

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 9th March, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for five minutes.

(The Quorum Bell was rung)

Hon. Senators, I am informed that we do have quorum now. So, we shall proceed to transact the Business of the day.

Clerk, kindly proceed to call out the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF THE KINGDOM OF ESWATINI

The Speaker (Hon. Kingi): Hon. Senators, can you please have your seats.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a visiting delegation from the Parliamentary Service Board of the Kingdom of Eswatini.

They are in Kenya on a two-day benchmarking visit with the Parliamentary Service Commission. The delegation is led by the President of the Senate of Eswatini.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate traditional way-

Madam Lindiwe Dlamini	-	President of the Senate
Sen. Mphatfwa Dlamini	-	Senator
Hon. Victor Malambe	-	Member of the House of Assembly
Mr. Benedict Xaba	-	Clerk to Parliament, Parliament of Eswatini
Mr. Jabulile Mashwana	-	CEO Eswatini Water Services Corporation Board and Member of the Parliamentary Service Board
Ms. Hlobisile Ndlovu	-	Member of the Parliamentary Service Board
Mr. Lunga Dlamini	-	Legal Counsel, Parliament of Eswatini
Lungile Siyaya	-	Personal Secretary
Mr. Patrick Mnisi	-	Director, Millenium Projects
Mr. Philip Maseko	-	Project Manager, Millenium Projects
	-	Ministry of Economic Planning
Mrs. Elena Dlamini	-	Architect
Mr. Steven Dlamini	-	Architect
Ms. Nkhosephayo Masuku	-	Millenium Projects

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit here in Parliament.

I thank you.

Hon. Senators, I will allow Sen. (Dr.) Khalwale to make welcoming remarks. Thereafter, I will also welcome Sen. Mwaruma to also extend words of welcome.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It is an honour and privilege for me to welcome our friends and fellow Africans from South Africa Republic of Eswatini. Welcome.

I send you to give King Mswati III our greetings. Tell them that when you are being welcomed to the Senate, the Senator who was speaking does not come from the Nguni tribe of Eswatini. However, I come from the Nguni-like tribe of Kenya. We are the Bantus. When you migrated from Western Congo, we remained here and you went down to South Africa.

So, do not finish the gold in South Africa. Share it with us. We are children of the same nation.

With those remarks, because I speak Nguni, allow me to tell the *unjani*.

(Laughter)

The Speaker (Hon. Kingi): Sen. Mwaruma, please proceed.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity you have given to me to welcome our friends from South Africa to the Senate of Kenya.

According to our Constitution Article 96, the Senate of Kenya is supposed to defend devolution. We gave ourselves a new Constitution in 2010. The work that we do is to defend devolution.

Welcome to the Senate of Kenya. I know at the end of the day, you would have learnt about how we run our business in Kenya. I know, at one point, we will come to South Africa to “revenge” - so to speak - so that we also see how you do things in South Africa.

Welcome once again and when you go back, say hello to the King.

The Speaker (Hon. Kingi): Sen. Mwaruma, there is a very big difference between the Kingdom of Eswatini and South Africa.

Next Order.

PETITION

LAND INJUSTICES SUFFERED BY THE KIPSIGIS COMMUNITY

The Speaker (Hon. Kingi): The Leader of Majority kindly proceed to present your Petition.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.232 (1). I hereby to present a Petition to the Senate submitted by the Kipsigis Community Clan Organizations, citizens of the Republic of Kenya and residents of Kericho County.

Mr. Speaker, Sir, as you are aware, under Article 119(1) of the Constitution-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the Petition are as follows-

(1) That the British Colonial Government forcefully took away the Kipsigis ancestral land during the colonial period-

(a) There was no compensation to the Kipsigis Community for the land taken for settlement by the British. Instead, the Kipsigis people became squatters and forced to provide cheap labour to the British settlers.

(b)After the First World War, the colonial Government forcefully evicted the Kipsigis Community from their ancestral land around Kericho, Kerenga and Tagabi estates and the whole of the African highlands so as to give it to the British soldiers in the name of British East African Disabled Officers Colony.

(c) The forcibly taken away land includes: Unilever tea, Brookbond or now Ekaterra, James Finlay, which was then African Highlands, George Williamson in charge of Changoya and Lesla, Sotik Tea, Sotik highlands, Kaisugu tea, Mau tea, Koru and Fort Tenan farms, Kapnomads, Kabianga Tea and Tinga farms amongst other.

When Kenya gained Independence in 1963, the land forcefully taken from the Kipsigis Community continued to be held and used by those who forcibly acquired it during the colonial administration.

The Kipsigis Community is seeking redress in the form of compensation and an apology by the British Government for the damage caused in the forceful eviction and use of their land.

(d)The Kipsigis Community lodged a claim with the National Land Commission (NLC) in 2017. However, disagreements arose on some of the recommendations made by the Commission as the community members were not involved in negotiations.

(e)The Petitioners have forwarded the matter to relevant authorities for consideration, but the response has been unsatisfactory. That none of the issues raised in this Petition are pending before any court of law or any other legal body.

(4) Consequently, the Petitioners pray to the Senate as follows;

(i) That you hear and consider this Petition.

(ii) That you assist in following up law suits against the British colonial government for compensation and a formal apology.

(3) Intervene and ensure necessary institutions, bodies and review all land laws regulations put in place by the British Colonial Government that are discriminated towards indigenous African communities and lawfully return the land to Kipsigis Community to be registered as the Kipsigis Community Group of Teas.

(4) Intervene into solutions of disputed recommendations made by LNC on the matter.

(5) Take any measures and recommendations that the Senate may deem appropriate.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.237, I shall now allow comments, observations or clarifications in relations to the Petition for not more than 30 minutes.

Proceed, Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. We were in Kericho County last weekend on a separate matter, but which also touches on the issues raised in this Petition. The Senate Committee on Labour and Social Welfare went there to investigate matters sex for workers as per the British Broadcasting Corporation (BBC) exposé.

I can tell you as we interrogated the victims and the stakeholders of this tea farming industries, we found out that most of it is actually pegged on historical injustices. Some of them come from issues such as forceful take-over of land from different communities.

Mr. Speaker, Sir, we tried to talk to these companies listed here. We were at Finlays and Ekaterra. We tried to see if a middle ground could be reached or have a conversation and see how the community can benefit from tea farming.

Mr. Speaker, Sir, I am not afraid to say that the feedback that we got was very negative. Honestly speaking, we are back in colonial era when it comes to tea farming activities down in Kericho County.

I saw with my two eyes how most welfare issues that are being raised by residents of Kericho County who work on those tea farms, were being ignored. Communities talked about how the land used to be theirs and that they do not understand how it went

from one hand to another. Ever since, they have been impacted by poverty because it is a resource they were relying on and suddenly, they now had to work in the farms as employees as opposed to land owners.

Mr. Speaker, Sir, as we look into this Petition and other matters surrounding issues raised in this Petition, it is imperative that the companies listed here are summoned to this House. I am talking about those companies highlighted for historical injustices to the Kipsigis Community and communities around the tea farms. They should come here to answer on several matters in the Petition.

It is not just an issue of summoning them to a certain Committee such as the Committee on Labour and Social Welfare; Committee on Agriculture, Livestock and Fisheries; or the Committee on Land, Environment and Natural Resources. The issues being raised touch on all the Committees of this House.

Mr. Speaker, Sir, I am new in the Senate and I will need some guidance. As you look into which Committee you will refer this matter, I urge that if our Standing Orders allow, let these companies be summoned to the Floor of the House on a Plenary session. They need to answer to several matters, including land injustices, sex for work and gender-based violence due to negligence of the company policy.

There is a lot of negligence in terms of how the women are being treated in these farms. It ties back into this colonial practice. It appears as though we are back to the colonial era in these farms. It is no longer an independent State in these farms. There are injustices, torture and the criminal activities that are going on there under the supervision of our own Kenyan directors. This is a very serious issue, please look at it holistically.

Mr. Speaker, Sir, I urge you, let us summon these companies to the Floor of the House and have a Plenary session so that we can delve deep into land injustices, gender-based violence and how these plantations are operating as if we are back in colonial era.

Thank you for the opportunity to weigh in on this matter.

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

Sen. Cherarkey: Mr. Speaker, Sir, the Petition brought by Sen. Cheruiyot, the Senator for Kericho County and the Senate Majority Leader, is serious. Land historical injustice has continued to be the soft under belly in terms of achieving universal rights in the Republic of Kenya.

That is why the drafters and intenders of the Constitution, 2010 established the National Land Commission (NLC) under Article 67. One of the core mandates of NLC is to initiate a look into land historical injustices. It is very sad that most land in Kericho County was awarded to champions of war at the expense of the indigenous, or the native people of the Kipsigis Community in Kericho County.

I said this before in the last Session and I will say it again; there should be a deliberate effort. Through the budget policy statement, there was supposed to be Kshs10 billion repatriation and compensation for victims of abuse of human rights, including land historical injustices.

Therefore, I appeal to the Committee that shall look into this matter, to do it wholesomely. There are swathes of land at the Coast where you, Mr. Speaker, come

from, as well as tea estates in Bomet, Kericho, Kisii and Nyamira counties which were forcefully taken from the owners.

I continue to say that tea taken across Europe continues to be stained by the blood of our forefathers. They fought against forceful evictions from their land and this is a human rights issue.

In the last Session, the Senate adopted the report on land historical injustices against the Talai Community in Nandi and Kericho counties. I propose that as the Committee looks at this, the Attorney General should provide mutual legal assistance to the Kipsigis. They need help to pursue justice at the hills of Landon and other corridors, including the International Criminal Court (ICC) or the International Human Right Organization (IHRO). They should be funded through mutual legal assistance where they will be provided with resources and necessary advocates.

In the land historical injustices of the Talai Community, one of the resolutions that was adopted by the Senate and is on record in the HANSARD, was compensation from the British Government. As the Senator for Nandi County, I have written to Her Excellency, Jane Marriott. The British Embassy has not even responded to or acknowledged my letter or e-mail. I see the Ambassador is available to host *Tiktokers*, *Twitters* and social media influencers, when we should be driving the hardware of human rights.

Mr. Speaker, Sir, I will, therefore, be requesting through your office, that this serious matter be handled by the Ministry of Foreign Affairs and Missions through ambassadors. This matter cannot only be handled by the Republic of Kenya, but in mutual agreement with the embassies that we have.

I was very disappointed that the British Embassy decided not to acknowledge, write or host us to have a discussion. We are not saying anyone is guilty. We want to have a discussion on land historical injustices and how these families and communities can be compensated. A public apology should be issued to the Talai, Kipsigis and other communities at the Coast region.

Mr. Speaker, Sir, apart from mutual legal assistance and public apology, the last one is compensation to the surviving dependants and beneficiaries of the Kipsigis Community.

I support this Petition and hope it shall be expedited within 60 days so that we get answers.

Mr. Speaker, Sir, I hope that through your office, some of us who have direct interest on land historical injustices can be allowed to sit in some of those committees and give further clarification and answers when the necessary urgencies appear.

With those many remarks, I thank you giving me the opportunity.

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

Sen. Wamatinga: Mr. Speaker, Sir, I thank you very much. I rise to support this petition and state that in no unmistakable terms; historical injustices in this country have far too long been spoken about, but have lacked the political commitment to address them.

Mr. Speaker, Sir, when we talk about the Kipsigis, the story is the same with communities living around the colonial villages in the Mt. Kenya region. People were forcefully evicted from their homes because some colonial masters felt that they were a threat to the peace of the of that country then. It is so unfortunate that 60 years after Independence, we still continue talking about colonial villages. It is equally unfortunate, that those people who were forcefully evicted from their land after we got Independence, their pieces of lands were taken by a few individuals who became the new colonial masters who they are continue to enjoy the fruits and the sweat of those who went fight for independence at the expense of their offspring.

As we highlight the issues affecting the Kipsigis and try to find ways of addressing the historical injustices that was meted on Kenyans. We must not forget that, unless we come to terms with our history and past, we shall never find peace. When you go to the Coast region, Western and all around the country, the story is the same. Historical injustices were meted by some colonial masters who today, purport to be the masters of democracy and to lecture us how to move our country forward while they know that we still continue suffering under the divisive and oppressive acts that they committed against us.

It is the high time that we stood up as a country and said that ‘enough is enough.’ We must get a way out of this. I lived in Germany for over 20 years. I saw that the Jewish who suffered under the Nazis regime seek legal redress for the oppression they went through. We, as a country, must also deliberately and with concerted effort, attempt to address some of these issues. We know that land is a very emotive issue across the country yet when some were fighting in the forests, the collaborators joined hands and grabbed everything that was left.

Today, we know that a few families own almost half of Kenya. It is sad listening to the injustices that have been done such as sex for work in the tea farms across the country. We must resolve as a House, politicians and leaders of this country to move forward a step further and state that these historical injustices must come to an end.

Mr. Speaker, Sir, the Senate must go back to our counties and bring people together to address these historical injustices, once and for all.

Mr. Speaker, Sir, I thank you and beg to support.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Mutinda

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support this petition by our Senate Majority Leader, Sen. Cheruiyot. It is very sad that we are discussing colonial issues because we are at a time that we should be behind these issues. I am saddened by the reports that I have heard from my colleagues; sentiments and input that land where our people have been living for so long and are put out. Those farms where our people are employed and, which are now owned by the white people originally belonged to the locals. The white landowners now harass these employees. What is next for the farm workers, if the white landowners running the multinational companies are the same people that put them in those positions?

This issue does not affect the people of Kipsigis only. The Committee should consider other regions which have similar cries. The issue should be co-joined. Mr.

Speaker, I hope that you will allow this issue to be handled by different committees so that the bigger picture is addressed in order to get a long-term solution on this particular matter.

As Sen. Wamatinga said, I support that it is the high time for us as Africans to stop the element of always wanting to depend on the western world. We need to stand firm as African regions, soldier and fight on for what is right for our people. We should stop the dictatorship of what the British colonials and any other Western countries want to come and dictate to our people and country.

I thank you.

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

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Nauunga mkono dua lililoletwe na Kiongozi wa Walio Wengi katika Bunge hili. Masuala ya shamba ni nyeti na yamekuwa yakiathiri watu hapa nchini. Wakipsigis walionyanywa mashamba yao wanaishi maisha ya kichochole ilhali yale mashamba ni yao. Ukitembea sehemu nyingi katika Kaunti za Nyeri, Kiambu, Murang'a na Laikipia unapata wakaazi ambao walikuwa na shamba zao kitambo, lakini wakoloni walipowasili waliwafukuza na kuwatimua katika vijiji. Watu wale walibaki kufanya kazi katika mashamba walionyanywa. Hivi leo, watu hao hawajapewa fidia na bado wanaendelea kusunoneka na kupata majanga.

Kinachoshangaza zaidi ni kuwa miaka 60 baada ya kupata Uhuru, tunaathiriwa na ukoloni mamboleo. Mtu yeyote akimuona mzungu anadhani anafaa zaidi. Ukitembea barabarani na mzungu amevaa nguo zisizo za nidhamu unapata wengine wanafuata mtindo huo. Hatujivunii. Tukiwa katika Bunge hili pia tunavaa suti. Mtu akivalia mavazi ya kiafrika anaonekana kama mtu ambaye yuko nyuma, hajifahamu na hajielewi. Mtu huyo anaonekana amepitwa

Ninapooonga, mimi hutumia lugha ya Kiswahili hapa Seneti. Wengi huniona kana kwamba sijastaarabika. Mimi sijafika kwa sababu sineni kwa lugha ambayo wamefunzwa na ambayo imeathiriwa na ukoloni mambo leo. Baadala ya kuyakunua mashamba yetu kwa kufuata Katiba iliyowekwa na kwa njia sawasawa tunawapatia wageni hawa hadhi ambazo hazifai kwao.

Ikiwa umepiga foleni pale kwenye benki mzungu atapita na kuhudumiwa na wewe ubaki pale ilhali hii ni nchi yako. Ukienda katika nchi zao wewe utadharauliwa. Watu wengi waliotembea kule wanawezakukueleza Tulienda na Seneta ambaye sitamtaja hapa katika nchi moja ya ughaibuni na tuliokena kama hatufai; yaani tulionekana kama nyani kwa sababu ya rangi ya ngozi zetu. Ni vizuri kamati husika ishugulikie mambo haya kwa undani kabisa na wasiwe na uoga. Hakuna tofauti kati yangu na mzungu.

Tofauti iliyoko pengine ni rangi ya ngozi. Wengine wetu wanajaribu kubadilisha rangi zetu ili wafanane wale wazungu kwa sababu hatujiamini. Naomba kamati husika zishugulikie mambo haya kwa undani. Niwasihi watembelee shamba ambazo zimenyakuliwa wafanye uchunguzi kwa undani.

Bw. Spika, kwetu Laikipia kuna Wazungu ambao wanasumbua Waafrika. Ninakumbuka muda ulioyopita, nakumbuka kuna Mzungu ambaye alikuwa akiwapiga risasi watu kwa kutembea katika shamba lake. Inaonekana hakuna chochote kimefanywa.

Sisi tuko katika nchi yetu ambayo tulipewa na Mungu. Kwa hivyo, tunapaswa kuishi bila kuogopa mtu yeyote kwa sababu hii ni nchi huru.

Kwa hivyo, Kamati ya Mashamba na Ukulima na Kamati ya Leba zinafaa kuangalia na kuuliza maswali haya magumu. Kwa mfano, kwa nini sisi hatujiamini kuondoa ukoloni mamboleo na tuweze kujiamini? Mwafrika, Mwingereza, Mhindi au mtu wa rangi yoyote, mbele ya Mwenyezi Mungu, sisi sote ni sawa.

Nikikatwa, damu yangu, kama mtu mweusi, ni nyekundu. Damu ya mzungu pia ni nyekundu.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I did not want to interrupt our colleague. However, we have all followed his debate. Clearly, it borders on xenophobic language. Would it be in our practice as Parliament that in our record we allow debates that suggest prejudices against other communities? I say this on Standing Order that speaks to the content of speech.

The Speaker (Hon. Kingi): First, Sen. (Dr.) Khalwale, you ought to have risen on a point of order while Sen. Kinyua was still speaking. Therefore, rising on a point of order after the speech has been made cannot be sustained.

Second, if I heard Sen. Kinyua correctly, he was merely trying to lay a basis for what is happening currently. As Africans, we have embraced so much Western culture to the extent that we feel it is superior compared to the African culture.

Therefore, we are victims of our own omissions and actions. That was his observation. I do not think it borders on what you have stated. He has not, in any way, called upon Kenyans to drive any community out of this country. Far from it. His speech is well within the Petition that is before us.

Sen. Okenyuri, you may proceed.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I rise to support the Petition by the Senate Majority Leader, Sen. Cheruiyot.

I do not come from the green County of Kericho. However, the people of Kericho border Kisii, where I come from.

The Kisii people are very fortunate because of the initiatives of the likes of Moraa wa Ng'iti: who fought hard in defending community land and interests.

However, the issue of the Kipsigis in Kericho is sad. I do not know why and how long we have to speak. The remaining group of the Kipsigis whose land was grabbed have filed several appeals to seek redress for the issues that they are complaining about and nothing is being done to that regard.

Are the Kipsigis children of a lesser God? I saw the people of Mau were compensated. In one of the responses that were filed by the British Government is that they compensated Mau fighters. That is an excuse they are giving for not compensating the Kipsigis people.

Mr. Speaker, Sir, it is not only the Kipsigis people that need to be compensated. We have many other marginalized communities whose land was taken by the British Government. We now want them to compensate and listen to these issues that have been

brought. Some of the people whose land was taken are now homeless and have now remained second class citizens in their own country.

Mr. Speaker, Sir, most of these people have now retreated to be workers who are picking tea on farms that belong to people who took their own land. They have nothing to call theirs. What example are we setting for the young generation in this country who also want to possess land from their ancestors who initially had land?

As I speak today and in the spirit of the good neighbourhood from Kisii where I come from, Sen. Cheruiyot is correct by bringing those concerns to this House. The Kipsigis people deserve compensation because they are not children of a lesser God.

The Speaker (Hon. Kingi): Sen. (Dr.) Murango?

Sen. (Dr.) Murango: Asante sana, Bw. Spika. Pia nitaongea kwa Kiswahili kama mwenzangu Sen. Kinyua wa Laikipia. Kwanza, ninampa kongole Kiongozi wa Wali Wengi kwa kuleta Mswada huu ambao unahusisha jamii ya Kipsigis. Pia sisi mahali nimetoka, Kirinyaga, tuko na tabu pia ya mashamba lakini yetu ni tofauti kidogo.

Eneo la Mwea wakati wa ukoloni lilikuwa limefanywa jela ya wale watu waliokuwa wanapigania Uhuru. Baada ya uhuru kupatikana, watu wa Kirinyaga na wengine, waliwawachwa katika yale mashamba ambayo mpaka wanaishi kama wenyewe lakini sio wenyewe kwa sababu bado hawajapewa hati miliki.

Serikali yetu ya Kenya Kwanza inazingatia na kuhifadhi heshima ya mahuluku taabu ambao wanaitwa kwa Kiingereza *hustlers*.

Nyanya yangu alikuwa anaishi pale hadi kufa kwake akiwa na miaka 115. Hadi sasa, jamii zinazoishi pale zimezaana na kuzikana lakini babu za watoto ambao wamezaliwa pale hawakuwa na hati miliki. Kwa hivyo, vita nyingi ambazo zinatokea pale ni kwa sababu watu wanapigania mashamba ambayo hayawezi kugawika, na hati miliki hazijawahi patikana. Vile, kuna mashamba ya South Ngariama na Mwea Irrigation Scheme ambazo hati miliki hazijawahi kupatikana.

Tukizingatia Serikali ya Kenya Kwanza, tukipawapa hati miliki wale ambao tayari wako katika mashamba yao, wataweza kujiendeleza. Pia tunapaswa kuangalia maslahi ya watu ambao hawakulipwa fidia kama Kipsigis na wale Mau Mau. Tunawafanyia haki na kurejesha heshima kwa watu ambao walihusika kutupigania Uhuru ambao mpaka siku ya leo tunaupigania

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

Sen. Lomenen: Thank you, Mr. Speaker Sir, for this golden opportunity. I support the Petition by the Senate Majority Leader, my friend, Sen. Cheruiyot.

Many communities in Kenya deserve compensation because of the harm created by the colonialists who departed from us, but some of them still exist.

I support my colleagues because of what happened after Independence. Many communities lost their land. After realizing that, they took time to claim their land. Therefore, the concerned Committees should take time to analyze historical injustices and make sure that justice prevail for the communities that lost their land.

Mr. Speaker, Sir, I have thought critically that we are talking about historical injustices that were done by colonialists; those people who colonized Africa and Kenya. According to my observation and experience, the current historical injustices are worse

than those of the colonialists. Most communities have lost land, not because of the White people, but it is because of historical injustices that were caused by the neighbouring communities.

I will give an example. If you are keen, you will note that this insecurity is being caused by the issue of land acquisition. Some communities have decided to expand their territories because they are imitating colonialists. This is neo-colonialism. They expand gradually and the original owners of the land become the second community.

I want the leadership of this Senate led by the Senate Majority Leader, to be very keen and call a spade a spade. There are communities that have currently lost land, not because of the colonialists, but because of the conventional fights that are now happening. They started with cattle rustling and gradually advanced to land grabbing while searching for pasture and water. While grazing, when they find pasture in the neighbouring community they take it by force. They end up displacing the community that is currently living there.

Mr. Speaker, Sir, I want to ask this Senate to form a committee that will take time to set out boundaries because it seems that people have forgotten the boundaries that were set out by the colonialists.

I would like to ask the Leadership of Senate to take time and remind the communities of their boundaries because it seems they have forgotten their boundaries. That is why we fight every day; people are losing their lives, land and property because of this issue of land dispute.

I know the Kipsigis and the Maasai suffer this same fate. It is good to say the truth. As leaders, we suffer and bleed in our hearts. This problem of land is really painful, just the way my brother Sen. Cherarkey had said.

Mr. Speaker, Sir, what is happening is that we have Africa-centrism and Euro-centrism. We have been denied to use African perspective to judge ourselves. Instead, we use Euro-centrism perspectives to judge Africa-centrism. We were all created in the image of God. We subscribe to God and no one is better than the other. The colour of one's skin does not matter; the content matters.

If you analyze aesthetics, the study of beauty you will find that there is accidental and intellectual beauty. In accidental beauty, one does not apply to be the son or daughter of a parent. It happened accidentally. You found yourself being the son of either a farmer or a reasonable woman. It was not your mistake. You did not apply for it.

Mr. Speaker, Sir, we cannot apply the western perception to Africa. We have our own perception. I have to convince the whole world that the community from which I come from are the greatest scientists because they were the first ones to make spears out of nails. I have never seen any westerner use a nail to make a spear. It means that we neglect our natural intelligence for the sake of perception of imitation. Imitation is limitation. We have to capitalize on our perception and intelligence. It is something that I want the Committee to be sure of.

It is true Kenya is a Republic. However, colonialists left, but the land they left us was inherited by Africans. Although Africans inherited the land, the status is unknown.

This nation belongs to all of us, as the Senator said and we deserve a piece this nation's cake. We have to enjoy all of us, whatever cake there is. If it is our time to eat, that one is not biblical. We have to be fair.

The Speaker (Hon. Kingi): Sorry to interrupt, Sen. Lomenen. Kindly wind up your thoughts because your colleagues would wish to also make contributions.

Sen. Lomenen: Yes, Mr. Speaker, Sir. Finally, as we analyze the issue of past historical injustices, we should note, keenly and critically, the current conventional historical injustices.

Thank you, Mr. Speaker, Sir.

(Interruption of debate on Petition)

The Speaker (Hon. Kingi): Hon. Senators, allow me to interrupt the contributions on that Petition because we have students from Kirinyaga and they have to start the journey back Kirinyaga.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. MARY'S KAGIO BOYS HIGH SCHOOL, KIRINYAGA COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the Public Gallery, we have 98 students accompanied by six teachers from St. Mary's Kagio Boys High School, in Kirinyaga County, who are in the Senate on an educational tour.

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

I will allow Sen. (Dr.) Murango to give a short word of welcome and then we shall resume our contributions on the Petition.

Sen. (Dr.) Murango: Mr. Speaker, Sir, I thank you for giving me this opportunity. I am happy today because I will be able to introduce a school from my county in the right way. The last time it was not very good.

St. Mary Kagio Boys Secondary School comes from Kirinyaga County. It is located in Mutithi Ward in Mwea Constituency.

Mr. Speaker, Sir, most likely 66 per cent of the bananas and the fruits you eat when you are in Nairobi and Mombasa, I can assure must have come from Kagio. This is because we also host one of the biggest markets there.

I encourage the students of St. Mary Kagio Boys Secondary School that it is doable. If Sen. (Dr.) Murango is the Senator for Kirinyaga, I can assure them that they can also become greater than a Senator if they do everything right.

I also congratulate the teachers for planning and bringing the students here. I wish them their best. I know we will meet outside there before they leave.

I thank you.

(Resumption of debate on Petition)

The Speaker (Hon. Kingi): Thank you. Hon. Senators, looking at the queue of Senators wishing to contribute to the Petition, it is fairly long. Therefore, allow me to limit the time per speaker. Let us each speak for not more than three minutes. So, that at least all the Senators who are on the queue can have a chance to say something in contribution.

Sen. Mandago: Mr. Speaker, Sir, I rise in support of the Petition by the Senator of Kericho and our Senate Majority Leader, Sen. Cheruiyot, on the historical injustices and the compensation required for those who were affected by colonialists.

Successive administrations in this country, right from independence, have failed to address the issue of historical injustices that arose from the process of colonization of this country.

Looking at this nation, starting from the Coast; in the independent Kenya of 60 years, we are still discussing issues of squatters on their own land with absentee landlords who grabbed the lands from the citizens and natives of those places.

Successive administrations, I do not know whether it is through cowardice or that they were worried not to displease the former colonial masters. We have never been able to address that matter.

The entire Rift Valley is a region where natives were driven out so that the Whites, particularly the British and the Boers then could occupy the very prime, fertile agricultural lands.

The most unfortunate thing is that even after Independence, the same colonialists now mutated and called themselves investors, international companies, citizens and owners of the same land.

Mr. Speaker, Sir, it is time as a nation; we cannot move forward without addressing the injustices that have been meted on Kenyans. Sixty per cent of Laikipia is occupied by ranches owned by the British. The same colonialists who disposed of the people who lived in Laikipia, today, they still own 60 per cent of the land.

That is why some of the challenges that we need to address such as cattle rustling as a result of pasture and water cannot be addressed. This is because one rancher owns a million acres and the citizens are being confined to the highlands and the hilly parts while the British are game-hunting in our own land.

Mr. Speaker, Sir, if you look at---

(Sen. Mandago's Microphone went off)

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

Proceed, Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Asante, Bw. Spika, kwa kunipa fursa hii niweze kuchangia mjadala huu.

Kwanza nitampa kongole Kiongozi wa Walio Wengi, Sen. Cheruiyot kwa kuleta ombi hili. Kwa hakika, si Wakipsigis ambao wana shida kutokana na matokio ya ukoloni.

Karibu kila pahali Kenya kuna shida maana wakati tulipokuwa chini ya Wakoloni, walinyakua mashamba kila mahali. Pahali walipoona mashamba mazuri, waliyanyakua.

Nikizungumzia juu ya Ukambani, kuna *Street* inaitwa Muindi Mbingu hapa Nairobi. Hao mpaka waleo wanakutana mahali wakidai ng'ombe wao ambao waliuliwa na hao *masettlers*. Wakati *walissettle* huko walileta ng'ombe aina ya freshians na wakasema wale ng'ombe wa *locals*, wote wauliwe kwa sababu wangeambukiza ng'ombe wao magonjwa na kuleta vifo.

Kwa hivyo, ng'ombe wote waliokuwa katika maeneo hayo waliuawa. Baadhi ya hao watu walikufa na wengine wako hai. Wengine, wajukuu wao na vitukuu wanaendelea kudai ng'ombe wao.

Kwa hivyo, inafaa hao watu wapate haki yao. Wale wanadai mashamba yao wapate mashamba yao na hati miliki. Wanodai ng'ombe pia wapate.

Kuna wengine wa Mau Mau ambao walipoteza mashamba yao huko kwetu. Mpaka wa leo wanadai Serikali ya Kenya iweze kuwapatia sehemu waweze kuishi kama watu ambao walipokonywa kule ambapo walikuwa wanaishi.

Ninaomba ile Kamati itakayokabidhiwa suala hili wafanye kazi kwa bidii ili tuweze kuona haki ikitendeka. Mara nyingi tunaleta *Motions, Statements, Petitions* na zinakaa sana bila kujibiwa. Mara nyingi hata miaka mitano inaisha. Mtu akirudi tena labda ndipo anakuja kuomba maombi hayo tena.

Ninaomba Kamati tuwajibike tuweze kufanya kazi tunayostahili kufanya kwa haraka.

Asante, Bw. Spika. Ninaunga mkono.

The Speaker (Hon. Kingi): Sen. Chute.

Sen. Chute: Shukran sana, Bw. Spika. Ninashukuru Kiongozi wa Walio Wengi kwa kuleta *Petition* hii leo.

Hii *Petition* inazungumzia mambo ya zamani. Mimi nimetoka kaunti inayoitwa Marsabit. Zamani tulikuwa tunaita Northern Frontier District (NFD). Tulifungiwa huko kabisa na Wakoloni na tukaitwa *marginalized community*. Tukapewa jina ambalo ni kama watu *disabled*.

Baada ya kuitwa *marginalized community*, Serikali ya Kenya ikapata Uhuru na Rais hayati Jomo Kenyatta akaingia mamlakani. Tuliendelea kufungiwa huko NFD na kuitwa *marginalized*.

Serikali ya hayati Rais Moi ikaingia mamlakani bado tukaitwa *marginalized*. Serikali ya hayati Kibaki ikatuita bado *marginalized*. Serikali ya Rais mstaafu Uhuru Kenyatta bado ikatuita *marginalized*. Hadi sasa hiyo *marginalization* haijaisha.

Zamani, mtu kutoka Marsabit hakuruhusiwa kupita hata Isiolo. Ulikuwa unahitaji *special permit*. Wakoloni wametusumbua sisi.

Saa hii tunapozungumza, ardhi inayoitwa *Lake Turkana*, watu fulani wazungu wameangalia *atlas-map* ya dunia, wakajua upepo mzuri uko mahali panaitwa Sarima *Lake Turkana*. Wemekuja na kuchukua ardhi yote. Ardhi kutoka hapa mpaka Nakuru kupitia Nanyuki, Machakos hadi Kajiado, imechukuliwa.

Bw. Spika, Warendile ndio wanaoishi Katika eneo Bunge la Laisamis. Malisho ya ngamia, mbuzi na ng'ombe ni kule. Sasa hivi tunavyozungumza, hawa watu wetu

wanaongea mambo ya Kipsigis ya zamani. Waafrika wenyewe wametuletea huo ukoloni, ardhi imechukuliwa na hatuna mahali pa kulisha mifugo wetu.

Wale watu ambao wanafanya kazi huko ndani, ni Wazungu. Hata seremala anatoka Afrika Kusini kuja kuwa meneja wa kambi nzima---

(Sen. Chute's microphone went off)

The Speaker (Hon. Kingi): Senator, I am afraid your time is up. Proceed, Sen. Shakila Abdalla.

Sen. Shakila Abdalla: Asante, Bw. Spika, kwa kunipa hii nafasi. Kwanza ninampongeza Kiongozi wa Wengi kwa kuleta huu Mswada nyeti.

Swala la ardhi linagusia kila sehemu katika nchi hii yetu ya Kenya. Masikitiko ni kwamba swala hili linaendelea kushindikana kutatulika. Katiba mpya ilikuja na Tume ya Kitaifa ya Ardhi, ambayo inafaa kuzingatia na kusimamia shida za dhuluma za kihistoria za ardhi.

Masikitiko ni kwamba, Tume hiyo imezembea. Wao ndio wamekuwa wakarabati wa ufisadi wa ardhi. Sasa hatuelewi hili tatizo litatulika vipi.

Watu wa Kaunti ya Lamu ndio walikuwa maskuota wa kwanza ambao walipigwa baada ya Kenya kupata Uhuru wakati wa mashifta. Hatujapata haki zetu mpaka kufikia leo. Vijiji 18 viliathirika na watu kusambaritika. Sasa hivi tunaitwa *minority* kwa sababu watu wetu walipigwa na wakasambaratika ulimwengu mzima. Ilikuwa kutokana na vita vya mashifta na ardhi yetu ikachukuliwa kupewa wasio husika.

Ikiwa Serikali ina nia ya kutatua hili swala la ardhi, ni lazima iweke mikakati ya kuhakikisha wale waliodhulumiwa, wapatiwe hizo ardhi kwa njia mwafaka. Kuna watu ambao wanachukua fursa hiyo kudhulumu wanyonge ambao hawaelewi haki zao wala hawana njia na mbinu za kupata hati miliki. Wengine wanajifaidi kwa kujitolea hati miliki na kisha wanavamia ardhi za wengine na kudai ni zao.

Kulingana na sheria, vitendo kama hivyo havifai kufanyika hapa Kenya. Unakuta mambo mengine yanatokea kwenye kaunti fulani, ambayo huwezi kuyaona kwenye kaunti zingine. Ni kwa nini kaunti zingine zinadhulumiwa haki zao, na zingine wanapewa kikamilifu?

Kwa hivyo, tunaomba na tunataka shida hii itatuliwe kikamilifu. Hizi dhuluma ambazo zina---

(Sen. Shakila Abdalla's microphone went off)

The Speaker (Hon. Kingi): Senator, your time is up. Sen. Seki, proceed.

Sen. Seki: Asante, Bw. Spika, kwa kunipa nafasi hii. Ningependa kuchangia ombi hili ambalo linahusiana na mambo ya ardhi.

Ninatoka Kaunti ya Kajiado ambapo wakaazi wengi ni wa Kimaasai. Vile tunavyoelewa, ardhi kubwa humu nchini inaweza kuwa na jina kubwa sana la jamii ya Kimaasai.

Walowezi wa Kiingereza walichukua mashamba katika kaunti nyingi kama vile Laikipia, Narok, Kajiado na hata sehemu kubwa ya Kaunti ya Machakos, ambayo Sen. Kavindu Muthama alizungumzia. Walichukua tu bila kuzingatia hali ya wenyenji wa kaunti hizi watafaidika namna gani. Ni vizuri kwamba Sen. Cheruiyot amelea ombi hili ili tuweze kuingalia kwa kina.

Kuna shida kubwa sana katika sehemu ya Kajiado ambayo mimi ninawakilisha. Sehemu inayoitwa Magadi iko na madini aina ya *soda ash* katika Wadi nzima. Hata hivyo, hawa Walowezi wa Uingereza wamemiliki hiyo Wadi yote kwa jumla na kukodisha.

Hayo madini ya *soda ash* yanayotoka nchi hii kuenda katika nchi zingine. Jamii zilizoko katika sehemu hiyo hawafaidiki chochote. Hata Kaunti yenyewe, haipati faida. Serikali ya Kaunti haipati hata ile faida kidogo ya ardhi ambayo inatakiwa kupata. Mpaka sasa, Kaunti bado inataabika kutafuta zile *rates* kwa sababu hata wanakataa kulipa---

(Sen. Seki's microphone went off)

The Speaker (Hon. Kingi): Senator, I am afraid your time is up.

Sen. Wafula, please, proceed.

Sen. Wafula: Asante, Bw. Spika. Ningependa kuchukua mwelekeo ambao Kiongozi wa Wengi amechukua. Hususan changamoto, shida na unyanyasaji wa Wakenya ambao ulitekelezwa na Wakoloni, vizazi vya Wakoloni ama Waafrika wanaoendeleza ukoloni mamboleo.

Yale ambayo yanaendelea katika Kaunti ya Kericho na sehemu mbalimbali humu nchini, lazima yakome. Ni lazima Serikali ya Kenya Kwanza tuhakikishe kwamba wale ambao mashamba yao yalichukuliwa, wapate haki yao.

Kwa mfano, Shirika la Habari la BBC lilionyesha sinema fupi kuhusu gharama ya majani chai ambayo inauzwa katika nchi za kigeni. Makampuni ambayo yalinyakua mashamba haya, hujipiga kifua na kuendeleza udhalimu kwa kuleta mashine ambazo za kuchuna majani na kuwanyima wenyeji nafasi za kazi.

Bw. Spika, ukoloni mamboleo hautakiwi kuwa unaendelea kamwe. Serikali ya nchi ya Kenya ndiyo ina haki ya kunyakua mashamba popote kwa mjibu wa sheria. Iwapo wenyeji walinyang'anywa mashamba kihistoria, mbona ni vigumu Rais William Ruto kuamka asubuhi na kuamuru mashirika kama Finlays, kuleta stakabadhi zao ili idhibitishwe iwapo walipata hayo mashamba kihalali? Mkataba wao ulikuwa upi? Kama mkataba huo haukuwa halisi, lazima mambo yabadilike. Mimi ninaamini, kama Bibilia ilivyosema, miaka iliyoliwa na nzige lazima irudi. Watu wa Kaunti ya Kericho ambao mashamba yao yalichukuliwa, lazima warejeshewe. Wale ambao wamekuwa wakivuna matunda ya wenyewe hapa Mlima Kenya na viunga vyake, vilevile Serikali ichukue hatua.

(Laughter)

Shida za Wakikuyu ambao walinyang'anywa mashamba, ndizo hizo za watu wa Bonde la Ufa walionyang'anywa mashamba. Huo ndio uchungu ambao Wakamba

wanapitia Kenya hii. Sasa haiwezi kuwa kuna wale ambao uchungu wao unamulikwa na Serikali na wengine ambao machozi yao yanachukuliwa kama ya mamba.

Ninaomba Serikali ichukue hatua na kuhakishi Wakenya wote popote walipo---

(Sen. Wafula's microphone went off)

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

Sen. Tobiko, please, proceed.

Sen. Tobiko: Thank you, Mr. Speaker, Sir. I rise to support the Petition by the Senate Majority Leader, Sen. Cheruiyot.

Mr. Speaker, Sir, the British Colonialists committed many crimes against our communities in this country. Up to date, communities are still feeling the impact, the effect and trauma of losing so much in the hands of the British Colonialists.

The Maasai community lost over one million acres to the British colonialists, Nairobi City County, Nakuru County, Naivasha and many other places included. Where we have the Delamere farms today was once our own land. Our communities need reparations from the British Colonialists. I believe that our country has come of age to have the British pay for what our communities lost.

To date, the Maasais in Laikipia County still feel the effect of the losses of their ranches to the Colonialists. When you see some of these people who are occupying those lands, you wonder who their grandparents and generations in the past are. They have nothing to show for the lands that they occupy. Our communities were sent to the reserves where people are congested and pastoralism is threatened because of such loss of land.

Mr. Speaker, Sir, I support that all communities in Kenya must go back into history, so that justice prevails.

The Speaker (Hon. Kingi): Sen. Abass, please, proceed.

Sen. Abass: Thank you Mr. Speaker, Sir, for giving me this opportunity. I support the Petition by the Senate Majority Leader. I believe much has been said on the issue of the colonialists. The colonialists who colonised this country have caused a lot of suffering. Many Kenyans have been killed because of defending their own properties and land. Many lands have been taken and they have taken the best product of land.

Kenya's population has increased and most Kenyans are still squatters in their own country. They also created imaginary boundaries where communities are fighting every day over boundaries that do not exist in the country. They have been told that certain areas belong to only certain communities. As a result, we have recurrent conflict over land, land use and our natural resource use.

Mr. Speaker, Sir, I believe most of the British people who lived here, who took the big chunks of land have now grown old, died or relocated to their countries. However, if you go to their countries, the land is still in the custody of the British people. It is high time we reclaim that land and redistribute it. We need retribution for Kenyans so that people can heal and benefit from their land.

As it is now, we are not even able to feed our country. There are people---

(Sen. Cheruiyot consulted loudly)

The Speaker (Hon. Kingi): Majority Leader, kindly consult in low tones, so that you do not interrupt the Senator speaking.

Sen. Abass: Kenyans have not healed even after the *wazungus* left. We got black men who took over the land. Today, the big chunks of land are underutilised. It is high time that all idle land was taxed and reclaimed.

With those few remarks, I thank you. I beg to support.

The Speaker (Hon. Kingi): Sen. Cheptumo, please, proceed.

Sen. Cheptumo: Thank you Mr. Speaker, Sir. I rise to support the Petition by the Senate Majority Leader.

Mr. Speaker, Sir, listening to all the Senators who have spoken, it is true that this is a national problem. Almost every county has a challenge of this historical injustice. The issue is not the knowledge of these historical injustices. I believe the challenge is lack of seriousness and policy by the subsequent governments on how to deal with this issue.

We have had this debate for the last 60 years; several policies. Debates in this House have been done. I believe it is high time that this House, pursuant to Article 96 of the Constitution, should come out strongly through this Petition and resolve that this matter should end.

Mr. Speaker, Sir, the big parcels of land owned by the British in Kericho County and other areas have terms of lease. I have a radical proposal that when the term of the land leases end, our Government should reallocate these pieces of land. If we put in place appropriate policies in this country on how to deal with these historical injustices, I believe we can have a solution.

As the other Senators have stated, the British in that area own almost 60 per cent of Laikipia County. From Naivasha all the way to Gilgil, it is owned by the same people. I urge the Committee that will look into this matter to develop a policy as a country to deal with this matter and for us to compensate our people. At some level, we should also reclaim this land and allocate to our people.

The Speaker (Hon. Kingi): Sen. Kisang, please, proceed.

Sen. Kisang: Thank you Mr. Speaker, Sir. I wish to make comments on the Petition by the Senate Majority Leader.

Mr. Speaker, Sir, this is a countrywide issue. When the colonies came to Kenya, they looked for good fertile land across the country. They took over and chased our people away from their good land. There was a report that was done by the Truth Justice and Reconciliation Commission (TJRC). If that report could be implemented by this Government, I believe most of the issues that we are discussing today would be resolved. A lot of injustices have been done against the people of Rift Valley, Central Kenya---

(Loud Consultations)

The Speaker (Hon. Kingi): Sen. Cherarkey, Sen. M. Kajwang', Sen. Kavindu Muthama and Sen. Kinyua, kindly consult in low tones, so that we hear the good Senator making his contribution.

Sen. Kisang: Mr. Speaker, Sir, I need your protection from the Senators consulting loudly because most of them have already spoken. I do not know why they are consulting loudly.

The Truth, Justice and Reconciliation Commission of Kenya (TJRC) Report should be implemented because it will sort out most of these issues. The term of the leases is also very key. I know the British gave themselves long leases of 999 years. We need to review the leases, so that it cannot go beyond 99 years. As soon as the leases expire, as my colleague Sen. Cheptumo has said, the land should revert to the Government and the communities that they were taken from. The lands should be redistributed among the people whose land was taken away free of charge instead of the rich buying the land when the leases expire or they allocate themselves the land, while the poor continue to languish in poverty as the rich take the land.

Mr. Speaker, Sir, along the Coastal part of the country, there are many absentee landlords. The land is lying idle. People do not have title deeds and so they cannot borrow loans. We need to move with speed and rectify the injustices that have been done against our people.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238 (1), the Petition should be committed to the relevant Standing Committee for its consideration.

In this case, I direct that the Petition be committed to the Standing Committee on Justice, Legal Affairs and Human Rights, with latitude to have other Committees co-opted to this hearing, so that we can have a comprehensive consideration of this Petition.

In term of Standing Order No. 238 (2), the Committees require, in not more than 60 calendar days from the time of reading this prayer, to respond to the petitioner by way of report addressed to the petitioner and laid on the Table of the Senate.

I thank you.

Hon. Senators, I have a Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM CHRIST THE KING CATHEDRAL PRIMARY SCHOOL, BUNGOMA COUNTY

In the Public Gallery, we have 50 pupils, accompanied by seven teachers from Christ the King Cathedral Primary School in Bungoma County, who are in the Senate on an education tour.

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

I will allow Sen. Wafula to make brief welcoming remarks before we resume our usual Orders.

Sen. Wafula: Asante sana, Bw. Spika kwa kunitunuku nafasi hii kuwakaribisha vijana, mabinti ambao wako hapa kuja kujionea kwa macho ni Bunge lipi ambalo kijana wao mzawa huwakilisha. Vile vile, ni Bunge lipi ambamo ndugu yao Mhe. Sifuna hutunga sheria.

Watu wetu husema damu ni nzito japo tofauti za kisiasa. Sisi wote tumezaliwa Bungoma.

(Applause)

Bw. Spika, wanafunzi hawa ambao wamekaa hapa ndani ni miongoni mwa wanafunzi wenye tabia nzuri, heshima na ambao wamejipanga katika masomo yao.

Shule hii ya Christ the King ni shule ambayo mtihani uliokwisha hivi majuzi ilitoa mwanafunzi wa kwanza Kenya hii. Ndio kwa sababu tukasema chanda chema huvikwa pete. Leo hii wamekaa hapa kujionea kama jinsi mwanariadha shupavu alisema binadamu hatimiliki na hana kikomo. Yote yawezekana chini ya jua na juu ya ardhi.

Sisi viongozi wenu tunawapenda. Mkituona mjue yote yanawezekana. Tumetoka familia dogo chochole. Wazazi wetu hawakutambulika na yeyote lakini Mungu huyu halali. Machozi ya waja wake hayampiti hivi akitazama.

(Applause)

Wanafunzi, mjionee hapa wale ambao mnawaenzi kwenye vyombo vya habari. Tuko na Mhe. Spika Amason Kingi, msomi na wakili. Tuko na Mheshimiwa Bonny Khalwale, jirani pale nyumbani. Tuko na aliyekuwa gavana, Mhe. Mandago na wengine wengi.

Viongozi wanawake wako hapo wenye tajriba kubwa ambao kuja kwao hapa sio kwa kuvaa marinda ila yale yalio vichwani mwao. Sasa kuweni na imani kwamba Kenya hii ni yetu sote. Sisi kama viongozi tutahakikisha mnapata haki yenu. Tuliahidi masomo yatakuwa bure. Kama viongozi, tutasukuma Serikali ifanye jinsi tulikubaliana.

Walimu mlioko hapa, tumejadili maswala yenu. Nyinyi ni wachapa kazi ambao mnachapa kazi mkilia, mkiuliza mungu mlikosea nini? Hivi leo, katika Seneti hii tumejadili na tutaendelea kujadili maswala ya walimu Kenya hii.

Sasa msikate tamaa. Tunasababu ya kuishi na kuboresha Kenya. Muwe na Imani kwamba chini ya uongozi wa Mheshimiwa Jafason Kingi na viongozi wa Walio Wengi na Wachache na viongozi wa Kamati mbali, yote itawezekana.

Bw. Spika, sitaki kupita hapo, ili niwape wenzangu nafasi kujivunia wanafunzi kutoka Bungoma. Mkirudi Bungoma waambie tuko imara. Mnaona jinsi tunafanya kazi. Msijihurumie au kusema laiti mngejuwa. Semeni tungejuwa mapema yangepita mapema.

(Laughter)

Asante sana, Mungu awalinde.

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

Sen. Sifuna: Bw. Spika, mimi sio mtu wa kutishwa na lugha yeyote. Ninaweza kutoa Hoja zangu kwa lugha yeyote ambayo itamridhisha Kiongozi wa Walio Wengi. Ameniomba nitumie Kiswahili kwa sababu ndugu yangu, Seneta wa Bungoma, ana weledi wa lugha hiyo. Nitajaribu pia niweze kwenda katika nyayo zake.

Bw. Spika, wengi wanajuwa mimi ni mzaliwa wa Kaunti ya Bungoma. Wakati ya likizo ya Krismasi baada ya sisi kumaliza ile shughuli ambayo ulikuwa umetupa, na ndugu zetu wa Meru, chini ya uongozi wa Sen. (Dr.) Bonny Khalwale wa Kakamega, nilienda nyumbani ili kuona wazazi.

Wakati moja tumeenda katika kanisa la Christ the King ambalo ndio kanisa la babangu na mamangu. Katika sala za wakristo wa Kikatoliki, kuna wakati waumini wanapewa nafasi ya kusoma neno kabla muhubiri au *father* hajaubiri.

Siku hiyo ilikuwa zamu ya watoto watatu. Moja anaitwa Sandra Nelima, mwingine Valencia Matiro na Kevin Otieno kusoma kabla *Father* hajasoma somo la kwanza na la pili.

Niliridhika na kufurahishwa sana na jinsi watoto hawa walikuwa na uwezo wa kusoma Kiswahili kwa njia ambayo ilieleweka na waumini wote waliokuwa kanisani.

Niliwachekesha kidogo nikiwaambia kwamba jinsi walivyosoma siku hiyo kuna Maseneta wengi sana ndani ya Bunge hili ambao hawawezi kufikia kiwango hicho. Niliwaaahidi kwamba nitawaalika wajione wenyewe ili nisiwe kwamba nawaharibia wenzangu sifa.

Kwa huo wito, ningependa umpe fursa Seneta wa Kisumu Mheshimiwa Profesa na umwambie azungumze kwa lugha ya Kiswahili pekee ili tuone kama anaweza kufika kiwango cha hao vijana. Mpe fursa rafiki yangu Seneta wa Homa Bay ambaye husema 'Kiswahili sio mdomo chao' ili hawa madada zangu wadogo waamini sikuharibia wenzangu sifa.

(Laughter)

Ikizidi mpe Sen. Abass nafasi, yuko pale. Mtaona akiweka '*bahali yake.*'

Bw. Spika, ninashukuru sana kwa kunipa fursa hii kuwakaribisha ndugu zangu na dada zangu katika Bunge letu hili la Seneti. Ninaamini wamepata fursa ya kuona jinsi ambavyo tunaendesha mambo yetu hapa. Ninawapa moyo kwamba jinsi nilivyoondokea sehemu hizo kuwa Seneta wa Jiji Kuu la Nairobi, inawezekana kwamba wao wakitia hekima na fora katika masomo yao, watajipata hapa siku moja wakihutubia taifa tunavyofanya hapa.

Ninawatakia kila la heri. Safari njema mnaporudi nyumbani. Wasalamie wazazi wenu. Mimi ni mmoja wenu katika kanisa la Christ the King. Mnajuwa pia jumuiia yangu. Wasalimu wote na waambie ninawapenda.

Asante sana, Mungu awabariki.

The Speaker (Hon. Kingi): Thank you, Sen. Sifuna. What is your point of order, Sen. M. Kajwang'?

Sen. M. Kajwang: Bw. Spika, je, ni nidhamu kwa Seneta wa Nairobi kujifanya kama kinyonga katika Seneti hii? Amesema kuwa alizaliwa Bungoma na wiki iliopita tukiwa na 'Baba' kule Kakamega, alisema kuwa alizaliwa Kakamega. Juzi akitafuta kura

Nairobi, alisema kuwa alizaliwa Nairobi. Wiki tatu zilizopita tulikuwa Kisumu na alisema alizaliwa Kisumu.

Je, ni nidhamu kweli na tuko na hawa wanafunzi ambao wametoka Kaunti ya Bungoma, ambao wanatarajia kuwa hapa Bunge la Seneti watu wanasema ukweli mtupu? Seneta wa Kaunti ya Nairobi anajifanya kama tikitimaji na kwa wale ambao hawaelewi Kiswahili, tikitimaji ni *watermelon*.

Is it in order, Mr. Speaker, Sir?

The Speaker (Hon. Kingi): Waheshimiwa *Senators*, nafikiri tuyaachie pale yalipofika, kwa sababu tukiendelea tutatokea sehemu ambayo pengine hatujajitayarisha kufika.

Karani wa Bunge, *Next Order!*

PAPER LAID

REPORT ON THE FIRST HALF COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW FOR FY2022/2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 9th March, 2023.

Report by the Controller of Budget (CoB) on the First Half County Government Budget Implementation Review for financial year 2022/2023.

This is a very important document.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

STATEMENTS

The Speaker (Hon. Kingi): Sen. (Dr.) Murango, proceed.

Is Sen. (Dr.) Murango not here? The Statement is deferred.

Next Statement, Sen. Osotsi, please proceed.

(Sen. (Dr.) Murango spoke off record)

Senator, I called your name twice.

Sen. (Dr.) Murango: Mr. Speaker, Sir, I think the Senate Majority Leader was speaking and I could not hear. He confused me.

The Speaker (Hon. Kingi): *Senators*, you need to be attentive because once we call your Statement and you do not respond, we are going to defer it. Let us be attentive. Before we proceed with the Statements under Standing Order No. 53(1), Senate Majority Leader, you have your weekly Statement to make. Could you make that Statement now before we move to Statements under Standing Order No. 53(1).

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 14TH MARCH 2023

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 57(1), I hereby present the business of the Senate for the week commencing Tuesday, 14th March, 2023.

Mr. Speaker Sir, the status of legislative business as at today is 16 Bills, which are at the Second Reading stage. Three of these Bills are scheduled in today's Order Paper at Order No.11, 12 and 13, while the remaining 13 Bills have been referred to respective Standing Committees for consideration pursuant to Standing Order No.145. The Senate Business Committee will schedule these Bills for Second Reading upon completion of the 30-day period for the committees to consider Bills. However, in the event that a Standing Committee tables a report earlier than the stipulated timeline, the Senate Business Committee will prioritize such Bill for Second Reading.

Four other Bills are at the concurrence stage pursuant to Article 110(3) of the Constitution and will be scheduled for First Reading upon the completion of this process. At this juncture, I urge respective Standing Committees to expeditiously consider Bills referred to them and table reports pursuant to Standing Order No.148 soon enough. Nine Bills will mature for the Second Reading stage and it would be useful for this House to consider these Bills with the benefit of a report tabled from the concerned committees.

I take this opportunity to urge the respective Movers to be available in the Chamber whenever their Bills are scheduled on the Order Paper. This will ensure that the legislative agenda of the House stays on track and on course and that the transition to the next stage is seamless.

On this matter, I also urge hon. Senators to be available in the House to undertake Divisions on Bills in a timely manner and have them referred to the National Assembly. As you will observe in today's Order Paper, the Senate is lagging behind on Divisions at Orders No.9, 10 and 11. I cannot make this any more succinct. Take individual responsibility and turn up to vote.

Mr. Speaker Sir, with respect to Petitions, the Senate has received seven Petitions, which have been committed to the respective committees pursuant to Standing Order 238(1). I continue to urge respective committees to consider these Petitions expeditiously and to table reports within the required 60-day period.

Statements continue to be a useful oversight tool and numerous have been sought pursuant to Standing Order 53 as well as those made pursuant to Standing Order 52(1). I encourage Senators and indeed respective Standing committees, to identify gaps and grey-areas in considering Statements, and to develop legislative interventions to address these challenges.

Mr. Speaker Sir, in conclusion, on Tuesday, 14th March, 2023, the Senate Business Committee will consider and approve the business for the day. This will contain business that will not be concluded from today's Order Paper and any other business scheduled by the Senate Business Committee.

The Order Paper for Wednesday, 15th March, 2023 and for Thursday, 16th March, 2023, will contain business that will not be concluded on Tuesday, 14th and on Wednesday, 15th March, 2023, respectively. The Senate Business Committee will also schedule any other business as well as Petitions and Statements pursuant to the Standing Orders.

I thank you and hereby lay the Statement on the Table of the Senate

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

The Speaker (Hon. Kingi): Sen. (Dr.) Murango proceed.

STATUS OF INVESTIGATIONS INTO THE DEATH OF
KENNEDY NJOROGI AND NDUNG’U NJOROGI IN MWEA SUB-COUNTY

Sen. (Dr.) Murango: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the status of investigations into the death of Mr. Kennedy Njoroge and Mr. Ndung’u Njoroge in Mwea Subcounty.

In the Statement, the Committee should -

(1) Inform the Senate of the circumstances leading to the deaths of the two brothers; Mr. Kennedy Njoroge and Mr. Ndung’u Njoroge, that occurred in Mwea Sub-County on 14th February, 2023.

(2) Appraise the senate of the state of investigations into the deaths of the two brothers, stating how many suspects have been arrested and when they will be arraigned in court to face charges.

(3) Explain why the Government failed to provide security during the burial of the two victims at Kiamanyeki Village, which was disrupted by local residents and mourners who carted away caskets containing the bodies of the two brothers and dumped the caskets at the local police station in protest over the killings.

(4) Outline measures, if any, the Ministry of Interior and National Administration has taken to address the rising tensions at the Embu/Kirinyaga border where the deaths occurred.

I thank you.

The Speaker (Hon. Kingi): Sen. Beth Syengo and Sen. Maanzo, I can see you on the queue. Therefore, should I assume you want to contribute to this? Could you then, please, move from the queue? Thank you.

Proceed, Sen. Kibwana.

THE PREVALENCE OF HYPEREMESIS GRAVIDARUM

Sen. Okenyuri: Mr. Speaker, Sir, on behalf of Sen. Kibwana, I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Health on the

prevalence of hyperemesis gravidarum (HG), a condition characterized by severe nausea, vomiting, weight loss and electrolyte disturbance in pregnant women in Kenya.

In the Statement, the Committee should -

(1) Apprise the senate on the relatively high prevalence of hyperemesis gravidarum (HG) in Kenya, compared to other countries regionally and globally.

(2) State measures if any being taken by the Ministry of Health (MoH) to ensure that health care providers are efficient in diagnosing and treating Hyperemesis Gravidarum (HG) in pregnant women.

(3) Outline specific programs or initiatives put in place by the MoH to address the needs of pregnant women suffering from HG such as providing access to specialized care or financial support, counseling or mental health services to address the psychological toll of the condition.

(4) Outline the current standard of care for managing HG with end plans for revision in light of new research or treatment options, stating measures in any to collaborate with international organizations or researchers to advance the study on HG in the Kenyan context or to learn from the experiences of other countries facing similar challenges.

(5) Outline efforts underway to raise awareness about HG among public in encouraging pregnant women to seek medical help if they are experiencing symptoms that are common with the condition.

(6) Outline plans if any to address the potential impact of HG on maternal and fetal health outcomes in Kenya, providing the data being collected to track these outcomes.

She had two Statements.

REPORTS OF RAMPANT SEXUAL ABUSE IN PLANTATIONS
OWNED BY JAMES FINLAY (KENYA) LIMITED IN
KERICHO AND BOMET COUNTIES

Sen. Okenyuri: Mr. Speaker Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Labor and Social Welfare on reports Sexual Abuse in Plantations Owned by James Finlay (Kenya) Limited in Kericho and Bomet Counties.

In the Statement, the Committee should-

(1) State steps taken by the Ministry of Labour and Social Protection to address the issue of rampant sexual harassment and abuse of workers at plantations owned by James Finlay (Kenya) Limited in Kericho and Bomet Counties once and for all.

(2) Cause an investigation into the conduct of the management of the Tea Company in view of the reports, outlining steps taken to punish the culprits and bring relief and compensation to the women affected.

(3) Outline regulatory or legal measures that will be implemented to protect workers in Kenya's tea industry from sexual harassment and exploitation as well as methods for enforcing these measures.

(4) State any existing industry standards or codes of conduct that address the issue of sexual harassment in the Kenya tea industry and explain their effectiveness and finally.

(5) Outline any available support for survivors of sexual harassment and abuse and indicate the steps taken to raise awareness about its availability and accessibility to victims.

The Speaker (Hon. Kingi): Have you read both Statements, Sen. Okenyuri?

Sen. Okenyuri: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. Sen. Olekina, I can see you on the queue. Do you want to contribute to the ---

(Sen. Olekina spoke off record)

Then, just move out of the queue. You are on my Order Papers. So, move from the queue.

Sen. Mwaruma? Sen. Mundigi?

THE STATUS OF OLDER PERSONS CASH TRANSFER PROGRAMME IN EMBU COUNTY

Sen. Munyi Mundigi: Mr. 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 of the Older Persons Cash Transfer Programme (OPCT) in Embu County.

In the Statement, the Committee should-

(1) Provide the Senate with the current number of registered beneficiaries of the Older Persons Cash Transfer (OPCT) Programme in Embu County.

(2) State measures that have been put in place by the Government, if any, to ensure there is the vetting of caregivers to minimize disputes currently being experienced.

(3) Provide accurate data on the number of Jamii Mobilization Centres in Embu County, outlining the steps being taken to sensitize the Public on the activities of the Centres.

(4) Table a report on the status of NHIF cover for the older persons under Inua Jamii Programme in Embu County.

(5) Provide information on the status of compensation of the 16 victims that died in an accident along Gangara-Siakago Road on 16th November, 2021, most of whom were elderly persons going to receive their OPCT funds.

NATIONAL POWER OUTAGE THAT OCCURRED ON SATURDAY, 4TH MARCH, 2023

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Energy regarding the National Power outage that occurred on Saturday, 4th March 2023.

In the Statement, the Committee should-

(1) Explain reasons for the long duration taken to restore power and outline measures put in place by the Kenya Power and Lighting Company (KPLC), if any, to mitigate system disturbance in the future.

(2) Provide the measures put in place by the Government to ensure the protection of Kenyans from the security threats posed by lengthy power outages.

(3) Outline plans by KPLC, if any, to compensate customers who may have suffered losses such as damage to domestic appliances and industrial/hospital machines as a result of such outages.

(4) State whether the KPLC has any plans to provide incentives to the manufacturers and industries that are heavy power consumers.

The Speaker (Hon. Kingi): Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise to support the second Statement by Senator for Embu County on the Standing Committee on Energy regarding the national power outage that occurred on Saturday, 4th March, 2023.

It was very unfortunate. The last time there was a national outage, we were told that a monkey had stepped on one of the transformers in the country. Many hospitals were affected. You were in the Chamber yesterday when we were discussing a hospital in Mombasa where power was cut off by Kenya Power Company.

I think that there should be proper reforms in Kenya Power, to ensure the reliability of electricity. We do not want to be like South Africa where there is unreliability of electricity or Nigeria where you the only noise one hears is of generators. In all those challenges, we need to be told what happened.

I would have expected Kenya Power, through the Ministry of Energy, to give us a comprehensive statement on what happened. Many businesses were destroyed, and many lives might have been lost. I am told in Machakos Hospital - and Sen. Kavindu Muthama can verify this- a number of lives were lost. This is a very serious issue especially when you have small hospitals where that do not have standby generators.

Therefore, somebody must be sued or taken to court for criminal negligence because deaths occurred. This was economic sabotage unless Kenya Power issues a comprehensive report and mitigating reasons as to why there was a national outage.

Mr. Speaker, Sir, I thank and support Sen. Munyi Mundigi for bringing this Statement. I hope the Committee led by Sen. Wamatinga of Nyeri County, will come up with a serious way forward on the issue of consistency.

The Kenya Power should improve. I do not know what they need to do because the moment it rains in this country; power just goes off. It behaves in the same way we take our clothes off from drying lines. We need to be told what is happening in Kenya Power. They should tell the country if they need modern equipment to ensure that when it rains, power does not go off. I think there is enough money to ensure they get modern equipment.

With those many remarks, I congratulate Sen. Munyi Mundigi. I wish this matter is resolved as soon as possible.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. For a long time, Kenya Power has never taken seriously the issue of power outages. Sometimes there is no notice and then power goes off. You could be having newborns in nurseries and a certain hospital may not have back-up systems or the systems may fail. Not every Kenyan citizen can afford backup systems and food in the fridge ends up going bad. Many Kenyans then suffer huge damages. If there is an outage, institutions like ourselves or any other which consume food that has been stored, suffer wastage.

Kenyans have not pursued Kenya Power or sued them. There are outages and yet, they have increased the cost of electricity in the country without explanation. This is a matter that must be taken more seriously than ever before.

Probably, the Kenyan community should now become litigants. There should be a massive suit for property lost during outages. At times, the power comes back with such high voltage. It then massively damages electronic equipment in many places and yet, this is still not taken seriously.

Kenyans should be treated to power supply, which does not go off. It happens in other parts of the world. It can be done.

What is happening with our engineers is criminal negligence. The person bearing the biggest responsibility in this institution, should be prosecuted – either by the Director of Public Prosecution (DPP) or privately – for such criminal negligence, which amounts to loss of property and lives. Especially for loss of life, I believe a good criminal case will result in responsible officers, stepping aside from their duties until the trial is over.

I congratulate the Senator for Embu County for such initiative. He is very familiar with matters Kenya Power for he once generated power.

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the good Senator for Embu County, Sen. Munyi Mundigi.

On this issue of power outages in this country, Kenyans ought to know that they have a right to sue Kenya Power for damages. The contribution made by my good friend, the Senator for Makueni County, is something that happens to each one of us. It is only a few Kenyans who are in the know, that have sued Kenya Power and have been subsequently compensated for damage on their electronics.

I am a Member of the Committee on Energy. When this matter comes before us, I would like us to carry out a survey on how many Kenyans have lost expensive electronics because of power outages.

I do not understand why we cannot allow mini-grids to exist in this country. It is impossible for one company that has monopoly, to supply adequate power across the entire county, while we continue experiencing outages. About three days ago, the entire country suffered blackout. Many things such as refrigerated food went bad.

One thing that Kenyans do not know is that even the stomach problems that we have, is because of the fluctuation of temperatures in the refrigerators. When food is

frozen and then an electricity outage comes and lasts six or seven hours, the bacteria in that food will react differently when the food is refrozen.

Mr. Speaker, Sir, there are serious consequences. Some are unintended, while others end up being intended because how do you just put out electricity without giving adequate notice?

I support this Statement. I hope that we can be serious this time round and sue Kenya Power to compensate Kenyans. Maybe, this is a policy issue that all of us have to sit down and realign ourselves into this new thinking.

Let us allow counties that can generate their own power, to distribute it too. Why is it that we cannot contract Narok County, which has a sugar mill that produces a lot of bagasse, which can be used to produce electricity? This issue of feed-in, feed-out tariffs has to be looked into in a broader way. If we do that, we can encourage creativity and Kenyans can enjoy uninterrupted electricity supply.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Beth Syengo.

Sen. Beth Syengo: Asante Bw. Spika. Leo tunakienzi Kiswahili. Ninasimama kuunga mkono Taarifa ya Sen. Munyi Mundigi. Hakika, Wakenya wanaumia sana kwa sababu ya stima. Wananchi wanalipa ili wapate umeme kwa matumizi yao ya nyumbani, viwandani na hata katika biashara zao. Basi stima inapokatwa au kupotea, wananchi wanaumia sana.

Siku hizi, Kampuni ya Kusambaza Umeme Nchini haiieleweki kabisa. Wanasababisha mateso kwa wananchi badala ya kuwa msaada kwao.

Kwa hivyo, Taarifa hii itakapofikia Kamati ya Huduma ya Nishati, inafaa waishugulikie kwa makini sana. Wakifanya hivyo, watasaidia Kaunti ya Embu na zinginezo nchini.

The Speaker (Hon. Kingi): Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Asante Bw. Spika. Na mimi pia wacha nizungumze Kiswahili kwa maana Sen. Wafula alikitanguliza kama lugha ya kuendeleza majadiliano yetu hivi leo.

Bw. Spika ninasimama kuunga mkono Taarifa ya Sen. Munyi Mundigi, kuhusu ukosefu wa usambazaji umeme kwa muda mrefu. Kamati husika itakaposhughulikia Taarifa hii, ikiwezekana, waangalie jinsi tunaweza kupata kampuni zingine za kusambaza umeme.

Ikiwa ni kampuni moja tu ndio itaendelea kusambaza nguvu za umeme, basi huenda shida hizi zitaendelea kuwa nasi kwa muda mrefu. Kwa hivyo, ikiwezekana, sheria inayoipa kampuni hii haki ya kipekee ya kuuza stima, ifunguliwe.

Bw. Spika, katika historia ya biashara, huduma huwa bora zaidi kunapokuwa na washindani. Kwa hivyo, ninapendekeza pawe na wengine ambao watashindana na kampuni ya Kusambaza Umeme Nchini.

Vile vile, hata kama haihusu kule kukatika kwa nguvu za umeme siku hiyo, tumeona ukitaka kuwa mteja wa kampuni hiyo, lazima uwabembeleze. Hiyo ni shida ambayo pia itatatuliwa ikiwa kampuni nyingine ama zingine zitapatiwa leseni ya kuwa na uwezo wa kutupatia nguvu za umeme.

Kwa hiyo, naunga mkono Taarifa hii. Sen. Munyi Mundigi, asante kwa kushugulikia na kufikiria Wakenwya.

Asante, Bw. Spika kwa kunipa fursa hii.

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

Sen. Kinyua: Bw. Spika, nasimama kuunga mkono Taarifa hii iliyoletwa na Seneta wa kutoka Embu.

Shida kubwa ilioko kulingana na vile nimesikia ni kwa sababu ya ukiritimba. Unapata ya kwamba Shirika la Nguvu za umeme, *Kenya Power*, ndio wenye jukumu ya kusambaza nguvu za umeme katika nchi yetu ya Kenya. Kwa hivyo, wanafanya mambo kiholela vile ambavyo hawapaswi kufanya bila kuwa na mtu mwingine aliyekatika hali ya mashindano nao.

Kwa hivyo, naomba Kamati ya Kawi ambayo inaongozwa na Sen. Wamatinga, waweze kujizatiti na kuwauliza maswali magumu. Tunafaa kuwa na kampuni zingine ambazo zinaweza kuchukua fursa ile na kusambaza nguvu za umeme ili kuwe na hali ya ushindani na hawa ndugu zetu wa *Kenya Power*. Kampuni ya *Kenya Power* wako pekee yao, ndiposa kunakuwa na hiyo shida ya ukiritimba na unapata wanagandamiza Wakenya. Kama vile viongozi wengine walivyoongea wamesema, vitu vinaharibika wakati vimewekwa kwenye majokofu. Watu wanapata shida wakiwa hospitalini na hakuna fidia yoyote Shirika la Nguvu za Umeme inawapatia Wakenya.

Kwa hivyo, ningepomba Mwenyekiti kwa sababu yuko hapa na ninamjua yeye ni mchapa kazi, sina shaka rohoni atalishughulikia jambo hilo kwa hali ya dharura na atatupatia jawabu la kuduma badala ya sisi kila wakati kuongea haya mambo ya hawa ndugu zetu wa *Kenya Power*. Ni kanakwamba wamekuwa ni kama sikio la kufa ambalo halisikii dawa wala mtekamaji msikitini.

Asante, Bw. Spika.

(Laughter)

The Speaker (Hon. Kingi): Naona Kiswahili leo kimetanda kila sehemu.

Proceed, Sen. Cheptumo.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the Senator for Embu County. This issue of *Kenya Power* and blackouts in this country has continued to be a big challenge to our investors even to our homes. Kenyans pay a lot of money in terms of bills for electricity.

What surprises me is the fact that as much as we pay substantially for the electricity bill, they are still not able to put in place measures to ensure that this situation, which arose on Saturday, should not happen again in this country.

Mr. Speaker, Sir, in Baringo, there are specific days that we experience blackouts. The Kenya Power claims that there is a certain line, which gets a lot of disruption all the time. It is important that the Committee handling this matter invites the management of the Kenya Power to appear before the Committee and explain why this situation keeps on arising in our country.

We are talking about a country that wants to do serious investments. However, that cannot happen when we have this kind of situation. Industries continue to suffer and

we continue to be a country that does not have the potential to have power supplied in our industries and homes. It is very embarrassing that a country like ours can have this kind of a situation.

As we look at the supply of power in our country, the alternative sources of power like solar should be encouraged in our country. This is so that we minimize these situations in future. I support this Statement because that not just a problem in Embu County. It is a problem in the entire country. We have a responsible Cabinet Secretary (CS) in charge of this Ministry and he understands this. I believe that if the Ministry budgets and puts more money in this department, we should resolve the situation.

I support and thank my colleague for this Statement.

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

Sen. Onyonka: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this discussion.

I have listened to my colleagues discuss this matter and I was fortunate enough to have been in the National Assembly with you 15 years ago when this issue was discussed. If you can remember, we discussed the same thing.

We discussed how Kenya Power is basically a monopoly, how it has got cartels that have been controlling how it is managed, how they have transformers that are supplied either from China or India depending on who tenderpreneur who earned the tender. We have the transformers being brought, and normally, they are defective. At that time, we were discussing why Kenya as a country cannot set up even an industrial complex which manufactures transformers for the supply of electricity in our county, leave alone the wiring.

Mr. Speaker, Sir, year after year, Kenya Power has had managing directors who have served. Some of them have pilfered money from Kenya Power and no prosecutions take place and so on.

The other issue that I would like to inform colleagues is that the reason why at one time I was with the Committee on Delegated Legislation and my Chair is here. We were discussing the issue of how did we as a country allow private individuals to become independent power producers, who are using diesel which then they take this power and sell to the national grid.

The same people who are the ones who have been selling electricity expensively to the national grid are the ones who control Kenya Electricity Generating Company (KenGen). They are the ones who do not want to have us in this House come up with legislation that is going to make it easy for us to take solar energy which is cheape so that, we can then sell that power to the national grid and make sure that Kenyans have cheap electricity.

I believe the people who stand and sit in this House are more intelligent, determined and engaged in trying to solve the problems of this country. I really hope that when the time comes for us to discuss how to solve the issues with Kenya Power and the supply of power generally in our country, leave alone electricity, we will sort out that issue.

Mr. Speaker, Sir, I hope that we will be able to rationalize the argument about why our power is the most expensive in East and Central Africa Region.

I have heard one of my senior Members here, Sen. (Dr.) Khalwale, say, that no companies want to invest in Kenya because our power is twice what it is in Ethiopia, Uganda and Tanzania.

I hope when the time comes, in this House, we will be more engaged and committed to permanently and, for the first time, be able to solve the problem of expensive power supply in our beautiful country.

The Speaker (Hon. Kingi): Sen. Chesang, you may proceed.

Sen. Chesang: Thank you, Mr. Speaker Sir, for giving me this opportunity to make my contribution.

I rise to support this Statement and what my colleagues have said. We need to change our old school generators to new technologies such as solar and green energy so that we can lower the cost of electricity in this country.

Apart from the high cost of electricity that we face in Kenya, many Kenyans suffer a challenge. When they are moving from house to house, they cannot move with their tokens.

As the Chairperson of the Senate Standing Committee on Information and Communication Technology, I would like the Government to procure new technologies such that new meters, so that Kenyans are able to move with their tokens from one house to the other.

I know many youths give notice to move houses, but when the time comes, they feel pain when they leave their tokens in their old houses.

The Speaker (Hon. Kingi): Sen. Kisang, you have the Floor.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I thank Sen. Mundigi for bringing this Statement. I do not know where my Chairperson is. I am the Vice Chairperson of the Senate Standing Committee on Energy.

As a Committee, we have raised these issues. We report to the House that tomorrow we are meeting Kenya Power to give us reasons we have been having blackouts. We have used a lot of resources to generate renewable energy, Solar. We have also done hydro and wind power.

Therefore, I promise that we will get the proper reasons these issues arose. We will also discuss with the Government. I believe they need to invest more in the lines because they have an issue.

When I was in the National Assembly in the last Parliament, we used to have resources to connect power from Turkwel towards Kitale. There was also one from Narok towards Kisii. However, every time, the budget used to be cut by the National Treasury.

So, I believe this could be one of the reasons why we are having recurrent blackouts in the country. It was unfortunate that last Saturday, we did not have power for almost 24 hours. Some people could have lost their lives as our colleagues have said.

There were issues in Mombasa General Hospital, Machakos and many others that have not been reported. So, as soon as the Statement come to our Committee---

My Chairman has come back; I hope you will give him an opportunity. I have said that tomorrow we will meet with the energy sector to give us reasons we are having these recurrent issues.

The Speaker (Hon. Kingi): Sen. Thang'wa, you have the Floor.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise to add weight and of course, support the Statement by my good friend, Sen. Mundigi.

As I look at my phone here, I want to bring to the attention of this House that the issue of electricity is being debated here not one---

(Sen. Cheruiyot stood in his place and proceeded to consult Sen. (Dr.) Khalwale)

The Speaker (Hon. Kingi): Senate Majority Leader! I am addressing you. Read Standing Order No.117 (2) which states that-

“No Senator shall pass between the Chair and any Senator who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the Administration of Oath or Affirmation of Office.”

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, my apologies.

The Speaker (Hon. Kingi): So, if you have to move to the other side, you may have to use the longer route to get to Sen. (Dr.) Khalwale.

Proceed, Sen. Thang'wa.

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. The issue of Kenya Power and electricity has been discussed here not once, not twice.

That is why I want to bring to the attention of the Senate Standing Committee on Energy that is led by Sen. Wamatinga of Nyeri; that as they scrutinize or look into the issues of electricity, as they investigate, kindly have with you the President's Address to the Joint Parliament Sitting that happened sometime in September of last year.

I want to quote what he said about electricity. “Concerning electricity, we shall facilitate the development of innovative and effective modalities to provide better off-grid systems, including enabling consumers to form small cooperatives for that purpose.”

Mr. Speaker, Sir, the answer is here. The way to beat Kenya Power and get away from the problems it has brought to us, is to enable consumers to form small cooperatives, so that they can generate their own power through streams or rivers around them and other innovative ways.

I believe in the young people of this nation. This Senate is calling upon you, to come up with innovative ideas on how to generate power. This is because the President said that they are working on a framework or policy to make sure that you are able to generate power.

(Sen. Kinyua stood in his place to consult with Sen. Cheruiyot and Sen. Tabitha Mutinda)

The Speaker (Hon. Kingi): Sen. Kinyua!

Sen. Thang'wa, just give me a minute.

Members, we need to acquaint ourselves with Standing Order No.117 (2), where you cannot come or walk in between a Senator speaking and the Chair. Likewise, on the same Standing Order, because I have seen it here, you cannot come between the Chair and the Table like, Sen. Olekina and Sen. Cherarkey, did a while ago. For the orderly transaction of Business, let us stick to our Standing Orders.

Proceed, Sen. Thang'wa.

Sen. Thang'wa: Mr. Speaker, Sir, I think Kenya Power has the same problems. To cure all that, I suggest the Chairman of the Senate Standing Committee on Energy to look into that specific clause from the speech of the President because the cure is here.

The Speaker (Hon. Kingi): Sen. Wanatinga, you may proceed.

Sen. Wamatinga: Mr. Speaker, Sir, in this session and Statement, my name has been mentioned quite a number of times. I acknowledge that the Standing Committee on Energy, which I chair, has the full mandate, capacity and the will power to look at this issue of high electricity bills and power outages.

I say that confidently because, Sen. Olekina, sits in that Committee with me. He was there previously and he has the experience. He knows what they omitted to do last time. He knows that they were taken hostage by the former regime. Now, that we have the political goodwill, I assure you that we will get to the bottom of this.

Sen. Thang'wa has referred to the speech by the President when he addressed a Joint Sitting of the Houses of Parliament. This Committee is conversant with the speech of the President and the will power that he is bringing on the table. We know the problems that have faced the power suppliers in this country. We are prepared to address them head on, so that we can get a long-lasting solution.

However, I must also say, as we have discussed previously in the Statement on the resettlement of people whose land was taken, it is indeed unfortunate that this country has been taken hostage by a few individuals who continue to oppress Kenyans. It is high time we freed Kenya from the shackles of these oppressors.

We have around nine people in this country who have taken everything from the banks to insurance companies, to power control, to coffee control, milk control and tea control. I promise this House that Sen. Wamatinga, the Chair of the Committee on Energy will take them head on. I know with the support of Sen. Olekina, who is also as fearless as I am, we will dismantle these cartels and ensure that the cost of power gets where it is supposed to be affordable.

Mr. Speaker, Sir, we are also aware that without lowering the cost of power, we will never industrialise this country. That is why we must do what it takes to ensure that the cost of power is not only affordable but also reliable.

The Speaker (Hon. Kingi): Sen. Githuku, please proceed.

Sen. Githuku: Asante Bw. Spika kwa kunipa fursa hii niweze pia kuchangia katika mjadala huu ambao umeletwa na Seneta wa Kaunti wa Embu, Sen. Munyi Mundigi kuhusiana na mambo ya umeme.

Ningependa kusema kwamba nataka kuunga mkono maneno ambayo amesema ya kwamba ni muhimu sana Kenya Power waweze kujukumika katika mambo ya kuleta umeme katika Jamhuri yetu ya Kenya.

Bw. Spika, umeme ni jambo ambalo ni muhimu sana katika ukuzi wa uchumi wa Jamhuri ya Kenya. Tunapoendelea kupatwa na majanga ya ukosefu wa umeme katika sehemu mbalimbali za Jamhuri ya Kenya, unaona kwamba kunazoroteka zaidi katika upande wa maendeleo ikizingatiwa pia kwamba hospitali zetu zinahitaji umeme kila siku.

Mimi nikiongelea kuhusu Kaunti yangu ya Lamu, niko na kisiwa ambacho kinaitwa Faza. Faza ni kisiwa ambacho sana sana wakaazi wa pale wanategemea uvuvi. Wakati ambapo stima inakosekana kama vile sasa, muda wa mwezi mmoja, Faza imekosa stima. Wale wavuvi ambao kitega uchumi chao ni kuvua, lazima waweze kuwa na barafu ambayo inawasaidia katika kuhifadhi zile samaki zao. Wakati ambapo umeme unakosekana katika ile sehemu ya Lamu ama kisiwa cha Lamu, inakuwa shida kubwa sana.

Tumekuwa na janga hilo katika muda wa mwezi mmoja. Nataka nichukue *head on* kama vile Sen. Wamatinga ameweza kusema kwamba hili Shirika la Kenya Power linafaa lichukuliwe *head on* kuona kwamba wakati wowote limeweza kujukumika katika mambo ya kulipia watu fidia wakati ambapo wanasababisha hasara kubwa kwenye uchumi wa watu wetu.

Bw. Spika, Kisiwa cha Faza ni sehemu ambayo mpaka sasa, haijakuwa connected na *national grid*. Wanatumia jenereta kuweza kuleta stima katika ile sehemu. Ni jambo la kusikitisha kuona kwamba watu wangu wa Lamu wamebaki nyuma kwa muda mrefu. Ndiposa saa hii, ningetaka kusema kwamba serikali inafaa ijukumike Zaidi ione pia kwamba imeweza kuconnect Lamu na *national grid* ili wakati wowote, stima iwe ikipatikana mahali pale. Hii ni kwa sababu watu wangu wanapotumia jenereta, inakuwa pia ni shida kuvukisha ile mafuta ama dizeli ambayo inatumika kuendesha ile jenereta katika ile sehemu.

Bw. Spika, naunga mkono.

The Speaker (Hon. Kingi): Sen. Cherarkey, please, proceed with your Statement.

Sen. Cherarkey: Mr. Speaker, Sir, I have two Statements under Standing Order Nos.52 and 53. I need your guidance.

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

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

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

Sen. Kinyua: Mr. Speaker, Sir, I am standing under Standing Order No.1, under which you have power to rearrange the Orders in the Order Paper.

The Speaker (Hon. Kingi): Sen. Kinyua, I will get there. Let us finish up with this Order so that we do not have to come back to it. We will rearrange the Order Paper after this Order. It is neater that way.

Sen. Kinyua: Okay.

The Speaker (Hon. Kingi): Sen. Cherarkey, please, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I needed your guidance, since I have a Statement under Standing Order No.52 (1) and another one under Standing Order No.53 (1).

The Speaker (Hon. Kingi): Read both of them.

THE REMUNERATION OF VILLAGE ELDERS
/NYUMBA KUMI OFFICIALS

Sen. Cherarkey: Okay. Let me start with the Renumeration of village elders or *Nyumba Kumi* officials.

Mr. Speaker, Sir, I rise, pursuant to Standing Order 53 (1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the issue of remuneration of Village Elders/*Nyumba Kumi* officials.

In the Statement, the Committee should -

(1) State the total number of Village Elders/*Nyumba Kumi* officials currently being engaged by the Government and explain the terms of service of the said officials.

(2) State the amount set aside in the national budgetary allocation for remuneration of the Village Elders/*Nyumba Kumi* officials to be provided to the House.

(3) State the mode of payment considered by the National Government to be the best for disbursement of remuneration to these officials of *Nyumba Kumi* and village elders /officials.

PARLIAMENTARY CAUCUS ON
OPEN GOVERNMENT PARTNERSHIP

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on the Parliamentary Caucus on Open Government Partnership (OGP). The OGP is a global multilateral initiative that brings together 78-member countries and 78 local governments to promote transparency, participatory inclusive an accountable governance.

Member states participate in the partnership by way of submitting two-year action plans with county commitments or country commitments to achieve within the period of action plan.

Mr. Speaker, Sir, Kenya became a Member of OGP in 2011 and has so far implemented three national action plans and is currently implementing its fourth national action plan for the period of 2020/2022, which is terminating at the end of this year 2023. Owing to the elections and transition in Government, Kenya was granted a year's extension to conclude the implementation of the National Action Plan (NAP) as some of the activities are pegged to legislative action by Parliament and approval by certain policies by the cabinet of the Republic of Kenya.

Kenya is also a Member of the global steering committee for the period 2022 to 2023, which was then chaired by the then Deputy President and the current President of the Republic of Kenya, Dr. William Ruto.

As a Member of the Partnership and Global steering committee, Kenya is contributing to the partnership collective effort to tackle global issues related to inclusive recovery from the pandemic hence strengthening the critical strain healthcare systems,

address the global economic recession and social inequalities to save lives and livelihoods and to protect democratic institutions.

Mr. Speaker, Sir, Kenya National Action Plan activities are designed to institutionalise open Government and build greater resilience of OGP to withstand future political transitions, economic shocks among other instabilities in the region and in the world, therefore, ensuring the sustainability of the open governance discourse commitment in the action plan to include-

- (1) Beneficial ownership transparency.
- (2) Open contracting.
- (3) Open data for development.
- (4) Public participation and legislative openness.
- (5) Improving public service delivery performance.
- (6) Access to information.
- (7) Access to justice.
- (8) Building open government resilience.

Mr. Speaker, Sir, as a Senate, we are a strategic partner in the Open Government discourse. The Senate is the lead institution for the Parliament in the implementation of Commitment Number Four on Public Participation and Legislative Openness.

One of the key milestones under the commitment in the enactment of legal framework on public participation under the public participation Bill is ongoing. This issue is long overdue. I urge the sponsor of the Bill to expedite its drafting. Once it is before the Senate, it will be prioritized.

Further, I urge the co-sponsorship framework envisioned in our Standing Orders be applied in this case of public participation Bill. This notwithstanding, it is worth noting that Parliament in its power to legislate and allocate resources plays a key role in supporting Open Governance reforms. Legislation and budgetary resources help to ensure that the executive branch of all Open Government Partnership (OGP) commitments are sustainable and effective, if implemented.

A proactive stance by Parliament in this case will ensure the institutionalization and effective implementation of Open Government commitments.

Finally, as the ambassador for OGP in the Senate, I take this opportunity to inform hon. Senators that with the Rt. Hon. Speakers' blessings, yourself Hon. Amason Jeffa Kingi and National Assembly Speaker Moses Masika Wetangula, we shall be launching the Parliamentary caucus on OGP on Thursday, 16th March, 2023 from 8.00 a.m. to 10.00 a.m. in the Main Parliament Buildings.

I, therefore, take this opportunity to invite all of you to attend that launch. Any hon. Senators who are interested in joining that caucus are invited to join that day. I thank you for this indulgence.

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

SUPPLY AND DELIVERY OF EARTH
MOVING MACHINES

Sen. Olekina: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the County Public Accounts Committee concerning two tenders for the Narok County Government for the supply and delivery of earth moving equipment - tender No. NCG/OT//2022-2023 and tender No. NCG/MACHINE/REPAIR/001/2022-2023.

In the Statement, the Committee should address the following-

(1) The procurement process, which the County Government of Narok took in awarding the two tenders amounting to Kshs1.6 billion;

(2) The extent to which the County Government complied with the requirements set out in the Public Procurement and Assets Disposal Act in the two tenders;

(3) Provide information, if any, of complaints made by a number of bidders in relation to the tender/tenders, to Public Procurement Regulatory Authority and action taken thereon.

I thank you.

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

ADJUSTMENT TO THE PROPOSED RECURRENT CEILINGS

Sen. Kinyua: Mr. Speaker, Sir, I rise, pursuant to Standing Order 52(1) to make a Statement on an issue of countywide concern regarding an appeal by the Laikipia County Assembly for adjustment of the proposed recurrent ceiling.

Mr. Speaker, Sir, I am in receipt of a request by the County Assembly of Laikipia that the Senate considers adjusting the recurrent ceiling as proposed by Commission on Revenue Allocation (CRA) from Kshs507,677,108 to Kshs541,636,185.64.

This request has been necessitated by the fact that the County Assembly has constructed a total of 15 ward offices for elected Members of the County Assembly (MCAs). The Clerk of the County Assembly has even provided a detailed report that explains the nature of expenses necessary for the proper running of the affairs of the county.

Mr. Speaker, Sir, these offices, which are now assets/properties of the County Assembly of Laikipia, will enable the MCAs to discharge their constitutional mandate with ease and decency.

Further, it means that there will be no costs associated with renting or leasing of offices, thus the MCAs will serve our people in comfort and at no extra cost to the county. I am also happy to note that the residents of Laikipia will now know exactly where to find their area MCAs since the offices are permanent structures.

Mr. Speaker, allow me to inform the Senate that I fully support the County Assembly's request since I know that these adjustments will enable the County Assembly to run more smoothly, effectively and efficiently.

Mr. Speaker, Sir, let me conclude by reiterating that the Clerk of the County Assembly of Laikipia is not asking for additional budget funding. Rather, he is requesting for an adjustment of the recurrent ceilings expenditure based on the budget allocated to

the County Assembly as recommended by the CRA vide its recommendations on the County Governments' Recurrent Expenditure Budget Ceilings for County Assemblies and County Executives for Financial Year 2023/2024 that were tabled before the Senate on 15th February, 2023.

Approval of the same is within the purview of the mandate of this House. I urge colleagues in the Standing Committee on Finance and Budget, through the Chairperson, to give due attention to this request when they will be considering the County Allocation of Revenue Bill.

I thank you for the opportunity to speak on this matter.

The Speaker (Hon. Kingi): Thank you. Hon. Senators, pursuant to Standing Order No. 45(2), I do hereby reorganize today's Order Paper. We shall move to prosecute Order Nos. 9, 10, 11 and thereafter resume the Orders as listed.

Clerk, kindly, call the next Order.

MOTIONS

ADOPTION OF REPORT ON THE 2023 BUDGET POLICY STATEMENT

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (7) of the Senate, approves the 2023 Budget Policy Statement.

(Sen. Ali Roba on 28.2.2023)

(Resumption of debate interrupted on 28.2.2023)

(Division)

ADOPTION OF REPORT ON THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023.

(Sen. Ali Roba on 1.3.2023)

(Resumption of debate interrupted on 1.3.2023)

(Division)

BILL*Second Reading***DIVISION**

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)

(Sen. Mungatana, MGH on 23.2.2023)

(Resumption of debate interrupted on 23.2.2023)

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No. 84(2), I do hereby make a determination that the matter indeed affects counties and the voting shall be by delegation. Kindly, ring the Division Bell for five minutes.

(The Division Bell was rung)

Serjeant-a-arms, kindly proceed to close the doors and draw the Bar.

(The Door was closed and the Bar drawn)

(Question, that the Senate adopts the report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement laid on the Table of the Senate on Tuesday 28th February, 2023 and pursuant to Section 25(7) of the Public Finance Management Act and Standing Order No.186(7) of the Senate approve the 2023 Budget Policy Statement, put and Senate proceeded to vote by County Delegations)

We are going to vote electronically. You will press “Yes”, “No” or abstain. Unless you have any other explanation, kindly proceed to press the buttons.

(Electronic voting in progress)

Hon. Senators, for those who have issues with the system, you will be taken care of. Do not worry about that.

(Electronic voting in progress)

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

The Speaker (Hon. Kingi): Kindly, take your seats, hon. Senators. I will proceed to put the Question on Order Nos. 9 and 10. We will then announce the results together.

Hon. Senators, under Order No. 9, I do make a determination that the matter affects counties and therefore, voting shall be by delegation.

(Question that the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2023 Medium Term Debt Management Strategy, put and the Senate proceeded to vote by County Delegation)

Voting will be done electronically. You will either press ‘yes’, ‘no’ or ‘abstain.’ Kindly, proceed to vote.

(Electronic voting in progress)

The Speaker (Hon. Kingi): Hon. Senators, we now move to Order No.11.
(Sen. (Dr.) Khalwale walked in a crawling manner)

Sen. (Dr.) Khalwale, why are you crawling?

(Laughter)

Hon. Senators, pursuant to Standing Order No. 84(2), I hereby make a determination that this matter indeed affects counties. Therefore, voting shall be by delegation. I proceed to put the Question.

(Question that the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No.5 of 2022) be now read a Second Time put and the Senate proceeded to vote by County Delegations)

The Speaker (Hon. Kingi): Hon. Senators, voting shall be done electronically. You shall vote by pressing either ‘yes’, ‘no’ or ‘abstain.’ Kindly proceed to vote.

(Electronic voting in progress)

The Speaker (Hon. Kingi): Here are the results of the votes on Order No. 9.

MOTIONS

ADOPTION OF REPORT ON THE 2023
BUDGET POLICY STATEMENT

DIVISION

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ELECTRONIC VOTING

(Question, that the Senate Adopts the Standing Committee On Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25(7) of the Public Finance Management Act and Standing Order No. 186(7) of the Senate, approves the 2023 Budget Policy Statement, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mandago, Uasin Gishu County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Thangwa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County;

AYES: 25

NOES: 0

ABSTENSIONS: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

ADOPTION OF REPORT ON THE 2023 MEDIUM
TERM DEBT MANAGEMENT STRATEGY

DIVISION

ELECTRONIC VOTING

(Question that the Senate, adopts the Report of the Standing Committee on Finance on the 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023, put and the Senate proceeded to vote by County delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen.

Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mandago, Uasin Gishu County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Thangwa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County;

AYES: 25

NOES: 0

ABSTENSIONS: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

BILL

Second Reading

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)

DIVISION

ELECTRONIC VOTING

(Question, that the Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bills No. 5 of 2022) be now Read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya, Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mandago, Uasin Gishu County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Thangw'a, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County;

AYES: 25

NOES: 0

ABSTENSIONS: Nil

The “Ayes” have it.

(Question carried by 25 votes to Nil)

(The Bill was accordingly read a Second Time and Committed to a Committee of the Whole tomorrow)

The Speaker (Hon. Kingi): Serjeant-at-arms proceed to open the doors.

(The Doors were opened)

Next Order, Clerk.

Proceed, Senate Majority Leader.

MOTION

APPROVAL OF SITTINGS OF THE SENATE OUTSIDE NAIROBI

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

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out at Article 96, is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government;

COGNIZANT of the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi, held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament, with the objective to—

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and

- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves that its Plenary and Committee sittings be held in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year; and further that a programme of sittings outside Parliament Buildings in Nairobi be drawn, to ensure that such sittings take place in different counties of the Republic.

Mr. Speaker, Sir, I am very excited about this Motion that I am moving this afternoon. You are aware in 2018, this House resolved to hold its first ever sitting outside of Nairobi in Uasin Gishu County. We had a good interaction with members of the public.

Mr. Speaker, Sir, if you have watched that clip where the then Senator for Elgeyo Marakwet together with the now present Senator for Uasin Gishu were challenged and told that they are very loud and know how to speak very well, '*zungumza mahindi*'. That was during that particular session. Members of the public came and interacted with their Senators and had an opportunity to debate with us and engage us.

They watched us live as we deliberated on their issues. The present Senator for Uasin Gishu County, Sen. Mandago, appeared before the County Public Accounts and Investments Committee. He gave an account of how he had utilized the funds that had been sent to Uasin Gishu County in the full glare and in the presence of members of the public from Uasin Gishu County. This is something that rarely happens.

Therefore, drawing from that particular experience, we moved on the following year to Kitui County where we had a very interactive session with the members of the Lower Eastern. All the people from Makueni and Machakos came to listen and follow the proceedings of the Senate. In fact, they wanted their governors to appear just as they had watched in Uasin Gishu.

Unfortunately, Governor Mutua, Governor Kivutha Kibwana and Governor Charity Ngilu did certain things that we had not prepared for and we never had the opportunity to appear before us. The sittings of the County Public Accounts and Investmetns Committee turned out to be a shouting match between their supporters. Therefore, for that reason, the Chair of the Committee, Sen. M. Kajwang', must have suspended the sittings.

Nonetheless, we had a good time in the one full week that we stayed in Kitui County. It was from Sunday evening all the way to Friday. We were doing our businesses, interacted with the people of Kitui County and we visited Government establishments.

Mr. Speaker, Sir, you have heard me in this House quote on many occasion, the visit of the Committee on Justice and Legal Affairs and Human Rights to Kitui Maximum Prison. When they met with the inmates there, they realized that most of them were actually being held because they could not raise fines for petty offences. The fines were like Kshs200, Kshs5000, Kshs3000 and so on.

The Committee sat there inside a Government prison, passed a resolution and that afternoon as the Senate Committee on Justice and Legal Affairs and Human Rights left Kitui maximum prison, they left with about 200 prisoners. The members of the public that had been locked up because of minor offences and could not pay the fines, left the prison.

Unfortunately, due to COVID -19, we were not able to do this session in 2020, 2021. In 2022, we were not able to have sittings of the Senate outside of Nairobi because of the general elections.

Up to now, we have not made a decision. We leave it to the House. That is why I want as many Senators as possible to speak to this House and send an invite. Of course, I would have wished that Kericho be next on line but it will appear very selfish of me as the Senate Majority Leader. I know there are other opportunities that people can get to travel to that particular county.

Mr. Temporary Speaker, Sir, as I conclude, I urged Members of Senate Business Committee (SBC) - and I want to plead with this House - that there are certain corners of this country where unless we take the Senate Mashinani there, Members of the Senate will never step in those areas. These are the far-flung areas; areas where Sen. Lomenen or even Sen. Kamau from Lamu come from. These are areas like Marsabit and Isiolo; very far flung parts of this country that for one reason or the other, you find that colleague Senators have never been there.

It is not possible that you are a Senator in the Senate of the Republic of Kenya and just know about Nairobi and your home county. This is one such opportunity that affords us the chance to interact with members of certain counties that for some reason, perhaps you have only read about them in Geography, History and Civics and have never set foot in places like Wajir and different parts of the country. This is the only chance.

We told the leadership and the management of the Senate that do not give us long stories that there are no hotels in Turkana. No problem. We will go there and sleep in tents if that is what it takes for the people of Turkana to see their beloved Senators. If it is in Lamu, we will cross over using those boats that Sen. Kamau uses every other weekend and spend there.

Of course, there are many reasons why we will consider. I know your own county of Garissa is well blessed with natural resources and maybe some of our colleagues here have never had an opportunity to travel there. This is the only chance and opportunities that we can afford them.

Therefore, I want to urge colleague, Senators, that we pass this Motion and agree then we shall find ways and means. We shall send a team made up of Senators and members of staff to go on a scouting expedition, perhaps nominate three up to five counties, come back and give us feedback.

Then, as a leadership and together with you as colleague Senators, we will take a decision of a program for the next three or four years of which counties we shall visit.

I want to urge colleague Senators to pass this Motion and set the ball rolling so that we prepare to be outside of Nairobi in September and interact with the various cultures and the beauty of this country.

With those many remarks, I beg to move and ask the Senate Majority Whip to Second.

(Interruption of debate on Motion)

The Temporary Speaker (Sen. Abdul Haji): Just a second, Senate Majority Whip. We have a delegation.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM VARIOUS COUNTY ASSEMBLIES

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation from various county assemblies.

The delegation comprises of 15 members of staff from the County Assemblies of Busia, Siaya, Kisii, Kericho and Kakamega. The delegation is undertaking a capacity building program at the Center of Parliamentary Studies (CPST).

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit. I thank you.

Secunder, you can second.

(Resumption of debate on Motion)

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise to second this Motion as moved.

Before I do so, I want to register my frustration that the delegation from the county assemblies normally sits, not in the Public Gallery but in the Speaker's Gallery and there is a difference. I do not know whether this is a conspiracy due to the fact that one of my counties is there. I protest.

Mr. Temporary Speaker, Sir, this is such a straightforward Motion and I do not wish to be labour. I support and I think the challenge will be: Where do we go as a priority and which one comes latter?

My proposal would be that we move from region to region. When you go to a region, go to the counties in that region that are least visited. I have in mind, for example, if we go to the coast region, then the place to go would not be Mombasa you would be talking about Lamu because Lamu is least visited. Kilifi, Kwale and Mombasa, thanks to their beaches, they enjoy a lot of visitation.

If you go to Nyanza, for example, we would not be wishing to go to Kisumu. We would like to find ourselves in Homa Bay so that for the first time some of the Senators can come face to face with the challenges the people of Homa Bay face to travel from Mbita to Mfangano Island, to the mainland

If we go to Western, I would propose that they do not come to Kakamega, but they end up in a place like Busia and they see the challenges the people of Busia are faced with when it comes to cross-border issues and so on and so forth.

We want to send a clear message that Senate is a House that represents counties and serves to protect the interests of those counties, their people and their governments. There is no greater way of doing this than to carry the entire institution so that it is seen to be in a specific county.

With those many remarks, I second.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. (Dr.) Khalwale, there is no conspiracy. Maybe I should just clarify that for visiting delegations to sit in the Speaker's Gallery, there is the issue of dress code; the dress code is followed. So, the members of the delegation were not properly dressed. It was not a conspiracy.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): I now call upon Senators to make their contributions.

Sen. Wamatinga, you have the Floor.

Sen. Wamatinga: Thank you Mr. Temporary Speaker, Sir. I rise to support.

Kenya is one of the countries that is blessed and bestowed with a lot of diversity. We have, however, failed to appreciate what we have been blessed with. Our cultural diversity, our differences in terms of endowment has been a challenge as opposed to being a blessing.

Therefore, the approach of taking Senate Mashinani will not only give the Senators and the members of public a view of the other counties, a perspective of a different diversity, but it will also show the public what the Senate does.

The interaction of the House of Senate with the people at the Mashinani level will also demystify some of the things that people think Senators should be doing. The fact that we will be giving an opportunity to the public to interact with Senators from different regions will also serve a very important role of bringing this great nation together.

I am prepared to offer to hold the first Senate Mashinani in Nyeri County because I think we are more than prepared to accommodate and showcase what the Senate is all about.

I support, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Ali Roba, please, proceed.

Sen. Ali Roba: Mr. Speaker, Sir, I rise to support this proposal to have Senate *mashinani*. The interest of counties is very critical that we are seen as close to the people as possible.

That is also going to give an opportunity for our Members of County Assemblies (MCAs) to learn from the way we carry out our functions besides an opportunity to interact with our public at the grassroots level.

That is going to position us differently; as Senators who are close to the public interest.

I do not want to outdo Sen. Wamatinga. I offer that maybe, the second county after Nyeri for Senate Mashinani should be Mandera so that we get the opportunity to see the mountain and the Arid and Semi-Arid Land (ASALS) of this country.

The Temporary Speaker (Sen. Abdul Haji): I call upon the Mover to reply.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I had been requested by the Leader of Majority to respond on his behalf.

I wish to respond and in so doing, thank all hon. Members for quickly making sure that we transact this business.

It is good that we dispense with it so that we allow the Secretariat of the Senate to do the needful to actualise the intention of this Bill.

Mr. Temporary Speaker, Sir, I respond.

(Question put and agreed to)

Next Order.

BILLS

Second Reading

THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)

(Sen. Mungatana, MGH on 1.3.2023)

(Resumption of debate interrupted on 7.3.2023)

The Temporary Speaker (Sen. Abdul Haji): Senators, on the Order- The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022), we are going to resume debate if any Senator is interested to contribute.

At this point, I will ask the Mover to reply.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, this Bill was moved by the Senator of Tana River County, Sen. Mungatana, MGH. As the House knows, Sen. Mungatana, MGH is a member of the Pan-African Parliament. With me, I have an authorization dated 2nd March, 2023 penned by Sen. Mungatana, MGH authorizing me to respond on his behalf.

I table the letter which is copied to the Office of the Speaker and respond as follows:-

I thank all Members of the Senate for the contributions that you made on this very important Bill of the need for us to help communities and counties that are blessed with resources so that they are cushioned from exploitation. This is by creating the necessary

legislative tools that will make sure that those resources go beyond being protected and are shared in an agreed manner.

Mr. Speaker, Sir, I have a dream that after this law goes through, it will give way to an opportunity for us to create two bits of sovereign funds – a sovereign national fund and a sovereign county fund. If, for example, we are talking about the Turkana County oil or the gold mining of Kakamega County, then into the sovereign fund of the county of Turkana and on the other hand, the county of Kakamega, the percentage calculated under this law shall be deposited.

The leadership, in consultation with the stakeholders in the county can agree on what areas, projects and which programs the sovereign funds can be applied. For example, it could be applied to educating poor children. In some counties such as Turkana, the fund can be reserved for feeding people and so on.

I beg to move.

Mr. Temporary Speaker, Sir, thank you for this opportunity to address you. As you can see, this Motion touches on matters concerning counties. Pursuant to Standing Order No.66(3)(1), I hereby request that you defer the putting of this question to a later date.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Your request is granted and this matter is deferred to Tuesday, 14th March, 2023 at 2.30 p.m.

(Putting of the question on the Bill deferred)

Next Order.

Second Reading

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

The Temporary Speaker (Sen. Abdul Haji): That matter is deferred.

(Bill deferred)

Next Order.

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, 2 out of 3 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 percent 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 Kshs3.7 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 don't 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.

The Temporary Speaker (Sen. Abdul Haji): That Order is also deferred.

(Motion deferred)

Next Order!

INSTITUTION OF 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 percent of power to KPLC but account for 47 percent 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.
- b) Ministry of Energy to come up with a policy framework aimed at: -
- i. Lowering the cost of electricity as a way of addressing the high cost of living; and

- ii. Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon footprint.

The Temporary Speaker (Sen. Abdul Haji): That Order is also deferred.

(Motion deferred)

Next Order.

ENHANCING HIGHWAY SAFETY AND CONVENIENCE

THAT, AWARE THAT 67 percent of road crash fatalities and injuries in the country comprise of the economically productive age groups of 15 - 64 years, and that the importance of good post-crash care reduces deaths and disability and the suffering for road crash survivors creates the urgent need for effective emergency medical care system elements and processes on our highways;

FURTHER AWARE THAT lives and properties are lost or irreparably damaged daily on major highways in the country due to accidents and explosion of fuel tankers, and the lack of accessible roadside amenities such as medical clinics, rescue centers, fire engines and ambulances hamper efforts to mitigate the carnage caused by the accidents, rescue lives and put out fires;

COGNIZANT THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

FURTHER COGNIZANT THAT provision of amenities such as ambulances, firetrucks and satellite medical clinics to provide emergency services to road accident victims would save lives lost daily on major roads;

ACKNOWLEDGING THAT governments across the world have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that: -

- i) The Kenya National Highway Authority, in collaboration with the Council of Governors to come up with a policy framework on the incorporation of road reserves for road-side amenities in all highway designs;
- ii) The Ministries of Health, Roads, Transport and Public Works in conjunction with the Council of Governors to undertake a survey to ascertain the specific amenities required but not available on the existing

- highways such as satellite medical clinics, firetrucks and ambulances, and identify the most convenient locations to develop them; and
- iii) The Ministry of Roads and Transport in conjunction with the Council of Governors to develop Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

The Temporary Speaker (Sen. Abdul Haji): That Order is also deferred.

(Motion deferred)

Next Order!

COMPENSATION TO KENYAN VICTIMS OF THE 1998 BOMBING
OF THE UNITED STATES EMBASSY IN NAIROBI

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs-

- (i) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

The Temporary Speaker (Sen. Abdul Haji): The Senator is not here. That Order is also deferred.

(Motion deferred)

REPORT OF THE 145TH ASSEMBLY AND RELATED
MEETINGS OF IPU

The Temporary Speaker (Sen. Abdul Haji): Sen. (Dr.) Khalwale, kindly move the Motion.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise to move the following Motion No.18 on the Order Paper -

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 145th Assembly and Related meetings of the Inter-Parliamentary Union (IPU), held from 11th to 15th October, 2022, in Kigali, Rwanda laid on the Table of the Senate on Thursday, 23rd February, 2023.

I am privileged to be a Member of IPU. I am also further privileged to be part of this strong Delegation that comprised of Members of Parliament (MPs) from the National Assembly and the Senate. Indeed, we held this function, made far reaching deliberations and the details of which are in the Report.

What stood out in this particular IPU meeting were two points; the positions of the parliaments of the world on negative climate change. The second was the position of parliaments on the war and conflict in Ukraine. That meeting had over 1,000 MPs. It was a very emotive process. For the first time, I saw MPs from different countries reaching the point of punching each other because of differing views on these emotive issues.

Be that as it may, we went on and made far reaching recommendations that are in this Report. I appeal to the House to adopt it, so that it can be taken to the next level for purposes of a better world.

I cannot end my contribution without reminding this House that IPU sits in a unique place in the history of the world. It was the IPU that was the precursor to the League of Nations that formed the United Nations Organisation (UNO). It is IPU that gave the world the League of Nations and the UNO that stopped World War II.

This shows the role that parliaments of the world have played. I hope that because many of us sit in this Senate, the experimental ideation by the leader of the Opposition called Azimio la Umoja to try and take this country into a state of instability; as Parliament, let us learn from IPU on how they handled World War I and II and stopped conflict in the world. I hope that we will use that experience and history to ensure that that experiment by the former Prime Minister, Hon. Raila Odinga, is rejected in total.

I move and request the distinguished Senator for Kiambu County, Sen. Thang'wa to second.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir. I rise to second the Motion on the report that has been tabled by my good friend, the Senator for Kakamega County.

It is good to bring to the attention of the House that the Mover of the Motion comes from Kakamega County and I from Kiambu County. We share a lot in common because during devolution when the counties were demarcated, they were given 12 sub-counties just like Kiambu County.

The IPU formerly Inter-Parliamentary Conference (IPC) is a global organisation that facilitates diplomacy between Parliaments and parliamentarians. The aim is to promote peace among nations and development among member countries.

As it has been highlighted here, the main theme of the 145th Parliamentary Union gathering was to discuss issues of climate change. This is because they believe in greener nations and the environment so that they can implement the Paris agreement that talks about climate change and the environment.

I urge the Members of this House to go through the reports and adopt them because, from them, we will understand that no country is an island. No parliament is an island. We all need to work together so that we can achieve what is ailing the main Global Village.

Mr. Temporary Speaker, Sir, I Second.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I propose the question.

(Question proposed)

(Question put and agreed to)

Next Order!

REPORT OF THE 61ST SESSION OF THE ORGANISATION OF AFRICAN,
CARIBBEAN, AND PACIFIC STATES AND THE 42ND SESSION
OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY

THAT, the Senate notes the Report of the 61st Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS -EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November 2022.

The Temporary Speaker (Sen. Abdul Haji): The Senator is not around, so, that the matter is deferred.

(Motion deferred)

Next Order!

Sen. Cherarkey, you may proceed.

DOPING MENACE THREATENING KENYA'S IMPECCABLE
GLOBAL REPUTATION IN ATHLETICS

Sen. Cherarkey: Mr. Temporary Speaker, Sir, thank you very much. I beg to move the following Motion-

AWARE that in 2018 Kenya was placed under Category A by the World Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti-Doping Agency of Kenya (ADAK) which has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti-Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti-Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports, and Arts-

- (a) Come up with modalities that can help achieve increased testing, intelligence gathering on athletes, and doping awareness programs;
- (b) In collaboration with Athletics Kenya (AK) and the National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers, and other athlete handlers;
- (c) Initiate investigations at Anti-Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;
- (d) In collaboration with the Directorate of Criminal Investigations (DCI) and the Anti-Corruption and Ethics Commission (EACC) finalizes pending investigations and recommends prosecution of individuals involved in giving this banned substance to athletes; and
- (e) In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

Mr. Temporary Speaker, Sir, this is a very critical and important Motion. Kenya is known as the athletics power house. You are aware that we got 10 gold medals the other day in Australia.

Kenya is synonymous with athletics. Wherever you go in the world, and say that you are a Kenyan, people will normally mimic running if you do not understand their language. They will tell you, 'You do like this?'

(Sen. Cherarkey demonstrated how to run)

Therefore, this is a very critical and important Motion that will assist this country. Nandi County or North Rift Region is the source of champions. Uasin Gishu County is the City of Champions; Elgeyo Marakwet is the Home of Champions because of its high altitude.

One of the biggest soft underbellies that continues to threaten the even promising and renowned athletes apart from other issues like marital issues where our athletes have problems sometimes or being killed like the Late Agnes Tirop and the rest is the challenge of doping. That is why the WADA and ADK need to up their game. We are preparing for the 2024 Athletics Champions. We do not want our integrity to be dented in the global arena.

When you walk across the South and North Rift of this Republic and even in Kisii, Nyamira, Meru, and Mt. Kenya, at 4:00 am, you will meet people running and wonder whom they are. They are not night runners. That is the earliest—and I see people like Sen. (Dr) Khalwale in Nairobi having eaten very well--- You know there should be no confusion. You know there are people who eat and then run to lose weight. However, the athletes have talents that they were born with. When you go to Nyayo Stadium or see Sen. (Dr) Khalwale running in the morning, I know he is a good person. However, we should consider his region and include night running as part of the championship. This is because that one happens only at midnight. However, the one that I am talking about, the professional athletes run from 4 a.m. upwards.

Whenever you drive either through Nandi or anywhere in Nyamira, Kisii, Mount Kenya Region, there are many young people who are as young as 12 or 15 years are running every morning to win a gold medal. That is the competition we want. We want that strength. Professional athletes have to make many sacrifices. It is not easy. Those people must train and go for massage. However, because of corruption, lethargy, anarchy, and people wanting things through shortcuts, they are threatening the career of promising athletes. These are unlicensed coaches and agents. I have talked to many athletes who have been caught in the doping scandal. The rogue agents and coaches sometimes tell them to take prohibited pills as painkillers. When the officials come and take blood samples, they are told that they are using doping medication.

We come from the community that believe in herbs; not the kind of herbs *ile ya* Prof. Wajackoyah. I am talking about the real herbs with medicinal value. I know that issue is contentious and the good doctor of medicine Sen. (Dr) Khalwale will tell us that the local herbs, sometimes you are given for health reasons, have medicinal value. However, when WADA and ADAK come and take blood samples, they say you are doping. This is because there is no clear timeline on how you can use these herbs. Therefore, there should be more research.

Mr. Temporary Speaker, Sir, some athletes have been banned or put in the red list by the World Anti-Doping Agency (WADA), Athletics Integrity Unit (AIU) and the Anti-Doping Agency of Kenya (ADAK) because they sometimes misuse these herbs for either medicinal value or some other things. Therefore, in a nutshell, there are many cartels that collude with pharmacists, doctors and nurses, to inject these athletes

unknowingly. Some of these athletes are, at times, coming out of maternity leave and they are misled that if they use certain drugs or get injected, they will get back on track.

Mr. Temporary Speaker, Sir, going into the future ---

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, due to time, you will have a balance of 11 minutes on the next sitting to continue to move your Motion.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until, Tuesday 14th March, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.