

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 7th 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?

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

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

(The Quorum Bell was rung)

Serjeant-at-Arms, I am informed that we now have quorum. Kindly, stop the Bell. Clerk, please read the first Order.

Hon. Senators, I have a Communication to make.

*(Sen. Kathuri stood up in his place while
the Speaker was upstanding)*

Deputy Speaker, you are certainly out of order. Please proceed and take your chair.

(Sen. Kathuri proceeded to sit down)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM SAWAGONGO
HIGH SCHOOL IN SIAYA COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the public gallery today, we have 260 History and Government students, accompanied by nine teachers from Sawagongo High School in Siaya City County, who are in the Senate on an education tour.

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

VISITING DELEGATION FROM
MAKUENI COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I also wish to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Makueni County Assembly. The delegation is in the Senate on a five-day benchmarking visit with counterpart departments in the Senate.

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

- | | | |
|---------------------|---|-------------------------------|
| 1. Joseph Nzioki | - | Deputy Chief Serjeant-At-Arms |
| 2. Clarice Komu | - | Senior Serjeant-At-Arms |
| 3. Brian Mutua | - | Assistant Serjeant-At-Arms |
| 4. Joseph Kimanthi | - | Assistant Serjeant-At-Arms |
| 5. Joram Kaunga | - | Assistant Serjeant-At-Arms |
| 6. Antony King'oo | - | Assistant Serjeant-At-Arms |
| 7. Denis Kimeu | - | Assistant Serjeant-At-Arms |
| 8. Clementine Mukii | - | Clerk Assistant |
| 9. James Ngao | - | Research Officer |

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

(Applause)

VISITING DELEGATION FROM
EDMUND WALSCH SCHOOL OF FOREIGN AFFAIRS

Hon. Senators, I also wish to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Georgetown University's Edmund A. Walsch School of Foreign Affairs, located in Washington, D.C, United States of America (USA). The delegation comprises of 12 students, two professors and one delegation leader who are in the country on a learning tour and on a one-day study tour in the Senate.

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

- | | | |
|-----------------------|---|-----------|
| 1. Prof. Lahra Smith | - | Professor |
| 2. Prof. John Kraemer | - | Professor |
| 3. Wedad Osman | - | Student |
| 4. Yunyi Qi | - | Student |

- | | | |
|----------------------------------|---|-------------------|
| 5. Suria Gabriela Gopal Crabtree | - | Student |
| 6. Fiona O'Brien | - | Student |
| 7. Katie - Meelel Nodjimbadem | - | Student |
| 8. Robert Whitlow | - | Student |
| 9. Andrew Edghill | - | Student |
| 10. Rory Dixon | - | Student |
| 11. Chloe Hammock | - | Student |
| 12. Nakita Guiteau | - | Student |
| 13. Luz Velazquez | - | Student |
| 14. Emily Langlois | - | Student |
| 15. Sammy Davies Mochama | - | Delegation Leader |
| 16. Peter Gichiri Njenga | - | Driver |

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

(Applause)

At this juncture I will allow Sen. Wambua to welcome the delegation from Makueni County on behalf of their Senator.

Thereafter, the Senate Majority Leader will welcome the delegation from Georgetown University. After you are done, the Senate Minority Leader will rise to welcome the delegation from Sawagongo High School in Siaya County.

Sen. Wambua: The Senator for Siaya County is here.

The Speaker (Hon. Kingi): Yes. The Senate Minority Leader will proceed to make the remarks and the Senator of Siaya will also have an opportunity to welcome the guests. Let us proceed in that order.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for giving me this opportunity to stand in the gap for my brother and neighbour, from Makueni County. He will be walking in any time from now to welcome the delegation from Makueni County and encourage them to spend their time well here. He will also encourage them to ensure they learn procedures of ensuring order in the Assembly when they go back.

I am very sure under the guidance and tutelage of the office of the Serjeant-At-Arms, they will get good information and advice and go back home better.

Mr. Speaker, Sir, just to inform them where I am speaking from, is exactly the same spot where your former Senator, Sen. Mutula Kilonzo Jnr., used to address the House from. He is now your Governor. I suspect there is something about this Chair, and Senators and governors. However, let us leave that for another day.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I also join Sen. Wambua and the rest of my colleagues in welcoming all the visiting delegations to the Senate. We have students from Sawagongo High School in Siaya County, the delegation from Makueni County Assembly and students and professors from Georgetown University in Washington.

Mr. Speaker, Sir, it is one of the beauties of our democracy, to be gathered here every afternoon at 2:30 p.m. It is not necessarily to agree, but at least have the chance to

exchange ideas and try reach a consensus on many issues that are either a challenge or that need the consulted wisdom of the people of Kenya.

Mr. Speaker, Sir, I believe our visiting delegations will have the opportunity to listen into a few of our debates; or learn as they interact with Members of staff and Senators in their committees in the course of their study. This way, they will appreciate the beauty of the Senate of the Republic of Kenya.

I wish them well in their study tour. May they achieve all their objectives far and beyond what they expected when they set out to tour this Senate.

On behalf of this side of the House that I lead and the Senate as a whole, I welcome and wish them well.

The Speaker (Hon. Kingi): Proceed, Senate Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker, Sir. Allow me to join you in welcoming the students from Sawagongo High School, officials of Makueni County Assembly and the delegations or students from the USA.

I believe their visit to Kenya will open their eyes to how we operate here democratically. This being the Senate, we set examples to the future leaders of this country. I hope when you go back to your country, you will know how we procedurally do our things in the Senate.

To the young people of Sawagongo High School, I wish you well on your visit. As Baba, Raila Amollo Odinga, said out there, your dreams can be achieved. He asked you to raise your hand if you wanted to be a Members of Parliament (MPs) or the President of this country one day. Almost all of you raised your hands. I believe you have a long journey to make yourselves who you want to be. Your dreams are real.

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

Sen. (Dr.) Oburu: Thank you Mr. Speaker, Sir. I also take this opportunity to welcome the students from my County, Siaya, and to inform the House that this is a very strong school in academia.

In last year's Kenya Certificate of Secondary Education (KCSE) examinations, they were number one in my county. I congratulate them for the performance and also encourage this group which is going to sit exams this year, to perform better than the one of last year.

Mr. Speaker, Sir, as I sit down, I would like to inform the House that this is the second time this group of students are coming here to listen to us as the Senate. Last time they came, there was a lot of tension in the House and the security team could not allow them to come because of the situation.

This is just because of a very small issue about the leadership on our side, which you are in a position to solve. Why do you not just do it so that we continue to work normally instead of having these constant feelings?

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I join you in welcoming the students from Siaya County and also the students from Makueni County. Before I comment on the visiting delegation from the United States of America (USA), the two counties produced two very prominent Senators who are now governors.

The Governor of Makueni County, the former Senator---

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

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

Sen. Cheptumo: Mr. Speaker, Sir, did I hear my colleague talking about students from Makueni County?

Sen. Olekina: I am sorry about that. You are right. To the Serjeants-At-Arms, *poleni*. I meant the County Assembly. Welcome to the Senate.

Now, let me go back to my earlier thoughts now that the flow has been interrupted. I will try and see whether I can continue.

The two counties had two very prominent Senators who sat here. One is the former Senator for Siaya County who was also the Senate Minority Leader, hon. James Orendo. He taught us quite a lot on how to respect one another. He is now the Governor of Siaya County.

I always remember one thing that he said that: "Sometimes, the Government eats its own children. Revolution eats its own children." If these students can follow that, they will probably make Kenya a much better place than we are making it.

If you go with that, I am pretty sure you will be able to fight so that when you are the President or the Members of Parliament (MPs), you will make good decisions in a more bi-partisan way.

For the visiting delegation from Makueni County Assembly, the Senate is a good place to be able to learn on how to deal with MPs and how to be able to accord them respect. Also, when you go back there, say hello to our good friend. We had a big fight in the last Parliament for the revenue share. He played a critical role on the amount of money that most counties are getting, given that his county was also losing.

For the visiting delegation from the USA, I am very happy that you are here and you are students of foreign policy. When I was a student of Political Science, I was reminded that the American foreign policy goal is on three main things - security, prosperity and creation of a better world.

I believe that when you traverse this continent of Africa, now that you are here in Kenya, you will be able to see the positions that we take. Sometimes it is a little bit unorthodox, but it is what we believe will make our country a much better place.

I saw yesterday on Cable News Network (CNN) that the Government congratulated the leadership in Nigeria. However, the observers gave a different view. That will help in terms of your foreign policy understanding of what can be taken in and what cannot be taken in.

I wish you all the best when you are visiting. I hope that you will not stop in the Senate of the Republic of Kenya. I hope that you will visit the Masai Mara Game Reserve so that you can spend some of your dollars there. I represent the people of Narok Country where we have the biggest and best game reserve.

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

Sen. Kathuri: No, I was intervening before he left the Floor and sat down. He gave the high school students a very coded message of advice which is not very clear.

Students need direct advice either to become Presidents, Ministers or Senators. Sen. Olekina, your message was very coded. I am afraid the students did not understand what you said.

The Speaker (Hon. Kingi): Sen. Kathuri, as you have been told, these are not students from any other school but a giant school. They are smart. They can decode whatever message you give them.

Next Order.

PETITION

REQUEST FOR PROGRESS REPORT: ALLEGED FRAUD BY FIRST CHOICE RECRUITMENT AND CONSULTANCY AGENCY

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

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

Sen. Cherarkey: I do not know why the Clerk is quickly reading the Orders. I had risen to raise an issue under Standing Order No.1 and No. 231 on Petitions.

Mr. Speaker, Sir, on 15th February, 2023, about 20 days ago, a Petition was brought on the situation of students that are in Finland from Kenya. Over the weekend, there was a report in the media that a number of them are supposed to be deported over payment of school fees.

Nandi County is also doing the same. I did not have peace over the weekend. I had a number of parents who wanted to draft a Petition. I know the media has covered the issue on Uasin Gishu County.

I needed your guidance because it is the same program that is being run by County Government of Nandi. This is so that we do not need to bring another Petition with similar issues.

Secondly, looking at the sensitive nature of that issue where 19 students are facing the possibility of deportation into the country, maybe you can direct that the Committee on Labour and Social Welfare provides a progress report. Twenty out of 60 days have been spent, therefore, it means 40 days are remaining.

I understand the timelines, but the issue is of a sensitive nature. The progress report can be given on the students from Uasin Gishu County students who are in Laurea University in Finland on the uncertainty of their status.

Upon your guidance and by Standing Order No. 1, you can direct that by Thursday or next week, we get progress report so that I do not need to bring that matter again before the House.

This matter can then be addressed once and for all and our students in Finland or who intend to travel to any other part of the world such as Australia, USA, Germany can have certainty.

Many parents have had an option of using a lot of resources, selling land and fundraising. The Finnish Embassy here in Nairobi City County or Finland or even the Ministry of Foreign Affairs has not reported on the status of those students. The parents have not been sleeping. They have been receiving many messages over the weekend. We know that when the media reports these things, there is a tangent that is picked up.

Mr. Speaker, Sir, I need your guidance as per Standing Orders No.1 and No.234 on the public petition so that we can assist. This is because Uasin Gishu County has

tabled a report and given their findings on what should happen. The National Assembly are also handling a similar Petition. So, it is important that you guide the House.

The Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) have been sleeping on their jobs because we are talking about an allegation of Kshs684 million that has been signed on that process, but no one has been held accountable for that. I request that you guide us on the Petition so that we can proceed.

I thank you.

The Speaker (Hon. Kingi): Thank you for that observation Sen. Cherarkey. Indeed, it is a weighty matter and answers need to be provided. This Petition has already been committed to the relevant Standing Committee of Labor and Social welfare. As the rules provide, there is a period within which they are supposed to retire, investigate the matter and file a report. However, due to the urgency of this matter, we shall administratively expedite the finalization of the report so that we do not lose the momentum of this issue which is extremely current and very important. We shall administratively engage the Committee so that they can expedite and have the report and not to wait for the 60 days as given in the Standing Orders.

Next Order.

Once the Senate Majority Leader lays the Paper, the Chairperson, Standing Committee on Budget and Finance will follow.

PAPERS LAID

ANNUAL PERFORMANCE REPORT FOR THE MINISTRY OF DEFENCE FOR THE FY2021/2022

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 7th March, 2023-

Annual Performance Report for the Ministry of Defense for the financial year 2021/2022.

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 7th March, 2023-

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

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

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

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

Report of the Auditor-General on the Financial Statements of County Executive of Murang'a for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Assembly of Murang'a for the year ended 30th June, 2022.

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

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

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

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget proceed.

REPORT ON THE NOMINATION OF DR. SUSAN JEMTAI
KOECH FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CBK

Sen. Ali Roba: Thank you, Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 7th March, 2023-

Report of the Joint Sitting of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for the appointment to the position of Deputy Governor of the Central Bank of Kenya.

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

The Speaker (Hon. Kingi): Next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON THE NOMINATION OF DR. SUSAN JEMTAI KOECH
TO THE POSITION OF DEPUTY GOVERNOR OF THE CBK

Sen. Ali Roba: Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for the appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Tuesday, 7th March, 2023; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act,

approves the nomination of Dr. Susan Jemtai Koech for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

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

DOPING MENACE THREATENING KENYA'S IMPECCABLE
GLOBAL REPUTATION IN ATHLETICS

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion-

THAT, AWARE THAT in 2018 Kenya was placed under Category A by the World Anti-Doping Agency and since then 40 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 of 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 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.

I thank you.

The Speaker (Hon. Kingi): Next Order!

STATEMENTS

The Speaker (Hon. Kingi): Is Sen. Veronica Maina not here? That Statement is deferred.

INTERNATIONAL WOMEN'S DAY

(Statement deferred)

KRA DIRECTIVE TO SUSPEND TAX RELIEFS

Sen. Crystal Asige: Thank you, Mr. Speaker Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Finance and Budget on Kenya Revenue Authority's (KRA) move to suspend tax relief funds, exemptions, waivers and abandonments with immediate effect and no immediate clarity as to the scope of those affected and to what extent. In the Statement, the Committee should-

(a) State the scope within which the directive to suspend tax relief funds and exemptions, waivers, and abandonments covers, giving the timelines within which this exercise would be undertaken;

(b) Disclose the amounts disbursed to Persons with Disabilities (PwDs) from the granted tax reliefs and incentives of Kshs610 billion in the last five years, stating the particulars of the beneficiaries;

(c) Clarify the affected parties, stating whether the tax reliefs are due to PwDs being affected;

(d) Find out the number of PwDs employed in Kenya, stating the number of tax exemption certificates from KRA awarded to these employees;

(e) State the criteria used in deciding the class of taxpayers affected, clarifying the objective and the goal of the exercise;

(f) State whether the relevant stakeholders were engaged, tabling evidence of the same, and finally,

(g) State immediate targeted interventions, if any, available for PwDs affected by the ambiguity of this directive.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I congratulate Sen. Crystal Asige for this timely Statement. I also note that KRA has ongoing reforms.

As you are aware, the Constitution is very clear. I agree with her on one thing, tax relief should and must be provided for the vulnerable, that is, the PwDs, marginalized and minorities as per the law.

This issue of tax reliefs and exemptions was being misused and abused. As you are aware in the last financial year, there were allegations that Kshs370 billion of tax exemptions were issued by KRA and around Kshs67 billion could not be accounted for during the tenure.

This is a very serious issue that goes beyond this Statement. Some individuals within KRA must face the full force of the law. This is because this issue of tax relief was a noble idea, but it was misused along the way.

Therefore, looking at our budget, you have seen the Budget Policy Statement (PBS). The Chairperson of the Committee on Finance and Budget in the National Assembly has also indicated that we might end up borrowing Kshs860 billion to finance our budget deficit. This is because tax reliefs, exemptions and evasions are being misused and abused by individuals who do not want to pay taxes. Therefore, it forces our budget to go into a tax deficit.

If everybody pays taxes in this country, as President William Ruto has said, then we shall be able to fund activities including paying for tuition fees for our students from Sawagongo High School and other schools.

I agree that tax relief should only be given to Kenyans that are in vulnerable situations. KRA must and should be accountable and follow the law when they are issuing tax relief.

I know there are changes in KRA. The former head of KRA, Mr. Mburu and other Commissioners were interdicted, and others were fired. They must face the full force of the law. I know we will attend the vetting.

Mr. Speaker, Sir, you have been a governor and you served with a number of your colleagues in governorship positions for the last ten years. Out of curiosity, I have never understood why KRA would penalize a county for not remitting statutory deductions and Pay as You Earn (PAYE), yet they are aware that there is a delayed disbursement from the National Treasury. Sometimes, KRA prevents devolution from being efficient. This is because, KRA knows that the National Treasury has not released funds to counties, yet they go ahead and penalize your county, for example, when you were a Governor in Kilifi, our brother, Jackson Mandago, when he was in Uasin Gishu or Sen. Ali Roba, when he was the Governor for Mandera.

Why would KRA penalize a Government agency, not only county governments, when they can get that information and sort it out among other agencies?

Those are some of the issues that KRA should deal with. However, I congratulate Sen. Crystal Asige. She continues to distinguish herself as the defender and pro-poor in terms of the vulnerable groups in this Republic.

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

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I thank Sen. Crystal Asige for bringing this Statement. We know that some people, who are not living with disability have been abusing these tax exemptions. I, however, urge KRA not to punish PwDs because we have rogue people who have no disabilities.

When we were in Mombasa with the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, we had a couple of discussions about the bureaucracies that were there for the PwDs to get their tax exemptions and identity cards. There were many issues that were impacting the Government to give proper services to PwDs.

The issue that I could tell in every situation was that we have Kenyans who want to take advantage of this tax exemption or the services that the Government is giving to

the PwDs. So, they get fake identity cards to claim that they have disabilities so that they can access KRA tax exemptions.

Having said that, it is not proper to punish this constituency of people just because we have rogue people. Instead, KRA can work with us. We can give them the list of people who are trying to con the Government by evading taxes and using the PwDs as a constituency that they belong to.

Going forward, as Sen. Crystal Asige keeps on highlighting certain issues that we are not aware of, it is time for us, who are able to push this agenda, to empathize with what PwDs are going through.

Access to basic services is so difficult. When the Government decides that it is giving them tax exemptions, it is not because they cannot pay taxes. It is to ensure that we ease certain situations where PwDs need that extra push.

I support, Sen. Crystal Asige's Statement. I call upon KRA not to crack the whip and punish the innocent PwDs, but to go for the rogue people. That does not necessarily mean that they suspend the tax exemptions for those who need them.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker Sir. Listening to Sen. Crystal Asige, the gist of her question is the removal of ambiguity on the directive on tax. I support her.

There is the issue of share transfer tax. You have heard Sen. Cherarkey speak to the issue of ongoing restructuring in the KRA where some people have faced administrative action. As this is going on, could the Statement further clarify the issue of share transfer tax, where in 2019, the National Industrial Credit (NIC) Bank merged with Commercial Bank of Africa (CBA) Bank. They were supposed to pay stamp duty worth Kshs350 million. Could that clarity explain whether the administrative action against the taxman is going to go beyond, so that the taxpayers can recover the Kshs350 million.

Mr. Speaker, Sir, the company that came out of the merger is doing a lot of business. It is a very rich company. It belongs to the men of power in this country. This is the House of equity, which advances the future of our children, who are today dropping out of school because the fathers cannot buy uniform for the children to go to class seven. Could the Statement tell us where the money ---

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

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

Sen. M. Kajwang: Mr. Speaker, Sir, I have tremendous respect for Sen. (Dr.) Khalwale because he went to medical school. However, if he had spent some time in business school, he would know there is a difference between tax avoidance and tax evasion. Tax evasion is a criminal offence. Tax avoidance is the reason why accountants go to school.

An. hon. Senator: Point of information.

The Speaker (Hon. Kingi): Let the Senator make his point.

Sen. M. Kajwang: Mr. Speaker, Sir, Sen. (Dr.) Khalwale needs to be careful before he imputes improper motives on commercial private interest of operating in a free

market economy. If he is going to call for investigations, it should be for tax evasion and not tax avoidance, which is the forte of professionals.

Mr. Speaker, Sir, I urge Sen. (Dr.) Khalwale to also reflect on the case of former President Donald Trump, who for a long time never filed tax returns despite making profits. He should also reflect on the tax returns of the gentlemen and women in the Kenyan Cabinet, who are all dollar millionaires and yet they do not have tax returns to show.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I do not know what is irritating the Senator for Homa Bay. When I talk about men of power, he is none of them.

(Laughter)

Is he holding brief for somebody? If so, please, tell whoever gave you the brief to hold for them, to mark who is speaking.

When you talk and challenge me about qualifications of medical school and learning about taxes, you know that students are here. The students who go to medical schools are the ones who are at the top of the range in mathematics. The ones who deal with taxes are those who scrape through with D+ and things like that. Please, keep us away from it.

(Laughter)

Mr. Speaker, Sir, this is a very important issue.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you are not addressing the Senator for Homa Bay County. Address the Chair, when you are up making your contributions.

Proceed.

(Sen. M. Kajwang' spoke off record)

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The Senator for Homa Bay County was challenging a street fighter to a street fight.

This is not a laughing matter. Stamp duty is a must. My good younger brother came in late. The question we are asking is: Why are you exempting certain people? I am innocently riding on it and asking for an answer.

How about the straightforward money that we know of which took place in 2019? The two banks are known. One was worth Kshs65 billion whereas the other one was worth Kshs50 billion. The tax transfer of shares that was supposed to be paid is Kshs350 million. Let them pay so that the children of Homa Bay can go to school. As you protect the rich, they will one day sacrifice you, but the poor will save you because they will come to burry you.

Thank you, Mr. Speaker, Sir.

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

Sen. Joe Nyutu: Mr. Speaker, Sir, thank you for giving me this opportunity to partly support Sen. Crystal Asige’s Statement. Personally, I would like to see a situation where tax exemption is given on merit.

Sen. Crystal Asige talked about PwDs. I would also like to bring to the attention of this House, as they consider that Statement, that there is something called rare diseases. It is patients with diseases that cannot be treated locally. If you allow me, I can mention a rare disease where patients need enzyme replacement therapy that is not available in the country. The treatment of this disease costs Kshs30 million yearly for lifetime.

I support Sen. Crystal Asige. We should not have a blanket rule for exemptions. The Kenya Revenue Authority (KRA) should be very keen to see to it that exemptions are allowed, but on some very specific need to need basis.

I do not want to get into the debate between the “bull fighter” who also says he is a street fighter and Sen. M. Kajwang’ of Homa Bay. However, tax evasion is something that should not be allowed in this country. As far as rare diseases and PwDs are concerned, it would be very important that the window of exemption be retained. I partially support this statement, but tax evasion is a no.

I thank you, Mr. Speaker, Sir.

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

Sen. Kisang: Thank you, Mr. Speaker, Sir. I want to make some comments. It looks like KRA does not have a system that can verify those who qualify for tax exemption.

In my proposal, KRA and the National Council for Persons with Disability (NCPD), need to work very closely to ensure they have a system to verify PwDs. The people who are challenged or disabled should get identification cards. People should not get fake cards from Kirinyaga Street, apply for exemption and qualify. At the end of the day, PwDs, who really deserve, are punished for reasons that they do not know.

Mr. Speaker, Sir, another important issue is that KRA has many resources. They need to put up a good system, which has checks and balances, so that our brothers and sisters who apply for tax exceptions are given and properly registered.

A few months ago, the National Council for Persons with Disability went across the country to register PwDs. That is why the issue of a blanket suspension of tax exemption should not arise because there are systems in place. If possible, they should integrate the systems of the two organizations, so that at least all of them have it. When you apply for tax exemption, for instance, when buying a car, it is a close relative and yourself who should be using the vehicle. This is a good Statement. The Committee should pursue it, to ensure that our brothers and sisters are not penalized for no reason.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Let us go to the next Statement.

Proceed, Sen. Wafula.

ROUTING OF INTERNATIONAL GATEWAY TARIFFS

Sen. Wafula: Mr. Speaker, Sir, I rise, pursuant to Standing Order 53(1) to seek a Statement from the Committee on Information Communication and Technology (ICT) on the routing of international gateway tariffs by mobile telecommunication firms and mobile service providers.

In the Statement, the Committee should –

(1) Appraise the Senate on the safety of consumers' data, highlighting the reliability of the telecommunication systems in withstanding a task such as hacking, denial of service and spying by individuals and governments;

(2) Furnish the Senate with an updated report of all calls made locally and internationally, indicating the chargeable rates;

(3) State measures, if any, that the telecommunication firms have established to counter the challenges inhibiting traffic calls resulting to artificially high prices;

(4) State action plans, if any, that the telecommunication firms have implemented to ensure liberalization of international gateways and secure bundle access in encouraging competition and global information society;

(5) Provide a list of licenses not subjected to the price cap condition, filed with the Communications Authority of Kenya (CAK) indicating charges to the system tariffs and terms and conditions applicable excluding special offers and promotions

Thank you.

The Speaker (Hon. Kingi): Next is Sen. Mwaruma.

OWNERSHIP STATUS AND ADJUDICATION OF
KISHAMBA B LAND IN VOI SUB-COUNTY

(Statement deferred)

For the next Statement, I am informed Sen. Kibwana has nominated Sen. Tabitha Mutinda to read her Statement on her behalf.

Proceed, Sen. Tabitha Mutinda.

THE STATE OF THE NUT INDUSTRY IN KENYA

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Committee on Agriculture, Livestock and Fisheries, regarding the state of the nut industry in Kenya.

In the Statement, the Committee should –

(1) Provide an updated list of the areas under nut farming in Kenya, outlining any strategies to facilitate access to finance and markets for smallholder nut farmers and processors.

(2) Outline any measures to enhance the production, processing, marketing and export of nuts, stating the steps the Ministry of Agriculture and Livestock Development is undertaking to ensure the process is environmentally and socially sustainable.

(3) State initiatives and programmes in place to attract foreign investment into the nut industry, detailing ways to improve the marketing and distribution of nuts domestically and internationally.

(4) Expound on the legislative gaps required to align the industry with the changing needs and circumstances globally, to ensure the processing and value addition of nuts is carried out efficiently and sustainably.

TAX INCENTIVES THAT SUPPORT CLIMATE
CHANGE PROGRAMMES IN KENYA

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Committee on Finance and Budget on the tax incentives available that support climate change programmes in Kenya.

In the Statement, the Committee should –

(1) Outline the tax incentives in Kenya that support the country's efforts in addressing climate change, providing a breakdown of the incentives mainly supporting private sector investment in renewable energy development in Kenya.

(2) Appraise the Senate on the effectiveness of the tax policies in encouraging the uptake of renewable energy technologies, stating whether they are aligned to Kenya's national climate change strategy.

(3) Spell out measures currently in place to ensure that revenue generated from carbon taxes is channelled towards climate change programmes, indicating the total amount disbursed in the last five years.

(4) State efforts in ensuring that tax policies do not create unintended consequences negatively affecting the most vulnerable groups in the country, outlining strategies to ensure the tax policies are flexible enough to accommodate emerging technologies and changing global circumstances.

(5) State any measures to monitor and evaluate the effectiveness of the tax regime in supporting climate change programmes, detailing how the information will be used to inform future policy decisions.

I thank you.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I want to comment on the Statement on the state of the nut industry in Kenya.

I am aware that agriculture was one of our priority areas during our campaigns and we promised to make it favourable for the people. I wish to highlight women and young people. Cashew nut farming in your County, Kilifi County, is a large concern because it is women and young people who do it. It is mostly women who are affected since they are the ones who sort the nuts while the young people work in the plant.

We want to make our nut industry competitive among other countries. Currently, Tanzania, is the highest producer of nuts in the region. As Kenya works closely to meet them in that position, we also need to give consideration to the people who are involved in picking and sorting the nuts.

These are people who largely rely on nut farming as a source of income. Some women migrated from their areas hoping nut farming would make their lives better. Unfortunately, they are unable to support themselves. Factories in those places are not offering competitive prices. If at all they are paid, the salary is meagre and cannot even support their children to go to school.

We are also encouraging young people to engage in agriculture. However, if the agriculture sector is dominated by such kind of effects we are seeing, then it will definitely push young people away from agriculture.

I surely support the concerns raised by Sen. Kibwana in this Statement. I also wish to encourage that we take care of the people who are involved in this sector. Let us not just concentrate on companies that are competing in this while many people in this nut industry have been adversely effected.

The Speaker (Hon. Kingi): Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Spika, makadamia ni mengi katika maeneo ya Manyatta na Runyejes, Kaunti ya Embu. Watu wengi hupanda makadamia kwa wingi kwa sababu hapo ndipo tunapata hela nyingi.

Kwa hivyo ninaunga mkono ya kwamba tuangalie jinsi ambavyo tutafanya, ndio mkulima afaidike. Sasa hivi, bei ya makadamia iko chini sana ukilinganisha na hapo zamani ambao tulikuwa tunapata wanunuzi kutoka nje. Wakati huo, kilo moja ilikuwa zaidi ya shilingi 100. Sasa hivi, kilo moja ni takribani shilingi 30 au 40.

Wanunuzi wa kigeni walikuwa wananunua makadamia yetu moja kwa moja kutoka kwa mkulima. Hapo ndipo matajari wa Kenya walitoa pesa nyingi na kuzuia wanunuzi wa kigeni. Hilo ndilo lilisababisha shida.

Kwa hivyo, ninaunga mkono. Hivyo vizingiti viondolewe ndio soko liwe huru ili kila mkulima auze vile anataka. Pia, watu kutoka nje wakubaliwe kuja Kenya kununua hayo makadamia.

Ninaunga mkono.

Sen. Kinyua: Asante, Bw. Spika. Ni vizuri ukweli usemwe. Kulingana na hiyo taarifa kuhusu karanga, utapata ya kwamba sio karanga peke yake bali ni mazao yote hapa nchini Kenya. Tutilie ukulima manani inavyofaa.

Tunaongea kuhusu mazao ya biashara peke yake kwa mfano, pareto mengine. Hatujatilia mkazo mazao ambayo yanaweza kutumika hapa nyumbani.

Utasikia tukisema kuhusu mpunga au mahindi lakini si mimea ile mingine kama vile karanga, korosho na viazi kule Nyandarua. Haya hatuyatili maanani kama Serikali. Tunapaswa kuyatilia maanani kwasababu yatatusaidia.

Sisi, kama Serikali ya Kenya Kwanza, tumesema tutaagiza vyakula kutoka nchi za nje ili watu wetu wasikose vyakula. Hii itawezekana ikiwa tutatilia maanani ukulima.

Kulingana na ile Taarifa ingine iliyotajwa, kulisemekana mazingira yetu yameharibika sana. Kulisemekana ni mpaka njia mbadala itafutwe ya kuyalinda. Juzi tu, kuna Taarifa iliyoletwa katika Seneti kuhusu miti ya mibuyu ambayo watu wanaambiwa waangalie mazingira wanapoikata.

Hata ukiwaeleza watu watunze mazingira, unafaa uwaambie baada ya kuchunga hii miti watasaidika vipi. Hii ni kwa sababu wanategemea ile miti na wanalipwa pesa wakiikata.

Bw. Spika, zile Kamati ambazo zitashughulikiwa Taarifa hizi zinapaswa kuangalia haya mambo kwa undani ili tupate suluhu ya kudumu. Tusiwe watu wa kuja Bunge hili kuongea na hakuna chochote tunafanya. Tuwekee mkazo ukulima wote ili tusaidie kizazi tulicho nacho na vizazi vijaavyo. Isiwe tutaongea hili jambo mwaka baada mwaka.

Sen. Abbas: Thank you, Mr. Speaker, Sir. Agriculture is our mainstay and driver of our economy. However, it has been neglected for a long time. All focus has only been on the cash crops such coffee and tea as well as food crops such as maize. This country has diversity in food production such as cashew nuts and livestock.

There are small scale-farmers who produce potatoes and all these other things have not been given much attention. That is why our economy is unable to grow. Seventy-five percent of this country is Arid and Semi-Arid Lands (ASAL). Every region has its produce. For example, cashew nuts are produced in Kilifi and along the coastal line. Livestock is in the Arid and Semi-Arid Land (ASAL). However, they have been neglected.

Mr. Speaker, Sir, it is time we went back to the drawing board in order for us to grow our economy. In the past, there has been much diversification in crop production. The focus was not only on cash crops but food crops were also promoted as well as cashew nuts, pyrethrum and others.

Lately, however, the whole focus is on maize, tea and coffee production. This is not sustainable for our economy. This is a middle-income country. We diversify so as to increase our source of revenue as well produce other cash and food crops. Sorghum can be grown anywhere.

Today, this country has food scarcity and famine. Every time we talk about food, we only talk about maize, rice and beans while we can feed our people with nuts, potatoes and other foods. Cashewnuts are very nutritious and can be used on malnourished children and mothers.

We should go back to the drawing board so that we can enhance and finance other crops and other production systems in different parts of this country.

With those few remarks, I support.

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

Sen. Chesang: Thank you, Mr. Speaker, Sir. I rise to support the Statement on the state of nut industry in Kenya. I have bought cashewnuts from Tanzania and sold to international investors. I know the price of cashew nuts and how much revenue it can bring to our country.

If we support our farmers to plant these crops, it would bring revenue in our country. One tonne of cashewnuts in Tanzania is US dollars 4600 currently and a tonne of maize does not cost as much.

If the Government takes this seriously and supports other crops as well, it can generate a lot of revenue and support our farmers. We have other crops like sunflower whose oil is very expensive and is on high demand internationally. This should also be supported.

Mr. Speaker, Sir, I want to comment on the issuing of free sanitary towels. I support the Motion.

The Speaker (Hon. Kingi): Sen. Chesang, you may not venture to those waters. We are yet to get to that business.

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

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

Sen. Chute: Shukrani, Bw. Spika. Nimeshangaa kusikia Sen. Munyi Mundigi akisema kwamba korosho ilikuwa inanunuliwa kwa zaidi ya Ksh100 na leo, inanunuliwa na Ksh30 peke yake.

Manifesto ya Kenya Kwanza inasema itasaidia ukulima. Saa hizi, kuna shida Kenya. Nimetoka Kaunti iliyo kwa mpaka wa Ethiopia. Ukulima Kenya ulikwisha, ukafa na ukazikwa. Saa hizi wakaazi wa Marsabit na Moyale wanatoa chakula kutoka Ethiopia. Mpaka unaoitwa Moyale...

Bw. Spika, bei ya unga wa ngano na mahidi nchini Ethiopia ni nusu ya bei ya unga huku Kenya. Bei ya maharagwe pia ni hivyo. Vitunguu na viazi hutoka Tanzania. Vyakula vingi vinatoka Tanzania na Uganda.

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

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

Sen. Kinyua: Bw. Spika, Sen. Chute ananikanganya. Amesema ya kwamba Sen. Munyi Mundigi ameongea kuhusu korosho. Kama nilisikiliza vizuri, nilisikia akitaja makadamia. Sijui ni bei ya korosho au makadamia anataja.

Sen. Chute: Asante sana, Bw. Spika. Mahali nimetoka, hatuna korosho, makadamia ama vitu kama hivyo. Nitafurahi sana akinifunza.

Sen. Kinyua akiniuliza maneno ya nyama, nitamwambia hiyo ni ya ngamia au mbuzi kwa kunusa tu bila kuonja. Sen. Ali Roba ni shahidi wangu hapo. Ninashukuru amenieleza.

Bw. Spika, shida tuliyo nayo - ukiangalia upandaji wa korosho na makadamia - ni kwamba ukulima umekuwa na shida sana. Mashamba za kahawa zote zimebadilishwa kuwa biashara za nyumba. Kahawa na majani chai zinaendelea kupotea.

Ile shida tuko nayo ni kwamba wakati huu maziwa tunayotumia yanatoka Uganda. Kwanza, maziwa haya yanatoka Uropa na kupelekwa Kampala yakiwa maziwa unga. Huko Kampala wanaongeza maji na wanaleta hapa kama maziwa ya Uganda. Sasa ukulima wetu, si nimesema umezikwa?

Kamati inayohusika na mambo hayo ni lazima iaangazie mambo hayo vizuri na hatua kali zichukuliwe. Asante.

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir for giving me an opportunity to contribute to this very important matter. I am in the Committee on Agriculture, Livestock and Fisheries, and I have been in that Committee even at the National Assembly for quite a number of years.

The issue of macadamia nuts is a very serious matter and generally nuts. Cashew nuts in particular is grown in the coastal areas and it was largely grown through cooperatives.

I know there is a very big effort to bring back this matter. Private businessmen have come in. Unfortunately, brokers have really messed up the industry. The people have been put into cooperatives which are marketing these nuts. These nuts are valuable

in terms of rare mineral rare vitamins. They are sold largely in Europe and you will find somebody chewing those nuts in almost every flight there.

The problem, and we must look forward to solve, is how do we make the farmer benefit more than the brokers. This very valuable product grows naturally, it is not sprayed; it does not require herbicides and it is easily acceptable in the market.

In fact, macadamia nuts in particular help with the heart and many old people in Europe are buying this because it has a special component of potassium which keeps the heart strong and makes people live longer.

We want to come up with a strategy, and agriculture has to be devolved completely to the counties. Agriculture has been devolved but it is still left to the national Government. The budget has not gone to the counties.

If these monies were to go to the governors, I am very sure they will come up with strong cooperatives, marketing systems and value-addition chains so that when the nuts leave here and go to the market abroad, the farmer benefits.

I support.

The Speaker (Hon. King) Next Statement by Sen. Murango.

Is Sen. Murango not here?

That Statement is deferred.

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

(Statement deferred)

The Speaker (Hon. Kingi): Next Order.

BILLS

First Reading

THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO. 3 OF 2023)

*(Order for First Reading read – Read the First
Time and ordered to be referred to the relevant
Departmental Committee)*

First Reading

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO. 4 OF 2023)

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

The Speaker (Hon. Kingi): Hon. Senators, we are going to reorganize the Order Paper today. We are, therefore, going to move straightaway to Order No.13. Clerk, can you call out that particular Order?

Second Reading

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

(Sen. Mungatana, MGH, on 28.2.2023)

(Resumption of debate interrupted on 2.3.2023)

The Speaker (Hon. Kingi): Hon. Senators, we now resume debate on this Motion which was interrupted on Thursday, 2nd March, 2023. I do therefore call upon Senators to make their contribution to the Motion.

Sen. Oketch Gicheru was on the Floor contributing to this Motion. Before interruption, he had a balance of 17 minutes. However, I am informed he is not in the House and therefore we shall move as per the queue on the request.

Sen. Chute, please, proceed.

Sen. Chute: Thank you Mr. Speaker, Sir. I come from Marsabit County. We have wind power called Lake Turkana Wind Power in Marsabit. I think it is the largest wind power in Africa.

In support of this Bill, I would like to say that our children in Turkana, a place called Sarima where the offices of the Lake Turkana Wind Power are being operated from, the children living there have no clothes, no place to sleep, no food, no water, no survival at all.

If you look at the investors who invested in this Lake Turkana Wind Power, they are mainly from abroad, either Europe or America.

The investors' children who are in America are going to the best schools, driving on the best roads, eating the best foods and going to the best hospitals. In fact, they are enjoying everything that exists in this life.

However, the children from Sarima which is in Laisamis Constituency are also human beings and they are not children of a lesser God. They are human beings and they deserve to get what is rightfully theirs.

This land, initially, belonged to the community. This is a grazing land. It is land where they do their rituals; they have their celebrations in Sarima and its environs and today, they have no place to graze or to do their celebrations.

In support of this Bill, I would like to say this: An investor will come from any place with his equipment but the land belongs to the community. This community are not

benefiting from their ancestral land. They have lived on that land for many years but what are they getting? Nothing.

So, this Bill will help a young boy, a young girl who lives in Laisamis Constituency to get to better education with those funds and also get a better life.

Mr. Speaker, Sir, I will bring a Bill to this House that will give the community, County Government and the national Government shares percentage.

We also have a beautiful rainforest in Marsabit County. If you remember, there was an elephant called Ahmed. He died in Marsabit County and was brought to the museum in Nairobi City County. The people in Marsabit County are supposed to benefit from Ahmed, the elephant. However, we are not getting anything. That is our natural resource. If this Bill will go through, that means the people in Marsabit County can also enjoy their natural resources.

Mr. Speaker, this Bill will, in fact, make other investors who are going to invest in any place know that there is something for the community as opposed to what is happening now in a place like Marsabit County.

We are producing electricity which is delivered to the people in Nairobi City County yet in Marsabit County, there are blackouts every night. So, we are not getting what is rightfully ours. We do not enjoy electricity. The people in Nairobi City County are enjoying electricity while people in Marsabit County; children and women are suffering.

Mr. Speaker, Sir, I support this Bill

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

Sen. Okiya Omtatah: Mr. Speaker, Sir, thank you for the opportunity you that have given me to support this Bill.

The matter of natural resources in this country is very sad because we do not know all that we own. In supporting this Bill, I will be pushing that the Government carries out a proper survey to map the resources available in this country.

A few months ago, I do not know if you are aware that there is a gold rush in Busia County. Some fellows struck gold and right now there is a commotion on the ground. Everybody is rushing there.

I believe we should not be discovering our minerals by chance. The counties need to be mapped in terms of resources and a proper regime put in place for exploiting those resources so that we can benefit from what is rightly ours.

There is also a neglect of natural resources. If I go back to my county of Busia, we have extensive resources that are not tapped. For example, I do not know if you know that it is only in Busia County that you can find ancient cave paintings in this part of the world. I believe the next place you have to go to either Namibia or somewhere. However, these cave paintings are neglected and no serious investment have put into them to benefit the country in terms of tourism circuit and stuff like that.

You also find that we have huge resources in Lake Victoria which are neglected. We do not even have a Western Kenya tourism circuit that can benefit the economy of this country and the residents of those regions. So, in standing up to support this Bill, there are other resources that may not be natural in the sense of having been created by God, but they are natural in the sense of having been created by man. I am looking at

issues like international borders. Extensive economic activities take place in these international borders. Nevertheless, you will find that the host communities are neglected. For example, if I go back to my county, you will find the local people being treated as smugglers and the corporates enjoying the borderline are those that are doing legitimate business.

In supporting this Bill, it is important that the host communities be considered in terms of the benefit sharing and also the counties.

Over and above that, we must have a proper resource mapping of this country so that we can know what is it that lies under our feet. We should avoid a situation like what has happened in Busia County whereby somebody randomly stumbles upon gold.

Let us map our resources and do what other countries have done so that we can be able to plan how to exploit these resources.

I support the proposal by Sen. Chute. There needs to be a mathematical framework of how to share these resources when they are found.

With those few remarks, I stand to support.

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

Sen. Lomenen: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support this Bill.

In the county I come from, we have innumerable resources that I cannot even count. However, the one that is obvious and that everybody knows is crude oil. They have discovered and they are still going on to drill more than 400 wells.

There is gold in Turkana County and these other counties. There is also so much sand in counties like Marsabit, Turkana and West Pokot.

I see lorries carrying sand from Machakos County to Nairobi City County yet it is available in Turkana County. I sympathize with those people.

Mr. Speaker, Sir, the other biggest mineral which competes with oil is solar. If you do a good survey, you will find sun in Marsabit and in Turkana counties is not the level it is in Nairobi City County. I believe it has lowered because it is now 42 degrees celcius. It is low because these places are usually too hot. When we tap this solar, the cost of electricity will be cheaper in this country.

A live case example is the known international well called Ngamia-1 which produces highest volume of oil. The children and people from that well, a village called Nakuklas, are still begging for water, food, clothing and drugs.

If someone falls sick and needs Aspirin or Panadol, they are not available. This is a reality.

Mr. Speaker, Sir, God was perfect to create this world. He did not make any mistake to disadvantage any area.

What God did was very diplomatic in a way that some minerals are above ground while others are below. For example; farmers have potatoes and maize crops while us in the pastoral areas; we are advantaged with the provision of livestock. Where there is no grass, there is gold, oil and water underneath. People ignore and neglect these resources. It pains me that a multinational organization like the Tullow Oil being given a contract to go, explore and drill oil in Northern Kenya, Turkana County, only to deny the local community the opportunity it deserves.

There is what we call local contents, which are opportunities that the locals derive from an organization such as contracts, job opportunities and administration. Whatever accrues from that resource such as gold, the local community should be the first to be given priority to benefit so that we can avoid Britain, France and the other countries where the multinational companies come from benefitting fully.

The local community has been protesting. The definition of fossils is a piece of wood or bone that has changed to stone. The bones found in those counties are for our grandparents, ancestors and the plantations there, which have changed into that oil. The local community is supposed to take advantage of that. It beats logic to find multinational companies such as Tullow Oil drilling oil, transports it to Lamu port and sells it to unknown companies; I know of ChemChina UK Ltd, which costed the Government Kshs1.2 billion.

In the Energy Act, it was agreed that the county governments would get about 20 per cent of the total revenue. The local community, which has access to the oil wealth, gets five per cent while the national Government would get 75 percent. We agreed as a House together with the National Assembly to sign to pass that into law and it was assented to by the President. What perplexed me is that oil was transported to Lamu and sold. It has been four years since and the community is still waiting for its share.

The community has sanctioned the Government and any multinational organization that intends to drill. They have stated that before you drill, you must do something for the community first. There is a saying in our community that you cannot take a beautiful girl without bringing a kilogram of sugar, tobacco and a he-goat. The community is wondering whether it makes sense to drill another well of oil yet they have not given at least five per cent to the community. That is not possible. God himself will not allow that.

Mr. Speaker, Sir, with all due respect, you cannot allow that. Give caesar what belongs to caesar and God what belongs to God. Give the local community what they deserve and the national Government what is deserves too because they involve these other counties. The county that has available resources considers other counties. Give what belongs to the local community because that is the only golden opportunity. If people have produced coffee, sugar and tea; you know the condition and the law that has been made there and people will not take those revenues for granted.

Our people have to be provided with food every time there is drought. We cry ever time in this House saying our people are hungry and thirsty yet there are organizations that make a lot of money out of the resources we have in those counties yet the locals do not benefit.

Mr. Speaker, Sir, am I wrong to say that that is like robbing the dead? Our people are needy. The multinational companies come, take their gold, minerals, water and gypsum, and leave them with nothing not even five liters of water. It pains me to represent such people. This law is very important. We should be clear on the advantage or revenues for the community. If the local community is to receive 10 per cent, let us give it to them. If the county government is meant to receive 20 per cent, let them receive their share as well. My county has six constituencies and when we get 20 per cent that

means the other constituencies will benefit. The host community that is proximate or near the oil wells only gets five per cent.

Mr. Speaker, Sir, the community proximate to the oil wells in my county have nothing. I support this Bill. This is why we are here; to represent our communities so that no one can shortchange them. Our communities should get their Constitutional rights as per Article 43. With those few remarks, I support this Bill.

I thank you.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The operative word in this Bill by Sen. Mungatana, MGH, is “sharing”. I support him for this flow of thought because this is the backbone of our Constitution. We amended our Constitution so that all the communities of Kenya could share the commonwealth of the country and move at almost the same pace.

Sen. Mungatana, MGH, has gone slightly below and said, that it is all right for us to share the common wealth of the state amongst counties but how about the things that are found locally and naturally? He has arranged his thoughts very well.

In his mind, he is saying, let there be a sharing committee at the county and the community level. The only thing I want to add in support of this Motion is that below the Committee, you must have the land owner in areas where we have already done land adjudication. For example, land adjudication has already been completed in Ikolomani, Shinyalu, Lurambi and Gem in Siaya County, where there is gold.

Mr. Speaker, Sir, it is because you might find that the gold is coming from a particular piece of land. So, as we share, we should not just assume that all the gold should be shared by the community. We should reserve something for the owner of the land.

With that improvement on the structure of sharing of this wealth, may I remind Kenyans who are following this debate, this will not be the first fund that we are subjecting to sharing. Just like I have said, this was the intention of the Constitution.

We already know that devolution is about sharing devolved funds. The National Government Constituency Development Fund (NG-CDF) is sharing funds that go through our 290 constituencies. What is more? The sharing of bursaries is again on this principle. So, I appeal to all colleagues here and eventually the National Assembly, to stand behind this Motion.

Speaking generally, minerals have become a curse in Africa. Our armed men and women are in the Democratic Republic of Congo (DRC) trying to maintain a cease-fire. In the breaking news less than one hour ago, it has broken down in Kivu Town. They are now killing each other because of natural resources. Instead of resources of Africa helping Africa, Africans and the people of DRC, they have become a curse.

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

The Speaker (Hon. Kingi): Do you wish to be informed, Sen. by (Dr) Khalwale?

Sen. (Dr) Khalwale: Most obliged, Mr. Speaker, Sir.

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

Sen. Cherarkey: Mr. Speaker, Sir, Sen. (Dr) Khalwale is a man of wisdom. When we were growing up, he used to inspire some of us by the fiery and vibrant debates on the Floor of the House

The Speaker (Hon. Kingi): Are you saying you have stopped being inspired, now that you have grown up?

(Applause)

Sen. Cherarkey: No. Mr. Speaker, Sir. I am now more fired. Not even inspired but fired. Maybe to inform him because I have heard him indicate that it is about minerals.

However, Clause three says:

“This Act shall apply to the following natural resources—

- (a) sunlight;
 - (b) water resources;
 - (c) forests, biodiversity and genetic resources;”
- He should inform us more about this because he is a doctor,
- “ (d) wildlife resources;
 - (e) industrial fishing; and
 - (f) wind.”

That is what the Bill, if passed into an Act of law, will apply to. However, there is already a Mining Act in place. That is what I wanted to inform the good doctor and the bull fighter.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I appreciate the point of information. However, you are just running ahead of me. I am just at the beginning of my debate. You got me when I was talking generally about these natural resources and in this case, our minerals.

As African leaders, we should refuse to fail because of failure of Government and failure of legislation to create laws that can provide how people can easily share benefits. We should refuse to fail in that endeavour, so that our people already have a tool which they can use to share, instead of killing each other.

Mr. Speaker, Sir, allow me to speak about gold. I feel very disgusted when I see some of our children in Shinyalu, Lurambi and Ikolomani constituencies and Gem Constituency in Siaya drop out of school. Successive governments have deliberately refused to unlock the gold mining economy.

From the Colonial Government to the Government of Mzee Jomo Kenyatta of 1963, for 15 years; the Government of Daniel Toroitich Arap Moi for 24 years; the Government of Mwai Kibaki for 10 years; and the Government of Uhuru for 10 years have all refused. Studies have documented that the gold deposits in the Kakamega Belt; the Liranda belt is worth Kshs200 billion.

I do not understand how a Government can look at that and does not want to unlock it. To unlock, they are supposed to only do the simplest of things such as what they did in Turkana County. They invited foreign investors, Tullow One, to exploit the oil.

You just need to do that in the Liranda belt and the lives of our people will change instantly. The Gross Domestic Product (GDP) of our County will shoot up and by association, the GDP of the Republic.

Mr. Speaker, Sir, it is a shame because people know the value of gold and they know how to identify it. They are not waiting for any investor. They go down there themselves. Consequently, the mining is claiming the lives of our youths. Every weekend, I bury a youth in Kakamega County.

Two weeks ago, my counterpart, Gov. Barasa, was there but I was not since I was on national duty up here. He buried five youth. A village just wiped out five children. The week before, I had buried a father and his firstborn. I will share with you, Mr. Speaker.

Five years ago, I decided to be curious. I wondered how people could die out of gold mining and they continue going back? So, I went to Shichinji in one of the homes of the people who had perished. I wanted somebody to give my *sadaka*. I found the brother of Fahu, the youth who had died. Fahu's brother was missing at home.

They pointed to me where he had gone and I followed him. I called him out: "Where are you?" I found Fahu's brother had gone back into the same pit to extract more soil so as to sell in order to defray the funeral costs. I decided on that day, that I would join Fahu's brother in the pit. I went down 120 feet and helped him. We scooped the soil and we were again lifted out to make my statement that I care. When you are 120 feet down there, you are a millisecond away from death. That is how our people are neglected.

Mr. Speaker, Sir, I urge President William Ruto who knows about this issue - He came to Kakamega in his 100 days and spoke to the Liranda goldmine - to move with speed.

Sen. Cherarkey, now, here I go. There is something called wind power. Lake Turkana wind power produces 310 million megawatts of green energy.

Mr. Speaker, Sir, if you go to the neighbourhood of Marsabit and Turkana, children are walking without clothes, leave alone shoes. They have potbellies because of infestation by worms and they drop out of school.

The youth are into cattle rustling to raise an income, whereas they produce 310 million megawatts. What is the natural resource here? It is a modern natural resource called carbon credit.

There is carbon credit worth millions of dollars in those windmills, which the Government structured. The First World countries contribute to negative climate change, by releasing carbon emissions from their factories, according to the United Nations (UN).

They have signed and agreed to pay back to any activity in the world anywhere that adds to positive climate change, including producing green energy such as is happening in Marsabit and Turkana.

The Government should be organised. The Ministry of Foreign and Diaspora Affairs should be up to it. It should work with the Ministry of Environment and National Resources, to ensure that we harvest our carbon credits, which would then go back to Marsabit, Turkana and other areas where we produce power from windmill.

As if that is not enough on carbon credit, I come closer home. We have Kakamega Forest. Thanks to carbon credit, the United Nations Development Programme (UNDP) was in Kakamega one and a half weeks ago, launching the fencing of the entire forest because they realized the importance of carbon credits.

(The amber light was switched on)

The process was presided over by the Ambassador of Japan. I listened to him. He spoke generalities upon generalities for around 40 minutes, only to mention the word carbon credit once. They would love to bury it in the sand. People rejoiced that they have a fence, not knowing that the reason for fencing was to secure carbon credit for the local community.

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

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

I hope the young dynamic Chair, who is now in place, will not throw me out. Ladies and gentlemen, colleague Senators, we have a job to do.

In fact, when I see the little differences that are responsible for having the other side not having a Senator in this House, I feel very small. We are really small. This is the Chamber that should create awareness and bring the fear of the Lord in the heart of President Ruto, never to repeat what the “handshake” Government did.

I wish they were here. I would have told them that the Controller of Budget (CoB), Ms. Margaret Nyakang’o, has today told Parliament that she was forced by the ‘handshakers’ to release Kshs15 billion, so that they could rig elections and defeat us.

Having “eaten” our Kshs15 billion, they do not want to sit here and debate, so that we rectify the mess that we have thrown our country in. If we have an opportunity to force the Controller of Budget to give us Kshs25 billion, then I would rather not participate in that election.

I am proud of young women such as Sen. Tabitha Keroche. Why do people who want to be Presidents not hire and sit with Sen. Tabitha Keroche? They should use her golden mind that is able to convert alcohol into a multibillion venture.

I do not know what has become of our courts. They should never be allowed to harass business people. When a business person is behind on paying tax, the Government should not respond by closing down business. You should call the business person and reschedule the tax which is due. Closing it is equal to killing the proverbial goose that was laying golden eggs.

This is the new conversation which we should be involved in and not who is the Senate Majority Leader or Chief Whip. That debate is meaningless to this Republic. If tomorrow you tell me that I have served the country as Senate Majority Whip for three years and, therefore, let Sen. Cherarkey take over, I will gladly say, ‘I did my bit.’ You fight over it until Parliament is crippled; it does not make sense.

Mr. Temporary Speaker, Sir, this is Kenya and the future is bright. I listened when you were speaking from your seat. Many youths are involved in drama; which I do

not even see you do in the Social Media. You have good material for our youth. I know your time is now.

I celebrate you, Sen. Keroche, all the time; you do not know. I have a photograph of two little girls, which I treasure. I do not know their parents. One girl is carrying her shopping while running and screaming, but she is not dropping it. You were with the other girl. I have saved the photograph of when you went into that war. That is the material we want the Kenyan of the future to be made of, not funny people. *Bure kabisa*.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Abdul Haji): Thank you, very much, Sen. (Dr.) Khalwale.

Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you Mr. Temporary Speaker, Sir, for giving me this opportunity. Sitting here this afternoon, we have been able to learn a lot of things. One of them is that Sen. (Dr.) Khalwale, the ‘bull-fighter’, can also be a gold digger, in the real meaning of the word.

He said that he joined one Fahu’s brother in those yards. He has also let us know that he secretly admires Sen. Tabitha Keroche. I hope he only admires her business acumen.

(Laughter)

Mr. Temporary Speaker, Sir, I support the National Resources (Benefits Sharing) Bill (Senate Bill No. 6 of 2022). This is because of some things that are happening in our country, especially by some foreign owned companies that do business in our counties.

In Murang’a County, for example, we have Kakuzi Limited, a well know company that has vested a lot of historical injustices to our people in Murang’a. The company though domiciled in Murang’a and benefiting from the hospitality of our people, remains very hostile. Sometimes they cannot even allow a footpath across some of the areas, making the residents cover long distances, while trying to avoid anything Kakuzi. This is something that should not be allowed to continue happening in this day and age.

Mr. Temporary Speaker, Sir, if you go to Kakuzi - and I have nothing against Kakuzi; it is an investor and we really want to encourage foreign investors - you will note that most of the land that they are occupying is not being put to any productive use. That in the background of a county where we have very many landless people; people who are very hardworking but do not have land where they can farm and earn their daily bread. This is something that should not be allowed to continue happening.

I am not here to prosecute Kakuzi, but I am here to support this Motion because Kakuzi benefits from our natural resources and that resource is land in the thousands of acres.

Most of the land, like I have said, is not being put to any use. What they have done is that they have gone along major roads and grown some trees, so that no one is able to see what happens in the vast parcels of land. The vast land lying in there are not being used and this is something that should be looked into.

When we talk about benefits sharing and I am glad that Sen. Mungatana has brought this Bill, recently, we went to South Sudan for East African games and got to understand that in that country no foreigner will be allowed to own a company that does not have a local shareholding.

Although there are many things that we may not like about Southern Sudan, especially their voodoo law, where it is their word against yours if you are a foreigner, I think this is something that we can borrow. Those big companies like Kakuzi and Del Monte that operate tea farms in Kericho and other counties should cede some shares to the locals and county government, so that they can also benefit from these vast natural resources.

Mr. Temporary Speaker, Sir, that is something that we should consider; that any foreign investor, though they hide under the excuse that they are creating employment, yes, which they do; but their benefits far much outweigh the exploitation that they do to our people. Therefore, these benefits sharing should be something that we should institutionalize and legislate on, so that these companies stop exploiting our people.

The other thing while talking about Kakuzi is that in my county, I have two big investors. We have Del Monte and Kakuzi. I may not have very many problems with the Del Monte because most of the land that they have is under use and they are employing very many people. Also, Del Monte recently ceded some land to our county.

My major fight is with Kakuzi because they have large tracts of land which remain unutilized. Another issue is hostility to the locals. There is one particular society that was called Mwambo Farmers' Society, a group of poor people that had some land somewhere in the middle of the farms that are owned by Kakuzi and who were forced to move to a place called Thangira. The agreement back then in 1988 was that they be compensated for the school that they had built, the cattle dip, churches and those public amenities and facilities, which Kakuzi has never done, and Kakuzi should be compelled to do.

This compensation should be made in net present value. This is because in 1988 the value of Kshs1 million was much higher. That is why the people of Mwambo and Thangira should be compensated using the net present value or the present value of money as of today because that is an injustice.

We have pupils. Currently, you know that in our schools in every other county or part of the country, we have problems with infrastructure because of junior secondary school that have been domiciled in primary schools. We would need this money so that the amount that was supposed to be paid to Thangira Primary School by Kakuzi may be utilized to put up the necessary infrastructure in that particular school. We have Anjiro Farmers' Cooperative also neighbouring Kakuzi where these historical injustices have been visited on our people.

Therefore, I stand to support that the benefits accruing from exploitation of natural resources in our counties should be shared with the locals. With those very many remarks, and I have nothing against the Kakuzi. I beg to support that Bill; that natural resources should be shared.

I am also preparing to bring a Motion or a Bill here about Nairobi Water Company, which gets water from Ndakaini Dam in Murang'a County for free, but they

sell it. That is also something that we must deal with. They cannot get a resource like that for free from Murang'a and yet, our people of Murang'a still do not have enough water for drinking and also irrigation. These are things that we think we should include in this Bill. I call upon companies to be fair to the communities that have hosted them.

I support that Bill and thank you very much for that opportunity.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. The last speaker is Sen. Murgor.

Sen. Murgor: Thank you, very much, Mr. Temporary Speaker, Sir, for giving me the opportunity to also give my thoughts in addition to what my colleagues have said.

Natural resources are very important in every area and to the communities living in those areas. However, the people whose land have those deposits have been taken advantage of, mostly because of lack of policy that is clear and protective and ensures that these natural resources benefit the local communities. There needs to be a clear policy from both the National Government and the county governments, so that there is a clear-cut policy about the resources that are found in those areas.

The second thing that I think should happen is also something that my colleague shared; that there needs to be prior mapping to know where exactly these resources are located in every part of Kenya, for example, gold.

People get surprises with particles of gold floating here and there without there being any policy or mapping out by the national Government and probably, inherited in one way or the other by the county government. The county government may be new and not have the capacity to really map out what is in their area.

Therefore, mapping out helps to be known nationally and even as markets for investment are looked for. It should be clear what resource is in that area and what kind of an investor is required. Mapping should guide clearly as to what is there.

On investment, every county and the national Government should look for investors. It is important to know what kind of investors they are and where they are going to. This is because there is prior and handy knowledge that exists within systems in the Government, in order for the investor to be guided and directed according to their interests.

Mr. Temporary Speaker, Sir, some concerns have been shared about advantage taking. When there is no clear policy or guidance on the right of locals and the different levels of government, the investor takes advantage because they are not aware.

For example, if an investor comes to my community, the Pokots do not know how much deposits of gold or any other mineral is on their land. Therefore, an investor will come and probably invest because of the knowledge they possess, that the community is not adequately knowledgeable about the deposits and so on. Such an investor will take advantage of that community.

Mr. Temporary Speaker, Sir, I will give the example of Simba Cement, which is now putting up a factory in West Pokot. However, I have not seen any sign of schools or hospitals built around it. There are also no roads built in that area because those were the concerns and priorities of the locals with an investor that was probably not subjected to public awareness and participation.

The taking of advantage is looming because the company is probably aware that the community is not knowledgeable about what is there and the commitments that should have been made prior to making that investment.

Mr. Temporary Speaker, Sir, marketing will be another issue. If a community does not know the kind of market or interested investors there is for a natural resource, it may be taken advantage of with low prices because they do not know how much that investor is going to sell for, yet that investor will make a huge profit.

Therefore, I appeal to the Government to stand with communities by protecting and making them part of the process by informing them what they own and how much benefit they will get.

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

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Thank you. Proceed, Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill.

I come from Nakuru County, which is rich with a lot of natural resources. What Sen. (Dr.) Khalwale said is true. It is like a curse to have a natural resource around your area.

I know many Senators have climbed Mt. Longonot, especially when they are stressed and want to get rid of stress. That is the best place to go. I was born a few kilometres from Mt. Longonot. We were raised there in a five-acre piece of land. We used to harvest our crops from that piece of land. We got educated and became who we are today.

Mr. Temporary Speaker, Sir, today, it is sad that people living there cannot feed themselves. This is because animals around that mountain leave the park, enter the *shambas*, destroy the crops and sometimes kill people. The saddest bit is that the national Government collects over a billion shillings at the gate.

If you look at the Constitution, the County Government of Nakuru is supposed to be given 25 per cent of that money. Today, people are crying because they do not get that money, which is enough to refence that fence. The animals leave the park because there is no fence.

If you go to Lake Nakuru, the same story applies. I am sure all of you have visited this beautiful place. However, the people living around it do not get to enjoy it because there is no control of the overflow of that water. They get swept every time the lake gets filled and there is no compensation. Again, the national Government collects over a billion shillings at the gate.

There are people who benefit from these natural resources, especially the national parks. However, Nakuru County does not benefit. The law should be applied equally.

If you research on the geothermal power plant, 50 per cent of the power used in this country comes from Nakuru County. However, our people do not get employed at the geothermal power plant. The national Government collects over Kshs3,750,000,000

every year. If you look at that, you see how much money is supposed to be left at Nakuru County.

Mr. Temporary Speaker, Sir, if you look at the Natural Resources (Benefits Sharing) Bill No. 6 of 2022, it does not include geothermal plant as part of the natural resources to benefit under the Bill. I request this Bill to be amended so as to include the geothermal plant as part of the natural resources. This will give Nakuru County an additional Kshs840 million. I will push for that amendment, so that our people can benefit because they supply 50 per cent of power in the country.

Mr. Temporary Speaker, Sir, the other sad bit is that the area around the geothermal plant in Naivasha is dark at night. Therefore, I will also push to ensure that it also gets power. When we talk about lowering power tariffs, Nakuru County should be one of the counties that should benefit from low power charges because they generate that natural resource.

Mr. Temporary Speaker, Sir, as Sen. (Dr.) Khalwale has said, being the Deputy Majority Leader of this House, it is also sad to see that the members of the Minority Side are not in the House. Some of us just came the other day in this House; it is our first time to be in this House. We enjoyed seeing the likes of Sen. Orengo in the previous Senate and the way the House was vibrant. Today, the Senate is one-sided.

As the Senate Deputy Majority Leader, I urge the Minority Side to come to the House, so that we sit and agree. The people out there are watching us and they can see that one side of the House is all-empty, yet they were elected by Kenyans. The people whom they represent are wondering where they are.

I will try and establish what is happening now. The vibrancy of this House that people like us came hoping to get is not there. We were inspired to come into this House, so that we also share and contribute, the way Sen. Orengo and others were doing to this country. We thought we would come and join hands together all of us, so that we can push this country to the next level.

The differences we have will not add; it will only spoil for the people outside this House who are watching and looking at us. The international world is also watching and looking at this House. This is an 'upper' House, which everybody depends on legislating laws to bring the cost of living down. We are the ones to support the current Government in lowering of the cost of living through the laws that we legislate in this House.

Mr. Temporary Speaker, Sir, thank you and I support the Bill.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

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

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Orwoba?

QUORUM

Sen. Orwoba: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Orders No.41 (1) which states-

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

Mr. Temporary Speaker, Sir, we do not have quorum.

The Temporary Speaker (Sen. Abdul Haji): Clerk, please, confirm if we have quorum.

(The Clerk-at-the-Table consulted the Temporary Speaker (Sen. Abdul Haji))

The Temporary Speaker (Sen. Abdul Haji): Clerk, I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, we will have to adjourn because of lack of quorum.

ADJOURNMENT

Hon. Senators, pursuant to Standing Order No.41, there being no quorum, the Senate stands adjourned until tomorrow, 8th March, 2023, at 2.30 p.m.

The Senate rose at 5.12 p.m.