

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 1st 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): Serjeant-at-Arms, kindly ring the quorum bell for five minutes.

(Quorum Bell was rung)

I confirm that we have quorum. We shall proceed with the business of the day.
First Order.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KARATINA UNIVERSITY POLITICAL SCIENCE ASSOCIATION

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting students from the Karatina University Political Science Association (KUPSA).

The Delegation comprises of 40 students who are in the Senate for a one-day academic exposition and workshop.

I will proceed to read their names, so that we know exactly who they are. Once I call out your name, kindly be upstanding, so that the Senators can acknowledge you.

Patrick Ndung'u Wangui

Jackson Karanja Karuiru

Sang' C. Shadrack

Caroline Muthura

Linet Akoth

Hamstone Okwach

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Peace Maina
Emmanuel Ndungi
Vincent Karanja
Zacharia Ombati
Kiprotich Kipchumba
Elijah Mwangi
Abong Samson Ochieng'
Mark Collins Kalama
Solomon Nderitu
Were Stallone
Kevin Uhuru
Mary Wambui
Bromick Russell
Alvin Kinyua Mwangi
Fredrick K. Ngetich
Enock Makori Ogamba
Sherry Adhiambo Rodi

Cavinryan Otieno
Emmanuel Kipchumba
Barasa Nyongesa Javan
Peter King'ori
Wilkister Awuor
Mercyline Thuo
Kageni Mwendu
Cynthia Kawira
Viola Jerop
Veronica Katumo
Christine Lepir
Margaret Waithera
Harrington Epae
Nelson Kamau
Eva Macharia
Job Makone
Frankline Obinju

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

(Applause)

I will allow Sen. Wamatinga to welcome the delegation.

Sen. Wamatinga: Mr. Speaker, Sir, thank you for hosting the Political Science group of students from Karatina University.

Karatina University is one of the new institutions in Kenya and situated at the slopes of Mt. Kenya. As you have noticed while reading out the names, the students are from across the country. It is the face of Kenya. Being Political Science students, we are looking upon them as leaders of tomorrow to deliver this country to where we would want it to be.

Mr. Speaker, Sir, it is in these institutions of higher learning that we are anchoring the future of this country. It is our hope and prayer that the students will take this opportunity to learn as much as they can and take it home. What they will learn will help them to prepare to take the leadership of this country to the next level.

It is also my pleasure to congratulate the students of Karatina University. It is in a very conducive environment, lying in the middle of a tea growing area. It prides itself in being one of the leading institutions, endeavoured to put environmental studies in the rightful place, especially in the wake of climate change in this country.

Mr. Speaker, Sir, I take this opportunity to welcome the students. On my behalf and that of Nyeri County, I thank you for organising yourselves into an effective group and wanting to learn more. Tomorrow belongs to those who will grab an opportunity and

also get what it takes in education and skills learnt along in life. That is what will take this country forward.

I also thank the students from Karatina University for overwhelmingly supporting and electing the Kenya Kwanza Government. I thank them for supporting me to be the Senator for Nyeri County. I look forward to have a word with them after this.

Welcome to the Senate.

VISITING DELEGATION FROM VIHIGA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I have a further Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from Vihiga County Assembly. The delegation comprises of Members of the County Assembly (MCAs) of Vihiga County. They are on a one-day study tour with the Committee on County Public Investments and Special Funds (CPISF).

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

Hon. Vincent Atsiaya	-	Minority Leader
Hon. Paul Tiira	-	Deputy Minority Leader and Vice-Chair, Public Accounts and Investments Committee
Hon. David Onjiiri	-	Chairperson Environment and Water Committee
Hon. Mishell Stika	-	Vice Chairperson, Environment and Water Committee
Raychelle Syamba	-	C.E.O, Public Accounts and Investments Committee

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

(Applause)

I call upon Sen. Osotsi to give welcoming remarks to the delegation from Vihiga County.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I thank the hon. Members of Vihiga County Assembly for paying us a visit. They have just attended a meeting of the Committee on CPISF, where we were looking into the issue of Amatsi Water Company. They played a big role in supporting the Committee in that regard.

I encourage this kind of partnership between the Senate and the County Assembly, especially in our Committees. When looking into various matters in our Committees, it is a good practice to invite the leaders of the relevant committee because they have primary information on some of those things.

The MCAs play a big role in oversight. They perform primary oversight. As the Senate, we need to strengthen that role. If primary oversight does not work, then definitely, secondary oversight will have challenges.

As I am talking to you now, I am very depressed because the Salaries and Remuneration Commission (SRC) has mishandled MCAs. They reduced their salaries significantly and now, SRC is asking MCAs to pay additional tax on reimbursed car grants.

Hon. Senators, we need to have a conversation around this matter. We cannot see our partners in oversight process being frustrated by a constitutional body that is suppose to promote the rights of all of us.

Hon. Cherarkey is very good at this. We will look into it and see that MCAs who live in the villages and interact with our people on a daily basis, are living a decent life. They should be able to perform oversight role in a dignified manner, so as to support our role of protecting counties under Article 96 of the Constitution.

I welcome the hon. MCAs to this House.

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, nothing is out of order. I am just rising to seek your indulgence because of the beautiful mosaic of our community. The MCAs in the Gallery now are just as much as they are my MCAs as they are for Sen. Osotsi. If I could just acknowledge them.

The Speaker (Hon King): Go ahead.

Sen (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Allow me to send the MCAs to go and greet the Governor and the rest of the MCAs back home.

More importantly, I would like to urge the MCAs to deliberately create partnerships with the MCAs of Kakamega, especially for purposes of realising crosscutting projects like now, we have a road, which we have fixed on the Kakamega side, but from the Eregi Junction all the way to Chandumba do not have tarmac. This speaks to the fact that the County Government Kakamega is not talking to the County Government of Vihiga and vice-versa.

Finally, I would like them to go with the good news to the people back home. I have just had consultations with the Government and gone out of my way to ensure that the road from Majengo all the way to Hamisi, Shamakhokho, Kaimosi, Muhudu and Museno in Ikolomani will be fixed in this financial year.

I thank you.

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

Sen. Cherarkey: Mr. Speaker, Sir, I am seeking your indulgence since I am the Vice-Chairperson of the Senate Standing Committee on Public Accounts and I can see there is my counterpart or the Vice-chairperson of Public Accounts from Vihiga County.

I extend a warm welcome on your behalf and our Committee. I think they went to CPISF. As the Public Accounts Committee, we will be more gracious host and guide upon the support of the office.

Secondly, as my brother Sen. Osotsi has stated, the SRC is on a mission to not only kill the MCAs, but dismember them. How do you put tax on a car grant? That is why I said yesterday that SRC is nowadays usurping powers that do not belong to them. Their role is just to advise.

If we are not careful in the words of a famous philosopher, it will be like “when they came for the MCAs, no one spoke for them, when they came for governors, no one spoke for them, when it will come before the Senate, there will be no one to speak for us.” The MCAs are grassroots leaders.

Mr. Speaker, Sir, you have experience of more than 10 years as a governor. You know that the first line of response whenever a problem happens in the village, be it funeral arrangement, pre-wedding, wedding, baby showers and birthday parties, the first line of defence for ordinary *Mwananchi* is to rush to a local MCA.

MCAs play a very critical role. I appeal to the Government to consider its decision. I heard my MCAs complaining that the TSC director was calling them out when they went to his office, even demanding that they kneel before him, so that they can be served. This shows the distained attitude that the commissions continue to show towards the MCAs.

The SRC must be stopped on their tracks because what they are doing is unconstitutional and illegal. We will start with MCAs because if you cripple MCAs, you are crippling devolution. If the MCAs do not have the resources and facilities to do primary oversight at the county or grassroots level, it is very unfortunate.

I assure the MCAs that they have the blessings and commitment of the Senate towards ensuring that their welfare is taken care to facilitate them to serve their people. I wish them well during their visit. I hope that Sen. Osotsi will be gracious enough to ensure that I sign their tea when we will be on recess. I do not mind signing on their behalf because I noticed a number of them are also members of Kenya Kwanza.

The Speaker (Hon King): Thank you, enough for that order.

Next Order.

PETITIONS

EVICITION AND DEMOLITION OF BUXTON ESTATE IN MVITA CONSTITUENCY, MOMBASA COUNTY

The Speaker (Hon King): Hon. Senators, I hereby report to the Senate that a petition has been submitted to the Senate by Mr. John Tsuna concerning eviction and demolition of the Buxton Estate, Mvita Constituency in Mombasa County.

As you are aware, article 119(1) of the Constitution, and I quote:

“Every person has the right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues raised in this petition are as follows-

(1) The petitioners were residents of Buxton Estate owned by the County Government of Mombasa until 5th March 2021 when they were evicted by the county government inspectorate personnel.

(2) That in the year 2016, the County Government of Mombasa formulated the vision 2035 project, which sought to modernise the County Housing Estate. Buxton Estate was one of the estates and the residents moved to court to challenge the project as there was neither public participation conducted on the project, nor did the resettlement plan comply with the law.

(3) The Land and Environment Court ordered the developer to provide a resettlement plan that will comply with the law. However, the developer did not comply with a court order.

(4) That in the year 2020, a new bid to modernised the estates was awarded to a different Developer from that of the year 2016. The developer conducted public participation. However, the concerns raised by residents of Buxton Estate were not properly addressed.

(5) That the residents moved to court and sort injunctive orders to stop the project until the issues were addressed. However, the court dismissed the injunction application. Thereafter the County Inspectorate started the demolition of the Estate on 5th March, 2021, the petitioner sought redress from the Mombasa County Government. However, the grievances for compensation and resettlement have not been addressed.

(6) Petitioner therefore, praise that the Senate intervenes in this matter with ensuring that residents of Buxton Estate are compensated and settled in accordance with the law.

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

Now that we only have 30 minutes, I propose that we limit the speech, comments or contributions per Senator at three minutes, so that we can have as many of you contributing to this Petition.

Sen. Mungatana, you may proceed

Sen. Mungatana, MGH: Mr. Speaker, Sir, I thank you very much for giving me the opportunity to speak to this Petition.

Buxton is a place in whose neighbourhood I grew up. When I was young, my father used to work in Mombasa. So, Buxton is a place we used to have friends. It is a neighbourhood that is familiar with me.

The issues that this Petition wishes to address are critical. The biggest question is the compensation of the people who are originally living there. They were paying very little money to the municipal government, which now is the county government. The county government has come up with this programme of Public Private Partnership (PPP), and they want to modernise the place.

I truly support the fact that a private developer has come to improve that neighbourhood. For those who lived in Mombasa in those years when you were younger,

Buxton area was totally different from what it is today. There is modern housing; beautiful housing; very beautiful places are coming up.

Looking from the drawings of the architecture and the way the project is progressing, I think we should encourage the completion of that project, so that people can see the new face of Buxton and the new county picture; it is a beautiful place.

However, they must balance that with the compensation of individuals who have been displaced and families that have lived in those estates for long. It used to be the father, who was working in the county council gave the house to his son and the son gave to his son. It was controlled rentals and the payments were minimum.

Having said all this, I pray that this Petition, as it is referred to the relevant Committee, gives a balanced opinion, so that development does not stop. At the same time, the views of the people should be accommodated and compensation issues are addressed---

(Sen. Mungatana's microphone went off)

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I know this Petition is properly before the House. However, the content almost sounds like it is frivolous. This is because Buxton Estate, as we know it, is not ancestral land.

When people who have had the opportunity to stay in these houses come of age and retire, they should not look at such public property as theirs, where they insist to hand them over to their children and the children of their children. The former Governor of Mombasa, Hon. Ali Hassan Joho, had grand ideas of improving and modernizing housing in Mombasa, but people stood in his way. We are using our cities improperly.

If anything, this Senate should help the County Executive and County Assembly of Mombasa to move these people out, so that the new houses are constructed. If they want a stake, they can be given the first charge on an opportunity to own a flat within the improved construction. Having said this---

(Sen. Cherarkey spoke off record)

Sen. Cherarkey comes from a place where the only time they go to Mombasa---

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed with your contribution.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I wanted to acknowledge him. He should leave those of us who know Kenya to speak to Kenyan issues. He came to Nairobi when he was coming to the university. I know him.

(Sen. Cherarkey spoke off record)

Mr. Speaker, Sir, on a serious note, if you go to an island like the one Hong Kong, they have made maximum use of it. I would expect that an estate like Buxton and other estates on the island should have---

(Sen. (Dr.) Khalwale's microphone went off)

I support.

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

Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I do not want to get into the 'bullfighting' for now. I support the petitioners. This Petition is properly before the House.

What we have in this country is infrastructural evictees. We have had forest evictees and squatters. We are creating another set of evictees, who are called infrastructural evictees in the country.

This issue of Buxton has appeared on the Floor of the Senate before. I am sitting next the Chairperson of the Committee on Roads, Transportation and Housing. I was asking him where he can crosscheck his legacy report and see where the issue of Buxton is. This is human rights abuse.

The basics tenets of human rights is access to proper and affordable housing. The law is clear that if Mombasa County Government or any agency wants to evict people in Buxton, they must be compensated. The Constitution is clear on compulsory acquisition; there is no two ways about it. I hope that the Senate Majority Whip is taking notes because I am a walking Constitution.

In conclusion, I appeal to the Government agencies that before evicting people, like what happened in Ruai and in this city, they should follow the law. Do not just evict Kenyans for the sake of expediency.

Even if the President wants the affordable housing to succeed and we support him in this, eviction should be done in a humane manner. There should be compensation to the affected and the rule of law should be applied.

I support the Petition and hope that when it is handed over to the relevant Committee, we will be invited to be part of the discussion.

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

Sen. Wafula: Asante sana, Bw. Spika. Jambo ambalo linadhihirika wazi katika yale ambayo tunajadili ni kwamba kuna viongozi ama serikali dhalimu ambazo hazifuati sheria. Wananchi wanapoenda kortini na uamuzi kutolewa, viongozi hawa hujitwika mzigo wa kiubabe na kuwafurusha kutoka makaazi yao.

Japo serikali ya kaunti inataka kubadilisha sura ya eneo hili, lazima wawe na utu moyoni, kuhusisha wananchi katika mjadala wa kukubali kwamba mradi huo ni muhimu. Kisha, wapeane maeneo mbadala pale ambapo wananchi hao watahamia.

Vile vile, wakubaliane na wananchi kwamba wanapohama mahali hapo, mradi utakapokamilika wapewe nafasi ya kwanza kuishi katika maeneo hayo. Ukiangalia katika maeneo kadhaa nchini Kenya wale ambao hufurushwa hawapewi nafasi, na wale ambao wanajenga miradi hii huwa na vikundi vile ambavyo tunaita kwa kimombo "*cartels*." Mradi unapokwisha, watu washagawana vyumba na wakaanza kuishi pale kabla mradi kuisha.

Mambo ambayo wameleta katika Bunge yanaendelea hivi sasa katika maeneo mbalimbali ya nchi. Kaunti nyingi zinaweza kufikiira jinsi Serikali ya Kenya Kwanza

itajenga vyumba mbalimbali kwa wananchi, ni haki kwao kuwafurusha watu haraka ili wanufaike na pesa za Serikali. Lazima utu uwepo, sheria ifuatwe, watu wahusishwe na kila mtu apate haki yake nchini.

Ninaunga mkono yale ambayo watu hawa wameleta Seneti. Ninaomba Kamati ambayo inahusika na mambo haya iende ndani kwa kina ili kuhakikisha kwamba Mkenya halalamiki wala hahangaiki kujivunia kuwa Mkenya.

The Speaker (Hon. Kingi): Sen. Veronicah Maina, proceed.

Sen. Veronicah Maina: Mr. Speaker, Sir, thank you for this opportunity. I am conversant with the Buxton Estate, having worked in Mombasa County for over 10 years and lived within the Buxton Estate.

There is a good intention to modernize that estate. It is an important step towards helping Kenyans achieve or realise the second generation of rights, which form part of what is accorded to citizens under the Constitution of Kenya.

However, we have seen a trend in Kenya, where when people are required to move out of a certain zone for upgrade or development of housing units, we have violent or forceful removal of citizens from areas where they are supposed to pave way for development. The purpose of public participation is to note the concerns that are raised by residents in such an area.

My concern would be that public participation may have been conducted, but the concerns are left in the shelves or books. We should develop a trend where before developments happen, the issues are addressed and compensation of anybody who is moved out should be mandatory, failure to which they get a right to be among the first people to be assigned those units that will be developed.

I believe that this Petition is properly before this House and I support it. These issues should be addressed, so that the same kitty that is paying for the development of these units caters for compensation of anyone who has been moved out and whose rights will be extinguished upon the upgrade being done.

Mr. Speaker, Sir, as I support this Petition, I affirm the rights of residents or any person who has lived in an area and requires compensation to be granted or awarded as development to upgrade is happening. The upgrade is a good thing and a promise of Kenya Kwanza Government to Kenyans. It should be allowed to continue, while respecting the rights of citizens.

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

Sen. Kinyua: Asante, Bw. Spika. Nimesikiza hii dua kwa makini na nimesikia malalamishi ya wale waliokuwa wakiongea. Lakini nimeshangaa kwa sababu ninavyomjua Kiranja wetu, yeye ni mtetezi wa walala hoi na wanyonge. Najua Serikali yetu ya Kenya Kwanza imekuja kwa kauli mbiu ya kutetea walala hoi na wanyonge. Huu ndio msimamo wetu dhabiti.

Wale watu wa Buxton pale Pwani wako pale kihalali. Ikiwa mzazi wa mtu ameishi pale, mtoto akaishi pale na wajukuu na vitukuu wanaishi pale, kama Serikali inataka kuwajengea nyumba zinazofaa, ni vizuri wenyeji waulizwe. Sheria yetu inasema ni vizuri watu wahusishwe kabla mradi wowote haujatekelezwa.

Sheria yetu inasema uzuri ule unapaswa kuonekana umefanywa. Ni vizuri wenyeji wa Buxton wahusishwe. Sheria zetu za Kenya zinasema watu wapewe nyumba na malezi mazuri. Hii ni jukumu ya Serikali. Kwa hivyo, hawaombi dua kando na maneno ambayo yanasemwa kisheria.

Sen. Cherarkey amebobea kwa maswala ya kisheria na namuunga mkono kwa yale amesema. Ni vizuri ile kamati itakayoshughulikia haya mambo iangalie kwa undani. Si suala la Buxton Estate pekee yake kwa sababu kuna watu wengi katika Jamhuri ya Kenya wanaoishi maisha ya kusunoneka na uchochole. Itakuwa vyema kama kaamati hiyo itawashughulikia watu wote ambao wanaishi mazingira duni. Sisi sote tuangalie sehemu zote ambazo zimeadhirika.

Ukienda mahali panaitwa Marmanet huko kwetu Laikipia, kuna watu ambao walifurushwa makao yao na sasa wanaishi barabarani, mahali ambapo hakuna choo wala shule. Ukiwaangalia unashindwa kama wanaishi katika Jamhuri ya Kenya. Kamati isiingalie Buxton Estate pekee yake. Wanafaa watembelee sehemu zingine kama kule Laikipia, Rumuruti, Majengo huko Nanyuki mpaka Maina Village. Hawa watu wote ni Wakenya na ni jukumu ya Serikali kuwalinda na kuimarisha maisha ya wananchi wote wa Kenya.

Bw. Spika, naunga mkono dua hii.

The Speaker (Hon. Kingi): Sen. Kibwana, I see you have pressed for intervention.

Proceed.

Sen. Kibwana: Asante, Bw. Spika. Pia mimi naunga mkono hii dua. Nazungumza nikiwa na uchungu sana kwa sababu Buxton ni nyumbani. Nyanya yangu ameishi hapo zaidi ya miaka 50 na ametolewa---

Nikizungumzia hili jambo napatwa na *emotions*. Samahani kwa kuchanganyisha lugha. Watu wa Buxton Estate wameumia sana. Wote walifurushwa na chochote walichopewa kilikua duni sana cha kuwapa nafasi ya kupata mahali pengine pazuri pa kuishi. Ni lazima waangaliwe na wasaidiwe ili wapate nafasi nzuri kuishi vile walikuwa wanaishi kitambo.

Bw. Spika, nyumba zenyewe zilikuwa zimedhoofika na kuna watu walitumia pesa nyingi kujaribu kutengeza nyumba zao. Wakati walipokuwa wanaondolewa walikuwa washatengeneza hizo nyumba na hawakulipwa. Zile pesa walipewa hazikutosha kile kiwango walikua wametumia.

Buxton Estate ni nyumbani. Ndugu zangu wengine wamezaliwa hapo. Naomba Wakenya waunge mkono dua hii, ili watu wa Buxton wapewe nafasi yao na hadhi zao. Watu wengi huko walikuwa wanafanya kazi na wakastaafu wakiwa huko. Walikaa hapo wakiwa vijana mpaka wakastaafu. Inafaa washughulikiwe ili waishi kama watu wengine nchini.

Naunga mkono, Bw. Spika.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. I rise to support this Petition. Mombasa is my home county. I was born and raised there. I recently moved to Nairobi.

The other reason Buxton and this Petition are close to my heart is because my father, Senior Counsel Jeff Asige, rented his first accommodation in Buxton when he was a young lawyer, just after passing the Bar. That is where he met my beautiful mother and they started their family right there; and here I am.

Mr. Speaker, Sir, I am illustrating the generational wealth that is in Buxton Estate. It is not a transit area, but is very central to Mombasa. Generations of families have grown up there, built their lives and their wealth right there in Buxton.

When you move somebody out of the accommodation that they have rightfully owned and pursued, it brings the question of natural justice. Housing is a right. Moving people out without inclusive public participation, where their views and worries are taken into account and compensating them equitably, becomes a huge problem.

Mr. Speaker, Sir, I know of Persons with Disabilities (PWDs) living in Buxton Estate are suffering right now, probably more than the non-disabled living there because of this eviction that happened. I wonder how much inclusive the public participation was when developers spoke to the residents of Buxton Estate. Did they consider the PWDs, how to move them and how accessible that place was and to be given reasonable adjustments? This is such that when they are moved for temporary purposes, their needs and challenges are not further exacerbated by the issues stated in this Petition.

Mr. Speaker, Sir, I want to assure the PWDs living in Buxton Estate that I will continue to support this Petition. I wish the PWDs that are living in Buxton Estate right now could be given a fair opportunity and dignified temporary accommodation.

I thank you.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. Prior to 2010, it was not possible for any Kenyan facing such a situation to have support from Parliament. Our 2010 Constitution, under Article 119, is really helping Kenyan people to get assistance from this House, especially in a situation such as this one that happened in the coast region.

The petitioners agree that the land belongs to the County Government of Mombasa. Their concern is the manner in which the eviction was undertaken without due regard to notice, decency and respect for rights of the people. This is very unfortunate not only in Mombasa, but in many parts of our country.

Mr. Speaker, Sir, I support this Petition and hope that this House shall be the refuge of the citizens that are affected, especially in this particular situation.

I call upon all organs of Government, whether national or county, that it is important we execute these situations in a humane way, so that we safeguard the dignity of our people. When we evict people, we completely disrupt their lives, their children and the old population in that area. It is important that we have regard for the well-being of our people.

I believe that this House and the Committee responsible will take the responsibility to ensure the affected residents shall have their adequate compensation, so that they feel proud of being Kenyans and protected by the Kenya Constitution, 2010.

I support.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for this opportunity. I rise to support the Petition for the Buxton residents.

I sympathize with them because I come from an area, Nakuru County, where a many of Internally Displace Persons (IDPs) are. Up to this minute, none of them has been compensated.

I request the Buxton people to be compensated. I will bring a Petition to this House to ensure that my people of Nauru County who suffered during the post-election violence are compensated. During our campaigns with His Excellency the President, Dr. William Ruto, we promised that they would be compensated. Even as we wait for that, I am going to table a Petition, so that we can quicken the process. If you go and see where these people are living, it is devastating. They should be compensated with immediate effect. I would not like to see people in other areas suffering as those in Nakuru.

Thank you, Mr. Speaker, Sir.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. As I rise, I have mixed feelings as to whether I should support or oppose.

This Government is talking about building 100 dams that will be constructed in lands belonging to communities. What we know is that rich individuals have gone out and bought land for speculative purposes, where infrastructural development are taking places. They then wait until the projects come and they ask for compensation.

It is high time, as a House, that we re-look at compensation. We need development projects and they must be built on a certain piece of land. However, it is unfortunate that we, Kenyans, have been held hostage. We have the rich people getting big chunks of money in any coming development.

Going into the new approach of PPPs, the question arises, we should ask ourselves this question. How do we address the issue of compensation in an equation where you are bringing in an investor?

Mr. Speaker, Sir, it is my request to this House that we look at this issue with a lot of sobriety. We should ask ourselves, moving forward, how we get development - which we need - if we make land such an emotive issue that is costly and makes it unaffordable for investors that we are trying to attract?

As much as I support that the people be moved in a humane way, I also think that it is high time we started looking at the issue of land and detaching it from the emotional attachment associated with it. This is not a social welfare state where we are able to pay for everything.

At the end of the day, when we talk about the people of Buxton, maybe it is a few rich people who went ahead and secured the houses. It is not the tenants who benefit. It is high time we relooked at the issue of compensation, approaching it with a lot of sobriety if we want to move this country forward.

Thank you, Mr. Speaker, Sir.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I rise to support this Petition because if you read what the petitioners have said, the County Government of Mombasa started moving them out from 2021. They went to court and the magistrate did not give them an

injunction. I do not know why the magistrate was not lenient because if they have been there for the last 50 years, they should have been given adequate time to move out.

The county government being the owners of the building and the land, would have given them an alternative place to move to. If there is no alternative place, give them enough time and notice to move out. They ought to have then signed a Memorandum of Understanding (MOU), so that as soon as the affordable houses are built, they are given the first priority to move back to the new units, maybe one flat with a discount. This is because they have emotional attachment.

From what our colleagues have said, they and their relatives have been there for more than 50 years. As you know, the longer you stay in a place, you develop a lot of attachment. Madaraka Estate here in Nairobi was owned by the Nairobi City Council those days. Along the way, National Housing Corporation (NHC) and Nairobi City Council had issues and they sold to the owners.

I believe the people of Buxton expected the houses to be sold to them. The Kenya Kwanza Government is going to do affordable houses and more highrise buildings, maybe 10 or 15 floors. Since those cannot be sold to one to one person, let us give them an opportunity.

Mombasa County Government now has a new Governor. The residents need to re-negotiate because maybe the outgoing Governor did not listen to them. As the Petitioners, county Government and the Governor, are invited to the Senate, we should deal with this issue speedily, so that our people do not continue suffering.

I support.

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

In this case, I direct that the Petition be committed to the Standing Committee on Roads, Transport and Housing. In terms of Standing Order No. 238(2), the Committee is required in not more than 60 calendar days from the time of reading the prayer, to respond to the Petition by way of a report addresses to the Petitioner and laid on the table of the Senate.

I thank you.

Next Order.

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

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE
COUNTY ASSEMBLY OF MAKUENI

The Speaker (Hon. Kingi): Before I call the Senate Majority Leader to lay the Papers, Hon. Senators allow me to make a further Communication.

I would to acknowledge the presence in the Speaker's Gallery this afternoon a visiting delegation from the County Assembly of Makueni. The delegation comprises staff of the County Assembly of Makueni, who are in the Senate on a one-week study visit.

Hon. Senators, I request each member of the delegation to stand when called out, so that you may be acknowledged in the Senate traditional way.

(1) Mr. Francis Muvengi, Assistant Director Information Communication Technology (ICT)

(2) Ms. Winfred Kinguli, Principal Communication and Media Relations Officer

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

Thank you.

(Applause)

Let me allow Sen. (Dr.) Khalwale, on behalf of the leadership of the Senate, to make very brief welcome remarks

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for that recognition. For purposes of record, I am not the Senator of Makueni, but I am privileged to be a friend of the people of Makueni.

I welcome our visitors and remind them the turbulent times when the County Government of Makueni was starting in the year 2013/2014 or thereabout. There was an attempt for paralysis of the services of the county, together with your Senator, Sen. Mutula Kilonzo Jr., Sen. Orenge and others, we stood firm and made sure that your government succeeded.

Take that commitment back home and tell them that we shall do everything to ensure that Makueni County Government succeeds. What is more your current Governor has left an indelible mark in the legislative agenda of this Senate. Therefore, we will do to him as Governor, what he did for other counties when he was a Senator.

The Speaker (Hon. Kingi): Sen. Tabitha Keroche, proceed to lay the Paper.

PAPER LAID

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

Sen. Tabitha Keroche: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 1st March, 2023—

Report by the Office of the Controller of Budget (CoB) on First Half National Government Budget Implementation review for Financial Year 2022/2023.

(Sen. Tabitha Keroche laid the document on the Table)

The Speaker (Hon. Kingi): Next Order, Clerk.

STATEMENTS

Proceed, Sen. Kibwana.

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

The Speaker (Hon. Kingi): I called Sen. Kibwana.

Sen. Osotsi: I am sorry, Mr. Speaker, Sir. I was expecting this.

The Speaker (Hon. Kingi): You are getting me worried, Sen. Osotsi.

CAMPAIGN BY WOMEN LEGISLATORS ON THE AFRICAN FASHION WEEK

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1), to make a Statement on an issue of general topical concern, namely; the just concluded campaign by women legislators in the Senate and the National Assembly on the African Fashion Week.

Mr. Speaker, Sir, during the week, the women Members of Parliament (MPs) donned African wear, in support of our local tailors in a campaign dubbed *#supportourlocaltailors #promoteafricandresscode*.

In support of this campaign, a number of us wore African dresses last week. It was for awareness creation and to support our local tailors and promote the African dress code as a vital aspect of our cultural heritage. I hope that it does not end here. It is essential to preserve and celebrate it.

The African dress code is a rich and diverse aspect of our cultural heritage. It is an expression of our history, values and way of life. By promoting African dresses, we preserve our cultural heritage and pass it on to future generations.

Mr. Speaker, Sir, the local tailors who make African dresses are an essential part of our economy. By promoting African dresses, we create jobs, empower local communities and contribute to the economic growth of our country.

The African clothing has gained recognition and appreciation on the global stage. By promoting the African dress code, we can showcase the beauty and diversity of Africa to the world and promote our country's tourism industry.

Mr. Speaker, Sir, I propose, therefore, that the Senate takes the following actions:

- (1) Encourage the creation of policies and incentives that promote the use of African clothing.
- (2) Organize fashion shows and exhibitions that showcase African dresses to create awareness and encourage people to wear them.
- (3) Collaborate with local tailors to create modern and stylish African clothing that meets the needs of our contemporary society.

- (4) Create awareness campaigns on social media, television and radio to promote the African dress code.

In conclusion, promoting the African dress code is essential in preserving our cultural heritage, empowering local communities and promoting our country's tourism industry.

Mr. Speaker, Sir, I urge the Bunge fraternity, including our secretariat, to join us in this renewed move and set aside an "African Dress Day" to promote diversity and demonstrate love of our heritage.

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

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I rise to support the Statement and contribute a little on that, if it is okay.

The Speaker (Hon. Kingi): Sen. Orwoba, go ahead.

Sen. Orwoba: Thank you, Sen. Kibwana for bringing this Statement and I fully support it.

As you can see, I am still dressed in African attire and despite the ins and outs of the politics that women have here in Parliament, I always say I support a cause. I wish that other women would have that motive to support a cause.

This is a very good cause. I feel that as we are pushing for the economic change in this country in terms of creating jobs, we have so many opportunities in this textile and fashion industry.

Mr. Speaker, Sir, looking into the dress codes that we have, then our Standing Orders need to be renewed or, at least, give us some leeway, so that we may further exercise the African attire with the different elements that it comes with.

While we are buying Kenya and supporting Kenyan locally made items, that kind of push should be seen in different industries. This includes the sanitary towel industry, where we are pushing the local manufacturers to be supported.

It might have been a one-week approach for the Senators who started it. However, personally, I choose to see how long I can last wearing African attire. I need to check how many I have in my wardrobe and if I can push for at least a month. If you have noted, I have been in African attire since. I challenge our Muslim sisters that we can find a way to get African Muslim attire, so that we promote the local industry in terms of textile.

Sen. Kibwana, thank you for bringing this Statement to the House. I hope it is referred to our Committee on National Cohesion and Equal Opportunity. There, we will deal with it as it should be.

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

Sen. Methu: Mr. Speaker, Sir, I agree with the last statement of Sen. Orwoba, that this Statement should be referred to the Committee on National Cohesion and Equal Opportunity.

The traders that we seek to support by promoting African wear are the people that we kept mentioning about when we were campaigning, especially those of us on the Government side.

We are in a national discussion and discourse on our African values and nationalism. There are many aspects to it and one of them is our African attire. I propose that we should not wear African attire for a day. We should be allowed to wear African attire whenever we feel comfortable. Most of us are so tired in this European way of dressing. We would want to come here or attend many other formal gatherings in African attire.

Mr. Speaker, Sir, this Statement is so timely and I support it. Most importantly, it may have the support of the party that brought me to Parliament. It is because that is the platform that we all campaigned on; supporting the small traders. They may not be 'mama mboga,' but they could be 'mama nguo'.

The Speaker (Hon. Kingi): Proceed, Sen. Veronica Maina.

Sen. Veronica Maina: Mr. Speaker, Sir, this is one of the best Statements that I have heard since we got back from recess. During the African Fashion Week last week, women legislators looked their best. Notably, the dress code was fully approved by everybody that I met on the corridors of Senate.

It was not just endorsed by the Senate, but it seems to have also been fully approved. It was with a Kenyan heartbeat.

The media also picked it up because the dress code was going to focus on local designers and tailors. Many people reached out to Kenya Women Parliamentary Association (KEWOPA) to commend and compliment that action by Parliament, to look at locally manufactured, designed and produced attires.

Mr. Speaker, Sir, I know that maybe Kenya is still struggling with production of fabrics that could appear very African. However, we have other nations in our neighbourhood and in West Africa, which have advanced this African dress code. Tanzanians and Nigerians dress in African attires throughout in the offices and everywhere else.

Mr. Speaker, Sir, different jurisdictions have picked their locally produced textiles and shown a lot of confidence in their tailors and designers. The campaign that was done by KEWOPA was to support locally produced goods and services. It was to support small and medium size enterprises. It contributed to employment, wealth creation, poverty alleviation, and income generation among Kenyans. This action also amplified the visibility of businesses that are done locally and globally by Kenyans.

Mr. Speaker, Sir, I noted that our male colleagues intended to even support the campaign by dressing up in an African attire. Unfortunately, our Standing Orders were not able to define how Sen. Olekina has re-defined himself into wearing a Maasai cultural dress and gets away with it. They did not know how they could get away with putting on an African attire without attracting the sanctions of the Speaker's seat.

Mr. Speaker, Sir, we have an event coming up tomorrow to mark the International Women's Day at Kenyatta International Convention Centre (KICC). This is being celebrated ahead of 8th March. I hope our male colleagues, who are hon. Senators, find favour with you. I do not know whether it is possible to dispense or guide them on how they can support these African dress code as a show of Kenyans being proud to be

Africans or Kenyans and also being proud to walk with their ladies and women of this nation. It is time to affirm our good African culture. We could guide them on how they could wear the African attire, at least for tomorrow because the women will be donned in African attires, as we go to celebrate the International Women's Day at KICC.

I thank Sen. Kibwana for bringing this to the Floor. We hope that we will stitch enough outfits, since some of us would have wanted to continue in the same dress code, but we had other challenges because of the number of outfits that were in our wardrobe. We will continue stitching with the local tailors because one outfit from Turkey may cost about Kshs20,000 or Kshs25,000. The same amount of money can stitch four African or Kenyan made outfits and a few people will be working on those outfits and thus have some form of income for the day.

Mr. Speaker, Sir, I hope that your remarks on this matter will allow our male colleagues to join us. They struggled a lot in the *WhatsApp* group, asking how they could join the campaign. They can join us tomorrow for a day and we celebrate together the empowerment of women within the Republic of Kenya and in the world at large.

Mr. Speaker, Sir, I support that Statement by Sen. Kibwana.

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

Sen. Tabitha Keroche: Mr. Speaker, Sir, thank you for giving me this opportunity. I thank Sen. Kibwana for bringing up this Statement.

Mr. Speaker, Sir, mine will be to push and ensure that even the material that we use to make those African attires comes from here, so that we improve our textile industries. They should not just be seen making materials that go abroad to make suits, which come back here at exaggerated prices. I can also attest that when I started wearing African attire, I felt more African and Kenyan. I am sure that the more we support this dress code, the more cotton our farmers will grow and thus add value to their growth.

I support Sen. Kibwana. I wish all of us could wear that African attire. Let us make sure that the African print is not imported from somewhere else. The material should come from here in Kenya. I do not think we can be proud wearing material from outside and tailored here. Our work is to push and ensure that the textile industries and farmers that grow cotton benefit from the African print that we wear.

I thank Kenya Kwanza for the position they took on African prints during our campaigns. I remember running up and down at night to make sure that mine would be before the morning. We pushed the tailors. I am sure that industry has picked and grown from where it was during the campaigns of Kenya Kwanza.

We should come all of us and ensure that we wear the African print. We should also ensure that the material is from here. We will grow this industry and be proud to say, "buy Kenya and build Kenya."

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, due to the great value this Statement brings, pursuant to Standing Order No. 52(3), I direct that the same be committed to the Standing Committee on Labour and Social Welfare. If need be, that Committee could co-

opt the Standing Committee that deals with matters cohesion, so that we have a holistic approach.

(The Statement was committed to the Standing Committee on Labour and Social Welfare)

Sen. Veronica Maina, I may not direct the male Senators to wear African attires and attend the function. Nonetheless, they have heard you and I know they are very reasonable men. Having heard you, I know exactly how they will respond.

I urge our male Senators to support the women Senators since we have so much influence in this country. The very little acts that we do will go a long way to encourage other to emulate what we do. You can imagine, if all the Parliamentarians converge at KICC tomorrow, donning African attires. The message will be taken with open arms. It will encourage quite a number of people to embrace African attire.

Mine is to urge you, male Senators, to support the cause. I cannot direct because it is beyond the powers of the Speaker. Kindly, let us show the country that, indeed, as Africans, we can dress ourselves and look more beautiful than when we are in suits.

When I was elected Speaker, the first trip I took was to London, to fit the Speaker's official attire. I did it with a heavy heart. To me, Independence means exactly that; independence. We got our Independence from the British. However, everything we do is still British. I think time has come for us to slowly and in a very gradual manner, regain what is truly independent.

I urge you, male Senators, if we could make ourselves available tomorrow and not just available, but available donning the African wear. That will be a very big statement that the world will freeze and watch.

The next Statement is by Sen. Osotsi.

STATUS OF NATIONAL AGRICULTURAL AND RURAL INCLUSIVE PROJECT IN VIHIGA COUNTY

Sen. Osotsi: 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 status of the National Agricultural and Rural Inclusive Project popularly known as NARIGP in Vihiga County.

In the Statement, the Committee should-

(1) Provide a report on the total budgetary allocation towards NARIGP in the county for the financial years 2019/2020 to 2022/2023 indicating the project's specific expenditure items.

(2) Explain the procurement process followed by the county when awarding tenders for the supply of goods and services and whether the Public Procurement and Asset Disposal Act, 2015, and other relevant regulations were strictly adhered to.

(3) Provide a comprehensive report on the composition of the Community Driven Development Committee, popularly known as CDDC, and respond to allegations that the process was not inclusive contrary to Article 10(2)(b) of the Constitution.

(4) Shed light on claims that the inadequacy of CDDC capacity was the reason for non-compliance with the procurement laws as cited in the 2019/2020 Audit Report from the Office of the Auditor-General, yet the project expended over Kshs11 million on training.

(5) Investigate allegations of corruption implicating some CDDC members, county officials and officials of the Ministry of Agriculture, Livestock and Fisheries and World Bank, with particular emphasis on the status of police investigation undertaken while responding to allegations of involvement of bank employees.

Mr. Speaker, Sir, this is a common problem in all counties. Therefore, the relevant Committee should take it very seriously because we cannot be appropriating money on Conditional Grants.

Last week, we passed some monies to be disburse from this month and April towards this project. However, this money is just eaten by a cartel of people in the counties. So, the relevant oversight Committee should take this matter seriously.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Crystal Asige

Sen. Crystal Asige: Thank you, Mr. Speaker Sir. I had hoped that you would have seen my request from the last Statement that is what I was pressing my microphone.

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

Sen. Methu: Thank you, Mr. Speaker, Sir. I confirm that I pressed to speak on this particular Statement. I have interacted with the question that has been posed by the Senator for Vihiga on the specifics of the NARIGP Project that has been undertaken by the donor fund.

Mr. Speaker, Sir, we might run into a risk. Sen. Cherarkey, who is sitting here, myself and others sit in the County Public Accounts Committee.

In my opinion, what Sen. Osotsi is seeking is something that we must give very serious consideration. The Committee on Agriculture, Livestock and Fisheries should take up very quickly. I see Sen. Dullo is also here.

We always got an issue in every county that we have interrogated in the course of our duty that has had the NARIGP funding. There are many other audit issues that the Committee is seized off. Some of these questions may not come out as clearly or they may not be answered as clearly as they should, especially on these conditional grants. That is just one.

There are other conditional grants that are in billions of shillings. There is money for Financing Locally-Led Climate Action (FLLCA) Program which is in the disbursement schedule that we passed which is approaching Kshs7 billion. There is money for Danish International Development Agency (DANIDA) for climate change.

Mr. Speaker, Sir, I propose that as we allow the Standing Committee on Agriculture, Livestock and Fisheries to look at the issue of Vihiga, in a supplementary

request, you expand their scope to not only Vihiga, but include every county that has been undertaking the NARIGP Project.

Mr. Speaker, this will save the time of the Senate. I know the Senator for Nandi because we had an interaction with their county executive, in a few days, we will come up with the same Statement asking that the Committee of Agriculture, Livestock and Fisheries looks at how the NARIGP money was spent in Nandi, Homa Bay, and many other counties that had this funding.

So, I beg that you allow the respective Committee to look at the specifics of the issue of Vihiga because they are the same in every county.

One of the issues that he is raising is that they hide behind circumventing the Public Finance Management Act by opening commercial bank accounts for this particular project.

It is the same for Vihiga, Homa Bay, and every county that has had these projects. So that we do not run into the risk of approving this Statement every time that we sit here, expand the scope of the Committee on Agriculture, Livestock and Fisheries to include every county that was undertaking NARIGP Project.

The Speaker (Hon. Kingi): Sen. Okiya Omtatah?

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I stand to support the Statement by Sen. Osotsi and also support the comments made by Sen. Methu that we should expand the scope of that Statement to include all counties that have received this fund so that we can do it, once and for all.

This is because each one of us will come here to ask that for our respective counties. The Committee will then give us a comprehensive Statement to enable us to address that.

As it is always said, agriculture is the backbone of our economy. Most of our citizens are engaged in one form or the other of agricultural production. These monies are transmitted to counties to build the capacity of production in the agricultural sector. So, I want to see what this money has done so far and whether it has been applied or spent in compliance with the law. So, I strongly support the Statement and the request that the same be expanded to include counties across the country.

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

Sen. Wafula: Thank you, Mr. Speaker, Sir. Kuhusiana na mradi wa NAGRIP ambao Mhe. Osotsi ametaja, vile vile, katika kaunti ambayo nawakilisha hapa Bunge, kuna maswala tata ambayo Kamati ya Ukulima na Mifugo lazima iangazie.

Hii ni kwa sababu tuko katika mfumo wa kupokezana awamu ya uongozi kutoka gavana waliokuwepo na wale ambao wameingia sasa. Hivi kwamba, katika bajeti kuna fedha ambazo zinaenda katika kaunti zetu. Itakuwa jambo la busara Kamati ya Ukulima na Mifugo iweze kuangazia maeneo haya kwa haraka ili iwapo kuna wale ambao wamekuwa wakijipa kandarasi, ama vile vikundi vya wakulima mashinani, iwapo kikundi kimoja kinaweza kuwa familia nzima wamejiweka pamoja ili wafanye biashara na pesa zetu, tuweze kuwamulika mapema, tukabiliane nao mapema, ili fedha ambazo

tunaidhisha zitumwe kwa kaunti, zipate mikono safi, watu wenye mioyo safi na wawajibikaji, ili wakulima pale mashinani waweze kupata haki yao.

Naunga mkono Mhe. Osotsi na kusema kwamba tupanue mtazamo wetu kuhusiana na pesa hizi katika kaunti zote nchini Kenya ili katika mfumo wa Kenya Kwanza kuboresha ukulima, watu tuanze katika awamu safi ili kuwe na uhakikisho kwamba pesa za mtoza ushuru zinafanya kazi kwa mujibu wa katiba.

Asante sana, Bw. Spika.

The Speaker (Hon. Kingi): Hon. Senators, in response to the request made by Sen. Methu, this programme is not just confined to Vihiga County, that much I know. It is also not spread across the 47 counties. As we commit this Statement to the Standing Committee on Agriculture, Livestock and Fisheries, as they retire and go through this, I direct that they go beyond Vihiga County and bring all the counties where this programme is running so that we can have a wholistic understanding of the challenges and all the issues that have been raised in the statement. It is so directed.

Hon. Senators, if you look at your Order Paper, there is Order No.8, that is the Report on the Standing Committee on Finance and Budget. These are the reports that have statutory timelines. I propose that we dispense with that and then, later on, come back to the Statements so that the window that is there on this particular order is not closed on the Senate.

If that is agreeable, I will call upon the Chairperson of the Finance and Budget Committee to proceed.

Read the order, Clerk.

MOTION

ADOPTION OF REPORT ON THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY

Sen. Ali Roba: Mr. Speaker Sir, I beg to move-

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

The 2023 Medium Term Debt Management Strategy (MTDMS) was submitted to the Senate by the National Treasury on 14th February, 2023 pursuant to Section 33 of the Public Finance Management Act, 2012.

Mr. Speaker Sir, the MTDMS was tabled in the Senate on 15th February, 2023. Thereafter, it was referred to the Standing Committee on Finance and Budget for consideration, facilitating public participation and consequent tabling of a report in the Senate.

Pursuant to Section 33(2) of the Public Finance Management Act (PFMA), the MTDMS should include the following information:

- (a) the total stock of debt as at the date of the statement;

- (b) the sources of loans made to the National Government and the nature of guarantees given by the national Government;
- (c) the principal risks associated with those loans and guarantees;
- (d) the assumptions underlying the debt management strategy; and
- (e) an analysis of the sustainability of the amount of debt, both actual and potential.”

Mr. Speaker, Sir, debt financing is quite critical in budgetary considerations as it enables a country to undertake development activity beyond the constraints set by available resource capacity. However, prudent fiscal and debt management requires that a balance needs to be maintained between how much to borrow versus where to borrow externally or domestically within the country.

Mr. Speaker, Sir, the total stock of public and publicly guaranteed debt stands at Kshs9.15 trillion as at December, 2022 which is equivalent to 67 per cent of Gross Domestic Product (GDP). This debt comprises external debt amounting to Kshs4.673 trillion and domestic debt amounting to Kshs4.472 trillion.

The publicly guaranteed debt amounts to Kshs151.075 billion. These debts are owed by-

- (a) KenGen - which owes Kshs36.568 billion
- (b) Kenya Ports Authority - which owes Kshs35.850 billion
- (c) Kenya Airways - which owes Kshs78.675 billion

According to the Debt Sustainability Analysis (DSA), the Present Value (PV) of debt-to-GDP ratio was estimated at 60 per cent way above the recommended 55 per cent.

The MTDMS proposes a debt ratio of 1:1 from external and domestic sources respectively. In terms of the fiscal framework, the National Treasury projects ordinary revenue to be collected in the Financial Year 2023/2024 to stand at Kshs2.571 trillion. The projected fiscal deficit of Kshs720.1 billion in Financial Year 2023/2024 at 4.4 Per cent of GDP.

Mr. Speaker, Sir, having processed this document of the MTDMS, the Committee made a few observations which are:

- (a) The projected deficit to be financed in the Financial Year 2023/2024 of Kshs720.1 billion would breach the existing debt limit given that the available headroom fiscal space under the Kshs10 trillion debt ceiling is estimated at less than Ksh600 billion.
- (b) The current debt ceiling is not based on any principle whereas such a limit should be based on the debt-carrying capacity of a country.
- (c) There is a breach of three out of seven debt sustainability indicators. These are the present value of debt to the GDP ratio, the present value of the public and publicly guaranteed external debt to the GDP ratio, and public and publicly guaranteed debt service to exports ratio. This is a sign that if caution is not taken, there is a risk of debt distress.

Mr. Speaker Sir, having made those observations, the Committee made the following recommendations---

(Sen. Ali Roba's microphone went off)

- a) Noting that the debt ceiling limit is Kshs10 trillion, the available headroom for borrowing is Kshs600 billion, and the proposed fiscal deficit for the Financial Year 2023/24 is Kshs720.1 billion. The National Treasury should device innovative strategies on how they should finance the deficit of Kshs120.1 billion outside the debt ceiling.
- b) The National Treasury should fast-track and submit to Parliament the necessary legal framework which will anchor the debt ceiling on the country's debt-carrying capacity meaning the Gross Domestic Product (GDP).
- c) The National Treasury should constrain domestic borrowing in order to avoid overcrowding in terms of the local investors being given loans from the banks as a result because banks consider Government Treasury bonds as the most attractive and less risky. As a result, if the Government goes ahead to borrow a lot from the domestic market that will affect the capacity of the local businesses to access financing from banks.

Mr. Speaker Sir, the Committee takes this opportunity to commend all the stakeholders who responded to the invitations we sent to them and submitted views and memorandum on the MTDMS.

I also thank the Members of the Committee for their devotion and commitment to duty, which made the consideration of the 2023 MTDMS a success.

I also wish to thank the offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment-not forgetting the most important team; the technical staff of the Senate that have really supported this process to be undertaken.

I beg to move and request Sen. Dr. Khalwale to second the Motion.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise to second this Motion as moved. Allow me to thank the Chairman and going by the years we have been on these streets; he is running this Committee very effectively.

The good news is that we are way ahead of our counterpart Committee in the National Assembly. Therefore, I congratulate him and the Members of the Finance and Budget Committee.

In fact, the whole of last week and this week we have not known any peace. We have just been working and from work, we then end up on the Floor of the House in the Chamber. Allow me to apologize that for the last two weeks, I have not been able to sit in your Committee of the Senate House Business for that reason.

I do not have much to add because what has been spoken to by the Chairman is what we have collected from our consultations with the many stakeholders. However, I want to say two things only on the matter of debt. I urge Kenyans, especially those from the Opposition or Minority side of the House to take a bit of time and understand and think about debt. There is nothing wrong with debt.

One thing I learnt from my teacher who taught me private practice at the School of Medicine at the University of Nairobi is that you must borrow. The problem is how you use the money you have borrowed.

There has been a lot of hue and cry about raising it; it is wrong to raise the ceiling on debt. There is nothing wrong. You can raise it on condition that when you borrow the money it is injected into the development aspect of our budget.

We start losing it when we borrow money to meet recurrent expenditure. We completely lose it. It is unfortunate that sometimes it must be done but we should move away from this as a matter of fact.

My second point is on the GDP of this country. I have been hearing little theories about doing this or that for us to manage our debt. I am not a financial expert and I do not wish to be - the answer lies in one thing - let us grow our GDP. Period.

We should move away from the traditional way of growing the GDP so that our financial experts both in public, private practice and those at our teaching and research institutions must now come up with innovative ways of growing our GDP.

I am surprised that the schools of engineering at the University of Nairobi (UoN) and other universities are not on the front banner in support of the Government on the issue of housing.

The schools of medicine at the UoN and other universities are not at the frontline in supporting the Government on the noble issue of affordable health because inside there, we have opportunities of growing our economy.

Let me give you an example of vaccines. The Kenya Medical Research Institute (KEMRI) working in collaboration with the UoN can start producing vaccines. I speak with clarity of mind because two years ago, Prof. Omu Anzala of the UoN approached me with a proposal of how to start a vaccine laboratory in Nairobi City County.

Moreover, because he is a researcher on matters of Human Immunodeficiency Virus (HIV), he had already got partners who were willing to invest. When the material matured, he wanted an influential Government person who then could become the face of that initiative.

At that time, I was out of Parliament and the only friend I had was then the Deputy President and now President William Ruto. I approached him and he agreed to take the exercise. Two days to, “handshake” Government cancelled it and started harassing Prof. Omu Anzala, and demoted him because he was then entertaining the untouchable Deputy President.

Today, a small country such as the United Arab Emirates (UAE) of only 14 million people who do not have human resource comparable to what we have in Kenya has become a major producer of vaccines. If we were to produce vaccines, we would grow our economy.

We need innovations. I saw one of our Senators moving a Motion on sanitary towels and we all supported it. Most of our women Members of Parliament (MPs) in the ‘Lower’ House spend a lot of money giving out sanitary towels.

Mr. Speaker, Sir, production of sanitary towels - just think about it - is nothing. It is a piece of cloth or something in which you put cotton and it costs money. We have demand of about 15 to 20 million per month for sanitary towels that are used by these people.

Mr. Speaker, Sir, what can stop us from producing sanitary towels in this country? Should we buy such things? A small piece of paper with cotton in it to absorb menstrual blood is not something we should be importing.

Mr. Speaker, Sir, universities are busy holding functions in Mombasa County, saying how university fees should be raised so that they get salaries. Those professors are jokers. They are employed at the university and paid by the Exchequer to do research. When you research, you get people and institutions that fund research. You will not have to picket. In fact, you will have a lot of money and employ many people in the supply chain.

Innovation will open up the sports economy. I was discussing with some people who are in a better Kenya and they told me that the sports economy has the potential of over Kshs400 billion per annum in this country. Which means that the sports economy alone can fund the entire budget of the 47 counties of Kenya.

Mr. Speaker, Sir, last but not least, you are sitting on gold, on the blue economy. Kilifi, Mombasa, Homa Bay, Siaya, Busia, Kisumu and Migori counties are sitting on the gold of the blue economy. Up to this day, I have never understood why we do not have waterborne transport across Lake Victoria, both commercial and sports. That is blue economy and we can make money. Every time someone is thinking about Lake Victoria, they only think about fish. We can do more in this lake.

With those remarks, I second this Motion.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, you may now proceed to make your contribution.

With your concurrence, I wish to limit debate per speaker so that we at least hear from each one of you. Five minutes is good enough. A good thing does not need to be said in many words.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I thank the Chair and his Committee for the good work they have been doing to keep time limits. I noticed the Chair is really putting in the work. Thank you for the work you are doing. You have done us proud.

Mr. Speaker, Sir, when we talk about debt management, we are talking about the sovereign debt of this country. It is a very serious topic. I hope the nation is listening and those who will take the Floor to contribute, will make it known that the Senate takes it very seriously. This is because statistics are telling us that 54 of the poorest developing countries in the world are at the risk of defaulting on sovereign debt. Therefore, this will make these countries effectively bankrupt.

These are statistics from the United Nations Development Programme (UNDP). Mr. Steiner, Head of this Programme, has emphasised that something needs to be done. It is good that we voice our concerns and tell the National Treasury and all stakeholders, particularly the National Treasury, that we are concerned as a country. We do not want to earn a dubious reputation as a nation of defaulting on sovereign debt obligations.

On 1st July, 2015, the British Broadcasting Corporation (BBC) informed us that Greece had defaulted on its sovereign debt five times. They listed Italy, Ireland and Spain as countries that had defaulted on their sovereign debt in history at least six times.

The countries that have taken the dubious cake on this race are Venezuela and Ecuador. In fact, in 1902, Venezuela refused to pay its debt. European countries then went ahead to blockade the nation to force her to pay its obligations.

As a nation, we want to be taken seriously by the international community. In the recommendations of the Committee, the Chairman told us that we have a shortfall of Kshs720 billion this financial year and yet our limit is Kshs600 billion. This means we do not know where Kshs120 billion will come from.

Mr. Speaker, Sir, we ask the National Treasury to be very serious. Let us cut our expenditure and balance and stay within our limit. We do not want Kenya to go down the Venezuela and other European countries way. If they could do that, even our nation can go that path.

We want the National Treasury to invest the external borrowing to create dollars for us. They should not borrow money to pay off debts, support budgetary expenditures or pay salaries. It should not be consumptive oriented.

We ask the National Treasury not to be involved in irresponsible borrowing. The President has talked about this many times. In fact, the Government came into power after criticising the debt policies of the previous administration.

It is our prayer---

(Sen. Mungatana, MGH's microphone was switched off)

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

Sen. Okiyah Omtatah: Thank you, Mr. Speaker, Sir. The question of debt is difficult. This is because there is always a desire to borrow. However, our country has hardly audited our debt. We do not have an audit of the debts we have been borrowing since independence. We do not know what audios is and what is genuine. Therefore, to refer to Kenya's debt as a sovereign may not be accurate. Quite a large number of our debt are regime debts.

Regime debts are those that were borrowed by regime to benefit regimes or to benefit owners of those regimes and have no relationship to the sovereign people. Kenya's high level of debt will raise the fiscal vulnerability and increase interest payments on public debt.

Kenya is a member of the East African Community (EAC). We have already breached the limits within the EAC Treaty on borrowing. I am sure that when the Treaty

was set up and limit set up in borrowing, they were deliberate to avoid a situation that hon. Sen. Mungatana MGH has raised whereby you become tenants in your own country because of paying debts.

Right now, Kenyans have become tenants in Kenya because we are paying rent to other people for being in this country. The largest part of our GDP per sector goes to service debts. The public debt service to revenue ratio is above the International Monetary Fund (IMF) threshold of 30 per cent. When you look at our debt, it is no longer productive. It has become a burden that we are experiencing through increased taxation.

Most of these have been caused by the reckless borrowing we have had in the past. I am yet to be convinced that there is a change of mood in the air that public funds will be expended with the responsibility it deserves.

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

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

The risk we face with raising our debt limit is one that we must address with caution. Preferably, instead of raising the debt limit, we should be auditing our debt to reduce the debt so that we can know which the sovereign debt is and which is a regime debt and then apportion a regime debt to those who are responsible and clean up our debt register.

Madam Temporary Speaker, I begun with Mr. Speaker, Sir, but now I have to speak to Madam Temporary Speaker due to the changes.

As we prepare the Budget Policy Statement (BPS), we must be awake to the danger we are facing as a country if we continue gobbling up debts. I pray that even if we raise our public debt, we must limit commercial debts.

Commercial debts are really the devil in our debt regime. We must limit our commercial debt to a minimum and make sure that if there is any room for increasing our debt ceiling, we only increase bilateral debt and lock out commercial debts because of what they have done to this economy since the Jubilee Government came into power in the year 2013. I pray that we move with caution and we do not just come up with flowery figure saying debt is good; debt will do development; debt will do whatever.

Debt can be a death trap and right now, Kenyans have become tenants in their own country because of the snowballing debt and cascading danger that we are going to default.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator. Sen Cherarkey, Senator for Nandi County, you have the Floor.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I want to pick it up from where Sen. Okiya Omtatah has stopped. If we continue becoming tenants in our country, we risk IMF Structural Adjustment Programs (SAPs) that other countries do not get from the IMF.

The issue of public debt is well captured in Article 214 of our Constitution. As a country, we must agree that we must have a sustainable debt. It is very unfortunate as a country that for the last so many years, we have had insatiable appetite toward borrowing. The worst part is that we are borrowing to finance the recurrent expenditure. If we were borrowing to finance development, it will be easy to see value. You can see, for example, in the year 2011, when the Late President Mwai Kibaki left office, the public debt that was standing was Kshs5.0 trillion and in the year 2021 when President Uhuru Kenyatta left, he left a debt of Kshs13.91trillion.

I am happy to note that upon the communication of the President and his Cabinet yesterday capped at 55 per cent of Gross Domestic Product (GDP). However, as much we are talking about the outstanding debt, it is 67 per cent of the GDP.

The Cabinet made a resolution and I do not know whether the Chairpersons of Committees were aware of that resolution was that it is now being paid at 55 per cent of the GDP. Therefore, there is still a lot to be done; we cannot borrow. We have had even the projections of the Financial Year 2023/2024. We have a National Budget of Kshs3.3 trillion. Out of the Kshs3.3 trillion, we will need to borrow Kshs860 billion. Currently, we have a deficit budget. What does that mean? We will continue borrowing, but we must ensure borrowing is sustainable.

The measures that the President and the Government have taken are well lauded, but I appeal to the President and his Cabinet to walk together hand in hand with the Parliament of Kenya; both the National and the Senate because we represent counties. Article 96 of the Constitution is clear on our role of protecting of counties. You cannot tell me today that counties cannot be part of borrowing yet the people who pay taxes live in those counties. Therefore, we look forward to ensuring that.

Thirdly, I know that this is a very interesting topic on the Kenya Revenue Authority (KRA). I commend the Chairperson, the former Election Board Chairperson; Mr. Mwaura is doing a good job by removing exemptions and reliefs. I have seen the Law Society of Kenya (LSK) is threatening to go to court. Why would LSK do so? I am a member of LSK, they have never asked me that they want to go court to block people from paying taxes.

The removal of tax reliefs and exemptions is welcome. I can give you a simple illustration before I conclude. You heard that our brothers who left Government the other day, including the 'Handshake brothers' from the Minority side--- One litre of spirit, the alcohol is paid Kshs356 per stamp of exercise duty, but 7.5 billion stamps cannot be accounted. That translates to around Kshs500 billion that KRA did not collect yet we are only looking for Kshs860 billion.

Last financial year, an exemption of Kshs370 billion was exempted. I know of a former Principal Secretary (PS), who was in charge of interior, has an outstanding waiver of Kshs4 billion that was not paid.

(The red light on the Clerks Table was light)

Madam Temporary Speaker, just give me one minute so that I wrap it up in a neat manner. Just a minute, with your indulgency because I was being taken over by the spirit of paying tax.

The tax exemptions and relief that was given by the KRA is enough for us to not have deficit in our budget. I appeal for discipline and prudent management of public debt.

I support this Motion and thank the Committee for exceptional work that they did.

The Temporary Speaker (Sen. Veronica Maina): The Sen. Abass of Wajir County, you have the Floor.

Sen. Abass: Thank you, Madam Temporary Speaker. I stand to support the Motion. We find ourselves in a very unfortunate situation today. Everybody knows that this country is a middle level economy. Unfortunately, we cannot pay for our own goods and services in the country just because of indiscipline borrowing and misuse of resources available to the country.

As you look at a paper today, the debt stands at Kshs10 trillion and what capacity is capped is always Kshs600 billion, which is available for use for this country. The Kshs600 billion cannot fund our education sector. So, we will need to borrow.

This country is experiencing drought. About 70 per cent of the country is facing hunger. There is no food and the unfortunate thing is while people are dying, our farmers are expecting a bumper harvest in the Rift Valley. They are harvesting their maize and storing it while the Government is importing duty free food. We are paying money for the imports. We are importing maize, rice and sugar. This is a misplaced priority.

Our recurrent expenditure is more than 60 per cent of our GDP. A country like Kenya should not be worried of where to get the money from. This country is rich and has resources to feed her citizenry and export food. We are getting food from Tanzania and Uganda. This country has become a consumer country. Instead of producing food and become self-sufficient and export; we are importing.

This is an unfortunate situation. The money borrowed is used for recurrent expenditure; paying for salaries and petty things. This is total disrespect to any understanding of financial disciplines. The leadership of this country must go back to the drawing board.

When you say that the National Treasury should raise over Kshs120 billion, it means you will tax Kenyans more. We cannot afford electricity bills. This country needs to develop and industrialize. The tariffs in electricity cannot sustain our industries. Most of the industries are relocating to other countries. However, we brag around and say that we are a middle-level developed country and our economy is growing by at least 6 per cent while children and people are dying of hunger.

Animals are dying. We have lost almost three or four billion livestock. In monetary terms, they are worth Kshs600 billion that we are now asking to borrow. We can take care of the animals.

Our farmers cannot produce adequately because taxation is high. Also, electricity tariffs are high. I do not know where we are headed. It is time for leaders in this country

to say the truth and indicate that we cannot sustain ourselves. We cannot feed our people or produce.

It is a shame that we are an independent country that cannot feed her own people. We cannot brag of anything else. We need to go back to the drawing board and say that enough is enough.

Thank you. I support the Motion.

The Temporary Speaker (Sen. Veronicah Maina): Thank you, Senator. I will now call upon the Mover of the Motion, Sen. Ali Roba, to reply.

Sen. Ali Roba: Thank you, Madam Temporary Speaker and hon. Members for your contribution to the Debt Management Strategy that is being discussed today.

This Committee has gone through a number of issues. Some of the issues that have come to light that will make the situation worse is the prevailing drought situation affecting 23 of the 47 counties. It has wiped out the larger proportion of livestock wealth which is the mainstay of the economy of the Arid and Semi-Arid Lands(ASAL) counties. This is going to affect the country's performance further in terms of what is happening.

These communities have largely been dependent on their livestock for their livelihood. Now, they are dependent on the Government to sustain themselves in terms of feeding and other issues now that their livestock wealth has been wiped out.

The issues of debt management require a critical balance. Already, the debt ceiling of Kshs10 trillion, the Government has reached Kshs9.4 trillion leaving only borrowing space of about Kshs600 billion.

In the BPS, they have proposed to borrow about Kshs720 billion when the debt ceiling allows the Government to borrow only Kshs600 billion. This requires serious balancing. Of critical importance in the balance is the ratio of external borrowing to domestic borrowing.

External borrowing has not done well in the last bond that was circulated externally. However, domestic treasury bonds are doing extremely well. What is going to happen should the Government decide to over-borrow from the local market? It means crowding out will happen and local business will not access financing from the local banks.

Naturally, banks prefer Government Treasury bonds to lending to individual borrowers, which will affect the market highly. The issues of inflation control are critical in this country. Looking at the drought situation, I do not see an optimistic picture ahead. The issue of the stability of our currency because we are dependent on import, our balance of trade is more import than export as it stands.

If that is the case, our foreign reserve need to be improved to ensure that the shilling remain stable against all foreign currencies. The situation right now is not encouraging because the shilling, at the local market, stands at Kshs135 to the dollar which is extremely worrying.

We have processed this document. As I beg to reply to the Motion, I would like to request, in line with Standing Order No. 66(3) for the hon. Speaker to defer the putting of the question to a later date.

The Temporary Speaker (Sen. Veronicah Maina): I concede to that request and nominate tomorrow, Thursday 2nd March, 2023, as the day the question shall be put.

(Putting of the Question on the Motion deferred)

We will now go back to the Statements that had been deferred. The first to be received will be the Statement from the Senator from Marsabit County, Sen. Chute.

Sen. (Dr.) Khalwale: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronicah Maina): Sen. (Dr.) Khalwale, what is your point of order?

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I rise on Standing Order No. 65(e). This is on Motions that can be moved without Notice. It invites us to move a Motion for a suspension of a Senator. I am not drawing your attention so that I move a Motion to suspend any of our colleagues.

However, I am drawing your attention to the fact that we have come to the time we should move this kind of a Motion. We were not elected as Senators to come to Nairobi and catwalk. We were elected to come to this House and discharge business.

The two Motions that the Chairman of this Committee has requested we defer the Division are critical Motions that are speaking to giving the National Treasury an opportunity to give our counties money. How can the entire opposition, end-to-end, including the Senate Minority Leader, his Deputy, Minority Whip, his Deputy and all of their Members be out of the House apart from Sen. (Prof.) Tom Ojienda SC, Sen. Crystal Asige and Sen. Okiya Omtatah?

Madam Temporary Speaker, how can they be the only ones who remember that we were elected to come here so as to represent counties and protect their interests? There is no greater expression of protecting that interest than giving them money to remain functional.

We should consider moving a Motion of suspension against the entire Minority side, so that the voters of Kilifi, Vihiga and Nairobi know that they elected people who tricked them during rallies that they will fight for them when they are actually cat-walking here in Nairobi.

They should come to the House and transact business. If they do not, let us suspend them so that they do not draw any allowance or earnings for the time that they have not been in this House. As the Majority Whip, I am able to whip enough numbers to pass business. However, we should suspend these Members in order to make a statement.

Sen. Crystal Asige: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Crystal Asige, what is your point of order?

Sen. Crystal Asige: Thank you, Madam Temporary Speaker. I am rising on a point of order to ask if Sen. (Dr.) Khalwale is certain of the reasons as to why some Members on the Minority Side are not sitting in their chairs this afternoon. Unless he has actual facts as to where they are, he cannot accuse them of cat-walking in this Nairobi.

If that is the case, then I suppose the Chair will be the one to guide us. In my view, it might not be proper for him to allege that there are people who are absconding or are purposely not here unless he has evidence on the contrary.

I thank you.

Sen. Orwoba: On a point of order, Madam Temporary Speaker. I believe that Sen. (Dr.) Khalwale is in order to bring this matter to the House because yesterday we were unable to vote on this particular matter. Some of us who are nominated and who would like to vote do not have the vote.

However, we see our fellow elected Senators coming to Nairobi to have meetings in Java and around Parliament. It is very disappointing that even when we are moving Motions or matters that are affecting their electorates who brought them to the House; they have no interest.

Yesterday, Sen. Olekina totally refused to come to the Chamber. He was outside. He refused to come and vote. We were missing just one person to make the quorum to vote.

Madam Temporary Speaker, I think it is in order for us to do something about this because some of us do not have these votes and the elected leaders have refused to delegate those votes to the nominated Senators. This is an issue that must be given attention. If we cannot find anything in the Standing Orders to hold these Senators accountable, then we better go out there and tell the electorate that indeed, these Senators are receiving salaries just to come here and have meetings with their friends and peers around Parliament, but they are actually not attending the Chamber sittings.

It is a serious concern. Some of us who are nominated to represent women and other constituencies demand that it is time we are given voting rights so that we can move the business of the House.

Sen. Mandago: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, what is your point of order?

Sen. Mandago: Madam Temporary Speaker, is it in order for Sen. Orwoba to mislead the House by saying that elected Senators are having meetings in Java, while we are seated here in the House? When was this Chamber converted to Java?

Secondly, Sen. Orwoba has a Motion before this House, but she has absented herself from moving that Motion more than two times. Is it in order for her to mislead the House?

Sen. Orwoba: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, would you like to be informed?

Sen. Mandago: No, Madam Temporary Speaker. I am well informed.

The Temporary Speaker (Sen. Veronica Maina): The information shall not move. Let us have Sen. Munyi Mundigi to intervene.

Sen. Munyi Mundigi: Bi. Spika wa Muda, katika Kenya, tuna majimbo 47. Jjambo la ajabu ni kwamba kuna mambo ya vyama, mambo ya biashara na mambo ya

mtu binafsi. Katika Kenya, hakuna maji, chakula na hata samaki wanahangaika. Watoto wetu hawana pesa za kwenda shule na vitu vyote vimezoroteka.

Kwa wiki mbili au tatu zilizopita tumeshangazwa sana na vitendo vya Maseneta wa upande wa walio wachache. Hii sio mambo ya vyama. Ni mambo ya kuongezea kaunti hela ndio watoto wetu waweze kuenda shule, tupate maji na hospitali zetu ziwe na madawa.

Bi. Spika wa Muda, tuko na Serikali yetu ya Kenya Kwanza ambayo inafanya kazi kuliko Serikali zile zingine halafu watu wengine wanatoroka. Ningeuliza kama inawezekana tuseme hii hoja imepita.

Hapa hakuna mambo ya mtu binafsi wala vyama, ni mambo ya kushughulikia kaunti zetu kwa kipindi hiki cha miaka mitano. Naunga mkono mjadala huu ili tuweze kuona vile kutakua. Ni mambo ya ajabu wao kusema ya kwamba wanaenda kwa mawe. Ningependa kuwaambia kwamba mambo ya mkate nusu au tosti hakuna.

Asante.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey.

Sen. Cherarkey: Madam Temporary Speaker, the point of order that has been raised under Standing Order 65 by the Majority Whip is within his right. We are aware in the Constitution of Kenya, under Article 1(2) that the people may exercise their sovereign power either directly or through their democratically elected representatives.

Madam Temporary Speaker, I invite you to look at Article 93 on the establishment of Parliament.

(1) There is an established Parliament of Kenya, which shall consist of the National Assembly and the Senate.

(2) The National Assembly and the Senate shall perform their respective functions in accordance with the Constitution.

94(2) Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty.

It is also derived from the people and the people. Parliament shall protect this Constitution and promote democratic governance of the Republic.

We just need to agree on the reading of Articles 94, 93, 96, 95 and even Article 1 of the Constitution.

Sen. (Dr.) Khalwale has brought Standing Order No. 65 that a number our colleagues from the Minority side are boycotting Plenary Sittings. I do not mean all of them because I can see Sen. (Prof.) Tom Ojienda, SC, who was my lecturer for conveyancing at Moi University.

By the way, Moi University was the best in the moot court competition. They beat the UoN courtesy of Sen. (Prof.) Tom Ojienda, SC.

(An hon. Senator spoke off record)

It is on record. You can check the results. Look for me in-camera.

Madam Temporary Speaker, what they are inviting you to do is very dangerous. This is because the work of the Senate does not involve Plenary only, but also working from committees, county visitations and other things.

I do not want to cast aspersions on our colleagues because I believe, in good faith, they could be in Committee report writing. They could also be consulting with their constituents.

Under the Standing Order and the Constitution, serving our constituents is part of the job description we are doing. I challenge Sen. (Dr.) Khalwale, whom I believe in his leadership as the Majority Whip, to prove that the Minority side are cat-walking, in Java House café or somewhere doing something not within the purview of Article 96 and Article 93 of the Constitution.

Madam Temporary Speaker, I agree there could be some reservations the Minority side have, but they have not communicated to your office that they are boycotting the Plenary session. As much as I agree with Sen. (Dr.) Khalwale on Standing Order No. 65 on moving some Motions without Notice, it is important to be fair to our colleagues.

In conclusion, we need to establish if our colleagues are cat-walking. Are they taking tea somewhere while making banter and stories? If, for example, there is proof that they have travelled out of the country, your office always has a notice of Senators outside the country on special visits. Sen. (Dr.) Khalwale, if those issues can be proved, then I can support you in taking sanctions against the Minority side for boycotting.

Sen. (Dr.) Khalwale is telling us to suspend any other Committee meeting, county visits, benchmarking outside the country or any report writing done by various committees. When you have issued a moratorium by saying every Senator should be on the Chamber, if they fail to turn up, then I can invite you to give a ruling.

I would want to know how that ruling will look like because it will have serious implications going into the future.

With those many remarks, I thank you for allowing us to canvass. In conclusion, I have seen Sen. Orwoba and other specially-elected Senators. My appeal because we are in the learning curve, is that you just talk to your head of Delegation. For example, if you are in the Delegation of Murang'a County, Sen. Wamatinga can designate you as a voter. If Sen. Orwoba is in the Nairobi City County delegation or Nyamira---

The Temporary Speaker (Sen. Veronica Maina): Sen. Wamatinga is from Nyeri County.

Sen. Cherarkey: Sorry. Sen. Joe Nyutu. If Madam Temporary Speaker, you come together and feel part of the delegation of Murang'a County, then he can designate you as part of the Delegation.

The Temporary Speaker (Sen. Veronica Maina): Would you like to be informed by ---

Sen. Cherarkey: No, I do not need to be informed because I know what I am saying. Then let me not use Sen. Orwoba. Let me use Sen. Okenyuri, for example, who is a nominated Senator.

(Sen. Orwoba spoke off record)

Sen. Cherarkey: I am on a point of order. The Standing Order is very clear.

The Temporary Speaker (Sen. Veronica Maina): Let him finish.

Sen. Cherarkey: For example, let us assume Sen. Crystal Asige comes from Mombasa. Sen. Faki, under the law, can designate her as a voter on behalf of the Mombasa delegation. That is what the law says.

Unless we amend Article 125, we would collapse like the Building Bridges Initiative (BBI). Many people do not know that is collapsed that way. Just amend the Constitution so that specially-elected Senators can have the power to vote in any decisions affecting Delegations.

With those many remarks, I would want to see your ruling on this matter. It will be very interesting for now and in future.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order? Take a minute Sen. Orwoba. We will then have one final submission on this issue from Sen. Mungatana, MGH. I will beg the House to allow me make a ruling and we proceed.

Sen. Orwoba: Madam Temporary Speaker, I know we are new to the House and on a learning curve, but I want to correct Sen. Cherarkey.

We have reached out; I mean most of us the nominated Senators including myself. We have reached out to Chairs of Delegation. I have even written it in our Senate platforms. We have requested that in the event that they are very busy perhaps dealing with matters of constituency offices which as nominated Senators we do not have; they should delegate their vote.

To that effect, none of the elected Senators have written a letter to the office of the Speaker to give that authority to their Delegation Members to vote in their absence. As a matter of fact, only one elected Senator gave the letter and retracted it within the same week.

While we are sitting and trying to get quorum to move the business of the House, it is very difficult for some of us. We have no powers, no authority. Sen. Cherarkey you are, therefore, out of order when you say that we do not know the line of choice. We have followed the processes as it should be, but the frustration is that the elected Senators have refused to delegate their voting rights.

The Temporary Speaker (Sen. Veronica Maina): We will have the final submission from Sen. Mungatana, MGH, and then I will make a ruling.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. I will be brief.

The concern raised through the point of order by my Majority Whip is of great importance. My point is that, God willing, within a few years to come, we shall have

constitutional review and look at how we have performed using the Constitution of Kenya, 2010. I pray that it be on record and I hope people will remember.

If we will be there, I hope we will remember that this question of voting by delegation at the Senate must be reviewed. Let us make every Senator be able to cast a vote.

It cannot be that we are denying important Government Bills and Motions progress because of deliberate political manoeuvres that are bringing filibustering and delay of those things that must be carried out. It is wrong.

We have been advised that some of these things have time limitations. The Chairman of the Committee on Finance and Budget made people work day and night to bring this Motion so that we can be within time. He moves the Motion and at the time of voting, people walk out because they know they are in a delegation.

Let us be fair to all of us. Going into the future, we should look at how we can review the voting in this House. It should not be delegation voting. We should all vote.

Thank you, Madam Temporary Speaker.

An hon. Senator: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): He has already finished. So, I am sure now he has left the Floor.

I want to make a short ruling on this issue; the point of order that has been raised by the Majority Whip.

I have noted the use of the word ‘cat-walk’ and meetings in Java House cafés. It will be unsafe to assume that people are sitting in Java House cafés or cat-walking. I will not be quick to assign their absence to meetings being held in Java House cafés or cat-walks.

Of concern is the absence of Senators, especially those in top leadership from across the divide. It would be important for every Senator to prioritise the business of the House within their schedule.

I know there are committees and their programmes which ideally should be assigned time within the schedule of the business of the Senate. However, I am also aware that the Clerk’s Office ensures that committees are not conflicting with the business of the House. The business of the House should be prioritised. Unless it is very important, committee business should not conflict with the House business schedule.

I have also noted with concern, the use of delegations to vote when the head of the delegation is unavailable. We encourage Senators to use their delegations. The head of delegation must assign another Senator from that county, who may be available to vote to ensure that the function of the House is not crippled or suspended due to quorum matters.

It is important to note that the point of order raises a serious concern from the Majority Whip and that Senators should take the business of the House seriously. If a Senator is boycotting a sitting, the sensible and reasonable thing to do is to give notice of that boycott. That way, it will be understood that the boycott from that Senator is official.

Let us now move forward from that discussion on the point of order. I invite Sen. Chute to proceed.

BORDER CONFLICT BETWEEN KENYA AND
ETHIOPIA AND ALLEGED BANDITRY IN MARSABIT COUNTY

Sen. Chute: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the border conflict between Kenya and Ethiopia and alleged banditry attacks in Marsabit County by Samburu armed men.

In the Statement, the Committee should-

(1) Ascertain the interventions the national Government is undertaking to deal with the incursion of Ethiopian Military Forces in Kenya, mainly in Sololo Sub-County in Anona, Abo and Dukale villages in Marsabit County;

(2) Inform the Senate on the customs clearance requirements for Kenyan vehicles and motorbikes crossing to and from the Ethiopian border, and vice versa;

(3) State plans, if any, the Government has undertaken to hasten the release of motor vehicle registration number KCW 597H, belonging to Mr. Ali Abdi Dida, that was impounded on 30th April, 2022 alongside other 120 motorbikes detained in Ethiopia;

(4) State plans that the national Government is taking to ensure that the National Police Reservists (NPR) in Marsabit County are provided with firearms, since NPRs from neighbouring counties remain armed; and,

(5) Outline any targeted measures in seeking sustainable solutions to the incessant banditry attacks by armed Samburu men between Serolibi and Merille along Isiolo-Marsabit Highway; and the incessant cattle rustling by the same armed men in Saku Constituency in Marsabit County, highlighting actions being taken to enhance security and bring the perpetrators to book.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): I will now allow anybody who wants to add a voice to it to proceed.

Proceed, Sen. Abass.

Sen. Abass: Madam Temporary Speaker, I rise to support the Statement. As you are aware, today, clan conflicts and armed groups are causing mayhem in this country. For instance, in Rift Valley, especially in Marakwet, Pokot and Turkana. The same thing is happening in Marsabit County and the northern parts of Kenya.

We are actually overwhelmed because those same people have many problems. Today they are facing drought, lost their livelihoods and they are still being killed by people who are crossing from different borders. They come from Ethiopia, Somalia and elsewhere. Unfortunately, this country has become free for all.

We have become too lenient with criminals and armed people. As a result, we are losing lives especially our forces. People are being killed. If you see the photos that Sen. Chute has, young innocent children are being killed.

Madam Temporary Speaker, it is high time that we took action as a country. We should not be allowing every Tom, Dick and Harry in this country. We must be able to know who is who in this country. We must be able to control the flow of arms in this country.

We know that we have porous borders, but whatever it is, we have enough resources, and men and women who can handle these people. Unfortunately, we have a lot of laxity within our forces and systems. Small arms are readily available. Some of them have found their way here and they are being used to kill and rob Kenyans.

The Government has tried its best to disarm people. Nonetheless, the number of arms that have been recovered by the military in West Pokot, Turkana and all those places, is not worth the kind of resources that we are using. The best thing is to register the illegal arms so that those people who are having problems of conflicts and are being killed, can fight and repulse those criminals on their own.

Our military men are in vehicles yet the terrain is too rough. The area is too wide and the boundaries are porous. We cannot afford to sustain our army men, women and police to go and man such areas, which have porous borders.

Finally, I urge our officers and all the leaders in the security, to come up with a better plan. The best plan is to engage the same communities that are causing these problems. If we create dialogue, things will be better.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. Veronica Maina): Thank you. I urge Senators who want to contribute to raise issues that they may need considered by the Committee that the Statement will be referred to. That would be better as opposed to debating the statements.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Madam Temporary Speaker, I will be very quick. I heard in the Statement that Ethiopian military crossed the borders into Kenya in Sololo. They came for a party and went away. No one is talking about it. This is very serious.

Riding on that Statement, what are the Cabinet Secretaries (CSs) for the Ministry of Foreign and Diaspora Affairs; Ministry of Defence; and, Ministry of Interior and Coordination of National Government doing?

Madam Temporary Speaker, under Article 238 of the Constitution, national security is the protection against internal and external threats to Kenya's territorial integrity. This was a clear violation of Article 238.

In addition to what Sen. Chute's has raised, where the Ethiopian military walked in to the borders of Kenya; they have threatened, defiled our territorial integrity and violated international laws. In fact, this matter should not rest within Kenya. By now, there should have been a diplomatic crisis, through our Cabinet Secretaries in the Ministry of Defence and Ministry of Foreign and Diaspora Affairs. I will be seeking that clarification.

Secondly, we have been informed that allegedly, at 2.00 a.m. today in the same area, one adult has been killed, one injured together with two children, who were five and

seven years old respectively. Children are angles of God, who have nothing to do with the banditry menace that we see across the country. It is very sad. The information that we have is that at 2 a.m. today there was an attack at a place called Kargi where 1,000 goats were taken. The Government has this information. Why can they not go and recover the 1,000 goats?

Madam Temporary Speaker, I had proposed the need to amend the Terrorism Act to include how to deal with such heartless people. If you are killing, maiming and destroying property, what else can you be called apart from being a terrorist?

The Cabinet Secretary (CS) for Interior and Coordination of National Government appeared today before a Committee chaired by Sen. Chute and gave assurance to this country. I believe Sen. (Prof.) Kithure Kindiki because he used to sit where you are seated here today, before he was hounded out of office, is serious with his work. You are aware he was the chief agent of the Kenya Kwanza in the last general election. I want to believe his words. He said that he will be the last CS to ensure that the menace of banditry is stopped.

Madam Temporary Speaker, Sen. Mandago, Sen Kisang and I come from the North Rift. We do not have peace because of the threat of banditry, which has taken over. They even took over a school in Baringo. The head of this cartel is like the one of the so-called Medellin cartel. They had even closed schools. Which country do you have terrorists running around? People in the security circles tell me, that the bandits have more powerful weapons than our ordinary police does. That must be clarified. I heard CS Sen. (Prof.) Kithure Kindiki say that they have recovered 43 rifles. I am told they have also recovered five grenades and about 36 bullets.

We want to believe that under Sen. (Prof.) Kithure Kindiki's leadership, this mess will end. There are many widows who are crying today because they lost their husbands, many parents are crying because they lost their children and husbands have also become widowers because they lost their wives through this menace.

I believe that this matter must be brought to conclusion. We send our deepest condolences, empathies and sympathies to many families because of the loss of lives in Marsabit County where insecurity is thriving. I believe President William Ruto will ensure that this menace ends.

We are tired as a Senate because many people believe we cannot do much. I want to assure the nation that with the legislative powers that we have, I will bring amendments that declare these people as terrorists. There is no other name, like bandits or cattle rustlers. They are worse than terrorist. Terrorists can set bombs and run away while these ones do not; they are worse than terrorists. They attack, maim, kill and destroy. Just as the Holy Bible says, these people are devils because the devil comes to kill, destroy and maim. These bandits must be addressed as such.

Madam Temporary Speaker, with those many remarks, I congratulate Sen. Chute and support. In conclusion, so that I do not request for point of orders, from your Chair, can you direct the Committee Chairpersons to post on the social page of Senate Business Committee, whenever the CS in charge of internal security appears, so that we can come

and raise our concerns. Please direct the Clerks of the various Committees through your secretariat, that when I request for a Statement, they should have the courtesy to invite me to sit in those Committee meetings and seek further clarification.

Madam Temporary Speaker, I thank you for your indulgence.

The Temporary Speaker (Sen. Veronica Maina): Okay, thank you. Proceed, Sen. (Dr.) Khalwale, the Senate Majority Whip.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I only have three points, for clarification. However, before I seek that clarification, I am very saddened with what the CS is quoted to have said today. The CS stated that a school has been taken over by a bandit, who has given the first classroom to his wife, the other classroom to the second wife, the third classroom to the third wife and the fourth classroom to his son and his wife. In Kenya? Is this gangland?

If fact, the officer who was recounting that story should have been dismissed on the spot because upon that officer witnessing that kind of thing should have wiped the entire school clean, so that the family would never live to embarrass this country. The truth is; it is impossible anywhere in the world to develop an area which is perpetually in war and conflict. We are killing a generation of people who come from those six counties.

I seek to ask the following clarifications. Why is the Government of Kenya not taking action against politicians, some of them in the 13th Parliament, who are reported and have been seen on footage, airlifting bandits who have just come out of court? Why are they not arresting those politicians and ceasing those helicopters, which obviously come from the proceeds of these crimes?

Secondly, there is a supply chain from the bandits who go into the homes of families, drive out livestock and go to sell them. If people drive out of a *Manyatta* with 800 herd of cattle, they must be having ready transport to take them to a ready market. We hear that some of the animals that are slaughtered in Dagoretti come from these areas. Why are you making me to allow my daughter partake that kind of beef? That beef is stained with human blood.

Madam Temporary Speaker, my second clarification is the issue of police reservists. When is the Government going to stop this thing of police reservists? It is this thing of police reservists, where some people move around with firearms and you have no guarantee that they uphold integrity of owning a firearm. Probably, some of those firearms are eventually used to perpetuate the crime.

Lastly, why is the Government not declaring that there would be 100 per cent disarmament? The problem in the conflict area is that when you disarm the Samburu, the Turkanas will attack them. When you disarm the Pokot, the Samburus will attack them and vice-versa. When is the Government going to declare 100 per cent disarmament and instead allow only officers in uniform, to be the ones with firearms in those areas?

Madam Temporary Speaker, it is very painful. I have a clip, where five youths armed with AK 47 are running around a Government of Kenya (GK) Land-cruiser, blowing whistles and singing that they have now defeated the armed security.

I think Prof. Kindiki will have to do more. We are going to support him. We will stand behind the President on this particular operation because we are killing a generation of Turkanas, Samburus and Somalis.

This country is wasting resources ---

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

Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, you may proceed.

Sen. Mandago: Madam Temporary Speaker, I rise to support the Statement sought by Sen. Chute on this matter of security.

It is a growing concern that the territorial borders of this country continue to be defiled by foreign troops. We are seeing some leniency in action taken to protect our borders.

This reminds me of the case of Migingo Island and so many small islands in Lake Victoria that have been occupied forcefully by Ugandans. The Government of Kenya has kept silent while Kenyan citizens who depend on fishing in those places are suffering. The invasion by the Ethiopian Forces in Marsabit County is something of concern.

We all know that parts of Ethiopia have been experiencing serious security challenges. If the Government does not take stern action, it can easily spill into this country. You realize that the communities that live in the two countries are the same communities. Therefore, those social and cultural activities that happen across borders can create an avenue of breeding lawlessness in those parts of the country.

It is also saddening that critical banditry issues are not being addressed. If we go after the bandits, who will go after the suppliers of bullets? This is one country with highly trained ballistic experts who should be able to tell us the source of the bullets, including the type of guns that have been used. However, to this extent, the suppliers of guns and bullets should have been the first ones to be hunted and taken to court.

I therefore want, as we get a response to this Statement, to seek clarification on whether other than the bandits that are being sought after, there are any suppliers of guns and bullets who have also been arrested or taken to court on this matter.

Counties that are suffering from this insecurity have had to divert a lot of resources that are meant for development into feeding Kenyans who are being forced to go to camps while they were going about their livelihood without requiring any Government intervention.

Also, I seek clarification on the affected counties. How much money have these counties spent on feeding populations that have been displaced because of insecurity issues with a view of asking the national Government, to refund those counties those monies? Those monies were budgeted for other devolvement programmes. However, because of the necessity and the dignity of life that needs to be preserved, those counties have been forced to spend the meagre resources that they are receiving on feeding Kenyans who are displaced.

Finally, the issue of police reservists is something that needs to be addressed. We have Border Patrol Units and Rapid Deployment Units within all the ranks of the security forces. Why do we still need to use police reservists instead of doing permanent deployment of these units along our borders and areas that are always affected by this kind of situation?

Finally, in the past, we were told that the Government of Kenya is building a wall on the border of Somalia and digging a trench on the borders of the northern part of Kenya. As part of the response, we want to know the progress and how much money has been spent on that project.

Madam Temporary Speaker, I support that Statement by Sen. Chute.

The Temporary Speaker (Sen. Veronica Maina): Thank you. Sen. Okiya Omtatah, you may proceed.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker. This is a very weighty and saddening situation whereby, one, an international foreign State enters Kenya's sovereign territory without being challenged and gets away with it.

Two, the reason it gets away with it is that there is a violation of Article Six of the Constitution by the national Government where it is required to have its presence all over the country. The area Senator Chute is talking about suffers from a deficiency of the Kenyan State. There is no Kenyan State on the ground. That is why the Ethiopian military can come across and play poker with our lives. Therefore, there is a need. This is a condemnation of the Government that it has failed to provide its presence on the ground to deter the Ethiopian State from whatever enterprise there is.

I support what was said that this matter should have escalated to the diplomatic circles to try and have the responsible Governments get a hand on to the issue.

Coming back internally on the question of the so-called bandits, I support the proposal by Sen. Cherarkey, that these are terrorists that need to be covered under the Terrorism Act. This is because the big problem we have had with dealing with this menace is the mischaracterization of crime.

As long as we characterize it as a cultural enterprise, it will not die. Let us call it by the correct name of terrorism or even robbery with violence, and let the might of the State be brought to bear upon these people.

Further, the monopoly of violence must be with the Kenyan State. We cannot sit here to be mocked by stories that some do-no-good, has taken over a school, which is a State institution.

The Government must use all means possible to deal with these people. Further, I recommend that when these people are apprehended, they should not be put through the civilian courts. They should be subjected to Court Martial to be tried by the military because they are armed combatants. They are militaries and armies. We cannot put them through civilian trials. When they pick up those guns, they do not go to play guitars, they go to war. They are not entertaining anybody. They are going to kill. Their purpose is to kill. So, for heaven's sake, let them be subjected to Court Martials wherever they are found.

Finally, in 1969 or thereabouts, Pope Paul VI released an encyclical where he said, the new name of peace is development. You will also realize that these enterprises are happening in largely marginalized areas of this country. We, as a State, must invest in these areas. We must build roads and schools.

I support what Sen. Mandago has said. There should be no *harambee* or self-help when it comes to matters of security. This idea of police reservists is asking a community to engage in *harambee* or to raise arms to protect itself.

The Kenyan State must take over rather than just applying the boots or killing every bandit that comes out of the marginalized areas. The Kenyan State must drain the swamp from which this people hatch plans to come to attack us. In order to drain that swamp, let us develop the area. We shall not be able to kill every bandit or terrorist who happens upon us. Let us drain the swamp and have a martial plan for these areas; to open and modernize them up and try and bring them within the Kenyan economy where everybody else is striving.

The Temporary Speaker (Sen. Veronica Maina): Please wind up the contribution.

Sen. Okiya Omtatah: Madam Temporary Speaker, I am winding up. Finally, as the bullfighter has mentioned, some of the meat that we eat from Dagoretti Slaughter House are proceeds of the blood that is shed in these regions. Maybe, time has come for --

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya Omtatah, we do not officially have bullfighters in the House.

Sen. Okiya Omtatah: I am sorry, but he likes that name. He did not even complain. He encouraged me to call him the bullfighter.

(Laughter)

The hon. Senator for Kakamega County, who is my neighbour and whose county is so big that it needs to be divided into more than four counties, said that some of the meat we eat in Nairobi is really the proceeds of these wars that are happening on the ground. Maybe, a mechanism should be put in place to ensure that any animal that is slaughtered in this country has a return address. We must know where it comes from. Do not just go, get a carcass and then that is it. The veterinary officers who inspect meat must ensure that the animals have permits of movement and letters of no objection before they slaughter them.

Thank you very much.

Sen. Wafula: Asante, Bi. Spika wa Muda. Nikichangia kwenye hii taarifa ya usalama, nimekuwa nabukua mtandao wangu nikaona vikosi vyetu vya usalama vikifanya mazoezi na kuzuru maeneo mbalimbali kule Congo. Wakenya walikuwa wanafurahi sana wakijipigia upato kwamba Kenya ina kikosi cha uzoefu mkubwa wa kukomboa miji mbalimbali katika Bara la Afrika.

Ni kinaya sana sasa vikosi vyetu vimevaa mavazi ya kivita kule Congo na Somalia, na huku kwetu vijijini Wakenya wanamlilia Mungu wakiuliza ni makosa gani walifanya?

Tumeona viongozi wakipaa kwenye ndege na magari ya kifahari yakitua na kuenea maeno haya ya vita lakini mpaka sasa hatujaona hatua yoyote ikichukuliwa. Mimi husema “mzaha mzaha utunuka usaa”. Haya ambayo wanafanya sasa wakitarajia kwamba ni ozoefu, yatakuja kuenea maeneo mengine nchini Kenya na watu wataanza kujipanga kisirisiri.

Naomba Serikali iwache kufanya mchezo, iende katika maeneo haya ipambane na hao watu. Itakuaje tuko na idara ya ujasusi Kenya hii ambayo vile vile tuanaambiwa ina uzoefu mkubwa; itakuwaje hawajui hawa watu hufanya mazoezi wapi na silaha hizi zinatoka wapi? Itakuwaje shule inatekwa nyara na kila kijiji kina nyumba kumi, naibu wa chifu na chifu na huku tunakuja kusikiza haya mambo kwenye Seneti?

Nadhani kwamba kuna biashara ambayo watu wanafanya humu Kenya na nchi za kigeni. Wanatumia vita hivi kupata mishahara ilhali watu wanakufa na wanaenda kungoja hukumu mbinguni kabla wakati wao hujafika.

Naomba Serikali, kwa niaba ya maeneo ambayo Wakenya wanavumilia kuwa Wakenya, tuwache kujiongelesha kwenye vyombo vya habari. Tunataka kuona vitendo, ukombozi, uhuru wa Wakenya wajivunie kuishi Kenya.

Naomba kwamba idara hizi zote zilete ripoti hapa. Idara ya Ujasusi na Usalama inafaa ikuje hapa watueleze shida iko wapi. Haya maeneo lazima yawe na vijana na wasichana ambao wako katika Idara ya Ujasusi ili waweze kutuambia mambo yanayo endelea huko.

Haiwezekani tangu Uhuru bado tunakuja kulilia hapa Bunge tukijiuliza maswali namna hii. Naomba Serikali yangu ya Kenya Kwanza tuamke na tufanye kazi.

Asante.

The Temporary Speaker (Sen. Veronica Maina): The final contribution on this issue is from Sen. Olekina.

Sen. Olekina: Thank you, Madam Temporary Speaker. With a very heavy heart today, I cry for the Rendille. First, let me thank Sen. Chute for bringing this Statement that made me come back to this House this afternoon.

Every day when one community attacks another community and the Government keeps quiet or does not do anything, it begs the question whether we should really be proud of ourselves as one country called Kenya.

About three months ago, one of my staffers, his name is Wambas Oleman, called me in the middle of the night crying saying that the Gabra invaded his home, stole over 500 cows and killed people. It hit so hard because he was saying “I am completely gone”.

Today, when I hear that one community has attacked and killed two Rendille children - one a seven-year-old - injured one old man, it really begs the question, what exactly are we doing in this country? Why are we priding ourselves saying that we are Kenyans yet there are those who are first class citizens and there are those who are forgotten?

Madam Temporary Speaker, if history serves me right - the distinguished Senator for Marsabit County will correct me - this area of attack is next to an area which is used by the military for training.

If you have gone to Marsabit, and you drive from Marsabit Town, pass the town called Hula Hula and come down, before you go to Kargi, right next, there is an area where the Rendille and the Samburu use for their cultural ceremonies. I have attended these ceremonies so I speak with authority. I know the area and it is a tough terrain. During the last Parliament, we were trying to speak to the Government to move the military from that area. They did not.

Today, when I come here and hear that two young souls have been taken out of this world, it really hurts as a parent and as a leader. We might have our differences, Kenya Kwanza and Azimio la Umoja one Kenya Coalition, but when we come here, what we must defend is the sanctity of life. We must defend these people who are our brothers and children in this country.

The CS for Interior and Coordination of National Government, who used to sit in that seat as the Deputy Speaker, is now in charge where in parts of this country they have taken the military to go and deal with bandits. If you care about these two young kids whose future has been taken away from them, their parents will never get to see them, please, the first thing he needs to do is to go to a place called Maikona and recover the 1,000 sheep, which have been recovered there today, and make sure they go to the people.

The next thing they need to do, instead of just having an area where they say is for military training, is for them to deal because they know the people who are sponsoring these attacks.

It is for them to go out there because when you drive to Moyale there is multi-agency security apparatus. There is no way you can bribe on the road. You will find people from the National Intelligence Service (NIS), the Directorate of Criminal Investigations (DCI) and even those from Anti-stock theft. Every agency is on the road.

It begs the question, why are we still ignoring and neglecting the Rendile Community and encouraging the brewing of these inter-clan and tribal warfare? This is a very painful ordeal.

I hope that the Ministry of Interior and Co-ordination of National Government will move expeditiously to make sure that place gets peace. When I was seated here before, I read the Statement in detail and heard my colleague, Sen. Okiya Omtatah saying that if these people are arrested, they should be court martialed. I whispered to my colleague that they are not military.

However, these are the kinds of people that if arrested, there is no point of trying them. You should just put them there and put live bullets into their chests.

If they can be bold enough to take away a child and cut open their stomach and you can see the intestines---let me reiterate again. Something needs to be done. If life means anything to any leader in this country, it is about time that we set aside our differences and secure this country.

The issue of bandits and cattle rustling is one which the system understands. They know. I have always been of the view, and which I still hold strongly, that this is a huge enterprise. It is an international trade that has been fueling and supporting different political platforms. Let us cut to the chase and save lives now. Do whatever you have to do, but save these lives.

Two weeks ago my staff were in North Horr by bus to donate food to people. They were crying because they could not understand how people can live there. There is no water. In fact, the only thing which is there is a road. I thank the former Prime Minister, Hon. Raila Amolo Odinga, and the late President Kibaki for having built that road all the way from Isiolo to Moyale.

If you sit down with the former PM, he will tell you the story of how that road came about. The people from Moyale walked for over 15 days from Moyale to Nairobi City County to come and plead for the road to be done.

When we come here, history is very important for us. It is important for the younger generation to understand how this country came to be. This country was literally built by the railway line. That is how the urban centres and small towns mushroomed and developed.

To be able to connect the other part of the Northern Frontier District, it had to take initiatives and innovations from leadership. This is why I always support hon. Raila because of what he saw when he was the Minister for Transport, Infrastructure, Housing, Urban Development and Public Works for that place to be open.

Madam Temporary Speaker, if you drive from Isiolo to Marsabit, a distance of almost 270 kilometers, it takes two hours because the road is beautiful. Now that we have built the road, why can we not move security there and secure the people who live there?

We hear that even vehicles are taken from Kenya and crossed to Ethiopia and are never released. The people know who took them. One wonders if we have a government that cares for all its citizens.

Madam Temporary Speaker, there are parts of this country where if I tell you to go and live you will not survive for a day. There is a tribe in Turkana County that most people do not know about. There are parts in this country where one wonders whether this is Kenya or we are still living in the stone age.

If you saw those pictures of these kids who were attacked they barely even have clothes. People are only surviving with the cows they have. If you find sheep there, you wonder what they are eating because the whole place is completely dry. There is nothing.

If that is not enough, global warming has made it difficult for people to survive. This is a country where we pay taxes. Even those people because they have food and everything yet the country cannot protect them.

The Temporary Speaker (Sen. Veronica Maina): Kindly wind up your comments, Senator.

Sen. Olekina: Madam Temporary Speaker, I will be happy to wind up. I was waiting to see the red light. I did not know how much time we had to comment on this. I know yesterday we discussed about sticking to the Standing Orders. The reason I am contributing more is because I am guided by the Standing Orders. They give us enough time to contribute.

I summarize by stating that the lives of the Rendille children matter. It is about time that this Government - if at all we have one - forgets about the differences and move there. I hope this is going to be referred to the Standing Committee on National Security and Foreign Relations. My good friend from Kisumu County is in that Committee.

I hope that you move fast and have the military go there. This is a situation where the military has to go there. We have this habit of sending the military without Parliament's approval. Since we have already violated the law; go ahead. Got there and rescue these people.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, as you can see the issue of security is a matter of serious national concern and attracting a lot of public interest. Sen. Cherarkey had invited me to comment about the Chairperson of Committees informing other Senators when Cabinet Secretaries (CSs) are invited, as happened this morning.

Committee Chairpersons are persuaded to be informing the whole House when the CSs are attending some of the sessions or coming to respond to a Statement or Motion on issues. Other Senators who are interested in matters coming from their counties can be in attendance and hear clarifications or raise any issues they may want to raise with them.

Next Order.

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

The Statements have not yet been finalized. Sen. Kibwana's Statements are deferred due to her absence.

STATEMENTS

CAMPAIGN BY WOMEN LEGISLATORS ON THE AFRICAN FASHION WEEK

(Statement Deferred)

STATE OF NUT INDUSTRY IN KENYA

(Statement Deferred)

TAX INCENTIVES THAT SUPPORT
CLIMATE CHANGE PROGRAMMES IN KENYA

(Statement Deferred)

The Temporary Speaker (Sen. Veronica Maina): Let us now have the Senator for Kisumu County, Sen. Prof. Tom Ojienda, SC.

STATE OF 63KM KISUMU-CHEMELIL-MUHORONI ROAD

Sen. Tom Ojienda, SC: Madam Temporary Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee for Roads, Transportation and Housing concerning the state of the 63km Kisumu-Chemelil-Muhoroni Road.

In the Statement, the Committee should-

(1) State the budgetary allocation made towards the construction of the 63km Kisumu-Chemelil-Muhoroni Road, stating whether the allocation is sufficient to complete the road.

(2) Inform the Senate on progress made in constructing the said road, detailing how many kilometers have been constructed since inception of the project to date.

(3) Appraise the Senate on the expected date of completion of the road and when it will be open for public use.

The Temporary Speaker (Sen. Veronica Maina): Continue, Senator.

PENDING BILLS OF KISUMU COUNTY GOVERNMENT

Sen. Tom Ojienda, SC: Madam Temporary Speaker, again, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget, regarding Pending Bills in Kisumu County Government. In the Statement, the Committee should-

(1) Confirm whether Kisumu County Government has carried out forensic audit of all the projects carried out by contractors and suppliers and the status of pending Bills, which bills threaten to stall service provision to the people of Kisumu County.

(2) State whether there exists any plan for prioritisation of the pending bills informing the Senate of the budgetary allocations that have been put aside towards settling the pending bills, and confirm whether or not the allocations are sufficient.

(3) Explain the criteria being used by the County Government to prioritize and pay the pending bills, outlining how many bills have been paid so far and what is outstanding.

(4) State whether any plans have been developed to deal with the issue of pending bills, as a matter of priority for all County Governments.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): We have one more Statement from the Senator of Taita Taveta County, Sen. Mwaruma. Due to his absence, that Statement is also deferred.

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

(Statement deferred)

The Temporary Speaker (Sen. Veronica Maina): Let us move on to the next Order.

MOTION

ADOPTION OF REPORT ON THE 2023 BUDGET POLICY STATEMENT

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

(Sen. Ali Roba on 28.2.2023)

(Resumption of Debate interrupted on 28.2.2023)

The Temporary Speaker (Sen. Veronica Maina): This Motion is deferred due to quorum. It shall resume on 2nd March, 2023.

(Motion deferred)

Next Order.

BILLS

Second Reading

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

(Bill deferred)

*Second Reading*THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL (SENATE BILLS NO. 3 OF 2022)*(Bill deferred)**Second Reading*THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 6 OF 2022)

Sen. Mungatana, MGH: Madam Temporary Speaker, I beg to move that the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) be now read a Second time.

Kenya fought for independence. In the year 1952 a state of emergency was declared for this country. People died; over 20,000 people died fighting for the land that belonged to the people of Kenya. At that time, we were under the colonial rule. The colonies had taken away our land and our people joined up to fight for their land.

On 21st October, 1956, Field Marshal General Dedan Kimathi was captured and his picture still mesmerizes me. The man fought for what he believed in, the land, the resource of our people and he died a very proud man.

If you fast forward to a few years where we are living now, natural resources that we fought for in this country was not only the land that was there. Natural resources that we fought for in this country for which our fore-fathers laid their lives for was not only dealing with the land as we know it, but it dealt with both extractive and non-extractive resources.

This Bill is talking about the second fight for the resources; the richness of our land to go back to our people. Our people have suffered severely because there has been extraction from their land and they benefit nothing. This Bill is talking about benefit sharing of resources that have been found in counties like Tana River, Turkana, and in any other part of this country. We are talking about benefit sharing of those resources so that the communities that are living within those counties can benefit. Counties should realize the second fight for independence and the resources in their land.

This Bill provides for a way in which we can enforce a system of sharing the natural resources that are found within the area. There are benefits which come from the exploitation of these natural resources. For the first time, we are proposing in this Bill that the national and county governments have their fair share. The natural resource exploiters; those who have come to invest and get the money out of it, should have their fair share. The local communities should also have their fair share. This is the main purpose of this Bill.

I come from Tana River County where gypsum is exploited. The natural resource exploiters who come there benefit nothing at all to the County Government of Tana River. They benefit nothing at all to the local community in Bura Constituency where that gypsum is found.

In fact, the national Government gets almost nil in terms of revenue. The only people who are benefitting from this resource are not the county government, national Government or the local community, but the natural resource exploiters. They come to Tana River County, pay almost nothing and leave us with gaping holes everywhere in that part of Bura Constituency.

This Bill intends to correct the wrongs and bring the benefits of resources found, not only in Tana River County, but in every other county so that we all benefit from the natural resources that are found within our areas.

This Bill has defined natural resources to cover not just the extractives. This is because when people hear about the natural resources they think about oil, gems and minerals underground.

This Bill has classified light as a natural resource. When people come and put up structures to tap solar power, sell it to the national grid and get lots of money, what do the people of that county get, yet it is their natural resource?

This Bill is proposing that 60 per cent goes to the national Government and 40 per cent to the county Government. The 40 per cent that goes to the county government is divided into two; 60 per cent to remain with the county while 40 per cent goes to the local community. If a levy is introduced for tapping the electricity and it raises Kshs1 million, Kshs600,000 goes to the national Government and Kshs400,000 goes to the county government. The sum of Kshs400,000 is divided into two portions, 40 per cent goes to the local community where the tapping of the electricity is done and 60 per cent remains for the county government to develop the area.

Madam Temporary Speaker, this Bill is not talking about theory. Right now, in Kwale County Base Titanium Limited is mining minerals and has surrendered royalties to the National Treasury worth Kshs3 billion.

The agreement with the local community is that it would get 10 per cent, which is Kshs300 million. However, the Kshs300 million is lying at National Treasury. This is because there is no mechanism for it to reach the local community so that they can gain from the resource. So, the money is just lying there. The company has done its bit by surrendering the money. However, there is no legal framework set out for the money to leave the National Treasury and reach the local communities. This Bill will solve and unlock the problem that is there. Those are the extractives. I was just setting out. I spoke about light, titanium and gypsum.

I hope you remember what was called Project Oil Kenya. These are the joint partners of Tullow Oil plc and Total Energies. The three were mining oil in Turkana County. When everyone hears about Project Oil Kenya, Tullow Oil plc and Total Energies, they think about the oil that will be extracted. However, they have stated that in

the initial five years of production they need to stimulate the pressure so that oil can come out.

When you are exploiting oil, you have two wells. There is the well that you dig and get the oil and there is the other second well that pushes water so that the natural pressure is increased and the oil is extracted easily. For the first five years of having the injection well, the one that pushes water as opposed to the production well, 330,000 barrels of water per day will be required.

I am talking about the resource called natural water. One barrel of water is 163,000 litres. Tullow Africa, Total Energies and Project Oil Kenya will need 53 million litres of water per day for five years so that they can exploit that oil. That water is a resource that will come from that county.

The people who live there were using that water. There is a whole biodiversity ecosystem that exists there. That ecosystem is going to suffer. Who is going to compensate the people of Turkana for the water? We are not talking about the oil.

This Bill says let us look at the sharing of benefits between the natural resource exploiters, the owners of those resources – that is the local communities - the county governments and the national Government. This is a very important Bill.

Madam Temporary Speaker, when these oil companies come to mine in an area that has been found with oil, they do a signature bonus. It is like a commitment signature. They pay as much as US\$100 million. That is billions in Kenya shillings. These are monies that must go towards compensating resources like water that is found there even before they start the actual extraction of the mine. We have to start giving the people of Kenya that money and not just in Tana River County or other places, but in places where natural resources are found. When natural resource exploiters come to invest, they must pay something to the communities that are there. This Bill is coming to change the way Kenya has been operating.

Lake Bogoria is a natural resource. There are researchers who extract some enzymes from Lake Bogoria three times a month and those enzymes are used for creating detergents to clean the high-quality jeans that we wear. The local community that lives around Lake Bogoria get nothing out of that resource. The national Government, I dare say, gets nothing. The natural resource exploiter walks away with everything. The people know what is happening and nothing is being done.

This Bill is like our second liberation. We did not just fight for the land, but also fought for the natural resources. This Natural Resources (Benefit Sharing) Bill will set up a new way of doing things and remove the confusion that is there right now.

The Petroleum Act gives a very different benefit sharing formula. They will say the national Government takes 75 per cent, county government takes 20 per cent and the local community takes five per cent. In the Mining Act dealing with extractives, the national Government takes up 70 per cent, the county Government 20 per cent and 10 per cent to communities.

We are proposing that this Bill overrides all this so that we have one formula. We do not have confusion that when these natural resource exploiters come to mine, they do

not know the formula. We want uniformity, which should cover all the areas that I have talked about such as water and forests.

Madam Temporary Speaker, wildlife is also a natural resource. Where we come from in Tana River County, and very many parts of this country, there are huge areas which have been blocked. We cannot access or do cattle rearing there. They bring us problems even in dry seasons. If we do not get any benefits from the wildlife, sustaining or creating sustainable development will not be there.

The local community cannot get that 40 per cent from Tsavo National Park, that everything goes to the national Government and yet we are the ones living with those animals. They destroy our crops and kill our people, but the Government protects and we do not get anything.

It is our natural resource and we ought to share. Right now, there is no framework. This Natural Resources (Benefit Sharing) Bill, Bill No. 6 of the Senate, is going to cure this problem.

I want it understood that this Bill is not just hanging in the air; it is based in the Constitution. Article 69 of the Constitution talks about the State ensuring sustainable exploitation, utilization, management and conservation of the environment and natural resources. It is talking about equitable sharing of the accruing benefits, a very good provision that exists in Article 69. Now it is being given effect by this Bill.

Article 69(h) talks about utilizing the environment and natural resources for the benefit of the people of Kenya, not just this generation but intergenerational. This Bill gives that Constitutional provision a way to effect it.

Article 174 talks about ensuring the equitable sharing of national and local resources throughout Kenya. This Bill is speaking to the Constitution. When Kenyans assembled at the Bomas of Kenya and later on voted, they said they wanted to benefit from the resources as local communities. Since we passed the 2010, Constitution, we have not had a mechanism which brings out this aspect of the benefit to local communities.

Madam Temporary Speaker, as I pray for the support of this Bill, I hope my fellow Senators and colleagues will see that the Constitution and Kenyans have sent us here to make sure the aspirations they explained in the Constitution are given effect through our law making process.

The Commission on Revenue Allocation (CRA) has been mentioned in this Bill. We want it to be responsible for the making and preparation of the Benefit Sharing Agreements (BSAs).

Madam Temporary Speaker, BSAs are the agreements I am talking about and which clearly set out what the national Government, county governments and local communities are supposed to get. The BSAs are so critical to this whole Bill because they are the ones that set out what the local community and other stakeholders should get. This also includes what the natural resource exploiter should get.

For the BSAs that have been provided in this Bill, we have said---

(Sen. Orwoba's mobile phone rung)

Madam Temporary Speaker, please protect me from Sen. Orwoba.

The Temporary Speaker (Sen. Veronica Maina): Sen. Orwoba, that is out of order.

Sen. Mungatana, MGH: Madam Temporary Speaker, BSAs are critical because they set out what the local community, county government, national Government and natural resource exploiter are getting.

The BSAs establish the County Benefit Sharing Committees in each county. The work of this Committee is to negotiate. Note that the negotiations take place before the natural resource exploiter is allowed to commence the work. At that point, the Committee negotiates the terms of the benefits sharing and determines the money to be allocated to the local communities. The Committee also engages in part of monitoring of implementation of the projects to the community that is affected by the natural resource investments.

Madam Temporary Speaker, we know that the BSAs may be manipulated or maybe made difficult to apply. For that reason, we have brought in the CRA, which is a constitutional body. Since CRA is already involved in sharing of the national cake between counties and the national Government, we have brought it here to help us in the preparation of BSAs.

We have brought them to monitor the Benefits Sharing Agreements (BSA) and to make sure that the local communities are never again going to be exploited.

Madam Temporary Speaker, I beg the Senate and my colleagues to see what I see. The Kenyan communities in various places have suffered for long. We have suffered for a very long time. This is the first time that a framework is being created, so that local communities can be able to benefit.

Madam Temporary Speaker, I beg to move and call upon hon. Sen. (Dr.) Khalwale to second.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m. This Bill will be seconded during the next sitting, which will be tomorrow 2nd March, 2023. The Senate sitting for today is over and I will, therefore, proceed to adjourn the House.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate therefore, stands adjourned until tomorrow, Thursday, 2nd March, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.