

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 14th 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?
Serjeant-at-Arms, kindly ring the quorum Bell for three minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

Hon. Senators, now that we do have the requisite quorum, we will allow business to proceed. Clerk, kindly call the first Order.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM SAMBURU COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a delegation from Samburu County Assembly, comprising Members of the Committee on Delegated Legislation and its Secretariat. The delegation is undertaking a five-day capacity-building programme at the Centre for Parliamentary Studies and Training (CPST).

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

Hon. Lolosoli Rebecca Samaria - Chairperson

Hon. Lenanguram James Ntiituk - Vice-Chairperson

Hon. Lorunyei Lawrence	-	Member of the Committee
Hon. Stacy Nareyo Lekirimpoto	-	Member
Hon. Esther Lenolkulal	-	Member
Hon. Loloju Joseph Lekoren	-	Member
Hon. Lemantaan Kelvin Ipesina	-	Member
Mr. Lekupanai Leleo	-	Principal Clerk Assistant
Ms. Dorcas Naeku	-	Clerk Assistant
Mr. Bernard Lenanyokie	-	Serjeant-At-Arms
Mr. William Lelampa	-	Hansard Officer
Ms. Naanyu Letipila	-	Legal Counsel
Mr. Evans Leleruk	-	Research Officer

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

(Applause)

VISITING DELEGATION FROM
NYAMIRA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I have further Communication to make. I would like to acknowledge the presence in the Speaker's Gallery this afternoon, officers from the Serjeant-at-Arms Department of the Nyamira County Assembly. The officers are in the Senate for a five-day benchmarking visit with their counterparts.

I request each officer to stand when called out so that you may be acknowledged in the Senate tradition.

Brian Moriasi Ondieki
Erick Nyambati Mokua
Robinson Moonwa Maosa
Duke Nyakundi Mokua
Stella Mose Moraa
Jackline Kerubo Nyamboga

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

Thank you.

I will allow Sen. (Dr.) Lelegwe Ltumbesi and Sen. Onyonka, on behalf of the delegations to say few welcoming remarks.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. May I join you and my fellow Senators in welcoming the visitors to the Senate. Specifically, I take this opportunity to welcome Members of the Samburu County Assembly (MCAs), Members of the Delegated Legislation Committee and the staff of the Committee to the Senate.

Mr. Speaker, Sir, as you note, we have been receiving visitors and Members of the Committees of many Assemblies. This is the first time we are receiving a committee of Samburu County Assembly.

I welcome you to the Senate. I am sure you will learn a lot from us, from our Committees and from the Plenary. It will benefit your deliberations and engagements with your committees. It will enrich and put more success to your reports and to the service of our people of Samburu County.

We welcome you to the Senate and wish you a fruitful visit for the next five days. Take time to learn from our Committees.

I am aware that you have engaged with the Committee of the Delegated Legislation in the National Assembly. Maybe within the next five days, you may have the opportunity to interact with our Committees. They seat every Tuesday, Wednesday and Thursday. We expect a lot from you, including representing our people, to do oversight and legislation.

Welcome.

I also extend my welcoming remarks to other delegations who are present in the Speaker's Gallery. We receive you and invite you to learn from the Senate.

Sen. Onyonka: Mr. Speaker, Sir, thank you for giving me this opportunity. Just the way my colleague has said, I welcome the team from Samburu. This place is interesting because when you come, you get information as to how you are going to run your offices.

The team that is in this Chamber is a team of professionals. Most of them will be willing to guide, support you and have some value addition to your training.

For the team from Nyamira, I would like to hold the fort on behalf of my brother Sen. Omogeni who is out on official duty. Since we come from the same area, I welcome you and wish you the best engagement.

I hope that you will learn a lot and will continue to make our counties more workable. Make sure our counties do what they are meant to do, which is legislation and other issues that are affecting our country. I hope that your training will also be a value addition.

I hope that after you have finished and go back home you will be better pledged to solve some of the very complex issues about security within the Chamber, your responsibilities and all that stuff. I wish you well when you go back, say hi to everybody.

(Sen. Chararkey consulted loudly)

The Speaker (Hon. Kingi): Sen. Chararkey, you know you are out of order.

VISITING DELEGATION FROM TASSIA
PRIMARY SCHOOL, NAIROBI CITY COUNTY

Hon. Senators, I have got a further Communication to make.

I would like to acknowledge the presence in the Public Gallery this afternoon, a visiting delegation from Tassia Primary School - Nairobi County. The delegation comprises 4 teachers and 34 pupils who are in the Senate for a one-day study visit.

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 on my own behalf, I wish them a fruitful visit.

I will allow Sen. Thabita Mutinda to make very short welcoming remarks, welcoming the delegation.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir, let me take this opportunity to welcome the beautiful children from Tassia which is in Embakasi East Constituency, Embakasi Ward. Feel welcomed.

There is a lot that we do at the Senate. We have two Houses of Parliament. The National Assembly is where we have Members of Parliament. Your Member of Parliament on that side is Hon. Babu Owino. On this side we sit as the Senators. Elected Senator of Nairobi is Sen. Sifuna. I am a nominated Senator, Tabitha Mutinda.

In this House, we have rules the same way you have in school. We have the boss of the House, Mr. Speaker, just as you have the head teacher and teachers. This House also has this book that guides us in our rules; it is called Standing Order. We also have this book called the Constitution, which is *Katiba* in Kiswahili. The laws we make come into this book.

I realized that sometimes when students come to Senate, we do not have an opportunity to tell you these things. I found it a bit wise to enlighten you so that when you go back you will understand that we have two sets of rules that guides us here in the House.

When we come in, we have to bow. You will realize when leaving you will have to bow as a sign of respect.

Matters education, please pursue your goals. Continue working smart, respecting your teachers and parents. Education is the only thing your parents can give you for free. The Government has also given it for free so that you are able to defend yourself and speak for yourself as younger generation.

On matters Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ), I have always said that you do not get involved in those kinds of things. Be the disciplined children and follow the school rules. I know you will be able to shine.

May God bless you, your parents and teachers.

PETITION

NON-COMPENSATION AND DELAYED ISSUANCE OF TITLE DEEDS TO RESIDENTS OF JAMII BORA ESTATE IN KAJIADO COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I hereby report to the Senate that a Petition has been submitted to the Senate by Mr. Calvin Luther Munayi concerning titles

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for properties bought in Jamii Bora Estate Kisaju, Kajiado County. As you are aware under Article 119 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.”

Hon. Senators this salient issues raised in the same Petition are as follows-

(1) That the petitioners are leaders in Jamii Bora Estate, representing owners of properties, including: over 900 homes, over 500 commercial units, several churches and mosques, public primary school, public secondary school, public borehole and public playgrounds.

(2) That in the year 2008, the petitioners bought houses in Jamii Bora Estate in Kisaju, Kajiado County.

(3) That the petitioners signed letters of offer and sales agreement stating that the title deeds were being processed.

(4) That the developer has failed to process and issue title deeds to all completed unit owners on the said land in Jamii Bora Estate and maintains that the petitioners would be issued title deeds after 20 years.

(5) That the developer has left some of the houses unfinished while others have not been built, and he is in the process of building new houses on the same undeveloped plots for new owners contrary to the sale agreement.

(6) That the petitioners presented the matter to the Senate in the 12th Parliament. The developer has closed down the company, which is the main Respondent and has been mutating from Jamii Bora Charitable Trust to Jamii Bora Makao to Abanis Africa and other different existing entities.

(7) That there are similar developers who have defrauded Kenyans and rendered them homeless and bankrupt.

(8) That the petitioners have made efforts to address the matter by the relevant authorities, all of which have failed to give a satisfactory response.

The petitioners, therefore, pray that the Senate does the following –

(1) Intervenes in this matter through the relevant Committee with a view to ensuring that the owners of the properties in Jamii Bora Estate are compensated and issued with title deeds in accordance with the law.

(2) Reviews the existing frameworks to regulate the Real Estate Sector and enhance strict penalties for developers and investors to ensure delivery of their projects.

Hon. Senators, pursuant to Standing Order No.237, I shall now allow comments, observations or clarifications in relation to this Petition for not more than 30 minutes.

Since we have limited time to contribute to this Petition, I shall limit the time for each Member speaking to three minutes.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Kenyans are being conned left, right and centre. If you are not being conned of your title deed, you are being conned of an education scholarship.

The issue of title deeds is of serious concern because it breaches the constitutional right to ownership of property; both ownership and possession. Therefore, I appeal to the

Committee on Land and Environment and Natural Resources to look into this issue and ensure Kenyans have access to title deeds. This issue of Kajiado County is not a unique case. There is serious fraud in terms of land ownership in Nandi and Nairobi City counties as well as the Coast.

Nowadays, people are dying not because of diseases, but because of shock and frustration after being defrauded and conned, leaving them desperate. I call upon the Committee to expeditiously address this issue so that those Kenyans can own the land or property they bought.

Mr. Speaker, Sir, in conclusion, I ask agencies such as the Department of Criminal Investigations (DCI), Ethics and Anti-Corruption Commission (EACC) and the police to do their job.

I have just come from the Committee on Labour and Social Welfare, where we were listening to a fraud case. Over 8,000 young men were allegedly conned by company called First Choice in Uasin Gishu County.

It is very unfortunate that we are being conned. I hope some of us will not be conned from going to heaven. You are either conned of your land or scholarship. The DCI, EACC and the Ministry concerned must tell Kenyans why until today, those Kenyans do not have title deeds which they paid for.

Mr. Speaker, Sir, it is very unfortunate that a company has mutated to another company and continues to operate freely; yet we have agencies that license and regulate companies.

I sympathize with those petitioners, but I also congratulate them for bringing the Petition to this House. I hope this matter shall be dealt with expeditiously. Let these Kenyans have their rights protected. They do not need to bring a petition to the Senate so that they can be heard. I wish them well as they seek justice and access to title deeds.

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

Sen. Ogola: Mr. Speaker, Sir, I rise to support the Petition by Mr. Calvin Luther Munayi. There are two issues that come out of this Petition; non-compensation and delay in issuance of title deeds.

It is important that the Senate investigates this issue because it came up in the 12th Parliament and it has come up again. As we get to the bottom line of this Petition, it is also important that we take note of other such challenges that Kenyans are going through elsewhere.

It is important that people are compensated for their land if compensation is required because it is a right. It is unfortunate that there are parts of this country that still do not have title deeds after all these years of Independence.

Coming back to compensation, there are markets in my county where our people have not been compensated and yet the county government collects tax from them. Those markets are still held as freehold land. As we talk about the compensation of the Jamii Bora Estate residents, it is important that this issue is dealt with, once and for all.

Delay in issuance of title deeds is a common problem. Mfangano Island in Suba North Sub-County, Kubia East in Gwasi, Suba South and a section of an adjudication place called Manywanda in Rangwe, still do not have title deeds.

The issue of compensation and title deeds need to be dealt with. We call upon the National Lands Commission (NLC) to look into issues of historical land injustices that they were supposed to address. After 12 years in office, some of those issues remain unsolved.

I support this Petition and I support the fact that the Standing Committee on Land, Environment and Natural Resources must go to the root cause of this problem.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I also rise to support the Petition.

The Petition presents a very unfortunate situation. We are talking of an estate where several Kenyans have invested in those houses out of their savings and earnings from their salaries, with hope of owning a house. This has a lot of impact in a family situation. You will find that a family has agreed to invest in a house in that estate, but then the investor goes away with all their money.

This is a very unfortunate situation. This is a national issue and not just what is happening in Jamii Bora Estate in Kajiado County, but we have heard of many such cases in the country.

I agree with the petitioner that there is need to have a very comprehensive legal framework because some company owners loot from investors and then disappear from the country, leaving Kenyans exposed.

Mr. Speaker, Sir, there is need to have a law that does not only called for the compensation, but also criminalize this act of stealing from the Kenyan people. The victims of this equation are young Kenyans who are employed and looking for ways to settle down with their young families by buying land, houses or taking loans from the banks.

A young man who is employed by a bank may take a mortgage to buy a house. If that man loses his job, he loses the house and the young family. It caused a lot of social challenges in our society.

I am a member of the Senate Standing Committee on Lands, Environment and Natural Resources. I will be participating in the discussion of the petition. It is important for this House to rise to the occasion and develop a mechanism in law that will protect Kenyans not only in this Jamii Bora Estate, but in many other states.

Some of the Members of this House, they may not say it, but I know some of them have been victims of such a situation. This issue does not only affect the young people, but it affects almost every Kenyan, even those of us in leadership.

Mr. Speaker, Sir, I support.

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

Sen. Onyonka: Thank you. Mr. Speaker, Sir. According to our Standing Orders, I have to make a declaration and that a similar matter is affecting me personally. However, I shall not divulge or even discuss the details of that case because it is in court.

This is a national issue. The issue of land title deeds where you find a piece of land is owned by three or six people is common. There are situations where nobody knows where the records of the pieces of land and the title deeds and all the Priority Development Project (PDP) and all the documents that are required. You will be shocked

to learn that if you go to the Ministry of Lands, Public Works, Housing and Urban Development and tell them to give you a file which is supposed to have these documents, they will tell you that there is nothing there.

I am pleading with the Chairperson of the Senate Standing Committee on Lands, Environment and Natural Resources to think outside the box. We must begin to look into the issues that are involving the county governments. You know, that some of our colleagues and friends in the county governments have an interest there. In some cases, they deliberately forestall and preempt the decisions of the NLC. Some of them do not even want to listen to court orders.

I hope the Kenya Kwanza administration will ensure that any time there is a court order on a matter that has been finalized, where individuals have been called out by the courts, they will implement whatever the decision is arrived at. Let us have an approach where we look into the land question in Kenya comprehensively. Let us not deal with our problem in a piecemeal manner. We were supposed to do digitization of the land record system. To date, it has not been done. I know there's a challenge in terms of the resources.

I encourage the Senate Standing Committee on Land, Environment and Natural Resources to seek experts who can from a subcommittee or an *ad hoc* committee which will specifically look at these issues and make sure they are sorted out expeditiously so that Kenyans do not feel disenfranchised and denied their rights.

Mr. Speaker, Sir, I thank you. I hope that the Committee will work with speed and solve this country's problems on matters land.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I also want to comment on this Petition by saying that, generally, Kenyans of all walks of life are being conned left, right and centre.

I do not want to conclude that this case might end up as a way in conning. However, I am afraid that if it has taken all that time, we do not know if the owner of the main title deeds committed it to a loan so the residents are unable to get their respective title deeds.

The issue of such conning exists in different areas and it affects women largely because you realize the relationship between landownership, women and education go together, especially women from the rural areas. In this case, we are looking at Kajiado County. We know majority of women from rural areas are not able to acquire title deeds and, therefore, they do not have collateral for acquisition on any loan to develop themselves.

This issue has been presented to us today. However, looking at it from a wide spectrum, it affects very many of the ordinary people that we represent in this House. It is in order that the Committee looks at that issue widely and take action. We keep mentioning these issues and sometimes it may seem like a normal procedure. It is not normal that we keep speaking to the same issues that affect ordinary innocent people.

Sen. Cherarkey mentioned about the conning of students who want to acquire academics. We know that academics level the playing ground for every other person to benefit, but they are the same people are being conned so where do such people run to?

Mr. Speaker, Sir, the issue of land is thorny. Let whoever is supposed to compensate the people in Kajiado be investigated so that we know if they committed this title deeds to acquiring loans or other things that are now disadvantaging the people who purchased the land.

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

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for this opportunity. The issue of land is a very sensitive because as much as it is a social issue it is also an economic issue. Land is an asset for the people and it is used to enable people to acquire some little wealth for themselves.

Since Independence, the issues of land have remained unresolved. The Ministry of Lands, Public Works, Housing and Urban Development has in the past been classified, as the most corrupt. When you go to the Ministry and ask for your file, you will be told the file cannot be found and yet it was left on the desk of a certain officer. When you go there, a messenger follows you and tells you that he is able to help you if you can produce some 'lunch.' If you give the 'lunch', you will come back in the afternoon and find your file there.

Mr. Speaker, Sir, I sympathize with the people of Jamii Bora in Kajiado County because this is a practice that not only affects them, but the whole country. I remember when I was the Provincial Planning Officer (PPO) for Coast Province in Malindi, somebody sold land to a certain influential person in Nairobi. However, when they went now to do the actual survey of the land, they found that it was in the Indian Ocean. Money had been paid to the vendor, but he had already left the country.

This issue of land adjudication requires improvement in terms of technology so that we reduce human contact. It is too much human contact that creates corruption. When you deal with so many people and everybody wants to take something small, the *wananchi* end up to be the losers. The Ministry of Lands, Public Works, Housing and Urban Development should be digitized so that there is less contact and issues like the ones being suffered by the residents of Jamii Bora in Kajiado County will not repeat again.

Mr. Speaker, I want to support this issue.

(Sen. (Dr.) Oburu's microphone was switched off)

(Sen. Nyamu crossed the Floor without bowing to the Chair)

The Speaker (Hon. Kingi): Sen. Nyamu, you are out of order. If you want to move from one side to the other, you know exactly what to do. Kindly go and do it.

Sen. Gataya Mo Fire, please proceed.

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I do not know whether I am audible enough. I have looked at this Petition which addresses issues that affect quite a number of areas in this country.

Land is a very emotive issue. We are 60 years down the line since we got Independence. We have a lot of land cases which are unresolved up to now. As a House, we need a very comprehensive policy to make sure that we address these pertinent land issues that are devilling this country.

I come from a very emotive area where there is a lot of antagonism because of land issues between two tribes, which are like brothers. The whole issue revolves around corruption and politics.

Mr. Speaker, Sir, it is important for this House to carry this mandate and make sure that we comprehensively address these land issues so that we can resolve historical issues. We have seen people die. Brothers kill each other and tribes turn against each other all because of land. We have also seen some very brutal evictions being carried out sometimes even at tonight. It is something very pathetic.

As a senior House in this country, we need to come up with a comprehensive policy to address this issue of land, once and for all.

I sincerely thank the petitioner. In the next few days, I will also bring a similar Petition on this matter. This is because where I come from, my home county, Tharaka Nithi and sister county, Meru County, have some historical land problems. So, it is a matter of urgency. This House is supposed to address these issues comprehensively and make some conclusive conclusions.

Thank you, Mr. Speaker, Sir. I support.

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

Sen. Shakila Abdalla: Thank you, Mr. Speaker, Sir. I rise to support this Petition.

As we understand, our country's population is growing. There is a big demand for land and accommodation for many upcoming young people.

We have come up with a new system, which is not very familiar in this country. Whereby, we have developers who develop houses and then they are bought in different parts. For example, you buy one or two apartments.

Initially, Kenya did not have that system. People used to buy their own land and put up their own houses. However, with this new system in place, we need a policy to protect the developers and the buyers. I believe that is what we lack.

Mr. Speaker, Sir, we have many land laws and policies. The only problem we have in this country is the enforcement of the law. We have the best laws in this country, but enforcement is a big challenge. I do not know whether there is no political goodwill to enforce the laws. That is the challenge we are facing.

Mr. Speaker, Sir, we need to have a policy in place which protects the buyers because this case, particularly touches on the developer. We have developers and buyers who are not protected by the law. The new system is in place. That is all we need to have. However, I insist that the law needs to be enforced.

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

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir, for also granting me the opportunity to put my voice to the Petition that has been filed by Mr. Munayi of Jamii Bora Estate.

The land question in Kenya is as old as Kenya before Independence.

As my colleague has said, there is sufficient regulations in terms of laws that dates back to before Independence. We cannot, for a moment, forget the fact that the land question and the title deed, is as important as everything else.

This House stands on a parcel of land and is registered under a certain document of ownership called a title deed. The Petition, on behalf of Jamii Bora residents, who have been conned out of their hard-earned investment can only be termed as one of those which as Sen. (Dr.) Oburu said, sympathetic with no help.

Nevertheless, this House should come up with a process to support or assist members who invested their hard-earned money in Jamii Bora Estate and ensure they are compensated.

It is also acknowledged, not only by the members who invested there, but also everyone else, that without that particular document called title deed, you do not have any right to claim. Therefore, this Petition by Mr. Munayi speaks not only to the membership of Jamii Bora, but also beyond.

There are many people who have invested in various investments schemes in form of development of housing units or even in land itself and have been conned their hard earned money.

It is time we supported the Government and the institutions involved in land management to ensure that the law is not just seen to be in place, but also the goodwill created so that persons involved in implementation and regulation of the land sector are put to task when incidences like this one are reported. If it is about an element of criminality, let such people face the law so that they act as examples.

I support.

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

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for this opportunity to support this Petition by Mr. Munayi from Kajiado County.

Mr. Speaker, Sir, this is just one of the many projects which have been started in this country. Many Kenyans, through their hard earnings, buy such properties and end up losing every penny after saving with a lot of struggles.

This is a very timely Petition. Those people should be given their dues and those who have paid in full be given their title deeds.

In Katelembu, Machakos County, for example, many people buy pieces of land, but when they check with the Ministry of Land and Physical Planning, they realize two, three, four or five people have title deeds to those pieces of land. At times, we wonder where these people get all these title deeds. How do they issue all these different title deeds to different people for a particular piece of land?

These issues are also in Dreamville, Machakos County. I brought a Statement here and I am still waiting to hear from the concerned people.

There are countless places facing this issue in Machakos County. In Portland, we have a lot of issues where citizens of Machakos County have pieces of land, but they cannot access them because they have been sold to other people who have title deeds. They put goons there so that the owners cannot access their land

They want to see justice being done to them so that they get their title deeds. Every Kenyan has a right to own a title deed and a home. Since those Kenyans are hardworking, they deserve to possess what belongs to them.

I thank you.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I rise to support the petitioner. As said by my colleagues who stood before me to support the Petition, the issue of land dates back to the pre-colonial era when the white man came, took our land and gave us the Bible. We followed the word and lost the land to him.

The rich who got the opportunity to make some money have also led Kenyans to the same path. They collect our money in the name of starting schemes and then 20 to 30 years down the line, we do not get that land. It is high time the Kenya Kwanza Government enacted laws in place that will not only be punitive to people who force Kenyans to buy pieces of land that they will never get, but to make sure that the wheel of justice is spinning faster than they think so that we can protect Kenyans from losing further to these goons.

We heard the President pronounce that we shall construct 100 big mega dams. We know now that the same people are going around the country and buying the land around the areas where the dams will be constructed, so that they can again conspire with the people working at the lands office to get compensation. It is high time that we, as a House, came up with legislative measures so that we try and protect the local communities from these speculative land grabbers who will spare nothing to milk them dry.

We are also aware of the fact that most of the land in Kenya was given as tenure with a 99-year lease. It is high time we asked ourselves what would happen after the lease expires. It will surprise the House to know that most of these pieces of land are taken over by few families which own banks and then sold to unsuspecting innocent Kenyans at very exorbitant prices even though they are gotten for free after the lease expires. It is high time that we call a spade a spade and agree that we have attached a lot of value to land to an extent where we have lost the moral authority to even take care of our own brothers.

I, therefore, think that as we support this Petition we must come up with measures to ensure that Kenyans are protected and that those who have benefited from unfair land deals pay dearly. This is the only way we can deal with these cartels. It is high time we dealt with them the same way we deal with the drug dealers because that is what they are.

I thank you and support.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to add my voice to the Petition by the residents of Jamii Bora Estate. It is the right of any person in Kenya to petition the Senate on any matter. I would like to thank the residents of Jamii

Bora for having faith in the Senate and presenting this Petition on the non-issuance of title deeds after purchasing property through Jamii Bora.

In the last Parliament, we were able to firm up laws to regulate purchase of property, especially when you have developers who build flats and sell them. Initially it was not very clear how they were going to get title deeds, but after the review of the Sectional Properties Act, it has made it possible for somebody to get a flat with a title deed or sub-lease for it. However, it is annoying to realize that there are some developers who are not following that law. We will need to look at the salient issues that have been raised in that Petition to see how we can assist the people who bought houses in Jamii Bora development.

We firmed that law, especially where we have phased development that is where a developer is having the first phase of development and people are purchasing houses. Previously it was difficult like in a case where you have phased development with swimming pools and playgrounds; they would change the architectural design plans and build other things. However, through passage of the Sectional Properties Act amendment we were able to firm up that such that if you start with the said plan you run with it up to the end.

Being in the Standing Committee on Lands, Environment and Natural resources we have been able to solve very many issues to do with land. These issues are not just in Jamii Bora Estate, Kajiado County, but all over Kenya. We have many issues that we have raised and tried to solve across the country. We shall also look into this case and see how the residents of Jamii Bora Estate can get justice.

I thank you.

Sen. Nyamu: Thank you, Mr. Speaker, Sir. I rise to support this Petition by residents of Jamii Bora Estate. The issue of land is not only an emotive, but also a very expensive one because land happens to be an expensive resource. In Nairobi City County, for example, we have seen situations whereby some land cartels identify idle land owned by residents and claim it as their own. These cartels are protected by the police and other authorities.

We are called upon to protect the interests of our people. The *Ardhisasa* system, which attempted to digitalize land in Kenya failed. The other day, we, as lawyers, were demonstrating against the *Ardhisasa* system. I call upon the Standing Committee on Information Communication and Technology which I sit in to come up with an improved way to digitalize the land and title deeds in the country to eliminate cases of double allocations and people claiming that property that does not belong to them, is theirs.

We also call upon this House to stand firm and come up with laws that protect our people.

I support.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir, for this opportunity to add my voice to the many of us who are supporting this Petition. With regard to the issue of compensation; if anyone agrees that they are going to compensate somebody on anything, they should be able to keep their word.

Last week, I talked about Kakuzi Limited in Murang'a County who were supposed to compensate Mwambu Farmers' Cooperative since 1988 and that has not been done. Just like Jamii Bora Estate, there are many people whose compensations have not materialized. It is high time that we did something to ensure that everyone who is supposed to be compensated, is compensated.

Regarding this issue of Jamii Bora Estate, denial to issue title deeds, especially in these hard economic times is a big misdeed. We know that sometimes people use title deeds as collateral to borrow money from lending institutions to be able to start businesses, or things that could be of use to them in as far as improving their lives is concerned. The issuance of title deeds in this particular Jamii Bora Estate should be expedited at the earliest possible opportunity to enable the residents to get loans on the title deeds as collateral. The fact that this matter came up in the Twelfth Parliament and was not resolved, means it is something that this House should take seriously. Otherwise, we run the risk of being a House that does things just for the sake of formality.

Mr. Speaker, Sir, even as the Standing Committee on Land, Environment and Natural Resources deals with this matter, we should do it conclusively, so that we do not become the laughing stock of the people out there that we only do things for formality.

The last thing that I would like to say before my time lapses is that no company should ever be allowed to change its name before being cleared.

Finally, Mr. Speaker, Sir, Sen. (Dr.) Oburu said that some title for land that belonged to the ocean was found---

(Sen. Joe Nyutu's microphone was switched off)

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

Sen. Tabitha Mutinda, you may proceed.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I rise to support the petitioner. I want to start by echoing what my colleagues have mentioned and support their sentiments. When it comes to land, there are many cartels in Nairobi and its environs like Kiambu and Kajiado. This is because Nairobi has become quite congested and people have started moving to other counties to seek land on matters of housing.

The issue of double allocation and double selling of pieces of land has been quite rampant. I urge the Cabinet Secretary (CS) and the Principal Secretary (PS) to take up this matter seriously.

I have looked at this Petition and the concerns raised. The said director, that is, Ms. Sophia, has been using the same title as collateral, but according to this Petition, members of Jamii Bora Estate were not aware. It is sad and that is an indication of fraud. You should inform members about any agreement.

The question is, since this matter has been there since 2008, is the said person, Ms. Sophia, above the law and if this matter has been there all these years, what has happened?

Mr. Speaker, Sir, this is an issue I request you not only to direct to the Standing Committee on Labour and Social Welfare, but is there a way of dealing with this in plenary?

From the contributions by my colleagues, this matter touches different counties of this country. His Excellency the President is actually on the first agenda of the Kenya Kwanza manifesto, putting housing projects as a priority. This is because of the realization of the need for housing projects. It is sad in this era and time for an individual to confidently continue conning Kenyans in this manner.

I have also had an opportunity to google about Ms. Sophia Ingrid Munroe. From what I found, she has worked for the Swedish Government. Now, we are engaging investors both locally and internationally. Is that particular investor not portraying a negative name to other international investors who would wish to invest in our country? Coming from Sweden, it raises eyebrows.

I urge the Directorate of Criminal Investigations (DCI) and the CS and the PS for the Ministry of Lands, Housing and Urban Development to take up this matter---

(Sen. Tabitha Mutinda's microphone was switched off)

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

Hon. Senators, the half an hour meant to interrogate this Petition is far spent. Pursuant to Standing Order No.238 (1), the Petition is supposed to be committed. I hereby commit this Petition to the Committee on Roads, Transportation and Housing for its consideration with the option that the Committee can co-opt the Committee on Land, Environment and Natural Resources.

In terms of Standing Order No.238(2), the Committee is required, in not more than sixty calendar days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

*(The Petition was committed to the Committee on Roads,
Transportation and Housing)*

Let us go to the next Order.

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES/ASSEMBLIES

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 14th March, 2023-

Report of the Auditor-General on the Financial Statement of the County Executive of Bomet for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statement of the County Assembly of Bomet for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statement of the County Executive of Kwale for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statement of the County Assembly of Kwale for the year ended 30th June 2022.

Report of the Auditor-General on the Financial Statement of Diani Municipality for the year ended 30th June, 2022.

(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)

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

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

The Temporary Speaker (Sen. Abdul Haji): Let us now have the Chairperson of the Standing Committee on Land, Environment and Natural Resources.

REPORT ON APPOINTMENT OF NOMINEES TO THE CLIMATE CHANGE COUNCIL

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 14th March, 2023-

The Report of the Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the approval hearing for-

- (1) Ms. Emily Mwenda Muita;
- (2) Mr. John Kioli;
- (3) Ms. Umar Omar; and,
- (4) Prof. George Odera Outa.

The nominees for the appointment as Members of the National Climate Change Council.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Temporary Speaker (Sen. Abdul Haji): Let us go to the next Order.

NOTICE OF MOTION

The Temporary Speaker (Sen. Abdul Haji): Chairperson of the Standing Committee on Land, Environment and Natural Resources, you may proceed.

ADOPTION OF REPORT ON APPOINTMENT OF NOMINEES
TO THE CLIMATE CHANGE COUNCIL

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I beg to give Notice of the following Motion-

THAT the Senate adopts the Report of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the approval hearing for the nominees for the appointment as Members of the National Climate Change Council, laid on the Table of the Senate on Tuesday 14th March, 2023, and approves the nomination of-

- (1) Ms. Emily Mwendu Mwaita;
- (2) Mr. John Kioli; and
- (3) Prof. George Odera Outa

As Members of the National Climate Change Council and reject the nomination of -

- (1) Ms. Umar Omar.

The Temporary Speaker (Sen. Abdul Haji): Let us go to the next Order.

STATEMENTS

The Temporary Speaker (Sen. Abdul Haji): Sen. Joe Nyutu, you may proceed.

*[The Temporary Speaker (Sen. Abdul Haji)
left the Chair]*

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

EXPLOITATION OF WATER RESOURCES IN
MURANG'A COUNTY BY THE NWSC

Sen. Joe Nyutu: Mr. Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the exploitation of water resources in Murang'a County by the Nairobi Water and Sewerage Company (NWSC).

In the Statement, the Committee should-

(1) Give the status of the Northern Collector Tunnel Project indicating the stipulated timeframe for its completion, the construction status so far, and expected date of launch.

(2) Provide the expected daily average water production capacity of the Northern Collector Tunnel project to Nairobi City County and neighbouring counties, indicating how much water in cubic metres to be channeled to residents of Murang'a County.

(3) Provide current daily average water production capacity of the Ndakaini Dam to Nairobi City County and neighbouring Counties, specifying the average water supply in cubic metres channeled to Murang'a County.

(4) Spell out the strategic interventions, put in place, by the Ministry of Water, Sanitation and Irrigation to ensure residents of Murang'a County get access to water from Ndakaini Dam, which is a major water resource endowed to the County.

Thank you, Mr. Speaker, Sir.

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

(Sen. Wamatinga stood in his place)

The Speaker (Hon. Kingi): Are you holding brief for Sen Chute?

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

The Speaker (Hon. Kingi): Very well, proceed.

STATUS OF OIL EXPLORATION IN TURKANA COUNTY

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I am holding brief for Sen. Chute.

I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Energy regarding the Status of oil exploration in Turkana County.

In the Statement, the Committee should –

(1) Apprise the Senate on the Status of the oil exploration and extraction in Turkana County, since the discovery of the oil field in 2012, stating the companies involved in the exploration and extraction.

(2) State the current crude oil price of each barrel and the current value, in Kenya shillings, of the commercially viable oil reserves.

(3) State the cumulative quantity of oil that has been produced so far and the projection of the oil exploration and extraction project in the next 10 years.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Is Sen. Osotsi not in the Chamber. His Statements are deferred.

STATUS OF KAIMOSI FRIENDS UNIVERSITY COLLEGE

HARVESTING OF CYPRESS TREES AT KIBIRI FOREST, VIHIGA COUNTY

(Statements deferred)

Proceed, Sen. Cherarkey.

SCHOLARSHIPS IN THE EDUCATION SECTOR BETWEEN COUNTIES AND ACADEMIC
INSTITUTIONS OUTSIDE THE COUNTRY

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Education regarding scholarships on education programmes between county governments and academic institutions outside the country.

In the Statement, the Committee should-

(1) Apprise the Senate on the exact number of scholarships on education programmes currently in place guaranteed by county governments and managed by academic institutions outside the country, disclosing the terms and conditions of such scholarships.

(2) Find out whether the Ministry of Education has a policy framework guiding counties in engaging with educational institutions abroad.

(3) State measures the Ministry of Education is instituting in facilitating students currently facing termination of their academic programmes and repatriation from Finland, due to non-payment of fees occasioned by withdrawal of their fees held in trust accounts.

(4) Outline any measures the Ministry of Education has put in place to streamline the terms and conditions of these scholarships, occasioned by rising cases of students being airlifted to study in various academic institutions abroad on scholarships guaranteed by county governments across the country, outlining measures to safeguard parents from being swindled.

Mr. Speaker, Sir, I can see the Senator for Siaya County, Sen. (Dr.) Oburu, is in the House whereas there is an Azimio rally in Siaya. I hope all is well.

With those many remarks, thank you.

(Laughter)

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda, I can see you on the queue. Please, proceed.

Sen. (Prof.) Tom Ojienda, SC: Yes, Mr. Speaker, Sir. Thank you for giving me an opportunity to contribute to the Statement by my learned friend, Sen. Cherarkey, the Senator for Nandi County.

The question of the students who are being repatriated from Finland on account of scholarship, which seems not to have been well managed by the Uasin Gishu County, is a matter of concern to the nation. We have watched this unfolding events in the last two weeks and it is embarrassing to the education system.

Mr. Speaker, Sir, in my understanding, when counties get to the arena of education to sponsor students, there often must be a framework contract. I assume that Uasin Gishu County ought to have had an engagement that has definitive terms. The students would then move to Finland knowing the extent of fees that would be covered by the scholarship. We would not be having this scenario where poor parents contribute

to the scholarships of their sons and daughters, presuming that the scholarship contributions would take care of the entire study period, only for them to come and lament in public, blaming the bastard administration for mismanaging scholarships.

Mr. Speaker, Sir, I am alive to the fact that EACC is already investigating this question. Therefore, I am sure that it will be dealt with. The question we must deal with here is to what extent should counties go to sponsor education, whereas education is a devolved function---

(Sen. Githuku consulted loudly)

The Speaker (Hon. Kingi): Senator for Lamu County, you can consult, but do not in any way disrupt. We need to hear the Senator who is contributing. Kindly, consult in low tones.

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Speaker, Sir. Counties, governors and even Senators who float scholarships for the benefit of their constituents should learn a lesson. You must define the parameters of the scholarship, so that we do not have the public coming back to file complaints at the county. That is the case with Uasin Gishu County.

Perhaps, the problem here is that the framework of the scholarship and the extent to which the scholarship was defined was not known by the recipients of the scholarship. That is why even the question of accounts being mismanaged is not clear.

Mr. Speaker, Sir, we urge our governors to study the Fourth Schedule of our Constitution. They should know which powers and functions are devolved and that they can perform.

In terms of education, I know that Early Childhood Development Education (ECDE) is devolved. However, under the new framework and reforms within the sector, higher education resides within the National Government. This applies to all governors. They should put their act together and function within the law, without going into areas that they cannot afford or where the people you serve ill understand the processes.

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

Sen. Cheptumo: Mr. Speaker, Sir, I support the Statement by the Senator for Nandi County. The Statement is in regard to education scholarships between Kenyan counties and academic institutions outside the country.

I agree with my colleague and classmate, Sen. (Prof.) Tom Ojienda, SC, about devolving education at the Early Childhood Development Education (ECDE) level, but not at the primary, secondary and university levels.

When a county government allocates resources in their county and supports a specific education program, with specific universities and scholarship amounts – taking students in their counties to universities abroad, this should be allowed. The problem is when the extent of these scholarships is not clear as was said by the other Member.

Mr. Speaker, Sir, counties are supplementing in supporting the national Government in advancing education. We need to insist that any county that intends to sponsor a scholarship programme for their students, should be very clear to the parents on whether it is a full scholarship or for one or two years.

I support that counties should support the education sector, though that sector is not devolved. It is true that security is not devolved to the county governments. However, just like education, security is a problem that affects the citizens of that county. When we have a county government ready to support the national Government in advancing security matters, that is welcome.

Mr. Speaker, Sir, for example, in Baringo and other areas, we have the National Police Reservists (NPR). Those are young people employed in those counties to help the police in security matters. The county governments provide some stipend, like Kshs5,000 or Kshs10,000, in addition to what the national Government is giving.

I agree with Sen. Cherarkey's Statement and say that counties should be clear to the parents of those students on scholarship. However, there is a bigger problem on these matters of scholarship. Most of friendly countries like Japan, Britain and other countries give a lot of scholarships to our country. There should be an affirmative action for those programmes.

Mr. Speaker, Sir, those officials in the Ministry of Education tend to allocate those positions to members of their counties. There should be a policy. If there are 10 or 20 scholarship programmes from Britain for example, they should be spread across the counties we have. If we have another country giving scholarships, the same rule should apply.

There is need to look at the entire aspect of scholarships in our country, not only with regard to counties, but even in the Ministry of Education, so that we have fairness for all the country.

Mr. Speaker, Sir, I support the Statement.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. This is a serious issue. A few weeks ago, I was in Eldoret Town, and this matter was active and in public domain. This Statement should go further because we are not talking about millions, hundreds or thousands of students, but a number of students.

There should be an audit for every county government to establish any existence of such students, so that we know the circumstances under which they were taken out of the country. A record should be given to this House showing the accounts that were opened for monies to be deposited into them for purposes of paying for school fees. The report should also tell us who were the signatories of those accounts.

Mr. Speaker, Sir, when I talk about public domain, I was hearing things like signatories of those accounts had bought properties, land and vehicles with money that was meant to pay school fees for these students. The Governors who might have been behind this noble idea did not know they were opening an avenue for swindling public funds.

Since we shall be having that list, we would like the Statement to confirm if the Ministry of Foreign and Diaspora Affairs on humanitarian grounds will take the students with arrears back to complete their courses. Some of those students were taken to undergo courses in law, medicine and engineering. They were diverted from local universities where they would have been sponsored for free. This is a major scandal!

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Sen. Seki, kindly, proceed.

Sen. Seki: Thank you, Mr. Speaker, Sir. I also rise to support this Statement from the Senator for Nandi, Sen. Cherarkey, on this matter of scholarship of students across the country. This is not just an issue for Uasin Gishu County but is a matter that touches all counties in Kenya. Almost every county government and the national Government has allocated an amount for scholarships and bursaries to benefit the students of this country. There is also the issue of counties bringing up the bursary fund to their own people.

This Statement will try to resolve this matter by looking at how counties have given out and allocated these bursaries including scholarships to students in their counties. This is a matter that this country needs to understand and know the transparency because this is where there is a lot of scam in counties.

Mr. Speaker, Sir, the people who benefit from these scholarships are not meant to benefit from them and those who are supposed to benefit, do not get them. This Statement through the Committee, which I am a Member, will look at this issue, address it and report back on what is happening in the country. There is no transparency in the issues of scholarships. That has never been there. This is the time we will bring this issue to this House in order to understand what is happening. What is happening in Finland had a good motive and it was a good idea by Uasin Gishu and other counties.

Mr. Speaker, Sir, Finland has a very good education system. There is a process that needs to be investigated in order to see what is happening. The Committee that will look into this matter will go beyond the borders to put this matter to rest.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I thank my friend, the Senator for Nandi County, for bringing out this matter of education, which have been central even during the struggle for Independence of this country.

There was the airlifts of Tom Mboya in the 1950s and the early 1960s. There was also airlift of my father, Jaramogi, where people were taken to the Eastern countries when there was Cold War. Normally, when there is a good thing, corrupt people take advantage it. They know it is good. There is enthusiasm, interest and people are ready to commit their resources to support the good and noble causes.

When people produce their resources, some people find a way of swindling them. It is not something to be stopped. It is not something that we need to investigate how to stop with a way to encourage it and grind out any corruption.

Mr. Speaker, Sir, this is a very important matter because education never ends. Currently, I am almost reaching the eighth floor of my life, but I am still pursuing education. I want people to learn. There is no limit to acquire knowledge.

My brother, Sen. Cherarkey, also said that I should be in Siaya. I inform him that I am there in my head, eyes and body. All of it is there. It is only my body that you are seeing here.

(Laughter)

However, it is because of health reasons that I am not there.

Mr. Speaker, Sir, I support this and urge the Committee to investigate, find out and make conclusions.

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

Sen. Kinyua: Bw. Spika, nina kushukuru kwa kunipa fursa hii. Vile vile, ninamshukuru Sen. Cherarkey kwa kuleta swala hili nyeti ya udhamini wa wanafunzi.

Udhamini wa wanafunzi umekuwa ni jambo nzuri sana. Lakini, wale ambao ni wakora wanachukua fursa ile kujinufaisha wenyewe kwa sababu wanajua wanafunzi wengi hawana uwezo.

Ukiwatajia udhamini, ni watu ambao wanataka masomo. Lakini, kwa sababu ya ukosefu wa pesa, kunafanywa mchango. Unapata hata wale ambao wanaishi katika maisha ya uchochele wanafanya *harambee* kusudi waweze kupata ule udhamini na kupeleka watoto wao shuleni waweze kupata masomo.

Bw. Spika, Kamati ambayo itashughulikia jambo hili, inapaswa ilete mwangaza zaidi watu wajue Serikali ama Wizara ya Elimu ni hatua zipi ambayo inachukua kusudi Wakenya wawache kulaghaiwa wakiwa wanatafuta udhamini. Hii ni kwa sababu Wakenya wanataka masomo na wanajua kwamba watapata masomo ya kiwango cha juu pengine wakienda katika nchi za ughaibuini.

Kwa sababu ya umaskini, mtu yeyote akisema atawadhamini wanafunzi, watu watauzi mbuzi na kuku kwa minajili ya kupata ule udhamini. Kwa hivyo, Kamati ambayo itapatiwa hili jukumu isiingalie tu sehemu hiyo ya Uasin Gishu. Isiingalie tu Taarifa iliyoletwa. Iingalie hayo mambo kwa kindani ndiyo waweze kuleta suluhu la kudumu.

Tusiwe kila wakati tunaongea kuhusu hili jambo. Kwa sababu ya ufukara wananchi walionao, wanaweze kuhadaiwa na walaghai ambao wanachukua kila fursa ilioko. Si fursa ya kuwaajiri watu au ya kuwadhamini wanafunzi. Walaghai wanachukua fursa yeyote ambapo watu wanachechemkia jambo, kuwalaghai wananchi wa Kenya.

Bw. Spika, ninaunga mkono na kuomba Kamati ambayo itashughulikia jambo hili, ishughulikie kwa kindani na waweze kutupatia suluhu la kudumu.

Ninashukuru.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I support this concern. I am one of the young people who, before joining this Senate, had severally applied for scholarship in anticipation of being shortlisted, so that I would pursue further studies in my area of interest.

Therefore, I understand when Sen. Cherarkey wants this issue to be looked at. In as much as we keep saying that we are Kenyans first, sometimes, allocations of scholarships have been marred with issues of nepotism. In that, people from specific areas are given priority, while people from other areas are disadvantaged.

We also need a report on beneficiaries of these scholarships. This is because the intention is, you give people scholarships, they go study and come to enrich our country. To this extent, we need a report on Kenyan students who have benefited from the scholarships, so that we also make recommendations on what we think. Are the scholarships assisting our country and children so far or it is an avenue for the most

privileged to continue benefiting from these process while the rightful people to have these scholarships miss out?

Education is the only avenue that allows people to compete fairly. So, when we disadvantage other people by stealing from them and making them poorer, we are shooting ourselves in the foot. We cannot support education and, at the same time, leave that critical sector to people who con poor, desperate young people who want to go to other countries to get better education, at the expense of their parents who have nothing other than taking loans, selling their lands and their only cows left to support them.

In as much as we have those issues, I support what Sen. Cherarkey has said. I insist that it is time the Ministry and the counties give a report on the beneficiaries of these scholarships so far.

The Speaker (Hon. Kingi): Proceed, Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Speaker Sir. Education is one of the basic rights that the Constitution of Kenya protects. It is in this House that we are able to speak the way we are speaking. Without education, we could not have been in this House or understand what is supposed to be done and change the society that we are attempting to change.

We cannot over-emphasize the importance of education. Therefore, we support education and protection of the most vulnerable members of the society from conmanship. They are the people who desire to be supported. The most vulnerable are the young ones, the poor and the have-nots.

When we take advantage of such situation, we worsen their future and the health of those who support them and who expects them to come and support them in future. We are killing an entire generation. This is because if we lose an entire 50 plus children or students, we have lost a generation.

Where I come from, they say that when you educate a child, by the time he or she is out of school and has been employed and is earning a salary, they do not belong to that family, but to the society. Where we have opportunities of scholarships, the best that an administration, a leadership or a Government can do is to ensure that there is fairness across the board.

It should also go out of its way to utilize such resources, to support and not kill the future of the children or parents who have gone out of their way to avail resources to support their children.

Therefore, the Statement that has been brought forward by the Senator from Nandi is something that cuts across every person in this country; the rich and the poor, the young and the old.

Therefore, I want to add my voice and say that we should seek to obtain reports of the beneficiaries, the procedures within which such beneficiaries are normally selected, and also a follow up as to the level of the abuse or good use of such opportunities by the relevant agencies of government and institutions that are involved.

Mr. Speaker, Sir, I support the Motion.

The Speaker (Hon. Kingi): Sen. Mwaruma, you may proceed to seek your Statement.

Sen. Mwaruma: Mr. Speaker, Sir, I have three Statements.

The first one is a Statement by the residents of Ikanga, whose land was encroached by Kenya Airports Authority.

ENCROACHMENT OF LAND BELONGING TO
IKANGA RESIDENTS BY THE KAA

Sen. Mwaruma: Mr. Speaker. Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the residents of Ikanga, whose land was encroached by the Kenya Airports Authority (KAA).

In the Statement, the Committee should -

(1) State whether there was involvement of the landowners of Ikanga pursuant to Article 232(1)(d) of the Constitution, before their land was acquired by the Kenya Airport Authority to pave way for the expansion of the Ikanga air Strip.

(2) Provide a list of residents who lost their land as a result of this expansion of the Ikanga airstrip,

(3) Explain reasons for the inordinate delay in compensation of the landowners and whether there are any plans to compensate them as provided for by Article 43(b) of the Constitution and Section 111 of the Land Act, 2012, giving timelines within which such compensation, if any, will be availed.

COUNTY BOUNDARY CUTLINE BETWEEN TAITA-TAVETA
COUNTY AND ITS THREE NEIGHBOURS

Sen. Mwaruma: Mr. Speaker. Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the county boundary cutline between Taita Taveta County and its three neighbours.

In the Statement, the committee should -

(1) Give the exact boundary points and geographic coordinates between Taita Taveta County and Makueni, Kwale and Kajiado Counties.

(2) Table documentary evidence of a boundary resolution agreement alleged to have been signed by the county governments of Taita Taveta and Kajiado on 4th July, 2020.

(3) State whether the governors of the two counties altered any boundaries and whether the provisions of Article 188 of the Constitution were taken into consideration.

DELAYED PAYMENT OF PENSION TO RETIRED
KENYA RAILWAYS EMPLOYEES

Sen. Mwaruma: 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 regarding the delayed payment of pension to retired Kenya Railways Corporation employees.

In the Statement, the committee should -

(1) Determine the cause of the inordinate delay in payment of pension to the retired employees of the Kenya Railways Corporation (KRC).

(2) State specific timelines and the steps being taken by Kenya Railways to conclusively address the issue of stopped monthly pension payment that is now running in arrears.

(3) Outline the measures the Ministry has put in place, if any, to ensure that the retirees receive their pension as and when it falls due in order to save the pensioners from pecuniary embarrassment.

Mr. Speaker, Sir, these two Statements; on Ikanga Airstrip and the Kenya Railways Corporation employees, were derived from the exit reports of these Committee on Labour and Social Welfare and Committee on Land, Environment and Natural Resources. They are already there in the 12th Parliament and they are in the exit Committees' reports. We had agreed that the only way to reactivate them is by way of Statements.

This issue of Kenya Railways Corporation has been in the Committee for Labour and Social Welfare, where I was the Vice-chairperson in the last committee and they started paying. We had agreed that they liquidate some of the assets, which amount to Kshs20 billion. They have not been able to do that and that is why we have this pension falling into arrears.

I know that the Senate Standing Committee of Labour and Social Welfare will look at this issue at depth, so that these people who are suffering, yet they worked very hard for Kenya Railways Corporation, can get their arrears.

I thank you,

Sen. Cheptumo: Mr. Speaker, Sir, I just want to comment on the second Statement by Sen. Mwaruma.

I represented Baringo North as a Member of Parliament and during my time I received a lot of cases of retirees; teachers, the police and other civil servants. Their main complaint is delayed remittance of their pension. This is a serious challenge in our country.

The one before us today is about the Kenya Railways Corporation. I think there is a problem in the Department of Pensions because the Government has the data of retiring employees; they know the time they are going to retire and the dues payable at that point in time. Therefore, I do not understand why there is a delay in payment of retirement benefits to retired civil servants.

Remember, these are Kenyans who have spent all their time serving our country, either in the armed forces, as teachers or in other departments. When they are not paid after retiring, they live a very miserable life.

This House has the means and the capacity to rise up and demand that the Department of Pensions should not subject more Kenyans further to this suffering after retiring because this is not something that is not known to the Government.

For example, if you look at the retired teachers or any other civil servants, they really experience difficulties trying to pay fees for their children or in meeting their day-to-day demands after retirement.

Therefore, I want to support this and urge the Committee in charge that they need to even call upon the Director of Pensions to appear before the Committee to explain why they are unable to meet this very serious obligation, which they already knew from the word go that it is payable.

I support.

Sen. Ogola: Mr. Speaker, Sir, I would like to comment on the two Statements that have been brought forward to the House by the Senator of Taita-Taveta.

The first one is about the delayed payment of pensions to the retired employees of the Kenya Railways Corporation.

As a country, I keep wondering why we demean our senior citizens. If it is not about non-payment of pension to teachers, then we have non-payment of pensions to the Kenya Revenue Authority (KRA) employees and other sectors.

Mr. Speaker, Sir, all of us are growing older and we will need some upkeep from the money that has been invested during our working years. It is painful that people who are now older do not have the energy to work and cannot go looking for income from elsewhere because of their age but those are the people who, as a country, we deny them their rightful payment.

When some of us were growing up, the Kenya Railways Corporation used to be one of the places that most of us aspired to work at. The people who worked for the Kenya Railways Corporation used to live well because houses were built for them. While they worked, I guess their families believed that their upkeep would continue through the investment that they had made.

Mr. Speaker, Sir, this matter should be looked into. As Sen. Mwaruma has said, it also pains me that it is an issue that has been before the House even in the previous Parliament. With your guidance, we want this matter to be dealt with once and for all.

Before I sit, let me also add my voice to the Statement about the county boundary outline between Taita-Taveta and its three neighbours.

Mr. Speaker, Sir, all I wanted to put before you is that, as the Standing Committee on Devolution and Intergovernmental Relations discuss this issue, I pray that the Committee on Land, Environment and Natural Resources is also brought on board.

I am saying this because boundaries are issues of survey. Therefore, if there are issues to do with land, then the Committee on Land, Environment and Natural Resources should be brought in to deal with issues of boundaries once and for all.

In the past, I have seen boundary issues being dealt with the Committee on National Security and Foreign Relations. That Committee should only come in to deal with security issues that arise out of the conflict of boundaries. Primarily, if boundary issues are to be solved, the Committee on Land, Environment and Natural Resources has to be involved.

Mr. Speaker, Sir, I support the Statement.

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

Sen. Maanzo: Mr. Speaker, Sir, I am one of the neighbours in dispute with the boundary with Taita-Taveta. The Constitution of Kenya fixed the boundaries as of the districts of 1992. There is also a law which used to exist dealing with provinces as they were then.

When that matter was between Taita-Taveta County and us, we took it to the Council of Governors (CoG) and presented witnesses but it was not resolved. I believe that the great Senator for Taita-Taveta and I can sort it out because it is a matter of public notoriety, fact and law.

Clearly, Mtito Andei is in Makueni County and the border is at Tsavo River. The Officer Commanding Station (OCS) for Mtito Andei originates his jurisdiction from Tsavo River. The one who deals with railway starts their jurisdiction from Tsavo River. That has been the practice all these years.

Even when the late President Kenyatta, the founding father of the nation, used to travel by road to Mombasa, the Provincial Commissioner (PC) of Coast Province used to pick the President---

Sen. Mwaruma: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Maanzo, who is the Senator for Makueni, to mislead this Parliament that the boundary between Taita-Taveta and Makueni is Tsavo River, yet we know we have a polling station by the Independent Electoral and Boundaries Commission (IEBC) at Mtito Andei?

The Speaker (Hon. Kingi): Sen. Mwaruma, those are matters that you should leave to the Committee that we are going to commit this Statement to. They are the ones who will tell us whether Tsavo River is indeed the boundary or there are other boundaries. You did well by seeking this Statement from the Standing Committee. I believe when the time comes, you will call witnesses from both sides.

I also believe the Committee will engage the IEBC, the constitutionally mandated institution to handle matters of boundaries, so that we can have a comprehensive report on this matter.

Sen. Maanzo, please, proceed but please hesitate from veering off.

Sen. Maanzo: Mr. Speaker, Sir, I look forward to the constitution of commissioners of the IEBC and I believe this matter will be settled as soon as possible. The matter has been to court and the court indicated that it had no jurisdiction to deal with the matter. However, I believe the leadership of Makueni---

This is not the only border problem because there are three other counties. The Senator of Taita-Taveta is doing a great job to make sure we establish that clearly by a new constitution.

It goes by 1992 District Boundaries and that is as clear as day and night. For that matter, I believe we will sort them out. I look forward to participate. We will bring our witnesses.

Luckily, we have very old members of our community who lived those days. The maps and a lot of materials are there. I believe we will have it settled as the Senate.

The Senate is a serious House and can resolve matters like this, so that any little errors are corrected and the people of Makueni and Mtito Andei can have a smile on their face once the people of Taita-Taveta know that Mtito Andei is in Makueni County.

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

DISTRIBUTION OF SUBSIDISED FERTILISER
IN LAIKIPIA COUNTY

Sen. Kinyua: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the distribution of subsidized fertilizer in Laikipia County. In the Statement, the Committee should-

(1) State the number of farmers in the county who have benefited from the National Fertilizer Subsidy Programme since the programme began, stating the percentage of eligible farmers these numbers represent.

(2) Elaborate how the programme has been implemented stating the areas covered.

(3) State measures in place to ensure that smallholder farmers in remote areas of Laikipia County have access to the fertilizer, stating the current status of fertilizer stocks in the county.

(4) Disclose the points of fertilizer distribution, outlining measures, if any, to address the challenges of transportation in the remote areas of Laikipia County.

(5) State measures, if any, to monitor the impact of the fertilizer distribution programme on the overall agricultural productivity and food security in the county, stating plans, if any, to evaluate and improve the programme based on this data.

I thank you.

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

Sen. Mwaruma: Mr. Speaker, Sir, thank you for this opportunity to support the Statement by Sen. Kinyua, the Senator for Laikipia County.

We are told that the issue of fertilizer will go a long way to mitigating the issue of food security. Distribution of fertilizer is not going to take place only in Laikipia but also in other counties.

I would like to ride on the Statement and request the Committee to provide data not only for Laikipia but other counties in Kenya as well. That will be good because we also need to know how much fertilizer has been given to Taita-Taveta which is my county.

Mr. Speaker, Sir, most importantly, even as we plant using the subsidized fertilizer, we also need to find out measures that the Government has put in place to

ensure that the fertilizer does not go to waste. In Taita-Taveta County, when we plant, we do not harvest even when there is rain. This is because of human wildlife conflict.

The Ministry Agriculture, Livestock and Fisheries, the Ministry of Tourism, Wildlife and Heritage and the Kenya Wildlife Services (KWS) should work together. If we want to mitigate on food security, we also need to ensure that our farmers harvest the food that they planted.

Our farmers are very hardworking but when they plant they do not harvest because their food crops are eaten by elephants, monkeys and baboons.

We need to see how that subsidized fertilizer program would work but also ensure that the animals do not destroy the crops.

I thank you.

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

Sen. Wafula: Asante, Bw. Spika, kwa nafasi hii. Ijumaa na Jumamosi tulikuwa na kikosi cha Kamati ya Kilimo, Mifugo na Uvuvi kule Kaunti ya Kitui. baadhi ya maswali ambayo mwenzangu Spika ameuliza ni maswali ambayo wakulima wa ndengu waliuliza. Kwa mfano, ni mbolea mifuko mingapi ambayo imeletwa maeneo hayo na ni vigezo vipi waliotumia kuwapa wakulima mbolea hiyo?

Katika kumbukumbu na vitabu vya wataalam wa kilimo, ekari moja ya shamba iwapo ni la mahindi huhitaji magunia kadhaa ya mbolea. Wanayosema yameafikiwa na Idara ama Kilimo ama hii ni mbolea ambayo imekuwa inapeanwa tu kwa minajili ya kukimu kiu cha wakulima Kenya?

Hoja ya pili - kuna maeneo ya magala nchini ambayo Serikali imeagiza mbolea kupeleka. Wakulima wanapochukua mbolea hii wanaitishwa pesa au la? Nimekuwa nikizungumza na mkulima mmoja kutoka eneo bunge la Bumula ambaye alienda kuchukua mbolea kwa pesa zilizostahili lakini akaelezwa ili alihifadhi gunia lake la mbolea lazima angetoa shilingi 85.

Iwapo wakulima maskini watakuwa wanaitishwa pesa kidogo kama hizo tutaweza kuyaafiki malengo ya Serikali?

Kuna maeneo humu nchini ambamo panajulikana kwamba ni vikapu vya chakula. Ni magunia mangapi ya mbolea yamefika kule? Mfano kaunti za Trans-Nzoia, Bungoma, Uasin Gishu, Kakamega na Kisii. Maeneo ambayo mahindi na vyakula vingine vya kushika tumbo vinatoka. Si vya mzaha vinavyopoteza muda.

(Loud consultations)

Tungependa kujua Serikali imepeleka magunia ya kutosha?

Maeneo ya Trans-Nzoia, Bungoma na Kakamega mvua imeanza na wakulima wameanza kupanda. Iwapo mbolea ni chache, Kamati ya Kilimo, Ufugaji na Uvuvi, tutaweka majembe yetu chini ili kuhakikisha kuwa wale ambao wanapaswa kufanya kazi wanaifanya kikamilifu.

Ninaunga mkono.

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

Sen. Osotsi: Thank You, Mr. Speaker, Sir. I rise pursuant to Standing Order---

The Speaker (Hon. Kingi): Senator, you had queued here to contribute to this Statement, that is why I picked your name.

Sen. Osotsi: I was waiting for---

The Speaker (Hon. Kingi): I shall call for your Statement. Kindly, yield. I will call you to make your request. Proceed, Sen. Dr. Khalwale

Sen. Dr. Khalwale: Thank you, Mr. Speaker, Sir. I would like to congratulate the Senator of Laikipia County for the clarity that is required for this important issue.

Trans-Nzoia, Bungoma, Uasin-Gishu and sections of Nandi and Kakamega Counties need to be reassured that there will be no case of diversion or interference with this fertilizer. They have sat back and relaxed knowing somebody is going to support them with that particular farm input.

Logistics is a nightmare. I was in a function in a place called Ingolomosio in Shinyalu Constituency which is 40 kilometers from Kakamega Town. A message comes to the farmer's phone stating that they have paid and should go and collect fertilizer in Kakamega town. The farmer goes from Ingolomosio to Kakamega town, queues there but goes back home because the queue was too long.

When he repeats that the very discouragement and loss of money cancels out on the issue of cheaper fertilizer. The shame of our administration is that when I was in Ingolomosio is that I paid for two trucks to go and collect the fertilizer to bring it at Kambili Market and have the farmers collect it from there but the guy refused.

He said he could not do it yet, the farmers had the letter from the chief. I had given the chief money to pay for the trucks. May the distributor in Kakamega hear it from the Senate, that the trucks coming from Ingolomosio to his office are meant to carry fertilizer not money to him to satisfy his appetite.

There are serious logistical challenges. We do not want any enmity between my brother, Sen. Wafula, and myself. At Lugari Station where we are distributing fertilizer; you find that 19 locations of Tongaren or Bungoma are in the neighborhood. Farmers naturally cross over from Bungoma County because it is nearer to come from Tongaren to Lugari than to go to their center. However, they are taking away the fertilizer meant for Kakamega County. Could the Government put in place proper logistics so that cross county farmers do not interfere with each other to the extent that the program fails?

Finally, we would like this Committee to table in this House a record of how much fertilizer was bought by the Government. How much went where so that we can see whether the principle of equity was exercised.

I thank you.

The Speaker (Hon. Kingi): Sen. Mandago. Proceed, Sen. Dr. Oburu

Sen. Dr. Oburu: Thank you, Mr. Speaker, Sir. This is an important statement being sought. Fertilizer is an important ingredient in farming. The Kenya Kwanza Government has stated that they do not want to subsidize consumption but production. They have put fertilizer as the only factor of production which they want to subsidize. If it is not available, then that little subsidy they are giving to production in agriculture is failing.

In agriculture, the most important factor of production is land preparation. When the price of diesel is skyrocketing and you tell us that you are subsidizing fertilizer, where will I get the money to prepare my land?

When you state that you are subsidizing fertilizer and not providing cheap seeds - the seeds are very expensive - how do you expect the farmer in the final analysis to sell maize cheaply when all the other factors of production have not been subsidized by the State?

In Siaya County, the Governor is subsidising land preparation. He is giving farmers Kshs2,000 for land preparation per acre and tractors are provided. Grain is also given to farmers for free. That is one way of reducing the cost of the price of food.

Mr. Temporary Speaker, Sir, I am just mentioning this to say that that statement is very important. Let us investigate it wholly and not just on fertilizer.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. The issue of fertilizer especially for us who come from counties that are called the bread or ugali basket, is very critical. The President and the Kenya Kwanza Government are committed to subsidising production over consumption.

We still have concerns about the seven days' notice that was given. We discussed it with them and it was extended to 30 days. In Nandi County, the only challenge that we are having with fertilizer is the aspect of distribution. We have the National Cereals and Produce Board (NCPB) depots in Mosoriot, Selia in Mosop Sub-County and Lessos.

Therefore, the issue that we wanted is warehouse receipting. I have told the Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries, hon. Linturi, to work on ensuring there is warehousing. You do not expect somebody to drive to Mosoriot all the way from Gambogi, Nyang'ori, Serem or even Musasa near Vihiga, to come for only two bags of fertilizer.

We need to agree with counties, so that we can---

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

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

Sen. Osotsi: Mr. Speaker, Sir, is it in order for my neighbour, Sen. Cherarkey, to claim that Musasa is in Nandi County when we know very well that Musasa is in Vihiga County?

(Sen. Cheruiyot spoke off record)

He said near Vihiga. It is not near Vihiga. It is within Vihiga County.

Sen. Cherarkey: Sen. Osotsi is a former immediate nominated Member under Amani National Congress (ANC) although he ended up fighting the Party and the Party Leader. He is new in terms of boundaries of Vihiga County.

There is a Musasa in Kabwareng' Ward, where his opponent almost trounced and vanquished him into political oblivion. Hon. Swadi, who was a Member of County Assembly (MCA) almost vanquished the nascent political career of Sen. Osotsi.

(Laughter)

Mr. Speaker Sir, maybe you can organize for us mileage allowance and I am willing to take him around the boundaries between Nandi and Vihiga counties. However, some of us do not have the mentality of expansionism because we respect the boundaries.

The biggest challenge is the aspect of distribution. Today at around midday, I received a Short Message Service (SMS) from a ward farmer in Selia NCPB. They are repackaging over 200 bags of Di-ammonium Phosphate (DAP) fertilizer, reducing to 30 kilogrammes from the initial 40 kgs. They are giving us 23kgs each instead of Yara supply and others, which does not match the component of soil acidity.

I appeal to the Ministry of Agriculture, Livestock and Fisheries, that the fertilizer component is insufficient. Therefore, it is not so good for our soil. This is especially in areas such Kakamega, Trans Nzoia, Bungoma, parts of Kisii, Nandi and Uasin Gishu counties, where they plant maize. However, there is ongoing corruption. I call upon the purchase of the Kenya National Trading Company (KNTC). This is in terms of purchasing the distribution of fertilizer under the Ministry of Trade, Investments and Industry, which must be looked into and made transparent.

Finally, I appeal to county governments to pay the 3,500 farmers. There is nothing but drama that is going on in Nandi County Government. I appeal to counties to create their own local centres. For example, local centres can be created in Kaiboi, Kemeloi-Maraba and Ngechek trading centres. These are small trading centres within Nandi County, where the county government can be fair and create holding rooms where farmers can pick fertilizer. One local centre can also be created in Chemase or Awasi on the border of Kisumu and Nandi counties. Both cane and tea farmers need subsidized fertilizers.

In conclusion, for us who are Christians, the Bible says that God helps those who help themselves. Sen. (Dr.) Oburu says that the Government should assist in land preparation and buying seeds and fertilizer. You might end up calling the Government to your bedroom to assist you in siring your children.

(Laughter)

I am only saying that let us be ready to play our part as a nation. Of course, Sen. (Dr.) Oburu has said that he is only here because of health reasons, I accept it but I was worried since I did not see him in Azimio la Umoja One Kenya Alliance rallies in Siaya. So, I thought he does not believe in what his brother is pushing across the country.

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

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

(Sen. Cheruiyot stood in his place)

The Speaker (Hon. Kingi): Senate Majority Leader, kindly yield and resume your seat.

What is your point of order, Sen. Osotsi?

Sen. Osotsi: Mr. Speaker, Sir, this is a House of honour. Our friend here and Hon. Senator for Nandi County, has made a habit of using foul language on his colleagues. Is it in order for him to use that of kind language on an honourable Senator?

The Speaker (Hon. Kingi): Sen. Osotsi, you know exactly when to raise a point of order. You cannot let a Member complete his speech, give him the latitude to say the so-called foul language and thereafter, wake up to realise that that language is unacceptable.

Kindly, if you have to rise on a point of order to interrupt a speaking Senator, raise it when he is making his speech.

(Sen. Osotsi stood in his place)

Just yield, Sen. Osotsi. Have your seat.

However, pursuant to our Standing Orders, indeed, Sen. Cherarkey, you are using unparliamentary language. I will allow you to come back to the Dispatch Box and please, withdraw it.

Sen. Cherarkey: Mr. Speaker, Sir, since I cannot recall the part of the statement, maybe it can be struck out. The part---

The Speaker (Hon. Kingi): Where you are inviting the Government to bedrooms to sire---

Sen. Cherarkey: Oh! My apologies. I made that statement in jest. I withdraw.

The Speaker (Hon. Kingi): Sen. Omogeni, proceed.

Sen. Omogeni: Mr. Speaker, Sir, I rise to thank the Senator for Laikipia County, Sen. Kinyua, for bringing this matter to the Floor of the House.

The issues raised resonate with the challenges and problems faced by my people in Nyamira County. As you know, we are basically small-scale farmers. We do not have big farms like what the Senator for Nandi County has told us. We are peasant farmers. We do farming for subsistence.

Now, the challenge we have is that farmers were promised subsidised fertilizer but it has not been actualized.

We have only one National Cereal and Produce Board (NCPB) in the entire Nyamira County at Nyansiongo, a few kilometers from the home of my friend, the Senator of Kericho. The fertilizer has never been delivered to Nyamira. The sitting Cabinet Secretary (CS) has totally forgotten Nyamira County. However, because God loves Nyamira and the Kisii Region, we have already received the short rains and planted. Even if the fertilizer is brought next week, how are the farmers going to use the fertilizer?

I plead with those who implement the directive of the President to do them timely. When you promise peasant farmers fertilizer, they know no other language. They trust what their leaders say. When they do not get the fertilizer, they ask us questions and we do not have answers.

Mr. Speaker, Sir, the other issue is the way this thing is being implemented. Farmers are being told to register their titles. However, as you know, in some regions

like Kisii, where we have serious pressure on land, people including our parents have passed on and handed over land to their sons and daughters but the people do not have title deeds. Do not ask the farmer to produce a title deed. We just need our chiefs, assistant chiefs and county government officials to have a register of farmers.

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, could the Senator for Nyamira substantiate his allegations that the Government is demanding for farmers to produce title deeds?

We also come from counties, grow maize and fertilizer is being given. None of our farmers are being asked to present a title deed. Why are you misleading the House? Why are you inciting the public? Are you confusing the Senate to be an Azimio Coalition rally, meant to fight for a 'hand-shake' that we are not going to give your 'Baba'?

The Speaker (Hon. Kingi): Sen. Omogeni, kindly, proceed.

Sen. Omogeni: Mr. Speaker, Sir, if there is a person that I had a lot of admiration for, is the Senator for Kakamega, Sen. (Dr.) Khalwale. Even when I served as the Chairman of the Law Society of Kenya (LSK), his son who is a lawyer is my friend. He is a respected Senator, who has served for long. We still have admiration for him.

There are statements I do not expect to hear from Sen. (Dr.) Khalwale. Like telling me, a Senior Counsel and Senator for Nyamira, that I am confusing my contribution with an Azimio Coalition rally. I challenge Sen. (Dr.) Khalwale because he has the title 'Dr.' There are some things which he may say that members of the medical profession may actually recall the title 'Dr.'

(Laughter)

Mr. Speaker, Sir, I am saying here, what is happening in my county. I challenge the Senator for Kakamega. If you think I am not serious, join me this weekend. I will fuel your car, we go to Nyamira and you will see the issues I am raising here are serious and are affecting the farmers in Nyamira.

We are not in a rally but are debating. I like the excitement in the House this afternoon. We are raising serious issues. I want to inform Sen. (Dr.) Khalwale that I have risen up to raise issues that are facing farmers in Nyamira yet he is now making an impression, which I do not expect to hear from the United Democratic Alliance (UDA) administration, that you are receiving preferential treatment in Kakamega other than Nyamira farmers. It is you who is now inciting my people. I will now tell them that the Senate Majority Whip, who is also the Senator for Kakamega, has informed the House that the farmers in Kakamega are getting preferential treatment other than the stringent requirement farmers in Nyamira are facing.

Mr. Speaker, Sir, this is the reality. As the people's representatives, we will raise these issues, so that those who are watching these proceedings, such as the CS for Agriculture, Livestock and Fisheries, can come up with interventions. We all want our

farmers get fertilizer, so that they can plant. When I go to Nyamira, I want to enjoy ugali from my neighbours. When Sen. (Dr.) Khalwale makes a visit to Nyamira, I want him to meet a healthy population. That is why we are raising this issue.

Mr. Speaker, Sir, the issue of transportation is also a problem. Farmers are expected to travel from the furthest point in Matongo, for about 38 Kilometers, all the way to Nyansiongo, to come and pick two kilos of fertilizer. It does not make economic sense. There should be a very good partnership between the national Government and the county government, so that the fertilizer is taken to the sub-counties. Nyamira County has four sub-counties. Instead of storing the fertilizers in the National Cereals and Produce Board, keep it at the sub-counties. Then, the extension officers serving under the counties can help us in the distribution. Request county governments to avail vehicles to extend fertilizer to the farmers. They do not need to travel on motorcycles coming to look for fertilizer.

I appeal, that when you commit this Statement to the Committee, I seek leave to ride on this Statement for the Senator of Laikipia, so that this can also be extended to the plight that is facing farmers in Nyamira County.

I thank you.

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

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join the rest of my colleagues in contributing to this Statement by our colleague, Sen. Kinyua.

Mr. Speaker, Sir, this is one of the signature programmes of the Kenya Kwanza Administration. We promised the people of Kenya and they granted us an opportunity to implement. While our predecessors, the 'hand-shake' administration used to subsidize consumption, we thought it wise and economist worldwide will agree with us, that the proper thing to do is to subsidize production. Make it possible to produce cheaply and therefore, eventually, ordinary citizens will benefit by buying cheap products at the shop.

Mr. Speaker, Sir, I am a little bit perturbed listening to the contributions of our colleagues. You will realize that many of them have not been keen in following up this particular programme. I am sure, if you listen to the Senators that have contributed, perhaps, some of them have not followed through to first understand the programme and the number of NCPB stores that are in their counties. Many of the contributions are what we call armchair.

Mr. Speaker, Sir, in the unfortunate event that you represent a particular county that has not been featured in this particular programme, then I cannot wait to just make an ordinary contribution, to a Statement that has been sought by another Senator. By now, I would already be at the offices of the CS for Agriculture, Livestock and Fisheries and demand for more prudent answers than just making a contribution in the Senate because I know for a fact that this programme is being ran across the country.

Mr. Speaker, Sir, farmers are asked to first register and secondly which is most important, to select the NCPB store, nearest to them. I agree with colleagues who have said that perhaps in most cases, and I have seen it in my county of Kericho, that because of the first structure of rolling out this programme, that the last mile element either is not

properly thought out or it is too expensive for the administration. It is something that we urge them to reconsider. Can they collaborate with county governments, so that these products are taken to the final or the closest door steps to many of our farmers, at least at sub-county level? As many of our colleagues have observed it, there are farmers who have to travel far distances, to collect two, three, four or five bags of fertilizers; such that at the end of the day, they end up spending money, which they would have otherwise saved.

Nonetheless, I appreciate and celebrate the fact that colleague Senators are paying keen interest in this particular programme. I agree with the sentiments of Sen. Mwaruma of TaitaTaveta, who urged the Committee on Agriculture, Livestock and Fisheries, to not only consider what has been spoken by our colleague the Senator for Laikipia, demanding for answers for Laikipia County. Let them give us a holistic answer of what has been done in each county of this Republic. Our farmers need to reap the full benefit of this programme because this is a programme being ran for all the farmers of Kenya, whether known or unknown for one reason or the other.

I heard someone contribute that there is what they consider standard food and then there are some who are producing things that are close to food but are not food. A farmer is a farmer. This is about production.

This is about ensuring that at the end of the day, in the fullness of time and by end of one year in office of this administration, farmers will be able to buy unga cheaply. Forget about those fake programmes that used to run under the ‘handshake’ administration. We used to walk around the country asking about the Kshs100 unga, you see the defenders of the millers up in arms.

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

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

Sen. Sifuna: Mr. Speaker, Sir, we are all Kenyans and have studied history. There have been five administrations. I do not recall in the history of this country an administration called the ‘handshake’. The last administration was a Jubilee administration, with President, Uhuru Kenyatta and the Deputy President, William Samoei Ruto. Could Sen. Cheruiyot substantiate this ‘handshake’ administration that I am not aware of?

The Speaker (Hon. Kingi): Senate Majority Leader, kindly explain and be candid. What do you mean by a ‘handshake’ government?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, it is another dark administration that came through a shadowy organization called the ‘handshake’. It replaced a democratically elected Government with some kangaroo arrangement that was made and cooked at Harambee House.

Since that administration came into office, you would hear of programmes such as the one I am explaining. You would be told that millers had been called and paid to subsidize unga for mwananchi. However, at the end of the day, it was an arrangement for big boys in this town. They make a way with money but you would never find that unga on the shelves.

Mr. Speaker, Sir, this programme is meant to eradicate such scandals from this country. I urge the Committee on Agriculture, Livestock and Fisheries to furnish this House with answers.

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

Sen. Osotsi: Mr. Speaker, Sir, this House is degenerating. We are allowing the Senate Majority Leader, someone holding a high position in this House, to make reckless statements which are not substantiated and use foul language like a 'kangaroo'.

Mr. Speaker, Sir, we must take this House to where it belongs. We cannot allow this kind of talk in this respected Chamber.

(Loud consultations)

The Speaker (Hon. Kingi): Senate Majority Leader, as much as you may want to express your opinion, please, do so in a parliamentary language.

You may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, with tremendous respect to you, I have not used any unparliamentary language.

(Loud consultations)

The Speaker (Hon. Kingi): Kangaroo is an English word.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, to save this House from future interruptions, when we finish Chamber discussions today, I will take my friend, Sen. Osotsi to Mama Ngina Street where there is Prestige Bookshop and buy him a dictionary. Thereafter, he will never raise such points of order because he will be able to establish what is a proper point of order and what is not.

In conclusion----

The Speaker (Hon. Kingi): Senate Majority Leader, as you conclude your thoughts, kindly refrain from using foul, demeaning and un-parliamentary language.

Proceed and conclude.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I do not intend to do that, especially to my good friend, Sen. Osotsi.

In conclusion, I look forward to the Cabinet Secretary of Agriculture, Livestock and Fisheries, hon. Mithika Linturi, appearing before this House. Such matters do not only invite the Committee on Agriculture, Livestock and Fisheries to listen to the answers. It calls on all of us, Senators, representing various counties, to listen to how this programme is being rolled out. It is an important programme to be allowed to fail. The issues that colleague Senators are raising are also important.

It is important that hon. Mithika Linturi comes to ensure that this programme is properly streamlined and farmers enjoy its full benefits.

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

Sen. Ogola: Thank you, Mr. Speaker, Sir. I also want to add my voice to the noble discussion about provision of fertilizers that has been brought by Sen. Kinyua. I

emphasize that fertilizers must be provided in a timely manner so that they may be useful to our farmers.

To add on that, there is the issue of agricultural extension officers that are supposed to be offered by our county governments. When you share with our farmers back in our counties, there is always lack of extension officers who can advise them in a timely manner so that they are able to overcome challenges.

Mr. Speaker, Sir, seeds are also another issue. On that one, I appreciate the Governor of Homa Bay, Hon. Gladys Wanga, who was able to provide seeds to the farmers of Homa Bay County in a timely way. The only concern I have, as someone who comes from that county, is I hope the seeds were procured and distributed to the right farmers.

The issue of extension officers is an issue that our counties should take note of along with other services that are offered by agriculture and other related Ministries.

These days, unlike in the past, in order to get extension or veterinary officers, our people go for people in private practice rather than those employed by the Government.

Mr. Speaker, Sir, I support this Statement.

As I end and before I sit down, I want to be of little help to the Senator of Nandi who has a lot of difficulties on how to refer to the “*Enigma*” – the Azimio Leader. Instead of referring to him as the brother of Sen. (Dr.) Oburu which is a little part that interests Kenyans, I would like to help him on that.

He can refer to him as the father of devolution if he wants. He can also refer to him as the “people’s president”, the “*Enigma*” and many other adjectives.

(Laughter)

The Speaker (Hon. Kingi): Sen. Wakili Sigei

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. One of the major promises that the Kenya Kwanza Government gave to the people of Kenya when it was campaigning was to reduce the cost of living, agricultural production and enhance the source of income to the lowest level of the society, who in most cases, is the farmer.

I appreciate the Statement being sought by the Senator from Laikipia. I expected him to do the Statement in Kiswahili because I had promised myself to use Kiswahili today. Unfortunately, he opted to use the language that I am responding to.

Mr. Speaker, Sir, I come from a county that majors in agriculture. In the course of our economic forum, which was a main source of the votes that we attained, agriculture was voted as 60 percent of what the people of Bomet do.

Therefore, when a programme like this one is facilitated by the Government, it honours the commitment and the promises it made to the people. The challenges that have come with it are teething problems.

Subsidizing the price of fertilizer from Kshs6500 to Kshs3500 is in itself an achievement. I would wish to support the request for additional support in the context of availing the fertilizer closer to the people. If it was possible which I know it is because

the Kenya Kwanza Government is a Government that consults and listens to its people, we should devolve beyond the NCPB stations and liaise with county governments to ensure that even at the sub-county level, farmers are able to register and easily access this fertilizer.

Over a few weeks ago we were crying about the dry season but it is now the rainy season in most parts of the country. It would be prudent for the people of Kenya to ensure that they support their growth both in economy and supply of food. This is because food is one of the major factors that gives our people better health and a source of income.

I appreciate and I would like to support the Statement. The relevant Committee will have been given the opportunity to deal with this including summoning the Cabinet Secretary (CS) for Agriculture and Livestock to this House. We will get appropriate answers and give support to ensure that this programme is successful both in terms of the documentation that has been put in place and also support Kenyans all over the country to benefit from this very noble and important programme.

Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to the Statement by Sen. Kinyua from Laikipia County.

The Speaker (Hon. Kingi): Hon. Senators, allow me to interrupt the debate on this very important matter to make the following Communication.

(Interruption of debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KORU GIRLS
HIGH SCHOOL, KISUMU COUNTY

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of a visiting delegation from Koru Girls High School in Kisumu County. The delegation comprises of seven teachers and 161 students who are in the Senate for a one day study visit.

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 on my own behalf, I wish them a fruitful visit.

I will allow the Senator for Kisumu the Sen. (Prof.) Tom Ojienda, SC, to make brief welcoming remarks. Thereafter we resume debate on this matter.

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Speaker, Sir. Let me take this opportunity to welcome the 161 students and the seven teachers from Koru Girls High School to Senate.

I believe they have had time to tour the National Assembly and this being a bicameral system we now know that the role of the National Assembly is to enact legislation that touches on National issues while the Senate deals with devolved structures of the 47 counties.

I am sure they have also had time to study the history of the Senate and to generally understand the governance as divided amongst the three arms of Government.

Mr. Speaker, Sir, I just want to encourage the students that when they visit Senate and other institutions, their duty and obligation as students is to ensure that they not only learn but this should serve as a lesson that the Senate is a House of possibilities as is the National Assembly. For those who aspire to be Senators in future or Members of Parliament, learning from this experience, they should try to do their best as they scale the heights of education through high school onto the university.

They should also learn that education is the only key to success because without learning you cannot join certain professions in this country. So, I welcome them and I hope that when they return to Koru, that is in Muhoroni, where my home is, they will have equipped themselves with vast knowledge not just because they are from a rural constituency but because I am sure this is one of their first trips that they have made to the Senate. This is because I am seeing them for the first time.

Ladies and teachers, welcome to Senate. Always remember that the only space that is there in education is the space at the top because it is all taken down here as you can see. Unless you aspire to be better than yourself, you will find yourself in this sea of unemployment where we have many Kenyans. So, do your best so that you rise above those in the sea of unemployment.

You will do that by choosing interesting professions. Choose professions where you are likely to succeed, have interest and learn to be different. When you are different, you will always succeed.

I thank you.

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

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

The Temporary Speaker (Sen. Wakili Sigei): Thank you, very much Sen. (Prof.) Tom Ojienda, SC.

Proceed, Sen. Cheptumo.

(Resumption of debate on Statements)

Sen. Cheptumo: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Statement by the Laikipia Senator, Sen. Kinyua.

I want to thank the President for initiating this programme of availing subsidized fertilizers to our farmers. The philosophy behind this programme as we all know is to enable our farmers access the necessary inputs for them to undertake farming.

Mr. Temporary Speaker, Sir, farmers struggle to achieve and buy the fertilizers, feeds and even to do the farming itself. The reduction of the cost of fertilizers will go a long way in enabling our farmers to undertake farming and, therefore, we will have high productivity in our farms.

Whereas I appreciate the President for initiating the programme of supplying fertilizers which is under the subsidized programme, the seeds are equally another item I would like to request the Government to reconsider. If the Government subsidizes fertilizers as well as seeds, that will go a long way in helping our farmers.

Baringo County unfortunately was not among the initial counties that were earmarked to benefit from this programme. I have never been able to know why Baringo was not included in the first instance. Perhaps, it is due to the perception that Baringo - which is true - is 60 per cent Arid and Semi-Arid. However, let me inform the country and this House that 35 per cent to 40 per cent of Baringo County is a high potential agricultural area. The entire of Eldama Ravine, almost 70 per cent of Mogotio Constituency, 60 per cent of Baringo Central, about 50 to 60 per cent of Baringo North, part of Tiaty, a big portion of Baringo South; so, I think that the perception that existed then.

However, I am happy that after intervention because we had a moment to share this with the Head State as leaders of Baringo.

I am happy because of the report I have. I also spoke to our former colleague who is now the Cabinet Secretary for Agriculture and Livestock Development. Baringo will be among the counties that will benefit from this programme.

It is important that we facilitate our farmers. We should enable them to undertake farming because as said earlier, the subsidies provided for initially did not address the challenge that we have. So, food production in our country is important.

We should have dams that our Government is planning to do. Once we complete Chemususu, Perekei, Amaya and other dams which the Government agreed to do, irrigation will be undertaken. I want to assure you that this country will be self-sufficient in terms of food production. That is the right way to go.

Finally, as the Government provides subsidised fertiliser and as we think of providing subsidized seed, the Ministry of Agriculture and Livestock Development should be able---

When we were growing up, we used to have extension officers in our farms in the villages. Today, we do not have those officers in our farms. It is high time the Government looked at this holistically. That is the only way because ours is an agricultural country. If we invest more in agriculture, our country will stop importing food and we are going to be self-sufficient in our supplies.

Mr. Temporary Speaker, Sir, I thank Sen. Kinyua for this Statement. I request my friend, the Cabinet Secretary for Agriculture and Livestock Development to ensure that Baringo, a county that is faced with challenges of insecurity, is given enough fertilizer, so that every farmer in Baringo benefits, to ensure that we have enough supply of food for our people.

I thank you and I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen Cheptumo. Sen. Osotsi, the Senator for Vihiga County, you have the Floor.

STATUS OF KAIMOSI FRIENDS UNIVERSITY COLLEGE

Sen. Osotsi: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the status of Kaimosi Friends University College after being awarded a Charter on 2nd August, 2022.

In the Statement, the Committee Should-

(1) Table a comprehensive report on the reasons for the inordinate delay in implementing the Charter and guaranteeing maximum benefit of an accredited university legal rights including full funding and the award of degrees.

(2) Shade light on the excessive delay in appointing a substantive Vice-Chancellor as required by Section 16 of the Universities Act as well as the appointment of a university council.

(3) Clarify whether Kaimosi Friends University College will be funded as a fully-fledged university in the anticipated second supplementary budget and thereafter budget of FY 2023/2024.

HARVESTING OF CYPRESS TREES AT
KIBIRI FOREST, VIHIGA COUNTY

Sen. Osotsi: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding harvesting of cyprus trees at Kibiri Forest in Vihiga County.

In the Statement, the Committee should-

(1) Table a comprehensive report on the non-involvement of the local community in cyprus timber harvesting despite their participation in the planting of the said trees and other conservation activities.

(2) Provide a report on the procurement of timber harvesting contracts indicating the firms and individuals awarded the tender.

(3) State the measures put in place by the Kenya Forest Service (KFS), if any, to ensure that the local community participates in the timber harvesting for economic empowerment and sustenance of the forest conservation efforts in the county.

Mr. Temporary Speaker, Sir, allow me to make one comment on this. This is a very serious issue. Communities living in the area have planned to engage the administration in the area on this issue because people in the area have been involved in tree planting in that forest. However, when it comes to harvesting of the timber, you find people from outside the county being brought and given the contracts to harvest timber, while the locals who participated in planting of the trees are left.

That is causing a major challenge in the area. The relevant institution, which in this case is the KFS, must be cognisant of that and provide us with a solution to the problem.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, I am intervening because you are debating your own Statement.

Sen. Osotsi: Mr. Temporary Speaker, Sir, I asked you to give me one minute to comment on it.

The Temporary Speaker (Sen. Wakili Sigei): Yes, which was beyond the time you requested for by submitting.

Sen. Osotsi: Very well.

The Temporary Speaker (Sen. Wakili Sigei): You may yield.

I can see two requests. We will listen to Sen. Maanzo. Hon. Members, we will limit time because we need to move to the next Order.

Go ahead Senator.

Sen. Maanzo: Mr. Temporary Speaker, Sir, I rise to support the Statement about Kaimosi Friends University College. When charters were being awarded, it was not just to this particular university but to quite a number of universities but all of them have not been actualized.

University education is important. It equalizes Kenyans and especially children from disadvantaged homes and communities.

When a Charter is given, its operationalization means that a Vice-Chancellor should be appointed. It also means that a budget should be appropriated and the status of the university changes. It can start awarding degrees so that a number of students benefit and expand the space of education in this country.

However, that has not happened. There is a delay and there is no indication as to when it will happen and whether such universities will be operationalized. That crashes our spirit because, as Makueni County, we have been looking forward to have especially a public university.

If the already existing ones with charters have not been operationalized, it means that we are likely to be more disadvantaged as the people of Makueni or other parts of the country. That disadvantages our children.

There are quite a number of students transiting from high schools to universities. Allegedly there is 100 per cent transition from primary to secondary schools. That means they should also transit to universities. What happens when university charters have not been operationalized and there is no timeframe as to when they will be operational and when those universities will start awarding degrees?

This is an important Statement that should be looked into. The Ministry of Education needs to tell us what is happening.

Mr. Temporary Speaker, Sir, there are challenges arising from the Competency Based Curriculum (CBC) and many other complications in the education sector. I hope this is going to be honoured as fast as possible.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Senator. Sen. (Dr.) Khalwale, you may proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank the Senator for Vihiga. Kaimosi is one of the historical centres of development in our community. Therefore, I thank the Government for elevating the institution to a university.

I would like further clarity on the fate of Kaimosi Teachers Training College (KTTC). Is KTTC going to fade off or is it going to continue offering diplomas?

Mr. Temporary Speaker, Sir, secondly, is on the important Statement about the forest. We would like the Government to be clearer. We have since discovered in this era of negative climatic change that allowing plantation forest within natural forest such as Kaimosi Forest ends up destroying the natural forests. Going forward, is it still going to still be the policy of the Government that they allow plantation forest in Kaimosi at the risk of killing the natural forest?

Finally, we would like the Statement to also assure us, people who come from the Kaimosi, Kakamega, Malaba, Nandi and Bunyala Forest areas, that in the current recruitment of forest rangers, affirmative action will be offered to youth from those aforementioned areas.

They are the ones whose parents and grandparents had been preserving these forests. There would be no reason, for example, with due respect to Sen. Cheptumo, youth from the arid Baringo County would be competing with these children whose parents have been preserving the forest? Could we be assured of affirmative action? More jobs for those children?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Ogola, please proceed.

Sen. Ogola: Thank you, Mr. Temporary Speaker. Sir. I only want to add my voice to the one singular Statement by Sen. Osotsi about the harvesting of cypress trees at Kibiri Forest in Vihiga County.

This is a serious concern because as a country, we are grappling with a percentage of forest cover and the effort the Government is making effort of planting over 15 billion trees, if I can remember. So, if we have a situation where a group of people are given the express permission that is not checked by the local people to cut down trees and the people are not involved, it is very pathetic.

In this Statement, we would like to see the commitment that has been made for re-forestation of the same Kibiri Forest.

Mr. Temporary Speaker, Sir, I got so concerned because in the county I come from, there is the Ruma National Park where a number of cartels a few years ago, were given the blanket cheque to cut down the whole forest. As we speak, Ruma National Park is the only forest that houses the Roan antelope species that is only found at the Ruma park world over.

A number of people have been given permission, I assume to cut down the forest. At that point, there were talks of commitments that were made on a re-forestation program. Up to now, the forest remains bare. Our animals are suffering.

This is a forest park that has been very attractive to tourists; both local and foreign. Along with the Ruma National Park is the Kodera Forest that was equally cut down by the same cartels. This must not go on.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wafula, please proceed. One minute on this one.

Sen. Wafula: Asante Bw. Spika wa Muda. Katika maeneo mbalimbali humu Kenya kuna ukataji miti katika maeneo ambayo yametajika jinsi ulivyosikia. Nadhani ni mpango ambayo mabepari wa kisiasa wako nao kuhakikisha maeneo fulani humu nchini yanapoteza uridhi wake.

Kwa mfano, misitu ya Kaimosi, kiitikadi na kijamii, mila na desturi za Watiriki hufanyika katika misitu hii. Haiwezekani kupata watu kuja tu na mashine kukata miti pasipokubaliana na washikadau maeneo haya. Pia, misitu ya Malava na mlima Elgon.

Ninaomba kwamba, iwapo kuna njama ya Serikali ama wale waliomo serikalini na mafidhuli wanabiashara, sisi kama Maseneta kutoka maeneo yetu tupambane na wao kule mashinani. Kama Seneta mwenzangu alivyouliza, itakuwaje miti ikatwe na hakuna upanzi wa miti unaoendelea hadi sasa?

Ni Kenya gani tunaishi ambamo mtu amekaa katika mji wa Nairobi anatia sahihi barua ya kukata miti Kaunti ya Nyanza. Mwenyewe hajui watu wa Kaunti ya Nyanza wanaishi namna gani, wameumia vipi, wana uhusiano upi na miti ile na mazingira haya?

Ninaomba Serikali na Seneti hii kwamba iwapo sisi kama Serikali tumeamua kwamba tunapanda miti, haipaswi mpaka sasa, tusikie watu wanaenda misitu yetu kukata miti ilhali hata ule mwito ambao Rais ametoa, hatujafika nusu ya yale ambayo tunaahidi Wakenya kwamba tutapanda.

Ninaomba Seneti na Kamati inayohusika na misitu na mali asili, tujikite katikati ya mambo haya na tuhakikishe kwamba urithi wa watu wetu ambao umelindwa kwa miaka na mikaka, haushambuliwi na watu ambao wanaona pesa pekee. Hawaoni maisha ya wanyama pale ndani, urithi wa kitamaduni pale ndani na uboreshaji wa mazingira na hewa safi katika maeneo yetu.

Nikimalizia, hii ndio miti imetusaidia sisi watu wa mkoa wa magharibi na bonde la ufa kupata mvua wakati unaostahili. Iwapo tutaikata, awamu yetu ya siasa sasa, siku zijazo, tutaambia watu wetu kwamba tuliungana na mafedhuli kukata miti kwa sababu ya matumbo yetu.

Mimi ninapinga na ninahusiana kabisa na Hoja ya Sen. Osotsi. Hatutakubali miti ambayo ilipandwa na mababu zetu kushambuliwa na watu ambao hawakuwepo lakini njaa imewaleta kwetu. Tutapambana nao kwa udi na uvumba.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there being no other Statements, call the next Order.

Hon. Members, we do not have sufficient numbers for Division. We shall therefore defer this order.

BILLS

Second Reading

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

(Bill deferred)

Next Order.

Sen. M. Kajwang, who is the Mover of this Bill is not in the House. We shall also defer.

Second Reading

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

(Bill deferred)

Next order.

The Motion is also sponsored and moved by Sen. Orwoba. She is not in the House. This is also deferred.

MOTIONS

PROVISION OF FREE SANITARY
TOWELS TO END PERIOD POVERTY

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

FURTHER AWARE THAT in rural Kenya, 2 out of 3 pad users receive pads from sexual partners and 65 percent of women and girls cannot 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 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs470

million during the 2017/2018 Financial year, which amount needs to be increased in order to fully address and mitigate the problem;

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

1. Facilitate provision of feminine hygiene products in all public schools;
2. Ensure that all schools that 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.

(Motion deferred)

Next order.

DOPING MENACE THREATENING KENYA'S
IMPECCABLE GLOBAL REPUTATION IN ATHLETICS

THAT, 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) and 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 programmes;

(b) In collaboration with Athletics Kenya (AK) and 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 and the Ethics and Anti – Corruption Commission finalize pending investigations and recommend 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.

(Sen. Cherarkey on 9.3.2023)

(Resumption of debate interrupted on 9.3.2023)

Hon. Senators, this is a Motion which we are resuming debate and the debate itself was interrupted on 9th March, 2023. The Mover, Sen. Cherarkey, you have got 11 minutes to continue with Moving your Motion. So, you may work within the 11 minutes so that you conclude.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Doping continues to become a soft underbelly in our sports fraternity, not only in athletics but also across many other sports such football and any other form---

(There was a technical hitch)

Mr. Temporary Speaker, Sir, you have to appreciate the fact that most young people run in groups. This is especially in the North Rift region where I come from, as well as in Kisii and Nyamira counties and the Mt. Kenya Region. When you wake up at 4a.m or 5a.m., you will find them running but they are not night runners.

The runners that you see in the Nairobi City County stadiums are not athletes. They are just running to lose weight because of doctors' recommendations or they want to acquire summer bodies.

This issue of the World Anti-doping Agency (WADA) – which acts as the integrity unit – and that of the Anti-Doping Agency of Kenya (ADAK), has left Kenya at a precarious situation. I know we have students from Koru Girls and most of them are athletes. They should play their trade in football, netball or athletics cleanly.

There is a corruption scheme where people want to make riches quickly by using substances that add performance. The beautiful students from Koru Girls' High School are seated in the Speaker's Gallery and they are part of the future generation. I know a number of them maybe athletes and we wish them the best.

In the recent past, Kenyan athletes have had credibility. We do not want a situation where when we win gold and no one believes. For example, we were risking an international ban where over 25 athletes were hit with sanctions and 19 active cases are pending as at 2022 alone.

I thank President William Ruto and the Kenya Kwanza Government for intervening. Otherwise, we were at risk of a ban like Russia and other countries. It would have dented our credibility as one of the giants of athletics. We are colossus and we globetrot with the pride of being the best in athletics.

Among the top names of the recent ban are the 2021 Boston Marathon Champion, Diana Kipyokei and mountain racer, Mark Kangogo. The list also includes Rita Jeptoo, multiple Chicago and Boston Marathon winner; Jemima Sumgong, who won the Rio Olympic Marathon title in 2016; sprinter, Mark Otieno Odhiambo; and, the recent Porto Marathon winner, Alice Chepkemboi Kimutai.

However, ADAK and WADA have been accused of spying on these athletes. Some athletes confessed that they refused to give bribes. The Athletics Integrity Unit (AIU), ADAK and WADA officials then colluded against the athletes even without listening to their pleas. This affected the principals of natural justice. That interview was on either Kenya Television Network (KTN) or another station.

Mr. Temporary Speaker, Sir, I am happy to see Sen. Oketch Gicheru after an eventful Saturday hosting the Azimio One Kenya Alliance leader. He has come back to serve the people of Migori County. He got carried away but it is good to have him back. He says that Monday, 20th March, 2023 is a holiday; which is illegal. I am just welcoming my brother back.

The most commonly used drugs---

(Sen. Oketch Gicheru spoke off record)

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

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

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I just got to this House and have not spoken since the House started. Is it in order to be quoted anywhere in the HANSARD on things I have not said here? Sen. Cherarkey has mentioned some things that I have not said in the House.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you have heard Sen. Oketch Gicheru. However, Senator, you were being recognised for coming to the House by the Hon. Senator. He did not make any comment on any statements you made in the House.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I was welcoming my younger brother, Sen. Oketch Gicheru, back to the House. He is still learning the ropes. I am happy he has not joined the bandwagon. Azimio One Kenya Alliance, except my sister, are strategically boycotting the House. I can assure them they will keep boycotting until Jesus comes but the business must continue.

Mr. Temporary Speaker, Sir, the most commonly abused drugs are two. One is---

There are allegations that Monday has been declared a public holiday. It is unlawful, illegal and unconstitutional. We know the procedure for declaring a public holiday. Every Kenyan who will not report to work will face serious repercussions. Let those who want to boycott do so and they should also boycott their salary for that day.

Mr. Temporary Speaker, Sir, the most commonly abused drugs are Norandrosterone and Triamcinolone acetonide. They are mostly used for weight loss, muscle building and endurance. So, when you see somebody walking around like a cabbage, you know that they have used these drugs. There is a craze of losing weight in Nairobi City County.

Another point is on the issue of---

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

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

QUORUM

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I rise under Standing Order No.41(1). It states that if at any given point during the proceedings a Senator identifies that there is no quorum in the House, they might raise it with you. I plead that you check if there is quorum in the House.

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

Hon. Members, I have ascertained that we do not have quorum in the House. Therefore, I ask that the Quorum Bell be rung for five minutes. Meanwhile, Sen. Cherarkey stand down.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order No. 41(2) (a), there being no quorum, the Senate stands adjourned until tomorrow, Wednesday, 15th March 2023 at 2:30 pm.

Sen. Cherarkey, you will have six minutes to continue.

The Senate rose at 5:53 p.m.