policy. Therefore, I support the Statement by Sen. Mundigi. I know this was a campaign promise that we made as an administration. It is important that Chairman, Sen. Nyotu and his Committee on Education, brings the Senate up to speed in terms of explaining to us how far this policy has reached.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. I also rise to support the Statement sort by Sen. Munyu Mundigi.

I am aware that following interventions that came in sometime in the last month, the Speaker of the National Assembly made a finding on the status or legality of the policy on delocalization.

As the Senate Majority Leader has submitted before this House, there are benefits that come with teachers being transferred to their home areas. Equally, there are benefits that come with teachers teaching from far flung areas.

Mr. Deputy Speaker, Sir, the policy, as it has been put, has got its own challenges. Majorly, it is the foundation which led to the discussion and a very lengthy conversation about the ability of the teacher to teach in places where they are even unable to get places of residence.

For instance, in my county, there are schools where principals or head teachers of such institutions are unable to get places of residence and are therefore, assimilated by the community. It takes a long time for them to adopt to the kind of environment that they are expected to live in. As a consequence, their ability to deliver and work within the institution is hampered.

Similarly, we have got statistics from among our members of the Teachers Service Commission (TSC), where somebody who has got one or two years to retire from the teaching profession is sent to a place where they cannot not get means of transport. When we speak to such issues, you realize that the policy has been applied not for purposes of the benefits that comes with it but as a tool for punishing some of the teachers.

Mr. Deputy Speaker, Sir, the position that has been taken and the communication that came from TSC that this ought to have ended by the 31st of last month has not been achieved.

I am aware from my county for instance that over 85 teachers are stationed in one county called Bungoma. Instead of them teaching, their business has been to camp at the regional TSC offices as they wait for delocalization back to their areas of residence. That has hampered their ability to teach. They have been unable to even learn how to serve in the places where they are supposed to be.

As we wait for the TSC to issue a statement or a report as we have been notified, they should also be able to fast track and process the applications which are pending so that teachers who have made applications are allowed to go back to their places and are

also given an opportunity to teach and serve the children and the parents from the places where they are able to do the best in terms of teaching.

Mr. Deputy Speaker, Sir, I therefore, encourage the chairperson of the Committee on Education together with his team to make sure that this policy as it has been decided, be let off so that our teachers are allowed to go back to their places, take care of their families and to teach rather than camp in the regions where they have been deployed, asking for transfers back to their place.

I support and encourage the TSC to implement this as soon as they are able to.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed Sen. Cheptumo.

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

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

Sen. Cheptumo: Thank you, Mr. Temporary Speaker, Sir. I wish to thank the Senator for his Statement. I support this Statement because across the country, there have been serious complaints on the fact that initially, the delocalization programme was meant to achieve a very important principle of ensuring that we can be able to exchange teachers in various counties.

Mr. Temporary Speaker, Sir, for instance in Baringo County we have had a challenge of insecurity where teachers posted from other regions are unable to teach in those schools which are facing security threats. Due to this, we have had a number of schools not having sufficient teachers to teach.

When the issue of delocalization was actually abandoned, that was the solution. Unfortunately, some teachers from Baringo and other counties like Turkana have not been allowed to go back to their counties to teach. The TSC should be able to review that decision to move away from the policy of delocalization.

Mr. Temporary Speaker, Sir, families also have had challenges. You will find a teacher being taken very far away from his or her young family. It is important that the entire policy of delocalization be looked into so that we uphold the family situation in our homes.

You will also find teachers who are left with about one or two years to retire, being transferred to very far places from their families just because of the issue of delocalization.

I would like to plead that as the Committee on Education considers the Statement by the Senator, it is important that they consider all the issues arising from this policy by TSC. I propose that the report from the Committee should include the situation in all the 47 counties, Baringo being one of them. A lot of teachers from Baringo County who are in Turkana are unable to go back to their county so that they are able to teach.

I also want to request the TSC that as they consider the issue of posting teachers, they need to have affirmative action in areas where we have insecurity. As they post

teachers, they should allocate the posting of teachers in those schools. We prefer teachers from those areas with insecurity to be posted there.

For instance, in Baringo, I would encourage the TSC - and I will raise this when the Committee will be considering the Statement - that teachers from Baringo who are from areas that have insecurity should be allowed to go and teach in those schools.

The Kenya Kwanza Government has a responsibility of ensuring that we uphold the family. One of the ways of doing this is by having the TSC reconsider the policy and ensuring that the delocalization policy is abandoned. They should revert back to the original situation of allowing teachers to go to their respective counties.

I thank you.

Sen. Oketch Gicheru: On a point of order on, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, we have been going on well in this House. Allow the Hon. Senator who is on the Floor to submit before the House in silence.

Proceed, Sen. Cherarkey.

(Sen. Oketch Gicheru spoke off record)

Sen. Cherargei: Mr. Temporary Speaker, Sir, if Sen. Oketch Gicheru wants to contribute, he can just queue.

(Sen. Oketch Gicheru spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, the Speaker has got the discretion to allow you to speak or not.

Sen. Cherarkey, proceed.

(Sen. Oketch Gicheru spoke off record)

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I rise to support the Statement on the implementation of the reversal of delocalization of teachers' policy across the country.

When most of us were campaigning in the run up to the 2022 General Election, one of the key issues that we did---

Mr. Temporary Speaker, Sir, can I be protected because the Standing Orders ---

(Sen. Oketch Gicheru spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, allow Sen. Cherarkey to proceed and prosecute his points. The Speaker will allow you an opportunity to speak.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I remember the issue of delocalisation came up during campaigns. Article 53 on the right to education of our children is very important. It should be affordable and quality.

During campaigns, most teachers across the country were complaining. Teachers with high blood pressure or those who are diabetic with only two years to retire were being posted, for example, all the way from Nandi to Mombasa or from Mombasa to Namanga. Those are people who were remaining with a few years to retire.

Apart from sickness, the issue of delocalisation affected marriages. You would find somebody posted to Garissa in North Eastern whereas the wife is in Homa Bay or somewhere in Kisumu. That undermines the family as a basic unit of the society and the right to family as provided by the Constitution.

Sen. Oketch Gicheru: On a point of order!

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Oketch Gicheru?

(Interruption of debate on Statements)

QUORUM

Sen. Oketch Gicheru: Mr. Speaker, Sir, I rise under Standing Order Nos. 39, 40 and 41. Standing Order No.39 states-

“The quorum of the Senate or a Committee of the Whole shall be fifteen Senators.”

Standing Order No.41 states-

“(1) If at any time in the course of the proceedings of the Senate a Senator objects that there is not a quorum present, the Speaker or the Chairperson shall count the Senators present in the Senate or the Committee as the case may be.

(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the ten minutes—

(a) if the Speaker is in the Chair, the Speaker shall adjourn the Senate until the next sitting without question put; or

(b) if the Senate is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, and the Speaker shall adjourn the Senate until the next sitting without question put.

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the Senate or the Committee respectively, the doors shall remain unlocked.”

Mr. Temporary Speaker, Sir, there is no quorum in this House. I seek your attention to abide by those three Standing Orders.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Cherarkey.

*(The Clerk-at-the-Table consulted with
the Temporary Speaker)*

Sen. Cherarkey: Mr. Temporary Speaker, Sir, before you rule on that matter, as I was saying, apart from the---

(Sen. Oketch Gicheru spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, just hold. Sen. Oketch Gicheru, the Chair has listened to your point of order. The Chair is consulting and a ruling will be made. Why can you not be patient and have decorum in the House? You have raised your point.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, as I was saying---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, hold on for the Speaker to make a ruling.

Sen. Oketch Gicheru, there is some benefit when people approach issues with decorum. There is always a benefit that you get.

Sen. Oketch Gicheru: Yes.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Clerk, could you kindly confirm whether the House is quorate?

*(The Clerk-at-the-Table consulted with
the Temporary Speaker)*

The Temporary Speaker (Sen. Wakili Sigei): Members, the Clerk-at-the-Table has confirmed that the House has got 11 Members. Indeed, we do not have quorum. May the Division Bell be rung?

(The Division Bell was rung)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, could you, please take your seats? We now have quorum. I order for the Division Bell to stop.

Sen. Cherarkey, you were on the Floor.

(Resumption of debate on Statements)

Sen. Cherarkey: Mr. Temporary Speaker, Sir, nowadays life in the Senate is interesting.

Mr. Speaker, Sir, I rise to support this Statement on delocalisation of teachers. As I was saying before that episode, the issue of delocalisation was part of the basis of our campaigns.

When some of us went round the country, many teachers from Bomet, Nandi, Nyandarua and all the way to Migori would ask us what we were going to do about the delocalization policy. They were crying about delocalization. We assured them that we will look into the policy.

I think teachers are grateful to President William Ruto's administration. They are trying to ensure that the policy on delocalisation is removed because it is causing havoc in the lives of teachers.

As I was saying, you can find, for example, a teacher who has six months or one or two years to retire being posted all the way from Nandi to Moyale. They only have few years to serve before going for retirement. Some of the teachers were old.

I am in agreement that every Government employee should work in any part of the country but some of them were sickly. Others were diabetic or with high blood pressure.

Therefore, the policy on delocalisation must be relooked. That policy should be done away with, so that teachers can work where they are comfortable, so that we ensure that Article 53 of our Constitution is not compromised.

Thirdly, delocalisation policy is causing havoc among families. You will find a wife being posted to Karachuonyo in Luo Nyanza while the husband is posted somewhere in Wajir or Turkana. That is systematically breaking down families. A family is the core unit of society. It is an important unit that must be protected.

Finally, if I look at my phone, there are so many Short Message Services (SMSs). People from Nandi are saying that many people are being taken back to their counties. However, most of the teachers outside Nandi are struggling to go back home.

The Teachers Service Commission (TSC) should be honest. The directors should tell us how many requests in each and every county were made by teachers seeking to go back to their home counties. I think the TSC should operate on a policy of need basis, where you request to leave your home county. You can even rotate within your home county.

Since the beginning of the year, my phone has had no peace. Teachers from my county are demanding to know when the TSC will assist them to go back to Nandi to be with their families and continue serving students in accordance to the right to education, in terms of quality education which we are talking about.

Mr. Temporary Speaker, Sir, finally, I know most of our colleagues are teachers. I am a son of a teacher because my mum was a teacher. When I hear anything about teachers, I become emotional because I grew up seeing how teachers were being treated.

Therefore, even as we talk about delocalization, we must enhance hardship allowance. It is okay to give hardship allowance for teachers working in the Northern Frontier or hard places such Terik or Tinderet ward in Nandi County. There are hardship

allowances for a number of places such as Chemasia and Chemelil wards which should be enhanced.

The teachers who are posted to work in slum schools especially in towns such as Nairobi and Kisumu where life is very expensive should be included in that allowance or even have it enhanced. The life and movement within those slums and most of those areas is hard. They need an enhancement of their hardship allowances to assist them to do their work.

I thank the President and his administration for agreeing that there is a shortage of teachers. He has begun rolling out in phases 30,000 teachers who are going to be hired in this financial year.

I remember, Mr. Temporary Speaker, Sir, that you were one of the people who drafted the plan and many charters that included the Education Charter. The President is doing very well by cutting that gap by ensuring that every child has access to education through provision of competent teachers.

I saw somewhere yesterday from the Ministry of Education that 20,000 learners are yet to join junior secondary school (JSS) Grade seven because the parents are colluding with schools to ensure that those students go to class eight.

I thought that under the Ministry of Education, there is National Education Management Information System (NEMIS) and a unique personal identifier that should be used so that if a student is given a personal identification number, they just move from grade seven to junior secondary school.

The President has formed a task force for this issue of Competency Based Curriculum (CBC). I appeal to parents and other stakeholders including teachers that we give the Government and the President's task force time to come up with radical changes. I confirm to the country that it is affordable. The Constitution is very clear. The CBC will assist in building skills for our children so that they can be people to rely on.

Mr. Temporary Speaker, Sir, are you aware that even as we talk today, our children do not know how to make tea, or even light a fire? I doubt if one of the Members collapsed here, we can perform first aid. These are the skills that CBC will come up with.

I appeal to the parents to allow the Government to review the CBC and come up with proposals. If there is anything that parents have reservations on the law is very clear on the right for public participation. Therefore, the Ministry of Education should move first and ensure that those 200,000 learners who are yet to join JSS junior do so.

I thank Sen. Munyi Mundigi. He is one of the nuclearatomic Senators in this House. I ask the Senate Majority Leader to be getting him services especially when the Minority Side want to do what is not--- Sen. Munyi Mundigi can be very effective. He brings up live issues. He brought the drought issue. This is the real bottom-up that we have been discussing.

Sen. Munyi Mundigi, you are a valued member of this team. The Senate Majority Leader should organize something every Friday that he passes by his office and ensures he is taken care of.

I support and congratulate Sen. Munyi Mundigi. I wish Sen. Oketch Gicheru all the best.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey. You have made me remind myself of the directives made earlier on by the Speaker when he was directing the Hon. Senator, ‘bull fighter’, that you should not clap for yourself when you are given accolades. I had to restrain myself from doing the same. Thank you for your contribution.

Proceed, Sen. Wakoli Wafula for one minute so that we can move to the next Order.

Sen. Wakoli Wafula: Thank you, Mr. Temporary Speaker, Sir. I want to add my voice on the debate on delocalization.

I am a teacher by profession. We have cases where hon. Members in their constituencies thump their chests, incite locals and ensure people who have been recruited by the Teacher Service Commission (TSC) to teach in those areas, do not land.

Therefore, such utterances necessitate teachers to demand or request to be moved to safer zones. I request the Standing Committee on Education to find a solution to this. If there are hon. Members who incite locals that teachers should not report, to be ably handled by the law and to allow teachers to teach where they want.

We have scenarios where headteachers and teachers are delocalized because they are not benevolent givers. They are not cheerful givers of teachers and students’ money.

We want to ensure that when the TSC sends teachers to schools, it is not a punishment or to allow wallets to be opened while people are on transit to difficult zones. We have scenarios where young families such as one in Bumula Constituency where the young lady has three children and the husband is in Machakos County. However, when they demand or request to be delocalized---

(Sen. Oketch Gicheru spoke off record)

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wakoli Wafula proceed.

Sen. Wakoli Wafula: I beg to assume such unnecessary noise.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, kindly allow Sen. Wakoli Wafula to be heard in silence.

Sen. Wakoli Wafula: As we came into office in this Government, we promised teachers that they would be brought back to their families. I request the Standing Committee on Education that we must follow up on this issue so that teachers are posted back to regions they come from. We ought to ensure that people who want to be transferred to their areas of choice do not have to bribe or kneel down before someone but they are given an opportunity where they deserve.

When I was recruited, I was asked whether I was married. It was important because you are given an opportunity based on your desire and adaptability of the area you teach. If one is married and has two wives and one wife is sent to Mombasa County,

another to Busia County and the young man to Machakos County; how do you expect this guy to do what God expects them to do?

I hope the Committee on Education will reflect and highlight these areas in the entire country and give us a report so that teachers do not serve as the whip in this country.

Finally, we have had a recruitment of teachers by the TSC. I thank the President and Government for recruiting teachers. We have teachers on contract and on permanent basis. When they will be rolling out employment of the next cadre of teachers, let them directly employ those on contract without subjecting them to unnecessary interviews.

Since they have already succeeded in the first round, in the second phase they should be absorbed so that the other guys can either come on contract or permanent basis.

I thank you, Mr. Temporary Speaker, Sir. I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Hon. Senators, we shall move to the next Order.

Proceed Senate Majority Leader.

BUSINESS FOR THE WEEK
COMMENCING TUESDAY, 21ST FEBRUARY 2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker Sir, Pursuant to Standing Order 57(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 21st February, 2023.

Before I proceed with the Statement, allow me to take this opportunity to welcome honorable Senators back from the long December, 2022 Recess. I trust that you have had time to rest and have had an opportunity to interact with your constituents, family and friends.

Mr. Temporary Speaker Sir, the business of the Senate includes a total of sixteen Bills that have been published. The breakdown of these Bills is as follows -

- a. Bills at the First Reading stage -
 - i. The Tea (Amendment) Bill (Senate Bills No. 1 of 2023) (Sen. Wakili Hillary Sigei, MP),
 - ii. The Konza Technopolis Bill (Senate Bills No. 2 of 2023) (Sen. Gloria Orwoba, MP),
 - iii. The Prompt Payment Bill (Senate Bills No. 8 of 2022) (Sen. Mariam Sheikh Omar, MP),
 - iv. The County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022) (Sen. Mariam Sheikh Omar, MP)
 - v. The Office of the County Printer Bill (Senate Bills No. 10 of 2022) (Sen. Edwin Sifuna, MP),
 - vi. The Employment (Amendment) Bill (Senate Bills No. 11 of 2022) (Sen. Samson Cherarkey, MP)

These Bills have been listed in today's Order Paper under Orders No.8 to 13. As is the standard practice, these Bills will be committed to respective Standing Committees for consideration, pursuant to Standing Order No.145.

Pursuant to Standing Order No.148, the Committees are required to report back to the Senate within 30 calendar days. I cannot emphasise enough of the need for Committees to which these Bills have been referred to, to adhere to these timelines.

- b. Bills at the Second Reading stage-
 - i. The County Vocational Education and Training Bill (Senate Bills No.3 of 2022) - Sen. Moses Kajwang', MP.
 - ii. The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.5 of 2022) - Sen. Danson Mungatana, MP.
 - iii. The Natural Resources (Benefit Sharing) Bill (Senate Bills No.6 of 2022) - Sen. Danson Mungatana, MP.
 - iv. The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.7 of 2022) - Sen. Danson Mungatana, MP.
 - v. The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) - Sen. Maureen Tabitha Mutinda, MP.
 - vi. The Mung Beans Bill (Senate Bills No.13 of 2022) - Sen. Enoch Kiio Wambua, MP.
 - vii. The Startup Bill (Senate Bills No.14 of 2022) - Sen. Crystal Kegehi Asige, MP.

For a number of these Bills, the 30-day window for submission of Committee reports has lapsed. Therefore, the SBC will schedule them for Second Reading. I urge the respective Movers to be in the Chamber whenever the Bills are on the Order Paper.

However, the SBC will schedule these Bills in the Order Paper for Second Reading in the event that the Committee report is tabled ahead of the 30-day period allowed to Committees on the Bills.

- c. Bills undergoing the concurrence process pursuant to Article 110(3) of the Constitution-
 - i. The Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023) - Chairperson, Standing Committee on Finance and Budget.

(Sen. Oketch Gicheru spoke off record)

Thank you, Sen. Oketch Gicheru. Say 'Hi' to the people of Migori County.

- ii. The Learners with Disabilities Bill (Senate Bills No.4 of 2023) - Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP.
- a. Bill considered by both Houses and enacted into law-
 - i. The County Governments Additional Allocation Bill (Senate Bills No. 4 of 2022) - Chairperson, Standing Committee on Finance and Budget.

Other business before the Senate include four Petitions and a number of Statements pursuant to Standing Orders 52 and 53. I urge respective Standing Committees to hasten consideration of the Statements and Petitions and table reports thereon pursuant to the Standing Orders.

Mr. Temporary Speaker Sir, at the next meeting of the Senate Business Committee scheduled for Tuesday, 21st February, 2023, the Committee will consider the business as outlined above and schedule them accordingly in the Order Paper.

The business for Tuesday 21st February, 2023 is projected to contain business that will not be concluded from today's Order Paper and any other business scheduled by the Committee.

The Order Paper for Wednesday, 22nd February, 2023, will contain business that will not be concluded on Tuesday, 21st February, 2023 as well as Motions, Petitions and Statements.

On Thursday, 23rd February, 2023, the Senate will continue with business that will not be concluded on Wednesday, 22nd February, 2023, and any other business as directed by the SBC.

In the coming days, the Senate will receive a number of reports on:

- i. The Budget Policy Statement from the Standing Committee on Finance and Budget.
- ii. The nominees for appointment to the Climate Change Council from the Standing Committee on Land, Environment and Natural Resources.
- iii. The nominee for appointment to the position of Deputy Governor of the Central Bank of Kenya from the Standing Committee on Finance and Budget.
- iv. The nominee for appointment to the position of Non-Member of Parliament Commissioner to the Parliamentary Service Commission (PSC).

The SBC will schedule business for consideration of these reports as and when they are tabled. Suffice to say that the Committees need to adhere to the requirements of the Public Finance Management Act and the Public Appointments (Parliamentary Approval) Act as regard the timelines, which were communicated by the Speaker when committing the matters to the respective Committees.

Mr. Temporary Speaker Sir, from the aforesaid, the Senate begins the Second Session with an already full plate. Therefore, I urge Committees to prioritise House business before any other matter.

During the induction retreats, it was observed that the Senate has a better chance at passing Bills and other business in the first half of the parliamentary term. Let us use this opportunity to expeditiously consider business before the House and to be available in the Chamber during debate and divisions.

In conclusion, concern was expressed on the Floor of the House in yesterday's sitting on the unavailability of Movers of Bills, Motions and Statements without leave from the Speaker. I undertake to bring this matter to the attention of the SBC at its next sitting so that appropriate action may be taken. That being said, I urge Movers of business scheduled in the Order Paper to be in the House to prosecute them.

Thank you and I hereby lay the statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

Mr. Temporary Speaker, Sir, this Statement has spoken to many matters, many of which are self-explanatory. However, I cannot overemphasize the need for two things. One, the need for Senators to be present in the House; and two, for Committees to prioritise business that is coming to the House.

We have Bills before us as well as vetting of various nominees. We need to ensure this House processes as many Bills as possible, especially during this Session. I hope that colleagues, Senators will abide by that rallying call.

I hope next week will be better than the week that we have seen. I simply comment that it is not that we have not seen what you have seen today. However, first, I appreciate the behavior and conduct of my colleagues on the Majority Side. Despite enormous amount of provocation, they have kept their cool and remained calm. This was even when the Senate Minority Leader together with his troops decided to stagger the business of this House for more than one-and-a-half hours on a single item; something that we need not have debated extensively.

They are setting a very bad precedence. We need to live in a country that believes in the rule of the law. If, for sure, you feel that you have a justified communication that you expect from the Speaker, the obvious thing is to find out. If the Speaker asks for time to exercise his mind on a letter, allow him. The Speaker is not a conveyor belt that you give any letter and just expect that he will come and communicate. Otherwise, then the Standing Orders would have expressly provided that once it has been decided, there is no need for the Speaker to communicate.

It has been provided that the Speaker communicates changes, so that the Speaker can guide all of us. There will come a time that even these same Members; some of whom are now making noise at the Speaker will demand that the Speaker hears and bears them out as they are being mistreated by some of the machinations.

I have observed and seen the games that the Minority Side plays. I know the kind of games they play with each other and the kind of political moves that they make against each other.

Today, you think you are comfortable in a particular position. Tomorrow, people like Sen. Olekina who cannot allow the Speaker to make their contribution, will be seeking the attention of the Speaker to protect them. They will be lamenting of how this PG was not properly convened and they did not attain the threshold.

Mr. Temporary Speaker, Sir, it is very basic to allow the Speaker to exercise his independence and observe the matter that you have raised. I believe over time, the Speaker will communicate.

Otherwise, if we set a precedent where if you disagree with the ruling of the Speaker, you paralyse the business of the House, raid the Speaker, throw words at each

other, start chanting and singing and bringing all kinds of picketing behavior into the House, then we will not have a Senate.

This is a House of law and order. There are many times that even this current Senate, has ruled against us on the Majority Side. I did not see any of my Members block the Speaker from transacting business and doing the things that were expected of them. Therefore, I believe and hope that my colleagues from the Minority Side will behave better next week and abide by the rule of law. They will know---

(Sen. Oketch Gicheru consulted loudly)

Mr. Temporary Speaker, Sir, you need to declare Sen. Oketch Gicheru disorderly. You cannot come to the House and start heckling people, even if---

(Sen. Oketch Gicheru consulted loudly)

Mr. Temporary Speaker, Sir, you cannot allow heckling to go on in the House. There is a procedure of how you declare a point of order. The man has walked into the House. He has not even pressed the interjection button but he is already shouting.

((Sen. Oketch Gicheru consulted loudly))

Mr. Temporary Speaker, Sir, please, protect the dignity of this House and send Sen. Oketch Gicheru out of this House so that he can go and heckle outside.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, I would like to remind you of Standing Order No.121. You have just come in, you are yet to sit down and you are shouting while a colleague Senator is on the Floor addressing the Chair.

Sen. Oketch Gicheru, relook at the provisions of Standing Order 121 (c) and (f). Please behave.

The Senate Majority Leader, please, conclude on your remarks.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. This is exactly what I am talking about. The Standing Orders are very clear on how even a Member wants to prosecute a Standing Order behaves. You press the interjection button and wait to catch the attention of the Speaker. You do not start shouting and disorienting everyone who is contributing.

(Sen. Oketch Gicheru spoke off record)

Mr. Temporary Speaker, Sir, can you protect the dignity of this House. I can see that what Sen. Oketch Gicheru wants is to record back at home that he was kicked out of the House. That is what you are inviting him to do. This is the kind of Bonga Points that you do not need to bring to the Senate. All he is seeking is cheap publicity.

Otherwise, if you allow this kind of behavior where, Members walk in and disrupt others, we will not have a Senate. Nobody has a monopoly of shouting at others.

(Sen. Oketch Gicheru consulted loudly)

Mr. Temporary Speaker, sir, I urge my colleagues to live to the expectation of the Statement and follow through with the business as we have requested.

Thank you for the chance, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, the Senate Majority Leader.

Hon. Senators, for avoidance of doubt, earlier on, we have passed a number of Motions in the changes in Committee membership of the House. We are aware that the bulk of the business of this House is transacted in Committees. I urge Hon. Members to make sure that they participate where necessary in those Committees so that we can transact the business of the House.

Sen. Oketch Gicheru, I can see, hear and make decisions. I am cautioning you on your conduct. The Chair can see, hear and make decisions.

Next Order please.

BILLS

First Reading

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO. 1 OF 2023)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Committee)

Sen. Oketch Gicheru: On a point of order, Mr. Temporary Speaker, Sir
The Temporary Speaker (Sen. Wakili Sigei): Next Order.

First Reading

THE KONZA TECHNOPSIS BILL
(SENATE BILLS NO. 2 OF 2023)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Senate Committee)

Next Order, please.

First Reading

THE PROMPT PAYMENT BILL
(SENATE BILLS NO. 8 OF 2022)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Senate Committee)

Next Order.

First Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO. 9 OF 2022)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Senate Committee)

Next Order, please

First Reading

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO. 10 OF 2022)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Senate Committee)

Next Order, please

First Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2022)

(Order for First reading read- Read the First Time and Ordered to be referred to the relevant Senate Committee)

Hon. Members, the Bill that is next on the Order Paper is sponsored by Sen. M. Kajwang' who is not present in the House. The Bill is therefore deferred.

Second Reading

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO. 3 OF 2022)

(Bill deferred)

Sen. Orwoba is not in the House. The Motion is therefore deferred.

MOTIONS

PROVISION OF FREE SANITARY TOWELS TO END PERIOD POVERTY

THAT, AWARE THAT period poverty refers to the common challenge plaguing women globally wherein they are unable to attend schools or work as a cause of a lack of funds for sanitary products that is both a health risk and a signal of gender inequity;

FURTHER AWARE THAT in rural Kenya, two out of three pad users receive pads from sexual partners and 65 percent of women and girls can't afford sanitary pads, forcing them to use alternative materials like grass, cotton wool and cloth which lack adequate absorbent qualities resulting in frequent leakage and hygiene issues;

CONCERNED THAT period poverty also referred to as the "shadow pandemic" contributes to global and regional gender inequity, as women are forced to solicit help from men in order to satisfy a basic health need with 10 per cent of 15-year-old girls having sex to pay for sanitary products;

FURTHER CONCERNED THAT, data from the Ministry of Education indicates that a girl that is absent from school for four days a month loses 13 learning days, equivalent to two weeks of learning in every school term, translating to 39 learning days or six weeks of learning time in a term and up to 18 of 108 weeks in primary and 24 weeks of 144 weeks of learning in secondary school;

NOTING THAT, while the Government, through the State Department for Gender Affairs was charged with the responsibility of procuring and distributing sanitary towels for 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs470 million during the 2017/2018 Financial year, which amount needs to be increased in order to fully address and mitigate the problem;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action in partnership with the Ministry of Education and the Council of Governors to:-

- (1) facilitate provision of feminine hygiene products in all public schools;
- (2) ensure that all schools that do not have bathrooms that facilitate privacy, cleanliness or proper disposal of hygiene products are properly equipped;
- (3) create awareness and take advocacy measures on reproductive health issues related to period poverty;

- (4) include in the curriculum a dedicated lesson per week to teach girls on menstrual hygiene; and
- (5) ensure that sanitary products will be obtainable timely, consistently, and in a way that respects the dignity of concerned persons.

(Motion deferred)

Sen. Chute who is not present sponsors the next Motion. In his absence, we will defer that to the next sitting of the House.

MEASURES TO CURB INCESSANT HIGH
ELECTRICITY COSTS IN KENYA

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth and increased efforts towards rural electrification while the supply has been constrained due to, among other factors, the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT the imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28 per cent of power to KPLC but account for 47 per cent of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that the:

- (a) Standing Committee on Energy to undertake an inquiry into: -
 - (i) Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;

- (ii) Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
- (iii) The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, bypassing the inadequately supplied northern frontier counties of Marsabit and Samburu.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 21st February, 2023 at 2.30.p.m.

The Senate rose at 5.56 p.m.