

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 7th December, 2023

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

Serjeant-at-Arms, kindly ring the quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed we now have Quorum. Stop the Bell.

Clerk, proceed to call the first Order.

MESSAGES FROM THE NATIONAL ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators I have received three Messages from the National Assembly. I will proceed to report.

PASSAGE BY THE NATIONAL ASSEMBLY OF THE NATIONAL
CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.59 OF 2022)

I wish to report to the Senate that pursuant to Standing Order No. 46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the

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passage, by the National Assembly, of the National Construction Authority (Amendment) Bill (National Assembly Bill No.59 of 2022).

The Message dated Wednesday, 6th December, 2023, was received on the same day in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the Message.

Pursuant to the provisions of Standing Orders No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

“WHEREAS the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) was published by Kenya *Gazette* Supplement No.189 of 18th November, 2022, as a Bill to amend the National Construction Authority Act; and whereas the National Assembly considered and passed the said Bill on Thursday, 26th October, 2023, without amendments in the form attached hereto,

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders Nos.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Now, hon. Senators, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I will, at the appropriate time, direct the Clerk to read a First Time, the National Construction Authority (Amendment) Bill (National Assembly Bill No.59 of 2022).

PASSAGE BY THE NATIONAL ASSEMBLY OF THE PUBLIC SERVICE
(VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.46 OF 2022)

The Speaker (Hon. Kingi): I also wish to report to the Senate that, pursuant to Standing Order No.46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Public Service Values and Principles (Amendment) Bill (National Assembly Bill No.46 of 2022).

The Message, dated Wednesday, 6th December, 2023, was received on the same day in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the Message-

Pursuant to the provisions of Standing Orders No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

“WHEREAS the Public Service Values and Principles (Amendment) Bill (National Assembly Bill No.46 of 2022) was published by the Kenya *Gazette* Supplement No.171 of 28th October, 2022 as a Bill to amend the Public Service Values and Principles Act, and whereas the National Assembly considered and passed the said Bill on Thursday, 26th October, 2023, with amendments in the form attached hereto,

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NOW THEREFORE, in accordance with provisions of Article 110(4) of the Constitution and Standing Orders No.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I will, at an appropriate time, direct the Clerk to read a First Time, the Public Service Values and Principles (Amendment) Bill (National Assembly Bill No.46 of 2022).

PASSAGE BY THE NATIONAL ASSEMBLY OF THE STATUTORY
INSTRUMENTS (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.2 OF 2023)

The Speaker (Hon. Kingi): I also wish to report to the Senate, that pursuant to Standing Order No. 46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023).

The Message, dated Wednesday, 6th December, 2023, was received on the same day in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the message-

Pursuant to the provisions of Standing Orders No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

“WHEREAS the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) was published by the *Kenya Gazette* Supplement No.14 of 15th February, 2023 as a Bill to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the Regulations Making Authority to submit to Parliament a copy of any regulations that ceases to have effect by operation of law. The Bill further obligates Parliament to notify the general public in two newspapers of wide circulation that a statutory instrument which ceases to have effect by operation of law is a nullity.

AND WHEREAS on Wednesday, 8th November, 2023 and Tuesday, 28th November, 2023 the National Assembly considered the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) and passed it with amendments in the form attached hereto,

NOW THEREFORE, in accordance with provisions of Article 110(4) of the Constitution and Standing Orders No.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Hon. Senators, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing

Order No. 144, I will, at an appropriate time, direct the Clerk to read a First Time, the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023).

I thank you.

Next Order, Clerk.

PETITIONS

The Speaker (Hon. Kingi): Let us have the Chairperson or any Member of the Committee on Education.

REPORT ON PETITION: PAYMENT OF SALARY ARREARS FOR P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATION

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I beg to lay the following Petition Report on the Table of the Senate today, Thursday, 6th December, 2023.

Report on the Petition concerning payment of 1996 to 2010 arrears for P1 teachers with A Level academic qualification.

(Sen. Joe Nyutu laid the documents on the Table)

The Speaker (Hon. Kingi): Chairperson, Standing Committee on Labour.

REPORT ON PETITION: MISMANAGEMENT OF FOOTBALL BY KENYA FOOTBALL FEDERATION

Sen. Murgor: Mr. Speaker, Sir. I beg to lay the Report on the Petition concerning mismanagement of football in the country.

The Standing Committee on Labour and Social Welfare has concluded its consideration of the Petition concerning mismanagement of football in the country by Football Kenya Federation (FKF).

(Sen. Murgor laid the document on the Table)

Next Order.

PAPERS LAID

The Speaker (Hon. Kingi): Senate Majority Leader, proceed.

REPORT OF EACC ON ACTIVITIES AND FINANCIAL STATEMENTS FOR FY2021/2022

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The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 7th December, 2023-

Report of the Ethics and Anti-Corruption Commission on the activities and financial statements for the Financial Year 2021/2022.

Thank you.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Committee on Agriculture, Livestock and Fisheries.

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

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, on behalf of the Chairperson of the Committee on Agriculture, Livestock and Fisheries, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 7th December, 2023-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Tea (Amendment) Bill (Senate Bills No.1 of 2023).

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

The Speaker (Hon. Kingi): There is a Paper on the International Conference on Great Lakes Region (ICGLR). Sen. Ali Roba or Sen. Lemaletian to proceed to lay that Paper. In fact, the Senate Majority Leader can lay this Paper.

REPORT OF THE 13TH PLENARY ASSEMBLY OF ICGLR

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 7th December, 2023.

Report of the Parliament of Kenya Delegation to the 13th Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, from March 27th to 1st April, 2023.

Thank you, Mr. Speaker, Sir.

(Sen. Cheruiyot laid the document on the Table)

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

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Sen. Munyi Mundigi, proceed!
Mr. Mundigi is not in the Chamber. The Statement is dropped.

DELIVERY OF CENTRALLY PROCURED LEARNING
MATERIALS TO SCHOOLS

(Statement dropped)

Sen. Okenyuri, proceed.

DELAY IN OPERATIONALISATION OF THE
SOCIAL ASSISTANCE ACT, 2023

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare regarding delay in the operationalisation of the Social Assistance Act, 2013.

In the Statement, the Committee should-

(1) Explain the delay in the operationalisation of the Social Assistance Act, 2013, which establishes the National Social Assistance Authority and the National Social Assistance Fund, outlining efforts made by the Government to overcome any challenges in the implementation of the Act.

(2) State the reasons for the establishment of the Social Assistance Fund under the Public Finance Management Act, 2012, as opposed to the Social Assistance Act, 2013.

(3) Elucidate on the current institutional and governance frameworks that exist to facilitate the provision of social assistance to individuals in view of the non-operationalization of the Social Assistance Act, 2013, providing details on any ongoing programs.

(4) Outline measures put in place to ensure the implementation of the Act without further delay.

Mr. Speaker, Sir, we also have a statement for Sen. Mariam Omar.

ESCALATION OF FLIGHT PRICES TO MANDERA COUNTY

Sen. Okenyuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the escalation in ticket prices for flights operating from Mandera County.

In the Statement, the Committee should-

(1) Investigate the ongoing escalation in ticket prices for flights operating from Mandera County and establish the amount of money remitted to the Kenya Airports

Authority (KAA) and the Kenya Revenue Authority (KRA) in fees and taxes for the Financial Year 2022/2023.

(2) Provide details of the permissible number of daily trips per airline, operating from Mandera County, indicating the charges levied by agents per trip, taking into account the rising airfare amid this pressing *El Nino* situation affecting residents of Mandera County.

(3) Disclose the criteria used for registering airline agencies in Mandera County by the Kenya Civil Aviation Authority (KCA), including the fees charged for agents' registration and the current number of registered agents in Mandera County.

Thank you.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru.

DIPLOMATIC RELATIONS BETWEEN KENYA AND THE KINGDOM OF MOROCCO

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, and a very good morning given the decision taken today.

I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the diplomatic relations between Kenya and the Kingdom of Morocco.

In the Statement, the Committee should-

(1) Provide an update on the status of diplomatic relations between Kenya and the Kingdom of Morocco, explaining any efforts made by the Government of Kenya to resolve any longstanding issues between the two countries.

(2) Clarify whether the Government of Kenya plans to establish an Embassy in the Kingdom. If so, specify the modalities considered in the process as well as the projected timelines for the same.

Thank you.

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

UPLIFTING FOOTBALL TALENT AT THE GRASSROOTS LEVEL

Sen. Orwoba: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding identification and nurturing of football talent at the grassroot level.

In the Statement, the Committee should-

(1) Provide a comprehensive report on the ward-level tournaments that served as the qualifying grounds for the National Talanta Hela Football Tournament, stating the number of ward-level games played, the participating and winning teams and the dates and fixtures of the tournament's matches.

(2) State the budgetary allocation for the ward-level tournaments and explain how the allocated funds were utilized.

(3) Explain what the Government is doing to fulfil its commitment to uplift football talent at the grassroots level.

Thank you, Mr. Speaker, Sir.

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

(Loud Consultations)

Order! Senate Majority Leader and Deputy Speaker, you should lead by example. Proceed, Sen. Tabitha Mutinda.

ASSAULT OF A FEMALE PASSENGER ALONG THIKA ROAD

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the assault of a female passenger by a matatu conductor along Thika Road.

In the Statement, the Committee should-

(1) Provide an account of the sequence of events that led to the assault of a female passenger by a matatu conductor along Thika Road Superhighway in a vehicle owned by Bypass Trans on November 29, 2023.

(2) Identify the conductor directly implicated in the aforementioned assault, specify the route of operation for the PSV vehicle and confirm whether the conductor is employed by Bypass Trans under which the PSV is registered.

(3) Elucidate on the current disciplinary measures applicable to address the misconduct of the perpetrator in relation to gender violence.

(4) Detail the appropriate regulations to govern matatu operators, with a view of preventing a recurrence of such incidents in the future.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Thang'wa, proceed.

FATALITIES FROM HYENA ATTACKS IN WITEITHIE WARD

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the rising fatalities resulting from hyena attacks in Witeithie Ward in Juja Sub-county, Kiambu County.

In the Statement, the Committee should-

(1) Explain the reasons behind the Kenya Wildlife Service (KWS) failure to address the numerous complaints by residents of Kiambu County on the rampant hyena attacks on people in Witeithie Ward in Juja Sub- County.

(2) Outline the immediate steps taken by the Government to address the said attacks that are causing fear and anxiety among residents of Kiambu County.

(3) Recommend long lasting measures to address the ongoing attacks which pose a significant threat to the safety and well-being of residents of Kiambu County, Witeithie Ward in Juja Sub-County, clarifying whether there are plans underway to compensate the victims.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Githuku, proceed with your two Statements. Sen. Githuku is not in the Chamber. Those two Statements are dropped.

MAINTENANCE OF LAMU-GARSEN ROAD

(Statement Dropped)

RESETTLEMENT OF RESIDENTS OCCUPYING LAND FOR A POWER GENERATION PLANT

(Statement Dropped)

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

ALLEGED GRABBING OF DOUGLAS DAM

Sen. Methu: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the grabbing of the Douglas Dam, Karia Ka Dagi, in Tulaga and Muruaki Schemes in Nyandarua County.

In the Statement the Committee should-

(1) Establish the legal ownership of the parcel of land where the Douglas Dam, Karia Ka Dagi, is situated, clarifying whether there has been change of ownership from public to private and if so, provide relevant documentation including details and the timeline of the transfer.

(2) Outline measures, if any, put in place by the Government to safeguard community assets and resources like the Douglas Dam from encroachment, a concerning trend that is becoming prevalent.

(3) Disclose the identity of the individuals involved in the grabbing of the said land causing their arrest and prosecution, a deterrent to others intending to engage in similar practices in Nyandarua County and the Nation as a whole.

(4) State actions taken by the Government to apprehend and penalize public officers involved in facilitating the encroachment of the dam.

The Speaker (Hon. Kingi): Sen. Munyi Mundigi, having explained your absence when your Statement was called out to the satisfaction of the Chair, your Statement is hereby reinstated and you may proceed to read it.

DELIVERY OF CENTRALLY PROCURED
LEARNING MATERIALS TO SCHOOLS

Sen. Munyi Mundigi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding last-mile delivery to school premises of textbooks and other tuition materials that are centrally procured by the Ministry of Education under the Free Primary Education and Free Day Secondary School programs.

In the Statement, the Committee should -

(1) State the amount of money under Free Day Secondary Education and Free Primary Education capitations, which is retained by the Ministry of Education, outlining the votes or items it is retained against and the percentage of the retained funds meant for the purchase and delivery of textbooks and other learning materials to schools.

(2) Explain the final point of delivery of centrally procured textbooks and other tuition materials by the Ministry of Education, stating whose responsibility it is to deliver the said materials to the school premises as per the agreement between the Ministry and the publishers and vendors.

(3) Outline any plans by the Ministry to ensure the centrally procured materials are delivered to schools and not at the sub-county education offices as is currently the case.

I wish everyone a happy *Jamuhuri* Day, Merry Christmas and a Happy New Year. I love you.

Thank you.

(Applause)

The Speaker (Hon. Kingi): Pursuant to Standing Order No.53 (3), I will allow limited comments on all these Statements, starting with Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I would like to briefly support the Statement by Sen. Oketch Gicheru on the importance of having an official diplomatic mission in the Kingdom of Morocco.

Having an official embassy is very important. I know we have challenges given that there was some confusion on our diplomatic ties with the country of Songhai, which is neighbouring Morocco. However, it is important as a country to have a physical diplomatic mission to assist the foreign department to be able to gather intelligence about the economy of that country, in order to understand the position of that country. It will also enhance trade between those two Nations. I think it is about time.

When we think of ourselves as an African continent, it is about time that we tried to embrace each other and understand one another. The current occupant of the house at the hill has been advocating the need to open Kenya for all Africans. The best way to open Kenya for all Africans is to ensure that we have representation in each and every country.

Morocco has supported this country a lot. We get a lot of fertilizer from the Kingdom of Morocco. It is therefore imperative that we bring our brothers closer, so that we know how we can deal with it.

While at it, we also have to play a critical role in educating some of those officers who represent us in the Ministry of Foreign Affairs. I was shocked when I saw the Principal Secretary (PS), Mr. Abraham Korir SingOei, attacking the Speaker of this House, saying that the Speaker of this House should not meet and discuss issues to do with diplomacy.

Mr. Speaker, Sir, people have selective amnesia. The offices that we hold are not offices that belong to an individual. These are offices that transcend individuals. In the last dispensation of the Jubilee administration, the former President of this country, His Excellency Uhuru Muigai Kenyatta, extended an invitation to the Republic of Somaliland and they were building diplomatic ties.

Mr. Speaker, Sir, it is imperative that this House, and particularly the Senate Committee on Foreign Affairs, summons the current PS in the Ministry of Foreign Affairs, Mr. Abraham Korir SingOei, to come here and explain because it is ridiculous.

Sometimes we make certain comments that we do not understand their unintended consequences. It is hypocritical for someone who has served as an adviser to the Government, to make statements, attacking a powerful institution. The Senate is very powerful. The Speaker of the Senate is almost number four in leadership in this country. So, how can a PS, who is approved by this House, go in and castigate a Speaker?

We are speaking about issues of diplomacy, opening embassies abroad and bringing all these countries together. Recently, we admitted Somali into the East African Community (EAC). Why is it wrong if people can recognise Somaliland as a nation within a nation? Why is it wrong for the Speaker of this House to meet with dignitaries from that country?

Mr. Speaker, Sir, it is about time we stand firm, defend this House, its leadership and ensure that we move together as a nation.

Yesterday, we were arguing about the welfare of our staff. Some things do not require politics. There are things that are important. Today I got a phone call from one of the suppliers who assists our county offices. He was not able to take his child to the hospital because my office has not paid for things that they supplied for the operations of our county offices.

If we cannot sit here and talk and any time we raise issues, it is a problem--- You have heard people in the Executive coming here and castigating this House. It is about time that we made a firm determination. This Statement by the distinguished Senator from Migori County should be one that can canvass all these issues; the issue of Morocco and that of Somaliland, so that we can put everything to rest.

Mr. Speaker, Sir, finally, I would like to request the same Committee on Foreign Relations to summon Mr. Abraham Korir SingOei, to come and explain why he took to social media to castigate the Speaker of this House.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I would like to support the Statement by the Kiambu Senator, Sen. Thang'wa of a lady who was eaten by a hyena in Juja Constituency. We have heard of these cases. I thought such cases were happening in counties that are next to wildlife parks. Unfortunately, this time it is happening in a very active industrial town.

We cannot be losing our people to disease, floods, hunger then lose lives to wildlife. It is sad. I would like to say that, swift action should be taken to ensure that these animals are located and taken back to where they belong.

I understand that could be also happening because of the current pressure we are encountering of, human beings growing in numbers, especially in towns, and encroachment is happening to areas where wildlife would have otherwise been. However, the results are very sad.

This is not the first time. The other time we saw a lion that was loitering around areas within town. If we cannot protect ordinary people, then I do not see sense in yesterday's standoff. It is an opportunity for us leaders, to also experience what the ordinary people undergo every day.

Mr. Speaker, Sir, I support and hope the responsible Ministry will be answerable to what Sen. Thang'wa has raised, not just in Juja, but everywhere else. We have seen these incidences in areas like Athi River, that is Kajiado County and many others. We must sort out the issue of human-wildlife conflict.

Thank you.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Naunga mkono hii Taarifa ambayo imeletwa na Sen. Oketch Gicheru, kuhusu uhusiano katika utawala wa ufalme wa Morocco na Kenya.

Ni jambo la muhimu sana kuona kwamba Kenya itakuwa na uhusiano mwema na mataifa mengine. Uhusiano kama huo hua na mazao mengi. Kwa mfano, hufungua njia za watu kupata kazi na biashara. Uhusiano mwema hua unaleta mambo ya biashara kuendelea katika nchi zetu za Afrika, hususan, uhusiano baina ya Kenya na Usultan wa Morocco.

Nilikua katika Bunge la Pan-African Parliament. Katika Bunge hilo, nchi ambayo imetambuliwa na Pan-African Parliament inaitwa Western Sahara. Nchi ya Morocco bado haijakua na ubalozi ndani ya Kenya. Hivi sasa kuna msikizo unaoendelea ya kwamba kuna nia ya kua na uhusiano mwema na serikali ya Morocco pia. Hilo ni jambo nzuri na tunaliunga mkono.

Hata hivyo, kama kutakuwa na uhusiano kama huo, ni lazima iwe baina na ifanywe wazi kabisa ili kila mtu ajue kinachoendelea baina ya majadiliano yanayoendelea katika Kenya na Serikali ya Morocco.

Hivi Juzi tumeona majibizano ambayo yalikuwa hayafai. Hili Bunge la Seneti lina uwezo wa kujadiliana kuhusu jambo lolote ambalo linaendelea ndani ya Kenya. Hili Bunge likiwa linaongozwa na Spika lina uwezo wa kujadili mambo. Katika kujadiliana, unaweza ukaenda katika nyanja zozote za biashara, za kazi, matumizi, madakatari, na kila kitu ili kusaidia nchi.

Kulingana na Katiba, hauwezi kushusha hadhi ya Bunge hili. Lakini juzi tumepata afisa mmoja anayefanya kazi katika Wizara ya Mambo ya Nje anayeitwa Katibu wa Kudumu ambaye ni SingOei. Ni jambo la aibu kuona ya kwamba afisa wa Serikali anaweza kuingilia jambo ambalo linajadiliwa ndani ya Bunge ama anaweza kuingilia Spika ambaye ndiye kilele au mkubwa ndani ya Bunge la Seneti. Tunaona hii ni madharau na anajaribu kushukisha heshima ya Bunge la Seneti chini, ambayo sio kawaida. Wewe ukiwa unafanya kazi ndani ya Serikali hauwezi kuingilia chochote ndani ya Bunge la Seneti.

Bw. Spika, tunaona haya ni matusi na madharau, haswa kwangu. Itakuwa jambo la kusikitisha sana kuona kuwa kutakuwa na madharau kama haya. Sisi kama watu wa Pwani hatutakubali hata kidogo kuona ya kwamba, sio kwamba wewe uko pale pekee yake lakini mtu yeyote ambaye anaketi katika kiti cha Uspika wa Seneti, lazima aheshimiwe.

Hivi sasa, ikiwa jambo kama hilo limetendeka, ni muhimu ile kamati husika katika Seneti kuweza kumuita huyo afisa aje ndani ya Bunge hili la Seneti na kutueleza ni kwa sababu gani alikuwa anajibishana na Spika, tena anaenda kwa *Twitter*. Hiyo ni madharau ya namna gani.

(The Senate Majority Leader (Sen. Cheruiyot) consulted loudly)

Nakubaliana na vile ndugu yangu Sen. Cheruiyot anasema. Mwenyekiti wangu Sen. Cheptumo hajalala. Sen. Cheptumo ni mtu yuko sawa sawa kabisa na ni wakili mkubwa. Yeye hajasinzia, yuko sawa sawa kabisa lakini ni vile tu hajaongea kwa kusema kuwa SingOei alifanya makosa sana.

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

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

Sen. Cheptumo: Mr. Speaker, Sir, I am keenly listening to the Senator of Kilifi. Is it in order for the Senate Majority Leader to claim---

The Speaker (Hon. Kingi): The Senate Majority Leader is not on record.

Sen. Cheptumo: The Senate Majority Leader is claiming that I am not listening. You heard him saying so. I want to assure the House that I am keenly following the proceedings of the House and my Committee is fully aware of what the Principal Secretary (PS) was saying. He was trying to demean this House.

I will also speak at my right time on this particular issue. Senate Majority Leader, it is unfair and unprocedural for you to say that.

The Speaker (Hon. Kingi): Thank you, Sen. Cheptumo. Sen. Madzayo, kindly conclude so that we close this.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kama ndugu yangu Sen. Cheptumo ametuhakikishia kuwa yeye hayupo usingizini kama anavyosema Kiongozi wa Walio Wengi, Sen. Cheruiyot, sisi tunataka tuchukue hiyo hatua ya kwamba huyu ofisa ambaye ni ofisa wa chini sana katika hii Wizara ya Mambo ya Nje, aitwe hapa ili tumhoji.

Sisi kama watu wa Pwani hatutakubali hata kidogo hadhi ya hii Seneti irejeshwe chini.

Asante.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The issue raised by the Senator of Migori is very important. It must occur to us that Morocco, a country in Africa, is the fifth largest economy in Africa and for Kenya and Ethiopia we are in position six. To sit and fail to have a formal relationship with Africa's fifth biggest economy is to lose the obvious.

I, therefore, urge the respective Committee - remembering that my good friend Dr. SingOei, who the Senators are not very happy with this morning - to be up to the task so that we move towards formalizing this relationship.

Secondly, the East African Community (EAC) has now expanded and invited Somalia into the community. Having done so, it means that, some of the good things of Somalia are now on board, but also the headache that Somalia has is now ours.

Dear colleague Senators, Somaliland is a headache to the Republic of Somalia. Since, we have not talked to the PS, I do not understand what prompted the PS to respond in the manner he did, is the possibility that Somalia might have raised a formal complain about the engagement that we were perceived to have made Somali Land which is a problem to the country.

Mr. Speaker, Sir, do not let it be lost to this House that even Morocco has a similar challenge in the name of Western Sahara. The moment we shall engage with Morocco; we would have to device means on how we can deal with the headache of Western Sahara. You and I have had the unique opportunity to serve in the Ministry of EAC. Let us not personalize this.

After you pulled down your *tweets* and after SingOei had made the comments he made, I have taken time to listen to what SingOei said. He did not attack the Senate or the Speaker. He spoke on the mandate of the Ministry of Foreign Affairs and emphasized on the oversight role of Parliament on matters of International relationship. Therefore, why would a leader or, in fact, a House of sober leaders like this want to belabour and blow that clarification of SingOei out of proportion? It beats my logic. What are we fighting SingOei for?

Mr. Speaker, Sir, with your permission, what are we fighting him for? Let us call a spade a spade. SingOei said the following things –

He said, foreign policy of the Republic is the function of the national Government. That is a fact. He said, Parliament's role in foreign policy is oversight and exercise of foreign relationship by national Government. That is a fact. He said, it is Kenya's established and unchanging policy to remain consistent with the African Union (AU) on the matter of the Federation of Republic of Somalia. What is wrong with that? Are we saying this Parliament wants to push an agenda that is contrary to the position of the AU on Somalia? We would be missing it.

Finally, SingOei said, Somaliland, a region within the Federal Republic of Somalia, has a Liaison Office for commercial purposes in Nairobi. That means, he was

acknowledging that Somaliland is not a barrier. It has already been given an opportunity to deal with Kenya.

I appeal to colleagues not to try killing a fly with a sledge hammer. This is a non-issue. Let the PS of Foreign Affairs enjoy his freedom of thought and expression. Some of us have had to pay high prices for freedom of expression. Let us not use Parliament to intimidate civil servants. If we want to deal with issues of Foreign Affairs, there is a substantive Cabinet Secretary whom we can call here instead of focusing on his civil servant whom he can manage by himself.

Mr. Speaker, Sir, Somali and Morocco are the countries that the Member from Migori has raised here. They are so important that they are also the giants of soccer in Africa. They have also produced some of the top athletes in this country. For those of us who had an opportunity to go to Morocco, we know that there is so much we can learn, partner and benefit by relating with them.

Mr. Speaker, Sir, I congratulate the Senator for Migori County.

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

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for this opportunity. I wish to comment on the two statements by Sen. Oketch Gicheru and Sen. Munyi Mundigi.

I will start with the Statement by Sen. Munyi Mundigi on centralised procurement of school learning materials. This is a very crucial statement because right now, there are challenges on the change of policy to centrally procure learning materials. I have received complaints from head teachers in my county that some schools have received books that they do not need. For example, a school that does not teach Islamic studies is being given books on Islamic studies. That is a waste.

The idea to change the policy to centralised procurement may have been inspired by the need to have a centralised accountability on the procurement process. However, that is going to create more problems in a way than the system that was there before.

Mr. Speaker, Sir, the Committee on Education needs to reflect on this matter and look into all the possibilities, loopholes and report to this House. This is so that if possible, we revert to the system that was there before where every school could handle procurement of its learning materials.

Mr. Speaker, Sir, the issue of establishment of an embassy in Morocco is long overdue. There is no justification at all for the Government of Kenya not to have an embassy in Morocco. This is because all the leading economies in Africa have embassies in Morocco. For example, Nigeria, South Africa, Egypt, Ethiopia and Algeria. This is because Morocco is a big and flourishing economy. This country needs to benefit by having a diplomatic engagement with Morocco. There is no justification not to have an embassy in Morocco. I am aware that the Government is trying to quietly establish an office in Morocco. As a standard, it is important for that process to be processed through Parliament, so that it gives an approval for the establishment of embassies in such strategic countries.

Mr. Speaker, Sir, coming to the issue of the Principal Secretary (PS) for Foreign and Diaspora Affairs; I have heard Sen. (Dr.) Khalwale trying to defend him. There is no

justification for what he did. When we have high ranking Government officials resorting to exchange on social media, then there is a problem.

The PS would have easily taken his phone and called you instead of going to respond to you on social media. That is unacceptable. We are seeing this trend emerge in this current Government. We have seen the behaviour of the Cabinet Secretary, Moses Kuria and others, on social media. There should be a better way of communicating within Government. So, there is no justification in what the PS did.

Mr. Speaker, Sir, Parliament plays a big role in foreign policy implementation. All the treaties that we engage in as a country are ratified by this House. So, when the PS gives an impression that Parliament has no role in engaging on diplomatic mission, that is misconduct. If it was in another country, he would be at home by now. If this thing happened during President Moi's time, by 1.00 p.m. news, we would have heard that he has been sacked. This crippling indiscipline in Government is something that we need to deal with as a House. There is no justification for what the PS did.

Mr. Speaker, Sir, this is the problem of giving responsibility to people who have no experience in the civil service. They will always do things in this manner. Serious Ministries such as the Ministry of Foreign and Diaspora Affairs require serious experienced civil servants who are also diplomats.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise pursuant to Standing Order No.105. Is it in order for the Member to impute improper motives on a civil servant when he knows that Dr. Abraham SingOei was not only vetted by the National Assembly, but is also a distinguished lawyer with a doctorate in law.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, what is your point of order? That is very good information you are giving. It is not a point of order. Therefore, chose; are you on a point of information or a point of order? Are you informing Sen. Osotsi of the resume of the PS or are you calling him to order?

Sen. (Dr.) Khalwale: It is a thin line.

The Speaker (Hon. Kingi): You cannot do both.

Sen. (Dr.) Khalwale: Under Standing Order No.105---

The Speaker (Hon. Kingi): The line can never be thin.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, with due respect, our Standing Order No.105 expects that Members should be guided by the factuality of what they are speaking to.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, that is why I am asking if you are on a point of order or a point of information.

Just pick one and proceed.

Sen. (Dr.) Khalwale: On a point of order.

The Speaker (Hon. Kingi): Okay. What is out of order?

Sen. (Dr.) Khalwale: He is misleading the House that Dr. Abraham SingOei is not competent enough to be our PS when, in fact, the distinguished Senator for Vihiga County can only dream about the education that the PS has. He does not even have 20 per

cent of that. We need to appreciate the quality of professionalism in our Government of Kenya Kwanza.

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

Sen. Osotsi: Mr. Speaker, Sir, Sen. (Dr.) Khalwale is just wasting my time. I am equally learned. I have a degree in Computer Science, a Masters in Computer Science and a Master of Business Administration (MBA). I have more degrees than Sen. (Dr.) Khalwale. Therefore, do not say that I can only dream.

(Applause)

The Speaker (Hon. Kingi): Hon. Senators, at this rate, I may require every one of you to ---

Sen. (Dr.) Khalwale: On a point of order---

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

Sen. Osotsi, abandon that line of argument. Proceed to prosecute and conclude your contribution.

Sen. (Dr.) Khalwale spoke off record)

Sen. (Dr.) Khalwale, we are veering off the subject matter.

Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. The PS for Foreign and Diaspora Affairs deserves to apologise to you and this House. This is because, in the ranking order, you are too senior.

In fact, I would have forgiven him if that statement was written by the Prime Cabinet Secretary for Foreign and Diaspora Affairs. That is your level, not a junior officer in the Ministry of Foreign and Diaspora Affairs. You, together with this House, deserves an apology.

(Applause)

The Speaker (Hon. Kingi): Senate Majority Leader, Sen. Cheruiyot, you may have the Floor.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, it is an interesting morning. Firstly, the Statement by Sen. Mundigi deserves our attention and that of the Committee on Education because this is a policy decision the Government has played ping-pong on a number of occasions. Previously in 2015, there was a directive that in the interest of saving taxpayers' money, because school teachers were buying books at exaggerated amounts, a centralized procurement system be put in place. They would procure from the national Government and send them to schools.

That policy appeared to be working initially. However, a few years down the line and Kenya being what it is, a strange people with peculiar habits, found out that schools even without classrooms were supplied truckloads of books and yet, they did not have

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anywhere to store them and teachers to teach some of the subjects there. It made a lot of sense then, but Kenyans are never short of lofty words when they want to engineer procurement projects for the sole intention of fleecing taxpayers' money.

Mr. Speaker, Sir, that policy shifted back around in 2018 and 2019 where we saw again a decentralization and teachers were allowed to buy and do this and the other. Afterwards, we were presented with a report; I remember I was in this House because this question has been asked severally. The House was told the reason there was need to revert to the old order was that one school in Kakamega will buy a textbook for Kshs500 and another school in Vihiga, just next door, will buy it for Kshs750. A somewhat logical argument was presented and it was said why not centralize?

The question should be what have we learnt from this attempted policy of centralizing and decentralizing the purchase of schoolbooks and materials and what measures have we put in place? I had seen the Senator of Murang'a, who is the Chairperson of the Committee on Education in the House, but he has since left. Nonetheless, I know there are Members of that Committee who are in the House, as we speak, and they will hear the comments on this particular question.

The question they need to ask the Ministry when they appear before this House is what safety nets they have put in place out of the experience they have learnt. This is because it is an incontrovertible fact that there are pros and cons to both centralizing and decentralizing. If we are a country that learns and makes better decisions out of the experience we have had, the only thing we need to do is to ensure that we have put safety nets that will ensure whatever policy position we take on these items will mitigate and ensure that taxpayers' money is protected.

Mr. Speaker, Sir, if you put all procurement to be at Jogoo House, then let schools request for books, so that we do not dump them with books that they have not even asked for. There could be alumni that have donated books like in my county where I usually organize a county-wide alumni day. One of the things the alumni do is to donate books in huge numbers to schools that they went to. You will find that some schools may not need books that the national Government will send them. That is why it will be important to put a safety measure that a school must first request for particular books.

Secondly and most important, should the Ministry choose to let it be handled at the school level, they should at least provide a pricing list, so that schools are properly guided. The schools will also know that they are not allowed to purchase Kiswahili Mufti (if it still exists), that is the one I can remember; for more than Kshs450. In that way, we will safeguard taxpayers' money. Otherwise, if we have just an argument on whether to centralize or decentralize, then it will mean we have learnt nothing. That is not what Kenyans expect of a House that does oversight.

Mr. Speaker, Sir, there is work for Members of the Committee on Education when the Ministry of Education appears before them. They should also pass those regulations here, so that by this time this policy decision is taken, we are well guided and will hold the Minister to account.

Lastly, on the diplomatic relations between Kenya and the Kingdom of Morocco, I will not get into debate on the relations between the two countries and what needs to be

improved or not. I know for a fact that we have enjoyed good diplomatic relations with this country. That was until the Presidential Inauguration that the Sahrawi Arab Democratic Republic, a breakaway from the Kingdom of Morocco appeared and were formally recognized as part of the delegation; and this caused a tiff between us and them.

To the best of my knowledge, that matter has since been sufficiently addressed. It is not Kenya alone that finds itself in this challenge between the Kingdom of Morocco and the Sahrawi Arab Democratic Republic. Even the rest of the world is in the same position because each time countries break away from the other, they provide a diplomatic challenge to established nations.

Mr. Speaker, Sir, on many accounts, when you want to dissociate from them, there are challenges. When you want to associate with them, there are challenges as well. I will leave it to the experts in the Ministry of Foreign and Diaspora Affairs to come and respond to my friend, Sen. Oketch Gicheru.

Mr. Speaker, Sir, I hold a different view from colleagues who are trying to demean the work of Dr. SingOei. I may not agree with him entirely on the process he used to make a correction to a tweet that emanated from the Speaker's office. If I were in his position, the prudent thing to do would have been to reach out to your office and let you make the correction. I understand what he was trying to do.

A formal or an informal complaint may have reached them asking whether that was the position of the Government of Kenya. Let us face it. It is true the way people are saying the Speaker's office is high ranking in this Republic. That is why when you send out a tweet, other countries are bound to question whether that is the position of the Government. Therefore, it was within his place to try and put the proper position on this particular issue.

Mr. Speaker, Sir, the mode he chose to execute it is what can be debated here. However, I want to tell Sen. Osotsi, my good friend, that he cannot hold a candle to the PS, Dr. Abraham SingOei on foreign relations matters. That gentleman has earned his place. Many of our colleagues, including some that have served in this House with him, know his work from both foreign affairs and human rights in marginalized communities. He is celebrated and published as well.

Let us desist from this habit of being too critical of people. Dr. SingOei has done a lot of work in trying to restore Kenya's foreign relations that were dwindling as the past regime was exiting to a point where we are now respected and people want to know Kenya's position on every matter. If the country did not matter, then Somaliland would never have bothered to confirm our position on this issue.

I, therefore, hold the view that even as we hold the Executive to account, let us do it with dignity and decorum. A trend is being set in this House, Mr. Speaker, Sir, where because we have a premium platform, many of us tend to speak on issues without necessarily doing due diligence on a particular item. For example, early this week, I saw Members speak on the issue of privatization where they said they were opposed to that.

Mr. Speaker, Sir, that notice is of public participation. You are being invited to give your views on a policy position the Government wants to take. We are here debating and saying that we cannot even pay salaries to our staff because we are in a difficult

financial position. When the Government tries to come up with policies that will free up the fiscal space, we are the first ones to oppose saying no, that one is not possible, this one cannot be done.

You cannot have your cake and eat it. We have to be sincere and appreciate that the country has found itself in a unique situation in terms of our fiscal space. We can hold debate this way or the other. I would be encouraged if Senators took a lead role in this conversation on privatization.

Mr. Speaker, Sir, we want to hear the views of Sen. (Dr.) Khalwale and those who have come from the sugar growing area on this matter because it is not sustainable. Each year we pump Kshs500 million to sugar mills that, first of all, for half of the year, do not function; they do not pay farmers and consume taxpayers' money.

Let us inform this particular debate. For example, if there is a private sugar mill in my county, I would wish for that concession fee, instead of being paid to the national Government, because they do not need it, let it be paid to the resident county government. It can be used at least to pay for medical services and whatever functions and funds that people need. Therefore, I encourage colleagues, that many of the times when we take positions on the Floor of this House, let it be better informed than at least the people we represent.

Sen. Sifuna, here in Nairobi, people look at you as their best representatives in the Senate. Then you come to the House and want to speak like the average Nairobiian who is expecting you to have better information than him.

I hope that our colleagues will get justice for the Statements that they have sought and answers that are sufficient for the people they represent.

I beg to support

Sen. Oketch Gicheru: Mr. Speaker, Sir, thank you for giving me this opportunity. Two statements have been put across here by esteemed Senators. I think they are quite solemn in the sense that they involve harassment and deaths of very important people; women, in our society.

One of them was by Sen. Tabitha Mutinda, who sought to get some comment of action from the Committee on Justice, Legal Affairs and Human Rights over a lady who was harassed by a Matatu operator on Thika Road.

We have seen these scenes several times. Sometimes we take them for granted almost like a norm where women are harassed in public places for different reasons. This is something that as a country, we must start working hard to put behind. It is very serious and needs to be dealt with.

In the same manner, the Senator of Kiambu County talked about the hyena attack that unfortunately, again, was an attack on a woman. This tells us some trends. It seems like women in their strivings everyday to feed families find themselves in serious trouble.

Today in the morning, I just got news from Migori County of women who are affected by the effects of *El Nino*. They were trying to get themselves to the other side of Aneko, which is one of the rivers that floods during such a time. They had their boat capsize and four of them died together with the gentleman who was helping them cross by boat.

I send my condolences to the family of the lady that Sen. Thang'wa talked about and also the women in Migori County. This exposes our nation's structure on being able to support women and make sure that they are safe in their modes of striving for economic empowerment and activities.

In the nature of how we find ourselves as a continent and mostly in Kenya, some of our household economics are mostly supported by women. Women come out very strongly to look for ways of thriving every day and feeding our families.

It is sad if we cannot secure their lives in whichever form, be it an attack from hyenas or from rogue Matatu drivers and operators. Sometimes it is in them of just having proper infrastructure that can help them to do the activities, whether in agriculture or otherwise, in a proper way.

That said, Mr. Speaker, Sir, it is the mantra that you do not sometimes quote yourself or talk about your Statement. My intention is not to talk about my Statement on the Moroccan Embassy because I will engage with the Committee appropriately as required. However, it is extremely important that I add my voice on this issue of the PS, Dr. SingOei because we are losing the script. The script was very simple. You hosted foreign dignitaries after they made it into the country.

The intention of the statement is what is most important. I urge the Senate Majority Leader, together with the Senate Majority Whip, that character assassination is a serious thing in this country. What you say is not consumed only by you, but by so many Kenyans.

This is a serious Government official. What he says cannot come as a simple statement of fun on a *Twitter* page. What he said in the eyes of the public and the eyes of many people intended to demean the Speaker. It intended to suggested that the Speaker of the Senate of Kenya was playing a role that was not his and was, therefore, taking the duties of the Ministry of Foreign and Diaspora Affairs. This is the fact.

I like the fact that the Senate Majority Leader read the tweet as it was phrased. It was not phrased as a normal routine tweet of explaining to you my job and what I do. It wanted to escape from the responsibility of the fact that before that foreign diplomat made it to our country, there is a sincere responsibility in the Ministry of Foreign and Diaspora Affairs to know that they were in the country.

If they travel from Somaliland to this place without the Ministry knowing or even being able to have them pay a courtesy call to them, then it indicts the Ministry for being extremely porous, which is the competence Sen. Osotsi was talking about. How come these foreign diplomats made it to our country, then came to pay a courtesy call to our Speaker and then you want to blame the Speaker for hosting them? It is extremely wrong. This can work either way - the idea of we should not eat our cake and have it. In the same way that the Ministry cannot eat their cake and have it at the same time.

The PS sincerely and in good faith owes the Speaker an apology for casting aspersions that the Speaker was trying to take his job. This apology, perhaps should not be given directly to the Speaker. He should just go back to the same *Twitter*. This is because he operates very well on *Twitter* and engages people very well on that platform. He should then just apologize and clarify that the mistake was made from his side. He

was not keen on doing his duties, but the Speaker was doing his duty as should. We, as a House, have a role in engaging on foreign resources and diplomatic relations as are the members of the Executive.

The message was inappropriate and was inappropriate. It meant to demean the Speaker and the House. We must take it as such. Demanding an apology does not mean a strained relationship. It means acknowledging the fact that such kind of aspersions could also affect the effectiveness of our Speaker as well as of this House.

I hope that as we go for recess, we will keep on championing the place of the Senate as well as the Parliament at large on governance issues that we have in the country.

I thank you.

The Speaker (Hon. Kingi): Sen. Kathuri

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make my comment on the statements. I want to touch on the Statement on youth and sports, which was presented by Sen. Orwoba.

I remember that this Kenya Kwanza Government when the Ministry of Youths Affairs, Sports and Arts was set up, the Cabinet Secretary introduced a policy that they would support tournaments right from the ward to the national level so that they could tap the talent from our youth. I am not very sure whether this has started and this Statement is very crucial because it is very expensive to support tournaments.

Last weekend, I saw the Senate Majority Leader struggling in Kericho to raise funds so that he could support that tournament. So, if the Government is doing it, then this could be the best thing because let me assure you that funding individually is not possible. The Member for Nairobi City County, Sen. Sifuna, you cannot support all the clubs in this town. I think they are more than 1,000 football teams. So, if the Government can come in to support these talents right from the ward level to the national level, I am sure we can get---

The Speaker (Hon. Kingi): Sen. Kathuri, do you wish to be informed by Sen. Sifuna?

Sen. Kathuri: I am not sure whether whatever I said needs more information. I just said it is approximately 1,000 clubs in this Nairobi City County. Do you have the figures? Okay, inform me the exact figure, but not on any other matter.

Sen. Sifuna: Mr. Speaker, Sir, I do not know why the Senator for Meru is scared about the information that I am carrying. I wanted to agree with him in terms of the burden on the sporting associations in the counties.

The information I want to give him is that I am bringing an amendment to the Sports Act so that we can set aside one per cent of the revenues of each county to support registered sports associations in the counties. That is the information I wanted to pass.

Sen. Kathuri: Mr. Speaker, Sir, we will support you on this Floor to raise it to two per cent like the way CDF does. We can have two per cent going to sports and then two per cent for the environment. We might even propose five per cent to go to the environment, so that we can fight climate change in the counties.

Mr. Speaker, Sir, the other comment I want to make is about the books. I have been a Member of Parliament for two terms in the constituency and teachers and principals have been complaining about the textbooks. Since the publishers get contracts directly from the Ministry of Education, they dump books in those schools without even knowing whether they require them or not. Therefore, the Statement by Sen. Mundigi needs a lot of attention because the schools should just be given capitation so that they can buy what is necessary or what they need at that particular time.

On the other issue about the Morocco Embassy and what happened, this matter has been on this Floor since yesterday and your office has been mentioned severally by Senators in this House. With a lot of humility, I would request the Committee dealing with this matter to bring a Statement or a report because they can engage the Ministry of Foreign and Diaspora Affairs, so that we can protect your image as our Speaker and the office that you hold. You know you are the President of the Senate. We also need to put the matter straight, so that when you are chairing this session, your name does not appear so much on this Floor.

I wish this matter can rest and the Committee concerned to come up with just a brief report to put the facts clear. Maybe communication is what the PS did not do in a good manner. If his intention was to correct you that this is the position of the Government, the European Union (EU) and United Nations (UN), then he should have done it formerly to you or visited your office so that he could clarify the exact position. However, responding to you on *Twitter* was very not good.

I thank you for your magnanimity this morning. You have given us a lot of airtime as we come close to the end of this session. I hope when we open next year, you will continue with the same magnanimity because when Senators speak on the Floor, they communicate to the voters who brought them to this House. I wish everyone a Merry Christmas and Happy New Year.

Thank you very much.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the opportunity. I rise to support the Statement by Sen. Tabitha Mutinda on the assault of a female passenger by a matatu conductor. When you watch the clip that Sen. Tabitha Mutinda has referred to, it is very worrying on where our society is going. You are a passenger, you know and have given your destination, the matatu passes your destination, you ask why, you are removed and slapped. It makes no sense. It makes you wonder whether the tout was in his normal senses, drunk or intoxicated. It tells a lot about the society.

As the Committee looks at that Statement, it is good for them to relook at how our transport system is. Where are the Michuki rules? When Michuki established rules on how to operate the matatu sector, we saw uniforms for the first time. I hope that this Committee will go check and interview the touts to see how they look like. Do they still have uniforms? Are people seating in a very respectable manner?

When Michuki Rules came, people sat in a very respectable manner because women have had a raw deal in this public transport. They have had opportunities where somebody comes and sits on you and I have heard those complaints. People hold others inappropriately in these matatus.

We hope that overloading will come to an end. So, we want this statement to go beyond the Thika incident. Let them check whether there is any behaviour that is unbecoming. I hope the Committee can go to a station and walk incognito into matatus even before they identify themselves.

I am saying this because we should be reaching a level where matatu touts have their names on the uniform, so that we know who they are. In fact, beyond the name, there should be a name and a telephone number. We need to be able to identify them. The reason they behave the way they do is because they think nobody sees them. Thank God for young people who take videos these days.

I thank the people who helped this lady. At least people ran after this man and were able to nab him. I thank the person who took the video because it makes all of us Kenyans look like watchmen. We are busy taking videos everywhere because of our security, but that is a very good thing happening amongst our people. However, can we label these people and have them work like waiters?

If you go to a hotel in this country because we are a service nation, we do a lot of hotel keeping and it is very nice when you know the name of the waiter and the number of the waiter just like we have each police officer has a number. You can report a policeman if he misbehaves because you know their number. You can just give their number and they will be identified.

The problem with our touts is that nobody can identify them. For that reason, they think they can get away with anything until they are nabbed like this one. However, there are so many incidents similar to this taking place all over the country, but nobody can identify them. There is a need for this Committee to go deeper and help us regulate the sector.

We call upon the Cabinet Secretary for Roads and Transportation to bring back the Michuki Rules. We want the Minister to improve on those rules and ensure that our travel is smooth. Currently, we are telling ourselves that because of climate change, we all need to reduce travel by private vehicles and we all travel by matatu.

We should be able to use any transport, but we must identify who is carrying us. We must identify these touts and the driver. You must know that this is the driver, you know his name and can pick their telephone number in case anything happens to you.

Mr. Speaker, I thank Sen. Tabitha Mutinda for bringing up this issue. All of us were terrified when we saw the incident. However, we thank the public who went after this culprit and arrested him. We respect that we have people in this country who still care because it would have been a disaster if nobody cared for that lady at that point.

Mr. Speaker, Sir, I support this Statement. I ask the Committee to go beyond the Statement and investigate if our sector is still regulated.

Thank you, Mr. Speaker, Sir, for giving me the time.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by the Senator for Migori County on the issue of Morocco. If you look at the Statement by Sen. Oketch Gicheru, he is seeking to know the current status of the diplomatic relationship between Kenya and Morocco.

Morocco is, indeed, one of the leading economies in Africa. It is very important that the relationship between Morocco and Kenya is established both in this House and in the country. This is a matter that my Committee will take it up with the Ministry and we will update the House on the position. I assure the House that we are going to engage the Ministry and come back to the House.

Allow me to also comment on the issue raised by Members on the communication between your office and the comment by the PS for Foreign and Diaspora Affairs. What I read from the comments of Members is that---

Dr. SingOei is indeed qualified to hold that office and he was approved by the National Assembly. Therefore, he is in that office by virtue of that approval. The only challenge that I see is that he was trying to clarify the true position as to whether Somaliland has an embassy in Kenya. I agree with Members that it is important that we stick to the proper communication channels.

Mr. Speaker, Sir, you made a statement in your office, as our Speaker, having received the delegation from Somaliland and you had fruitful discussions with them. What the PS should have done was to reach out to you and clarify areas that he thought were not clear or correct in your statement. This is the way the go.

Nobody in this House should give the impression that the PS is unqualified and did the wrong thing by raising issues on your statement. The only complaint, I want to say as the Chairperson of Committee on National Security and Foreign Relations, is that it is only important that the established communication systems between departments of Government or institutions should be pursued and followed. The PS could have written to you or called you.

I was also concerned and I reached out to him and shared my concern with him that perhaps it would have been better for him to reach out to you and clarify whatever was not clear or correct anything in terms of our relationship between Kenya as a country and Somaliland.

Nobody should in any way demean the Senate and the Office of the Speaker. If you look at the Constitution framework, Parliament, the Executive and the Judiciary are established as independent institutions. It is only that we have to co-ordinate issues together on our governance.

Mr. Speaker, Sir, we should not allow any impression to the public that there is conflict, misunderstanding or miscommunication between your office and that of the Ministry of Foreign and Diaspora Affairs.

I assure the House that as the Committee on National Security and Foreign Affairs, we will engage the Ministry because we must read from the same script as a House, especially on matters of diplomacy between us and our neighbours and the countries in our region.

I assure Members that I have listened very keenly to your concerns and shortly we are going to invite the Ministry of Foreign and Diaspora Affairs, sit with them and raise your concerns. We will come back to the House to assure you that we shall hold this Office of the Speaker of Senate and the Senate with the respect required.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): We will move to Statements pursuant to Standing Order No.56(1)(b). Hon. Senators, under Standing Order, we are only allowed 30 minutes. We have gone beyond one hour.

I have 11 Chairpersons queueing to make their Statements. Therefore, we will move to the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries. Kindly, proceed to make your Statement.

Before that, Sen. Tabitha Keroche had approached me with urgent Statements. So, proceed to read your two Statements and thereafter we will move to the Statements pursuant to Standing Order No.56(1)(b).

CLOSURE OF NAKURU WAR MEMORIAL HOSPITAL

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on the closure of Nakuru War Memorial Hospital and transfer of patients to the Nakuru Provincial General Hospital.

In the Statement, the Committee should-

(1) Inform the Senate about the reasons behind the nighttime transfer of patients from the Nakuru War Memorial Hospital to the Nakuru Provincial General Hospital on 28th October, 2023, considering that some patients, who are on life support, the constitutional rights to privacy and access to quality health care as outlined as the Bill of rights were violated.

(2) Explain the reason for the prolonged closure of the Nakuru War Memorial Hospital and the control of the premises by the county security officials, despite a Court Order No.36 of 23, stopping the County Government of Nakuru from taking over the management of the hospital, pending the determination of the dispute on the management of the hospital.

(3) State plans, if any, by the county government to compensate the hospital for losses incurred during the forceful closure and illegal occupation of its premises.

Thank you, Mr. Speaker, Sir.

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

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

LAND OWNERSHIP OF NAKURU WAR MEMORIAL HOSPITAL

Mr. Deputy Speaker, Sir, I also rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the land ownership over the Nakuru War Memorial Hospital in Nakuru County.

In the Statement, the Committee should-

(1) Explain why the County Government of Nakuru has been frustrating the proprietor of the hospital, whose lease was extended by 50 years, vide Certificate of

Lease No. Nakuru Municipality Block 11/107, issued on 1st March, 2021 and where the hospital is located.

(2) Elucidate on the motives behind the county government attempt to forcefully take over the hospital despite the owner holding a valid title deed and a certificate of lease issued by the Government.

(3) Shed light on the commitment by the county government to uphold private land rights for landowners in accordance with Article 64 (a) (b) and (c) of the Constitution, which generates land ownership under freehold and leasehold tenures.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Tabitha Keroche.

Chairperson of the Standing Committee on Agriculture is not present.

Chairperson, Standing Committee on National Cohesion, please proceed.

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION,
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

Sen. Chute: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order 56(1)(b) of the Senate Standing Orders to make a Statement relating to activities of Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for the period from 1st September, 2023 to 5th December, 2023.

Mr. Deputy Speaker, Sir, the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration is established under Standing Order No.228(1) of the Senate Standing Orders and is mandated to consider all matters related to the pursuit of national and inter-community cohesion, the equalization of opportunities and improvement in the quality of life and status of all persons, regional integration, the East African Legislative Assembly and the Pan-African Parliament.

Hon. Deputy Speaker, Sir, during the period under review, the Committee held a total of 28 sittings and deliberated on five Statements and one legislative proposal. The Committee also conducted an inquiry on gender and people with disability representation in various national and county public institutions.

Mr. Deputy Speaker, Sir, the Committee participated in Peace Week Conference in Geneva, Switzerland, held a work plan retreat in Naivasha, Nakuru County and conducted a county visit to Marsabit County.

In regards to statements, three Statements were ongoing at various reporting stages. Two more statements were sought from the Committee during the current period. The Committee considered and concluded two statements. The Committee is currently considering the remaining three, to be concluded before the recess.

The Committee is pursuing responses on the following settlements-

(a) Statement sought by Sen. Mwenda Gataya Mo Fire, MP, on the Declassification of Igambang'ombe Sub-county in Tharaka Nithi County as Arid and Semi-Arid land (ASAL).

(b) Statement sought by Sen. Godfrey Osotsi, MP, on recruitment in the public service and representation of Kenya's diversity.

(c) Statement sought by Sen. Raphael Chimera, MP, regarding the adherence to principle of meritocracy, transparency, fairness and equal opportunity in recruitment at the Competition Authority of Kenya (CAK), particularly in recruitment of the Director General of the Authority.

Mr. Deputy Speaker, Sir, the Committee considered responses for Statements and will conclude the report soon after appearance of stakeholders who have already been invited by the Committee.

The Committee held a joint sitting with the Standing Committee on National Security, Defence and Foreign Relations, Standing Committee on Land Affairs and Human Rights on 14th September, 2023, with the National Steering Committee on Peace building and Conflict Management, to deliberate on the review of Kenya Peace building architecture.

Mr. Deputy Speaker, Sir, the Committee also conducted a work plan retreat to prioritize legislative business and review its work plan. Further, the Committee considered proposed amendments by the National Cohesion and Integration Commission (NCIC) on the NCIC Act and the legislative proposal for the County Youth Council Bill.

Mr. Deputy Speaker, Sir, the Committee is scheduled to carry out the following key activities in this Session-

(a) Consider the legislative proposal for the County Youth Council Bill with a view of enacting it into law.

(b) Undertake a retreat with the National Cohesion and Integration Commission to consider their proposed amendment to the NCIC Act.

(c) Undertake an inquiry on the state of access to public facilities by persons with disability in Kenya.

Mr. Deputy Speaker, Sir, going forward, the Committee intends to conclude pending legislative business that is before it within this quarter, particularly such business as may be subject to timelines provided under the Standing Orders or any other law.

Mr. Deputy Speaker, Sir, in conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work.

Lastly, I thank the Members of the Committee for their commitment and diligence in their contribution to the great achievements of the Committee during the period under review.

The Deputy Speaker (Sen. Kathuri): Next is the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights Committee. Chairpersons, please be informed that this Standing Order on these Statements from committees is just allocated 10 minutes.

Chairperson, the Standing Committee on Justice, Legal Affairs and Human Rights Committee, please proceed to table your Statement for reference purpose.

ACTIVITIES OF THE COMMITTEE ON JUSTICE,
LEGAL AFFAIRS AND HUMAN RIGHTS

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. I will try to limit to the extent of the time line that you have indicated.

Hon. Deputy Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Justice, Legal Affairs and Human Rights for the months of July to December, 2023.

Mr. Deputy Speaker, Sir, during the period under reference, the Committee held 42 sittings and which considered various legislative business as set out below-

The Committee conducted pre-publication scrutiny on four legislative proposals, which were referred to the Committee pursuant to Standing Order No.133(a) of the Senate Standing Orders and these include; the Constitution of Kenya (Amendment) Bill, 2023, sponsored by Sen. Raphael Chimera, MP; The County Civic Education Bill, 2023, sponsored by Sen. Okenyuri; The Whistle Blower Protection Bill, 2023, sponsored by Sen. Orwoba; and, the County Government State Officers Removal from Office Procedure Bill sponsored by Sen. Thang'wa.

Hon. Deputy Speaker, Sir, the Committee conducted and considered the first three proposals and submitted its comment to the Right Hon. Speaker of the Senate for the consideration of the legislative proposal by Sen. Thang'wa, MP, is an active engagement before the Committee.

Hon. Deputy Speaker, the Committee considers two Bills which were committed to the Committee; the Constitution of Kenya (Amendment) Bill (Senate Bills No.15 of 2023), sponsored by Sen. Beth Syengo, and the Parliamentary Powers and Privileges (Amendment) Bill, 2023 (Senate Bills No. 37 of 2023), sponsored by Sen. Osotsi. The Committee concluded its consideration of the two Bills and tabled the report on the Floor of this House.

Mr. Deputy Speaker, Sir, on Statements, the Committee considered three Statements during the reporting period. These are-

(a) Statement sought by Sen. Mohamed Said Chute, MP, on the status of inquiries by the Ethics and Anti- Corruption Commission (EACC) in the ASALs counties of Wajir, Mandera, Marsabit and Samburu;

(b) Statement sought by Sen. Mohamed Said Chute, MP, on the status of court construction projects in Kenya; and lastly,

(c) Statement sought by Sen. Hamida Kibwana, MP, on gender-based violence incidents in the Republic of Kenya within the political space in Kenya.

The Committee considered and concluded the first Statement. In the case of the other two, we have invited written responses from key stakeholders and will subsequently schedule meetings to consider the Statements and report our responses thereon.

Mr. Deputy Speaker, Sir, during this period, we had five Petitions and we have tabled all the reports thereon. These are-

(a) Petition by Ms. Zipporah C. K. Seroney regarding mistreatment, harassment, property loss and human rights violation meted on the family of the late Hon. Jean Marie Seroney;

(b) Petition by Mr. Taratisio Ileri Kawe concerning introduction of an amendment to the Constitution of Kenya and other relevant laws on the election of the Deputy Speaker, Deputy President and Deputy Governors in the Republic of Kenya;

(c) Petition by Muindi Mbingu Memorial Ngelani Association, concerning historical injustices suffered by the residents of Ngelani Area in Machakos County during the colonial period;

(d) Petition by Mr. Laban Omusundi concerning the enactment of a clause in the electoral laws that will make sure that all nominated Members of the County Assembly (MCAs) are voters and residents of the respective counties; and,

(e) Petition by Hon. Simon Lenguiyia concerning academic qualifications for election as Speaker of a County Assembly, the Senate and the National Assembly. The reports have been tabled by the Committee on the Floor of this House.

Mr. Deputy Speaker, Sir, with regard to other activities, over the past five months, the Committee-

(a) Has hosted and held deliberations with a visiting delegation from the African Court on Human and People's Rights;

(b) Had breakfast session with the International Commission of Jurists (ICJ) Kenya Chapter to deliberate on legislative gaps and challenges inhibiting access to healthcare services and realization of the right to health;

(c) Hosted and held deliberations with visiting delegations of the counterpart Committees from the County Assemblies of Vihiga, Nakuru and Nandi;

(d) Participated in the launch of the Social Transformation through Access to Justice (STAJ) 2023-2033 blueprint and presentation of the State of the Judiciary and the Administration of Justice Annual Report (SOJAR) for the year 2022-2023;

(e) Held a report-writing retreat to consider the draft reports on Bills and Petitions before the Committee, which reports have since been tabled; and,

(f) Held a working retreat with the Independent Policing Oversight Authority (IPOA) to deliberate on implementation of the Report of the Committee on extrajudicial killings and enforced disappearances in Kenya.

As I conclude, I wish to thank your office for the support accorded to the Committee in undertaking its work. I also wish to acknowledge and appreciate the secretariat for the support and the commitment that they have given to the Committee, which in this case, cannot be left unacknowledged. I, therefore, acknowledge the Office of the Clerk for that particular support.

Lastly, Mr. Deputy Speaker, Sir, I would love to appreciate the Members of this Committee for the industry, commitment and their support towards the achievements of the Committee.

I thank you and table the report.

The Deputy Speaker (Sen. Kathuri): Thank you, Chairperson of Committee on Justice, Legal Affairs and Human Rights (JLAHR).

Next, is the Chairperson of Committee on Trade, Industrialization and Tourism.

ACTIVITIES OF THE COMMITTEE ON TRADE,
INDUSTRIALIZATION AND TOURISM

Sen. Seki: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Trade, Industrialization and Tourism for the period commencing 1st July, 2023 to 30th November, 2023.

Mr. Deputy Speaker, Sir, during the period under review, the Committee held a total of 45 meetings.

During the period under review, the Committee considered the following Bills-

(a) The County Licensing, (Uniform Procedure) Bill, 2022 (Senate Bills No. 9) of 2022.

The County Licensing (Uniform Procedures) Bill is sponsored by Sen. Mariam Omar, MP. The Bill seeks to establish a standard uniform procedure for licensing by county governments.

Status: The Committee tabled its report on 12th April, 2023. The Bill is now at the Committee of the Whole stage.

(b) The Startup Bill, (Senate Bills No.14 of 2022).

The Startup Bill, 2022 was read a first time on 15th February, 2023 and is sponsored by Sen. Crystal Asige, MP. It seeks to provide a framework to encourage innovation and incentives to start ups.

Status: The Committee tabled its report in the Senate on 12th April, 2023. The Bill is at the Committee of the Whole.

(c) The Street Vendors (Protection of Livelihood) Bill, (Senate Bills No.41 of 2023).

The Street Vendors (Protection of livelihood) Bill, was read a First Time on Tuesday, 17th October, 2023. It is sponsored by Sen. Esther Okenyuri, MP.

Status: The Bill is currently undergoing public participation at the Committee.

The Committee considered the following Petitions-

Petition on the fraudulent shareholding activities and illegal acquisition of East African Breweries Limited (EABL).

Mr. Deputy Speaker, Sir, during the period under review, one Petition was reported on 30th July, 2023 by Sen. Wakili Hilary Sigei, MP, on the fraudulent shareholding activities and illegal acquisition of EABL.

The Committee has engaged with the petitioner, Mr. Nicholas Rono, the Chief Executive Officer, Capital Markets Authority (CMA) and the Competition Authority of Kenya (CAK).

The Committee scheduled a meeting with the Commissioner General, Kenya Revenue Authority (KRA) today, Thursday, 7th December, 2023, to consider the Petition.

Mr. Deputy Speaker, Sir, on county visits, during the period, on Friday, 24th and Saturday, 25th November, 2023, the Committee undertook an inspection visit to Busia and Bungoma counties, as follows-

(a) Busia and Malaba One-Stop Border Posts to assess the state of cross border trade between Kenya and Uganda and further inspect the state of the One Border Posts;

(b) Visit and engagements at the new Nasewa Industrial Park in Busia County, to inspect the implementation status of the county aggregated industrial park;

(c) Visit to Kakapel Cultural Centre in North Teso in Busia County to assess the feasibility of the cultural shrine for the promotion of tourism and cultural heritage;

(d) Met with members of the Metropolitan Teachers SACCO in Bungoma as a follow-up on the Statement that was requested by Sen. David Wakoli, MP, on the status of Metropolitan National Sacco in Bungoma County.

The Committee is following up on submissions and memoranda review from the stakeholders. The Committee also undertook inspection visits of Kenya Medical Training College (KMTTC) warehouses on Thursday, 30th November, 2023, following a statement regarding the production and importation of cooking oil in Kenya.

Mr. Deputy Speaker, Sir, on Statements, during the period under review, the Committee considered a total of 31 per the schedule annexed herein. Ten Statements have been concluded

During the period under review, the Committee undertook one international travel following invitation by the Kenya National Chamber of Commerce and Industry (KNCCI) to participate in the Trade Mission to the United Arab Emirates (UAE) on 5th to 11th November, 2023 in Dubai as a build up towards COP28.

The Committee will prioritize the following business in the next quarter-

(a) A report writing retreat on the following-

(i) Petition on the fraudulent shareholding activities and illegal acquisition of East Africa Breweries Ltd (EABL) and UDV(K); and

(ii) The Street Vendors (Protection of Livelihood) (Senate Bills No.41 of 2023);

(b) An inspection visit to Embu County to engage with the affected Muguka transporters and further hold a workshop with CECMs responsible for trade in the counties of Mombasa, Nairobi, Garissa and Embu to intervene on the matter of high cess levies charged on Muguka cargo transporters.

(c) Following stakeholder engagements with teachers affected by Metropolitan National Sacco, the Committee is scheduled to engage with the State Department for Cooperatives, the Sacco Societies Regulatory Authority (SASRA) and the Teachers Service Commission (TSC) on the refund of the shares and deposits and the withdrawal of the teachers from the said Sacco in Bungoma County;

(d) Meet with the management of Kenya Airways (KQ), Kenya Airports Authority (KAA) and the Kenya Civil Aviation Authority (KCAA) on the Statement requested by Sen. Samson Cherarkey, MP, regarding the state of operations and financial status of KQ;

(e) Undertake county visits to assess the implementation status of the Special Economic zones (SEZ) and the County Integrated Industrial Parks in the 47 counties; and,

(f) Undertake a committee-initiated inquiry into the activities of Kenya National Trading Corporation (KNTC) in the importation of essential commodities - edible oil, rice, sugar and fertilizer during the year, 2023.

Mr. Deputy Speaker, Sir, I thank you, your office and the Members of the Committee for the support towards the Committee.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Chairman. Chairman Standing Committee on Tourism, Trade and Industrialisation, kindly table the Report.

(Sen. Seki laid the document on the Table)

Next is the Chairperson of National Security, Defence and Foreign Relations.

ACTIVITIES OF THE COMMITTEE ON NATIONAL
SECURITY, DEFENCE AND FOREIGN RELATIONS

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on National Security, Defense and Foreign Relations for the period between 1st July and 30th November, 2023.

During the period under review, the Committee held a total of 27 sittings, considered seven legislative proposals, 25 Statements, four Petitions and one resolution from a County Assembly.

Further, the Committee, jointly with the National Assembly's Departmental Committee on Administration and Internal Security, considered a request for approval of deployment of officers of the National Police Service (NPS) to the Multinational Security Support (MSS) Mission for Haiti.

The Committee also held two visits and hosted one foreign delegation.

In respect of legislative proposals, the Committee considered the following-

(a) The Fire and Rescue Services Professionals Bill, 2023, sponsored by Sen. Sheikh Mohamed Abass, MP.

The Bill seeks to establish a regulatory and institutional framework for the fire and rescue service professional. To provide for the registration, licensing and training of the fire and rescue services professionals. This is aimed at providing uniform standards for the regulation of fire and rescue services across all counties and to set professional standards for all fire and rescue services professionals.

The Committee recommended that the Bill proceeds for publication.

(b) The Committee is also sponsoring the Constitution of Kenya (Amendment) Bill, 2023, which seeks to remedy the misinterpretation of functions between the National Police Service Commission and the Inspector-General of the National Police Service.

The Committee is yet to interact with the Cabinet Secretary for Interior and National Administration and the Inspector-General and National Police Service, to receive their views on the Bill prior to its publication.

(c) The consideration of the Disaster Risk Management Bill, 2023, also sponsored by the Committee is ongoing. The Committee shall proceed to publish the Bill upon completion.

(d) In respect to Bills, the Committee considered the Public Holidays (Amendment) Bill, 2023, sponsored by Sen. Karungo Thang'wa, MP.

The Committee conducted public participation on the Bill and received one submission from the public. The Committee tabled its report on the Bill on 22nd November, 2023 and recommended that the Bill does not proceed to the next stage in the legislative process.

Mr. Deputy Speaker Sir, with respect to Statements before the Committee, a total of 25 Statements were sought from the Committee during the period under review as annexed to this Statement.

The Committee has received a total of 10 responses to the Statements sought which were shared with the respective Senators, and awaits responses to 15 Statements from the relevant Ministries.

With respect to Petitions, the Committee completed its consideration of the Petition concerning the recognition and remuneration of village elders under the Nyumba Kumi Initiative, and tabled its report on 31st October, 2023.

The Committee is currently considering the following Petitions-

(a) Petition concerning the rampant theft of livestock in Kajiado East and Kajiado West sub-counties and Kajiado County at large;

(b) Petition on the state of insecurity in Turkana County; and,

(c) Petition concerning persistent insecurity, cattle rustling, loss of lives and property in Lorroki and Malaso Divisions of Samburu County.

The Committee has met with the petitioners and is meeting with various stakeholders, including the Cabinet Secretary for Interior and National Administration and the Inspector General of National Police Service (NPS) to conclude the Petitions.

Mr. Deputy Speaker, Sir, the Committee is considering a resolution of the County Assembly of Elgeyo-Marakwet County on measures to curb banditry in Kerio Valley. The Committee visited Elgeyo-Marakwet County on Friday, 10th November, 2023, and met with the Governor and the County Assembly.

The Committee is scheduled to meet with the Cabinet Secretary for Interior and National Administration and the Inspector General of NPS as to finalize its report on the Resolution.

Following a request from the Director of Criminal Investigations (DCI), the Committee visited the DCI Academy in South C, Nairobi, on Thursday, 23rd November, 2023 to assess the current status of the facility with a view to making recommendations for better use of the facility. The Committee awaits the submission of supplementary information from the DCI for completion of its report.

During the period under review, the Committee, jointly with the National Assembly Departmental Committee on Administration and Internal Security, considered a request for the approval of the deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti. The Committees conducted public participation on the request and met with the Cabinet Secretary, Ministry of Interior and National Administration and the Inspector General of the NPS.

The Committees tabled their report in both Houses of Parliament on Wednesday, 15th November, 2023 and recommended the approval of the deployment of the officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti. The National Assembly and the Senate both approved the deployment on Thursday, 16th November, 2023.

The Committee met with the Japanese ambassador to Kenya on Wednesday, 29th November, 2023. The Committee explored areas of mutual cooperation and sought to strengthen relations between the two countries. A working engagement to foster and strengthen bilateral relations, including the incorporation of Senators to a Kenya-Japan Parliamentary Group and engagements with the counterpart Committee of the Japan House of Councillors is underway.

Mr. Deputy Speaker, Sir, going forward, the Committee intends to-

(1) Meet the Cabinet Secretary, Ministry of Interior and National Administration and the IG of National Police Service to conclude on legislative business pending before the Committee;

(2) Visit Kajiado County to receive submissions on the Petition before it; and,

(3) Complete its consideration of Committee sponsored Bills for publication.

I thank you, Mr. Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Cheptumo. Next is the Chairperson, Roads, Transportation and Housing.

ACTIVITIES OF THE COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a statement on the activities of the Standing Committee on Roads, Transportation and Housing for the period commencing 1st July, 2023 to 6th December, 2023.

The Standing Committee on Roads, Transportation and Housing is established under Standing Order No.228(3) of the Senate Standing Orders and is mandated to consider all matters relating to transport, roads, public works, housing, construction and maintenance of roads, rails and buildings, seaports and communication.

Mr. Deputy Speaker, Sir, during the period under consideration, the Committee conducted the following business-

(a) Committee meetings

During the period under review, the Committee held 21 Sitzings.

(b) Bills

The Committee considered the Public Transport (Motorcycle Regulation) Bill, 2023 (Senate Bills No.38 of 2023) that is sponsored by Sen. (Dr.) Boni Khalwale, MP, was read a first time in the Senate on Tuesday, 17th October, 2023 and was thereafter committed to the Committee for consideration. The Committee received memoranda on the Bill from five stakeholders, which it is currently reviewing.

(c) Legislative Proposal

The legislative proposal on the Street Naming and Property Addressing System Bill, 2023 that is sponsored by Sen. Fatuma Dullo, CBS, MP, was referred to the Committee for scrutiny on 27th November, 2023. The Committee is scheduled to consider it today, on Thursday, 7th December, 2023, but owing to the fact that we are here, we will carry it forward to the next session.

(d) Petitions

Three Petitions have so far been referred to the Committee as follows-

(i) Petition concerning public transport in Lake Victoria between Mfangano Island in Suba Central Sub County and Mbita, Homa Bay County.

This Petition was presented to the Senate on 18th October, 2022 by Sen. Moses Kajwang' MP, and committed to the Committee. The Committee met with the petitioners, the Cabinet Secretary, Ministry of Roads and Transport and the Kenya Ports Authority (KPA). As we speak, the ferry is under construction and the Ministry has given part of the money for that work. The only thing remaining for the Committee is to visit the Mfangano Island and thereafter draft the report for submission to this House.

(ii) Petition concerning eviction and demolition of the Buxton Estate, Mvita Constituency in Mombasa County.

The Petition was presented on 1st March, 2023. The Committee considered the Petition and invited several stakeholders; and tabled its report on the Petition on 2nd November, 2023, meaning this matter was concluded.

(iii) Petition concerning title deeds for properties bought at Jamii Bora Estate, Kisaju Kajiado County

The Petition was committed to the Committee on 14th March, 2023. The petitioners bought houses and shops on an off-plan housing scheme from Jamii Bora Charitable Trust, but have never been issued with title deeds to houses built in Jamii Bora Estate since 2008 to date. The Petitioners therefore sought the intervention of the Senate to have them issued with title deeds for their properties.

The Committee met and received submissions from the Petitioners, Kajiado County Government Business Registration Services, State Department for Lands and Physical planning and the Kingdom Bank.

Mr. Deputy Speaker, Sir, we are yet to conclude on that issue, but we are almost.

(iv) Petition concerning Construction of a Pedestrian Bridge at Chiromo

The Committee considered the Petition and tabled its report on the Petition on 31st October, 2023. Meaning that matter has been concluded.

(e) Statements

Mr. Deputy Speaker Sir, during the period under review, 51 Statements were referred to the Committee for consideration, out of which four Statements were

considered and concluded. In addition, during that period, eleven 11 Statements were considered, but not concluded because the Committee sought supplementary information.

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

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

The Committee further sought responses for 36 Statements from Government agencies. Some of the responses have been received, but not considered and other responses are yet to be received.

Madam Temporary Speaker, the Committee is undertaking an inquiry into the urban regeneration and renewal programme of the County Government of Nairobi City, which intends to demolish 13 estates majority of which are in Eastland's area, Nairobi City County and redevelop the estates under the Affordable Housing Programme.

The Committee is concerned about the manner in which the Nairobi City County Government is undertaking the programme. They are not carrying out meaningful participation by the residents of the targeted estates and the issuance of threats to the officials of the estates and residents' associations, who have raised issues with the manner in which the programme was being carried out.

It is more concerning that despite numerous invitations from the Governor of Nairobi City County to apprise the Committee of the programme, he has consistently failed to honour the invitations. He gives insufficient reasons for his non-appearance. The Committee will continue to pursue the matter to its conclusion. Again, we were supposed to meet today, but owing to the fact that we are here, we have deferred that meeting to the next sitting.

Madam Temporary Speaker, the Committee received a Message for consideration jointly with the Standing Committee on Land, Environment and Natural Resources. The Message was from Nyandarua County Assembly regarding a resolution, by the County Assembly, to petition the Senate, to consult with and initiate approval of the National Environmental Management Authority (NEMA), the Kenya National Highways Authority (KeNHA), the Kenya Forest Service (KFS) and the Kenya Wildlife Service (KWS) on the Ihithe-Aberdare Forest-Kahuruko-Ndunyu-Njeru Road construction and tarmacking project.

The Joint Committee awaits the outcome of a report on comments on the Environmental Impact Assessment (EIA) and Environmental Social Impact Assessment (ESIA) study on the proposed construction of the road.

Madam Temporary Speaker, the Committee's attention was drawn to the high number of road accidents that claimed over 4,500 lives in 2022. As a result, the Committee engaged stakeholders both from the public and the private sector that are in road safety in an effort to forge a common plan of action, that will help reduce the high number of road fatalities. The engagement with more stakeholders will continue in the next reporting period.

Finally, Madam Temporary Speaker, the Committee held engagement talks with the ambassador of Japan, H.E. Okaniwa Ken. This was on a number of infrastructural development projects that the Government of Japan is financing through the Japan International Cooperation Agency (JICA).

The Committee also inspected a Japan-funded Community Road Empowerment (CORE) project, which has improved a 26 kilometre rural access road in Meru County, using a technology called *do-nou*. Such low cost and labour intensive road projects provide opportunities for county governments to effectively maintain the over 120,000 kilometres of county government roads.

Madam Temporary Speaker, the non-appearance of witnesses when invited, delayed the operations of the Committee in consideration of other business. The Committee has had to issue summons for the appearance of some governors.

Madam Temporary Speaker, I take this opportunity to thank you, the Speaker, the Secretariat and my fellow Senators for making it possible for the Committee to execute its mandate.

Thank you.

The Temporary Speaker (Sen. Mumma): Chairperson, Select Committee on County Public Accounts.

Sen. Cherarkey, you may proceed.

ACTIVITIES OF THE COMMITTEE ON COUNTY PUBLIC ACCOUNTS

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the County Public Accounts Committee for the period commencing 1st July, 2023 to 30th November, 2023.

During our deliberation, we noticed that there are challenges in filling in the internal audit committee in counties. These committees play a crucial role in effective governance and risk management such as internal control risk management. However, the challenge of attracting qualified individuals to serve in internal audit committees persists, mainly due to the lower salaries offered as prescribed by the Salaries and Remuneration Commission (SRC). To address this issue, SRC may need to reconsider their compensation structures and offer competitive remuneration to ensure internal audit committees function.

During interrogation of the various county entities during this period, the Committee noted that most entities failed to disclose their contingent liabilities in their financial statements. County governments do not need to recognise a contingent liability, but they should disclose details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote.

The Committee also observed that most county entities have incurred huge legal fees. These include the county executives of Uasin Gishu, Machakos, Nairobi City and

the Machakos County Assembly running into billions of shillings contracted to lawyers and their firms as legal fees.

The Committee has observed that some county entities are deliberately not utilising the offices of the County Attorney, which yours truly was instrumental in passing in the last session. They like outsourcing legal services. Additionally, the Committee has observed that counties have failed to explore Alternative Dispute Resolution (ADR) in a bid to save billions of shillings.

The Committee continues and it is the concern in the high interest in the unhealthy size and growth of wage bills in many of the counties. In the last quarter, the Committee wrote to seven counties to explain the measures they have taken to reduce their wage bill to the recommended 35 per cent threshold. We plan to write and invite more county executives during the Third Session to deliberate on this issue in a bid to ensure fiscal prudence. Almost all the counties have violated the issue of the wage bill.

Madam Temporary Speaker, the Committee undertook a county visit to Turkana County during the Senate Mashinani. Notable projects included the County Headquarters, Governor's official residence, Lodwar Fire Station, Speaker's Residence and the new Turkana County Assembly Chamber.

The Committee observed that some projects that we visited such as the County Headquarters, the Governor's official residence and the Speaker's Residence had either stalled or taken too long to complete. Full payments on projects had been made and the contractors were not on site.

The Committee directed the Ethics and Anti-Corruption Commission (EACC) to take an interest in the projects. We further directed the Controller of Budget (CoB) to question and scrutinise any requisitions relating to the highlighted projects in Turkana County.

The Committee observed the Senate had adopted a Report of the Standing Committee on Finance and Budget on county governments' infrastructure projects. Such projects comprise county executives' headquarters offices, assembly chambers and offices and county state officers' residences. The report capped the cost of constructing the governors' and speakers' residences at Kshs45 million and Kshs35 million respectively.

However, the Committee observed that most of the counties that had already awarded contracts had gone beyond this sum. Therefore, we have directed CoB to stop the release of funds meant for such construction.

Madam Temporary Speaker, the Committee also observed that there was rampant voiding of payments by county governments. The approved cash plans by CoB do not adhere to Section 22(c) of the CoB Act, 2016. The Committee recommends CoB institute mechanisms to enforce compliance of approved cash plans by counties.

Further, the Committee recommends that the Committee on Delegated Legislation fast-tracks the consideration and adoption of CoB Regulations for better carrying out and giving effect to any provision of the Act.

The Committee has met and interrogated many county assemblies. However, most of them are still grappling with poor asset management. Majority of County Assemblies do not possess titles to the land on which the assemblies sit. The Committee has since

been informed that it has been established by the Intergovernmental Budget and Economic Council (IBEC), to validate assets and liabilities inherited from the defunct local authorities. IBEC is expected to report back between January and March, 2024. When the report is ready, we shall bring it.

Madam Temporary Speaker, the Senate, through the County Allocation of Revenue Act, has over the years increased budgetary ceilings to county assemblies. It is way above the recommended seven per cent threshold under the Public Finance Management (PFM) Act, 2012.

In some cases, assemblies have received as much as 16 per cent of a county's revenue. One example is Kirinyaga County. On the other hand, some assemblies such as Mombasa County, still receive less than seven per cent.

The Committee also recommends the fast-tracking of legislative and administrative measures that will afford county assemblies financial autonomy. I know that amendment has been read the first time, so that we can give most of the county assemblies financial autonomy in their work.

Point No.12 which is a concern of the country is that pending bills continue to be a financial burden for most county governments. During the first quarter of the Third Session, the Committee shall convene a meeting with relevant entities; office of the Auditor-General, the Controller of Budget (CoB), Council of Governors (CoG), the National Treasury and the Ethics and Anti-Corruption Commission (EACC) to define actionable measures to ensure the integrity and completeness of accounts payable across the counties which continue and pending bills continue to affect most of the counties.

During the interrogation of the Auditor-General's Reports, we noticed non-remittance of pension deductions to the relevant pension schemes. The total outstanding pension liabilities accrued as submitted by the CoB indicates a total of whopping Kshs85 billion as at 31st March, 2023 that has not been remitted to the relevant pension schemes.

On human resource management issues affecting the 47 counties, the Committee observed that the Secretary to the County Public Service Board (CPSB), by qualification, must be a Certified Secretary and not a certified Human Resource practitioner. The Committee observed that there is a lacuna in the law.

The Committee noted that whereas there are strict requirements in managing financial resources in the counties, there is a leisurely approach in managing human resources. It was observed that the qualifications or requirements for those responsible for managing human resources were not as stringently spelt out compared to those managing financial resources. Therefore, we shall bring an amendment to that.

In conclusion, I wish to thank the Members of the Committee, the dedicated secretariat and your office, who usually sit for long hours to ensure we reduce the backlog of audit reports. This is one of the committees where you can sit the whole day running and grappling with numbers. We are working hard to reduce the backlog of audit reports.

The Committee will use various strategies, including sub-committees and the merger of financial years to shift to a more proactive mandate and to ensure the Senate is current in its interventions.

I want to call upon Members of this House to always be - when reports of various counties are brought to adoption to look at it, debate and give suggestions on how we can improve the work of the County Public Accounts Committee (CPAC).

With those very many remarks, allow me to table the report of this Committee.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Do we have any representative for the Chairperson Select Committee on County Public Investments and Special Funds? That Statement is deferred.

ACTIVITIES OF THE COMMITTEE ON PUBLIC
INVESTMENTS AND SPECIAL FUNDS

(Statement deferred)

Any person for the Chairperson Select Committee on Delegated Legislation? That Statement is deferred.

ACTIVITIES OF THE COMMITTEE ON DELEGATED LEGISLATION

(Statement deferred)

We now move on to the two Statements by the Senator for Lamu.

(Sen. Crystal Asige stood up in her place)

Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Madam Temporary Speaker, I just want to clarify if we will be able to have a chance to comment on the reports made by the chairs of the different committees.

The Temporary Speaker (Sen. Mumma): It may not be possible because I do not think we will have that time.

Sen. Crystal Asige: Thank you for that, Madam Temporary Speaker though there is a burning issue that I have on the report by JLAC and wish to table it as this is the last session for the year.

The Temporary Speaker (Sen. Mumma): I have already ruled, Sen. Crystal Asige.

Sen. Githuku, please proceed.

MAINTENANCE OF THE LAMU-GARSEN ROAD

Sen. Githuku: Thank you, Madam Temporary Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing concerning the maintenance of Lamu-Garsen Road.

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In the Statement -

(1) The Committee should identify the contractor responsible for the maintenance of the Lamu-Garsen Highway and outline the specific tasks encompassed within the scope of works assigned to the contractor.

(2) Clarify if the contractor is obligated by the terms of the contract to perform both bush clearing along both sides of the road, and if so, to what extent.

(3) Assess whether the Ministry of Roads and Transport has established mechanisms to guarantee and maintain activities aligned within the stipulated standards.

Madam Temporary Speaker, while on my feet, I have another Statement.

RESETTLEMENT OF RESIDENTS OCCUPYING LAND FOR A POWER GENERATION PLANT

Sen. Githuku: I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the resettlement of residents occupying land intended for the establishment of a power generation plant in Lamu County.

In the Statement, the Committee should-

(1) Indicate whether the Government has issued the title deed for the 3,400 acres of land in Bahari Ward, Mpeketoni to Kenwind Kenya Limited for the establishment of power generation plant in Lamu County.

(2) Explain the fate of the residents occupying the land, considering that the county had subdivided it and intended to issue title deeds to approximately 2,000 families who have resided there for an extended period of time.

(3) Clarify whether there is a resettlement plan executed in accordance with the law, outlining steps taken to guarantee the affected individual proper resettlement and compensation.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Chairperson, Select Committee on County Public Investments and Special Funds, quickly make your Statement in a few minutes.

ACTIVITIES OF THE COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS

Sen. Osotsi: Thank you, Madam Temporary Speaker. I wish to make a Statement on the activities of the Select Committee on County Public Investments and Special Funds pursuant to Standing Order No.50(1)(b). I will be very quick.

During the period of 1st July, 2023 to 8th December, 2023, we have held a record of 66 meetings, either within the precincts of Parliament or outside. In these meetings, we handled three categories of issues.

The first issue was the consideration of the reports of the Auditor-General on the financial statements of water companies in all 47 counties. We handled about 80 water

service providers in counties that appeared before us. Some of these reports have been tabled here in this House.

We have so far tabled a report in relation to Vihiga, Bomet Kisii, Nyamira, Kisumu, Kwale, Nyeri and Wajir counties. This is in today's Order Paper, where we have a Motion on the reports for those counties.

Madam Temporary Speaker, we are working very swiftly to handle the remaining reports for tabling in the first quarter of next year, 2024.

Thirdly, as a Committee, we have handled an inquiry into the matter of non-remittance of pension deduction by counties, where the counties owe pension funds in excess of Kshs80 billion as a result of non-remittance of pension funds.

In this case, we have managed to have an engagement with the National Treasury, the Kenya Revenue Authority (KRA), the Controller of Budget (COB) National Social Security Fund (NSSF), Retirement Benefits Authority (RBA) and the two-pension funds; that is, Local Authorities Provident Fund (LAPFUND) and Local Authorities Provident Trust (LAPTRUST).

We also had a very big stakeholder engagement in Mombasa, which served as a public participation session. The report is ready for tabling this afternoon. This report is going to be one of the most important reports that this Senate has ever produced in giving direction on how to handle this problem of non-remittance of over Kshs80 billion by counties.

Madam Temporary Speaker, in the process of examining the audit reports for water companies, we noted that there were various cross-cutting issues affecting the water sector, such as assets and liabilities transfers, the role of the regional Water Works Development Agencies in water provision, and the huge loans that have been undertaken by the national Government through these regional waterworks.

Madam Temporary Speaker, as a result, we agreed to conduct an inquiry into these issues. We invited all the players in the water sector, including the regional Water Works Development Agencies, the Ministry of Water, Sanitation and Irrigation, the Water Services Regulatory Board (WASREB), Water Service Providers Association (WASPA) and others. We are only remaining with engaging the Committee of the Council of Governors on Water for us to complete the report, which we will table in this House.

Madam Temporary Speaker, in that regard, I have seen on the Order Paper that we have a Water Bill. With the indulgence of this House, the report that I am talking about is going to be informative in driving the debate on the Water Bill, which I found to be unconstitutional.

The Committee has now embarked on consideration of the audit report for special funds. We have over 200 Special Funds in counties. We have so far handled seven counties. We are going to look into Special Funds in all the 47 counties. We are noting serious issues in the management of Special Funds in counties. These are possible avenues for corruption in the counties. Funds like bursary funds are having challenges. Car loan and Mortgage Scheme Fund, the Social Protection Fund, Emergency Fund, the Youth and Women Enterprise Fund are having challenges. So far, we have had

engagements with the Bomet County, Kakamega, Taita Taveta, Trans-nzoia, Kwale, Migori, Nandi counties---

The Temporary Speaker (Sen. Mumma): Sen. Osotsi, please, summarize.

Sen. Osotsi: I am finalizing, Madam Temporary Speaker.

Some of the issues emerging are; failure by the fund managers of these funds to submit copies of their quarterly financial reports to the Controller of Budget as required by the law, counties not submitting financial statements of the funds to the Office of the Auditor-General, and counties not limited on the number of funds that they can set up. Some counties have over 10 funds, counties establishing funds but not providing resources. These are some of the challenges we will define in our report.

Madam Temporary Speaker, the Committee is expected to have, in the new year, a stakeholders' engagement with the water sector players in the first week of February 2024, to finalize the report, which we will table in this House. My expectation is that, this report is going to give this House the direction on how to engage on water matters, which is largely devolved.

Madam Temporary Speaker, I submit and table the report for the County Public Investments and Special Funds Committee.

I thank my Members for the support.

The Temporary Speaker (Sen. Mumma): The Senate Majority Leader, please proceed.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 13TH FEBRUARY, 2024

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I rise pursuant to Standing Order Number No.57(1) to hereby present to the Senate the Status of the business before the House. I will be brief, because I can see our time is far much spent.

(Sen. Cherarkey consulted loudly)

The Temporary Speaker (Sen. Mumma): Order, Sen. Cherarkey. Can you consult with the senior counsel in low tones, please?

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I will try and be brief with my Statement. I can see time is far much spent and I still have to move a Motion of Adjournment in the next few minutes.

Madam Temporary Speaker, as you are aware, today, Thursday, 7th December, 2023 is our last sitting of this Session according to the Senate Calendar.

Hon. Senators, you will also note that at yesterday's sitting, the Senate passed a resolution to alter the hours of sitting to hold today's sitting at 9.30 a.m. to 1.00 p.m., which in effect suspended the afternoon sitting. As such, therefore, there will be no afternoon sitting today, and the House will proceed on recess today from 1.00 p.m.

Madam Temporary Speaker, the beginning of the Second Session in February, 2023 was fairly tumultuous, with a divided Senate along party lines, following the very hotly contested general election. It was impossible to transact legislative business.

Today, as I stand here, I am extremely happy that as the session wore on, the two sides of the political divide have closed ranks and we have begun to appreciate each other for the common good of our country. This has resulted in the passing of very crucial legislative business.

With respect to Bills, the House of the Senate has a total of 59 Bills, which have so far been published, out of which, five have been enacted into law. Eight have been concluded and referred to the National Assembly for consideration.

Consequently, 31 Bills are pending conclusion at various stages in the Senate. Six Bills are undergoing concurrence pursuant to Article 110 of the Constitution. Five Bills have been denied concurrence. Two Bills were negatived at the Second Reading stage, and two Bills were withdrawn by the respective Movers.

Madam Temporary Speaker, in terms of Petitions, the House has so far received 44 Petitions, 22 of which have been concluded and the reports tabled. Twenty two are pending conclusion by the respective standing committees. That is particularly impressive.

Madam Temporary Speaker, I want to single out, like we did last week, the Committee on Justice and Human Rights Affairs (JLAC), which has concluded eight Petitions and brought them before the House. I commend them. The Chairperson of the JLAC Committee has just left the Floor a few minutes ago.

With regard to Motions, 89 Motions have been filed, out of which six are pending conclusion. Hon. Senators, you will note that all pending Motions, unfortunately, will lapse at the rise of the House this afternoon.

The procedure of Questions continues to be used by many Senators to seek issues that affect the people that they represent. There are total of 90 Questions that have been filed. Out of these, 51 have been responded to by the Cabinet Secretaries. This is now with specific reference to Questions to Cabinet Secretaries. Consequently, out of the 90 that have been filed, 51 have been responded to. Three have been withdrawn and 36 are pending.

I am particularly impressed by the decision by the Minority side to join us, eventually, in this very important exercise. It took a while for our colleagues on the Minority side to appreciate this important avenue that we use to table our Questions and ask Cabinet Secretaries to respond before us and follow the same supplementary questions.

I am impressed and looking forward to Wednesday's of the next session, where we will have the full House, unlike the scenes that have been here the past few months.

I also must celebrate the Senate *Mashinani* programme that we held from the 25th to the 29th September in Lodwar, Turkana County. We decided at the Senate Business Committee (SBC) to take this programme to the far-flung corners of the county. I could not have been more impressed in what I saw in Turkana. Senators sat for the full length of that particular period and interacted with the residents.

Of course, we got feedback and I saw people complain that we did not get to interact with them as much as possible. However, over and above, many residents of Turkana appreciate that there are things that we were able to answer them.

As we move towards the next phase of the programme and next year deciding, it is my proposition to the House that we still stick with proposals of taking this programme to the so-called forgotten corners of this country.

Aside from the legislative agenda, the Senate participated in the Devolution stakeholders' forum and the Devolution Conference in Uasin Gishu as well. The lessons learnt from these two events continue to shape the discourse on how the Senate undertakes its mandate.

The Devolution Conference was particularly instrumental in highlighting crucial areas of legislation, including own source revenue for county governments to support devolved functions. Housing planning and urban development investment in counties, strengthening food systems and empowerment of youths continue to be programme that were highly discussed.

Madam Temporary Speaker, with regard to Turkana, the Senate sought to promote the role of the work of the Senate in general, highlight the existing new opportunities and engage in legislative processes; develop and strengthen partnerships at the county level. The Senate and its committees were able to interact with the people.

As we conclude the Second Session, I would like to express my gratitude and by extension, that of the Senate leadership to all the hon. Senators of this House for their unwavering dedication and commitment to serve the people of Kenya.

The past months have been filled with robust debates, diligent committee work and passage of crucial legislative business that will shape our next agenda. It goes without saying that - I have even said this to colleagues in our informal sessions at the Senator's Lounge - I do not recall a particular long recess that we concluded without reconvening for one reason or the other.

So, I want to request Senators, including my friend, Sen. Oketch Gicheru, that even as you enjoy yourself during the recess, keep your phones open and keep checking your messages. Duty may call at any given time. In fact, county assemblies have a knack of recalling this House just days to Christmas with business that is brought here. Last year was one such case. It is my hope that no governor falls into trouble with MCAs and warrants the recall of this House, so that at least we can rest. Senators have worked extremely hard in the last few months and that is something that we must appreciate.

Members, you do recall and know that there is very important business that we were not able to conclude, including the Equalisation Fund Bill. As we go on recess today, we have not also been able to conclude on The County Government Additional Allocations Bill.

I know we formed a Mediation Committee, but they are yet to meet because the National Assembly has specific issues that they have raised with the Council of Governors (CoG), which they first want to be addressed before the mediation exercise can commence.

Madam Temporary Speaker, therefore, it goes without saying that I know for a fact that we shall reconvene somewhere along this long recess period; if not for anything, just to consider those Bills, so that we can have funds go to our counties.

Lastly, there are interventions that we need to make on the state of the economy. You understand the challenges that we are facing. I would have said many things about the situation as it is, but I think I had alluded to it in some of the comments I made earlier, particularly on the issue of privatization.

Madam Temporary Speaker, it goes without debate in this country that President Mwai Kibaki, of all the Presidents that we have had, handled our economy well despite finding it in a very difficult situation, better than at least all the other four Presidents that have served full term. It still remains to be a matter of debate on what will happen because the current President has only served one year. We will judge him after he has concluded his term.

Many people that are raising concerns about this privatization exercise are not genuine about it. You will know that that this is actually a brainchild of President of Mwai Kibaki. If you agree with his school of thought and how we need to manage our economy, you cannot hail Mwai Kibaki and not hail the privatization exercise.

I know people have concerns about how the exercise is to be conducted. That is why I am calling upon leaders to now take the opportunity that has been provided by the National Treasury, to give their views on the privatization exercise. Instead of when *wananchi* out there saying that we should not sell the KICC, you are also here saying that we should not sell KICC, yet nobody has said that KICC is up for sale. When you speak about concession, it is a practice. First of all---

The Temporary Speaker (Sen. Mumma): Senate Majority Leader, kindly just conclude on your Motion of Adjournment and then engage that later on.

The Senate Majority Leader (Sen. Cheruiyot): Okay, in the interest of time.

Madam Temporary Speaker, Sir, I appreciate and I want to wish hon. Senators a happy Jamhuri Day, a merry Christmas and a prosperous 2024.

I thank you all colleague Senators for your participation in the House.

I thank you.

The Temporary Speaker (Sen. Mumma): Next Order.

BILLS

First Reading

THE PUBLIC SERVICE (VALUES AND PRINCIPLES)
(AMENDMENT) BILL (NATIONAL ASSEMBLY
BILLS NO. 46 OF 2022)

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

*First Reading*THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)*(Order for First Reading read - Read the First Time and ordered
to be referred to the relevant Senate Committee)**First Reading*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)*(Order for First Reading read - Read the First Time and ordered to be referred to the
relevant Senate Committee)*

The Temporary Speaker (Sen. Mumma): Hon. Members, we will now move to Order No.32.

MOTION FOR ADJOURNMENTADJOURNMENT OF THE SENATE PURSUANT TO
THE APPROVED CALENDAR FOR THE 2023 SESSION

The Temporary Speaker (Sen. Mumma): The Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I rise pursuant to Standing Order No.31(3) to move that the Senate do adjourn until Tuesday, 13th February, 2024.

You will appreciate that this is our last Sitting. I had mentioned that earlier in my Statement. Yesterday, we moved the Motion to amend the Calendar and we agreed that our colleagues in the sporting department need to prepare because many are leaving this afternoon for Kigali. Some have already left and it will be important that we transact business in the morning. It is unfortunate that we could not conclude on the business we intended to, but as I had mentioned, we will come back.

Madam Temporary Speaker, I know many colleagues want to say one or two things about this before we adjourn.

I beg to move and request Sen. Kinyua to second the Motion.

The Temporary Speaker (Sen. Mumma): Who is seconding?

Sen. Kinyua: Asante, Bi. Spika wa Muda. Nachukua fursa hii kuunga mkono Hoja hii ya kuhairisha kikao. Mwaka huu Seneti imekua na mambo mengi iliyotekeleza. Tukikumbuka ya kwamba Seneti ilienda kule Turkana mashinani na ikafanya vikao mahali kwingi.

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Tulienda pia mpaka Kaunti ya Uasin Gishu tukiendelea na majukumu ambayo tuliropewa kufanya. Kwa sababu Maseneta wamekua na majukumu mengi, ni vizuri warudi sehemu zao wanazowakilisha ili kupumzika halafu warejeele maswala yao mwaka ujao kwa kasi.

Ikumbukwe wazi kwamba mwaka huu, nchi hii ilipata kiangazi na pia kulikua na maandamano. Huu mwaka tena ndio tumepata mafuriko. Yote tisa, kumi ni kwamba, ni vizuri angalau Seneti hii ichukue likizo ili waangalie haya mambo yote kwa undani, ili mwaka ujao tuweze kuangazia sheria ambazo zimeletwa Bunge hili na pia kushukuru Maseneta ambao walichangia hizi sheria.

Bi. Spika wa Muda, kwa sababu kuna ndugu zangu wanaotaka kuchangia na kuongea mengi, sitaongea zaidi ya hapo, lakini ninawatakia Wakenya Krisimasi yenye mafanikio na mwaka mpya ambao watapata mambo mengi yatakayopeleka nchi yetu mbele kabisa.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Sen. Methu.

Sen. Methu: Madam Temporary Speaker, I rise on Standing Order No.111 on the limitation of debate. It is only 20 minutes to 1.00 p.m., and I know a few colleagues would want to say something on this particular Motion.

So, I would want to propose that we limit the debate to three minutes each.

I request Sen. Oketch Gicheru to second.

Sen. Oketch Gicheru: Madam Speaker, Sir, it is only fair that all Members get time to share on this. Therefore, the proposal by Sen. Methu is in order, and I do second.

The Temporary Speaker (Sen. Mumma): It is so ruled.

Sen. Orwoba, please, proceed.

Sen. Orwoba: Thank you, Madam Temporary Speaker. I take this opportunity to, first of all, thank my party, the United Democratic Alliance (UDA) Party for nominating me to come to this House. It has been a wonderful year learning the ropes of this House. I also thank my party leader, President William Samoei Ruto, for having nominated me as well for this position.

It has been one year of serving in this House, in the capacity of a Vice-Chairperson of the Standing Committee on ICT, where I highlighted the issues of data protection. I proposed the Konza Technopolis Bill, and in that time, I was also able to set up a caucus for women Members of Parliament in ICT.

I have been privileged to serve in the National Cohesion Committee, as well as the Delegated Legislation Committee. In my time there, I have learnt a lot and represented women in the best way possible.

One of the things that I would like to highlight and give progress is the issue of period poverty. As you all know, on 14th February, 2023 I had an accident here in the Senate, and just from that moment, it was an opportunity for us, as legislators, to put into motion what we were sent here to do.

I am happy to report that the Bill on free sanitary pads is in motion, and it is set to come in the next Session for the First Reading. It is now out for public participation. I have been excited and I continue to be excited to serve my Party in this capacity.

As we conclude this year, one of the lessons that I have learnt and continue to learn is that as I represent women in this Senate, I will continue to speak up on the issues that affect women. Even as we are closing, going for our Christmas holidays and, as we observe the 16 days of activism on the Gender-Based Violence (GBV), I urge my fellow Senators, especially the men, that in this festive season, the love language that women would like to hear is not violence. Our love language is that we want to be loved and appreciated. As we continue to observe these 16 days of GBV, we want you to go out and share the love.

So, Merry Christmas to everyone, happy festive season, and keep safe so that we can see you in the next Session.

Thank you.

The Temporary Speaker (Sen. Mumma): Sen. (Prof.) Tom Odhiambo Ojienda, SC, please, proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Madam Temporary Speaker. In seconding the Motion, I must laud the Members of this House who through one long year, have not only contributed to the Motion before this House, but made a lot of steps in ensuring that this House functions.

For the entire year, the Senate Majority Leader, Sen. Cheruiyot, has steered this House by diligently presenting Papers, ensuring that we set Motions. The Senate Minority Leader, from a tumultuous beginning, has done his bit, ensuring that this House pulls from one side, where the interest of the country is involved.

As we go for the festivities and are aware that this is a week where we celebrate the female gender, and generally, stand up against violence, I request all of us to do what we can, not just in support of or speaking against gender-based violence, but to ensure that out there, we encourage our youth and work for this country.

I know that my friend, Sen. Cheruiyot, organized a football tournament last week. Many other leaders are having matches that bring youth together to speak to two things. One is environmental conservation. We must all put toward that effort. Secondly, as we celebrate those who came ahead of us, let us look to skills and qualities that will ensure we serve as Senators who deliver for this country.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Methu.

Sen. Methu: Thank you very much, Madam Temporary Speaker. I also want to spare a few minutes for my colleagues. First, I am very grateful to the people of Nyandarua for giving me an opportunity to come to the Senate. It has been a great Session, especially for those of us who were here for the first time. We have had a very good time in learning and sharpening our skills in leadership.

I have been particularly happy as the Chairperson Committee on Lands, Environment and Natural Resources. Our Committee has processed Bills that have been assented to become law. First, I thank the party leadership, especially my Majority Leader, Sen. Cheruiyot, who has always held our hands, especially those of us who are

new legislators. His humility is something all of us would want to emulate. Sen. Cheruiyot is a very big person who works very small. It is such a challenge to those of us who would want to become majority leaders in the future.

Madam Temporary Speaker, allow me to laud all the colleagues who have been here. We have had our highs and lows, but the fabric that has held us together remains. Yesterday, we had a bipartisan issue, where we were supposed to speak as a House in regards to respect for this particular House. We have been able to speak together and defend our House. There is no way we can speak for other Kenyans if we cannot speak for ourselves.

Madam Temporary Speaker, I thank your office because you facilitated us, Members, to do our duties. We thank the Clerk of the Senate and the whole team that serves in the secretariat of our committees.

I wish my colleagues a Merry Christmas and Prosperous New Year. I also wish the People of Kenya, especially the people of Nyandarua that I represent here, a Merry Christmas.

I am very happy to serve as a Senator here. If the people of Nyandarua are watching, I ask them not to take this privilege away from me. I would want to continue serving them until the time when I feel I have done enough. Enjoy the rest of your holiday.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I will use my discretion to extend the time by 15 minutes to allow everybody to speak.

Proceed, Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Madam Temporary Speaker, thank you for the opportunity. It has been a great experience for me to be in this House. I have learned more than I have taught. I have made great friends like the Majority Leader, Sen. Cheruiyot, who is very eloquent and capable. I have met the indomitable lion from Nandi.

(Laughter)

I have met my long-time friend, Sen. Nyamu, the Bullfighter, the ‘deep state’ in Mundigi, and it has been quite an experience. I have met Sen. Oketch Gicheru who reminds me of Oloo Aringo. It has been a pleasant time to be in this House. I have also learnt a lot of what the House does. This is an extremely busy House. You can hardly have time for anything else. So, we deserve an opportunity to get back to our constituencies and have the festive season with them and recharge for the next Session.

I thank everybody that I have met in this House, from the Members to the support staff. Nobody has disappointed me. I speak as a happy person. I have met my son, the Senator of Nyandarua County, Sen. Methu, who is a great fellow.

It has been worthwhile. I have been able to represent issues concerning Busia County and the nation. I felt at home and was not intimidated by anything.

I will cut my speech short by wishing everybody a Merry Christmas and a Happy New Year.

I give the time to other Members to address the House.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Munyi Mundigi, proceed.

Sen. Munyi Mundigi: Asante Bi. Spika wa Muda. Naunga mkono kuhairisha kikao ili tuende kwa msimu Krismasi. Tangu nijiunge na Seneti, najivunia kukamilisha mwaka mmoja. Nilikutana na marafiki, Maseneta 67, Spika na wafanyakazi wanaotusaidia katika Seneti kama vile *clerks na secretaries*.

Pia nimejifunza mengi kutoka kwa *Senate Majority Leader*, Seneta wa Kericho County, Sen. Cheruiyot, Sen. Sigei, Sen. Okiya Omtatah, Sen. (Dr.) Khalwale na Sen. Oketch Gicheru kutoka Migori County. Kwa hiyo, nashukuru.

Nawaambia watu wa Kenya kuwa tukiwa hapa tuko na Azimio na Kenya Kwanza. Lakini, tukitoka nje tunakunywa chai pamoja. Nilifikiria kuwa tutakuwa na vita lakini hakuna vita.

Embu County tuko na *four sub-counties*; Mbeere North, Mbeere South, Manyatta na Runyenjes. Nawapenda sana watu wa Embu kwa sababu mlinipatia kura kati ya watu 12 ambao walikuwa na mali. Ijapokuwa sikuwa na chochote, mlinipa kura zenu. Kwa hiyo, kwa kipindi kilichobakia, nawaambia watu wa Embu kuwa tuko pamoja. Makanisa yote yaendele kuniombea ili niwe na nguvu yakuendelea kuwatetea katika Seneti.

Pia, nashukuru chama cha Democratic Party ambacho kiko kwa muungano wa Kenya Kwanza. Tunaunga mkono Rais na Makamu wa Raisi ili tuwe pamoja.

Mwisho, nawatakia Krismasi njema, mwaka Mpya wenye mafanikio pamoja na siku ya Jamhuri njema. Pia, kwa wale walioenda Rwanda, nawahimiza tuwe kitu kimoja ili tuwe mashujaa wenye nguvu.

Asante Bi. Spika wa Muda. Naunga mkono.

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I join the rest of our colleagues in wishing all of us well during the recess. I want to make two points.

The first one is that we are very happy as the farmers of Kakamega, Western Province and Western Kenya, with the steps that the Government is taking in stabilizing the sugar industry and the sugar cane planting adventure.

I urge colleagues to join us, the Senators from the sugarcane belt. We wish to promote the principle of shared prosperity. Every time there is a deficit in the sugar that is produced locally, the National Treasury normally opens up for imported sugar.

We want this shared prosperity to be applied this way. We amend the law so that 50 per cent of imported sugar is imported by out-growers farmers organizations like Mumias Sugar Company, Sony Sugar, Muhoroni Sugar Company, Butali Sugar Company, Chemilil Sugar Company, West Kenya Sugar Company, Miwani Sugar Company and even the new Rift Valley factory. This will open way for shared responsibility.

My final point is that even as we celebrate, this week, we have gone into mourning in our community because of two great leaders. The first one, I mentioned him here, the late Hon. Sifuna. However, the second one is a 'small' man, but a 'big' man from Muranda Village of Itenyi in Shinyalu. A great man has gone to rest; Julius Alekwa

Amalemba. He is arguably one of the greatest bullfighters of his generation. He will be buried over the weekend, with all the colours of bullfighting.

I would like to invite colleagues, if you will have time. There is a culture in our community called *shirembe*. This will be one of the most epic functions that will take place at Mupendera in Muranda Ward, to celebrate Julius Alekwa Amalemba. May his soul rest in eternal peace.

The Temporary Speaker (Sen. Mumma): Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you, Madam Temporary Speaker. This has been a serious year of opportunities and challenges in Senate. I would not have experienced those opportunities if it were not for the people of Migori County.

I thank the people of Migori County for trusting in me that I could be a voice of representing them in this House. Indeed, sometimes the work that we do in this House is very elusive to the general public, but it is a lot.

In that same spirit, I take this chance to really appreciate our staffers in Parliament, led by the Clerk, Mr. Nyegenye. I hope that Mr. Mogere will receive this on behalf of the entire staffers of the Senate. They have done a lot of work. It takes a lot of work to do Bills, run Committee meetings, review Statements and engage stakeholders in different perspectives. We really do appreciate them.

In the spirit of what Sen. (Dr.) Khalwale has said, it is important to critically look at this sugar industry. Our farmers have suffered enough, and I would like to invite a braver and bolder move in that legislation. Sugar cane should be profiled as a food crop. The idea of profiling it as a cash crop is putting difficulties in terms of tax and trade to sugarcane farmers.

I hope that the tea farmers, as well as the coffee farmers, can embrace those who are in the House, to make sugar cane a food crop, so that the trade can be good.

As I finish, Madam Temporary Speaker, one of the biggest opportunities also here is that Members have to discover themselves. For instance, Sen. Methu, who was a little bit confused whether his father was Mr. Baichu from Meru, but now he has just realized that his father is the Senator for Busia, Sen. Okiya Omtatah. So, Sen. Methu should learn to trace his roots.

(Laughter)

Since the Senate Majority Leader and the Senate Majority Whip are here, I plead with you, that the place of Parliament must be protected, even at some times when it looks like we really are scared of facing the Executive.

Parliament has a lot of challenge because the Executive sometimes ignores our place and does not prioritize us. Parliament must be prioritized. We are going for Christmas without food in our mouth and money in our---

(Sen. Oketch Gicheru's microphone went off)

The Temporary Speaker (Sen. Mumma): Sen. Githuku, please proceed.

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Sen. Githuku: Asante, Madam Temporary Speaker. Nachukua nafasi hii *ku-support* Hoja hii ambayo imeletwa na Kiongozi na Kinara wa Wengi kati Bunge hili la Seneti.

Mimi ni kati ya Maseneta ambao wamepiga kipindi kwanza katika Seneti hii. Ninashukru kwa sababu nimesoma mengi kupitia kwa uongozi ambao umekuwa katika Seneti hii.

Hata hivyo, mimi ni kati ya Maseneta ambao wamemaliza kipindi hiki wakiwa na majonzi na masikitiko makubwa kufuatia shida na matataizo ambayo yamekuwa yakikumba watu wangu.

Tunapoongea watu wangu katika Kaunti ya Lamu wana kilio kikubwa kwa sababu ya mauaji ya kiholela ambayo yamekuwa yakiendelea katika Kaunti ya Lamu. Serikali sasa inafaa kutilia mkazo ili kuona ya kwamba hakuna mauaji tena katika Kaunti ya Lamu.

Bi. Spika wa Muda, tunaelekea msimu wa Krismasi ambao ni wa watu kusherehekea. Sitaki kusema ya kwamba Lamu kuna furaha. Ni kwa sababu sasa hivi, kuna shida na matatizo kufuatia mauaji yaliyofanyika huko. Mafuriko pia yameathiri watu wangu katika Kaunti ya Lamu. Serikali iangazie kwa kina shida na matatizo ambayo yanakumba watu wangu.

Niko na imani kwamba Serikali ikiamua hakutakuwa na mauaji tena katika Kaunti ya Lamu, hakutakua na mauaji. Tuko na Serikali ambayo iko na uwezo na kila kitu. Kwa hivyo, natoa wito kwa Serikali, hatutaki tena kusikia mauaji ya kiholela katika Kaunti ya Lamu.

Vile vile, ningependa Serikali ituambie shida inayosababisha mauaji katika Kaunti ya Lamu. Niko na huzuni na hasira kubwa kwa sababu ya shida na matatizo ambayo watu wangu wanaendelea kupata. Watu wa Lamu ni Wakenya kama wengine. Walindwe kikatiba kwa sababu ni haki yao kulindwa pamoja na mali yao.

Asante.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. Mine will be a snapshot. I am happy that in this First Session, we have known each other now. We know where our weaknesses and strengths are as colleagues.

I appreciate this because there has been diverse thinking and on argument. I know it has not been well all the time and we have had our differences. However, I am happy that we always converge at a certain point of reasoning.

Perhaps I give my two or three points in support of the adjournment by the Majority Leader. I request the Teachers Service Commission (TSC) to quickly confirm the more than 46,000 interns who are on contract in Junior Secondary School (JSS). Their contracts will expire on 31st. They can be transited to permanent and pensionable terms for them to have certainty because most of them are young.

As we head to Form One selection, I request the Ministry, through the National Education Management Information System (NEMIS), to ensure that Form One selection--- Every child deserves to join Form One.

As we go into the new year, I know the Kenya Certificate of Primary Education (KCPE) has had its issues. We hope that the Parliamentary Committee will give us a way forward on what really happened to KCPE results.

Madam Temporary Speaker, going into the future, we request the Presidential Working Team to liaise with parents and other stakeholders, so that we can fix the education reforms.

I thank the Government for subsidised fertilizer. I hope we shall get the Kshs2,500 fertilizers in December and January, so that we continue to plant maize. I know the Deputy President, H.E. Rigathi Gachagua, is in charge of agricultural reforms, especially tea, sugar and coffee. We are now getting a 90-kilogramme bag of maize at Kshs4,000. I hope these reforms can be fast-tracked, so that we live on our mantra of guaranteed minimum returns.

Additionally, we hope to see reforms in the sugar sector that my brother has talked about. Nandi County is becoming a serious nuclear in terms of sugarcane production.

What is close to my heart is the issue of Members of County Assembly (MCAs). I assure MCAs across the country, that with the blessing of the President, we are likely to see more reforms, especially on financial autonomy, the welfare of MCAs and Ward Development Fund (WDF) going into the future. We look forward to working and ensuring that all MCAs get the necessary ability and capacity.

Finally, I wish all the best to the great people Nandi County and this Republic. I wish to tell the people of Nandi County that I shall not tire, retreat or surrender in pushing for development. It is in the interest of the House that I have been sued. I am ready to be taken to court for the benefit of the great people of Nandi County.

I assure them I will not be intimidated through courts of law, goons or any other forms of intimidation. I shall live by the true spirit of Chelagat Mutai, Jean Marie Seroney and Koitalel Samoei, to ensure the great people of Nandi County across the six sub-counties continue to benefit from development. That will be *aluta continua*.

Merry Christmas and a Happy New Year. I hope to see everybody back---

(Sen. Cherarkey's microphone was switched off)

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Lemaletian.

Sen. Lemaletian: Thank you, Madam Temporary Speaker. I join my colleagues to pay special gratitude to God almighty and my ODM party for an opportunity to be part of this honourable House, which has for a good percentage stood up to its name.

I got a grand opportunity to learn from some of the finest brains such as Sen. Cherarkey. I have also learnt that what we used to see while we were out of this House, is not exactly what happens. It is 50 per cent. I have also come to learnt that there are a lot of people who preach water and drink wine and vice versa. It has been a thorough learning curve for me. I will continue to learn in the coming year.

I have been inspired a lot by the energy in this House, for example, by Sen. Munyi Mundigi and especially, Sen. Cherarkey, who is always here. I completely

underestimated his contributions and the power of influence he has for the youth in this country.

Madam Temporary Speaker, I would also like to wish Kenyans a Merry Christmas and a Happy New Year as we celebrate the birth of our Lord Jesus Christ. I hope that just like Sen. Methu and I, the young Senators, we do not lose hope in the quest for a patriotic country, where we aim to fight for the rights of our people regardless of whether we are shy or confident. Most important is to put God and our country first.

Thank you.

The Temporary Speaker (Sen. Mumma): Sen. Cheptumo, you may have the Floor.

Sen. Cheptumo: Thank you, Madam Temporary Speaker. I arise to support this Motion of Adjournment. As I do so, I thank the great people of Baringo County for giving me a chance to serve them in this House. I have served as an MP for 15 years and to serve in Senate is really quite an experience. I thank the people of Baringo for giving me a chance.

We witnessed a lot of progress in this Session. I thank our Senate Majority Leader and the Senate Minority Leader for ably leading the House. We saw some very successful management of our affairs in the House.

We also realised that we can disagree on matters politics and others, but ultimately, when all is said and done, we remain an Assembly of elected national leaders in this country. Even when we disagree, we finally come together and decide matters that are beneficial to our country. I think it is a good virtue that I want to encourage. Even as we go for holidays and come back, let us put our country first, be united and move together in unison.

Madam Temporary Speaker, during this Session, I had a chance to serve as the Chairperson of the Standing Committee on National Security and Foreign Relations. I came across a number of issues in the country. We went to Turkana during the Senate *Mashinani* and we interacted with the people of Turkana and many other counties on matters security. There is a big challenge on security in our country.

I want to call upon our Government and thank the Head of State. He has been able to show a lot of political will to deal with the menace of cattle rustling. Unfortunately, I am unable to prosecute my Motion declaring cattle rustling a national disaster and establishment of a special fund. The Motion has been in the Order Paper for close to three months. I will do that when we come back.

In conclusion, I wish all Members a merry Christmas and a Happy New Year. Let us continue to preach peace and unity for our country even as we interact with our people during the holidays.

Thank you. I support the Motion.

The Temporary Speaker (Sen. Mumma): Sen. Nyamu, you may have the Floor.

Sen. Nyamu: Thank you, Madam Temporary Speaker, for this opportunity. I am grateful to serve in this House and to represent the youth of Kenya and the people of Nairobi City in my capacity as a Nominated Senator of the United Democratic Alliance (UDA) Party. I have gotten a wealth of experience in the past one year.

I have brought Statements to this House, the latest one was to the Committee on National Security and Foreign Relations, where I happen to be the Vice Chairperson. It was on the upsurge of a notorious habit called *Aluta* that involved over-partying by the young people of Nairobi. I am a Christian and I believe that the work that we do in this House is the work of God. We are the representatives of people and they rely on us to pass laws and to intervene for them.

Madam Temporary Speaker, I take this opportunity to thank the people of Nairobi for giving me great support and making me their envoy here; for always liaising with me and giving me their views, so that I can represent them in this House. I wish them a Merry Christmas.

I know times are hard. We do not have money and the economy is tough, but I tell them to hang in there because the plans the Government is making are going to bear fruits in the long-run and Kenyans are going to be happy. I believe that the time for re-election for our President, His Excellency (Dr.) William Samoei Ruto, will be an exciting time for Kenyans and they will look forward to give him another term because of the fruits that we will have gotten because of the steps that he has taken.

I wish to implore Sen. Okiya Omtatah and other people who are going to fight the Government plans in court not to politicize everything simply because they do not support the Government. They should also sit and consider the intention of the Government and the end of what the Government is trying to achieve for its people. They should not put bottlenecks on Government plans. Ultimately, it is their people who will benefit from the steps the Government is taking.

The Temporary Speaker (Sen. Mumma): Sen. Abbas, you have slightly less than three minutes.

Sen. Abbas: Thank you, Madam Temporary Speaker. I join my colleagues to support the Adjournment Motion. I thank the people of Wajir County for giving me this opportunity to represent them in this House. It is a prestige and a privilege for me to be here and I thank you all.

However, for the last two-and-a-half months, the people of Northern Kenya have had many problems, especially because of the *El Nino* rains. There have been floods and houses have been destroyed. Crops that were ready for harvest were also destroyed, roads are not passable and people do not have access even food. Up to now, the intervention from the Government has been minimal and it is unfortunate that the people of Northern Kenya have been forsaken by the current regime.

Madam Temporary Speaker, I want to tell them that we are few and we may not be a big number to vote for them, but we are the 50 plus one. That plus one is us and we will always be needed to vote for the Government of the day. It is high time that people changed their thinking on issues of voting and everything else.

One other thing; this House represents devolution and county issues and Kenyans look forward to see this House become their saviour. We always know what is happening in the counties. My colleagues know that when they go home to their counties, there is a lot of misappropriation and plunder taking place.

Madam Temporary Chairperson, as the Chairperson of the Committee on Devolution and Intergovernmental Relations, I request all my colleagues to support the people in our counties, so that the minimal resources we have available are optimized and made use of.

With those few remarks, I wish everyone---

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 1.15 p.m. time to adjourn the Senate pursuant to Standing Order No.34(2)(a). The Senate, therefore, stands adjourned until Tuesday, 13th February, 2024, at 2.30 p.m.

The Senate rose at 1.15 p.m.