

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 22nd May, 2024

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, confirm whether we have requisite quorum?

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

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

(The Quorum Bell was rung)

Hon. Senators, we now have quorum. Let us transact business.
Clerk, call out Order No.1.

PAPERS LAID

THE SECOND REPORT OF THE PRC ON REVIEW
OF THE SENATE STANDING ORDERS

Hon. Senators, let us have the Vice-Chairperson or a Member of the Committee on Procedure and Rules to lay the document. If they are not here, I request the Deputy Majority Leader to do so.

Sen. Abass, you are a Member. Right? Approach the table to lay this Paper on behalf of the Committee. Are you aware of that Committee?

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Sen. Abass: Mr. Deputy Speaker, Sir, on behalf of the Vice-Chairperson of the Procedure and Rules Committee, I beg to lay the following paper on the Table of the Senate today, Wednesday, 22nd May, 2024 -

The Second Report of the Procedure and Rules Committee (PRC) on the review of the Standing Orders of the Senate.

(Sen. Abass laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you. There is also a Paper to be laid by the Chairperson Standing Committee on Health.

Proceed, Vice-Chairperson.

REPORTS ON INSPECTION TOURS OF REFERRAL HOSPITALS IN VARIOUS COUNTIES

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Wednesday, 22nd May, 2024-

Report of the Standing Committee on Health concerning the inspection tour of County Referral Hospitals in Kisii, Nyamira and Bomet Counties.

Report of the Standing Committee on Health concerning the inspection tour of County Referral Hospitals in Vihiga and Kisumu counties.

(Sen. Mariam Omar laid the documents on the Table)

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

Next Order.

NOTICE OF MOTION

APPROVAL OF THE SECOND REPORT OF THE PRC ON THE REVIEW OF THE SENATE STANDING ORDERS

Sen. Abass: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Standing Orders 267, 268 and 270, the Senate approves the Second Report of the Procedure and Rules Committee on the review of the Standing Orders of the Senate, laid on the Table of the Senate, on Wednesday, 22nd May, 2024, and that pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272-

(i) Resolves to amend its Standing Orders as contained in Annex 1 of the Report; and

(ii) Orders that the amendments to the Standing Orders as contained in Annex 1 to the Report come into effect on the 25th of June 2024.

Mr. Deputy Speaker, Sir, I beg to lay the document.

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(Sen. Abass laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you. Next order?

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Senators, we have several Statements under Standing Order No.52(1). We start with the one from the Senator for Kitui County, Sen. Enoch Wambua.

PROPOSED CONSTRUCTION OF HIGH GRAND FALLS DAM

Sen.Wambua: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 52(1) to make a statement on an issue of general topical concern and national importance, namely the mystery shrouding the High Grand Falls Dam in Kitui and Tharaka Nithi Counties.

The scramble for and consequent partition of Africa in the 1880s remains the single most cavalier scheme to rob a subjugated people of their wealth, their cultural heritage and their self-worth.

The pioneer teams of explorers and missionaries came, discovered us and our rivers and our mountains, and turned our belief systems and social ethos upside down as they laid firm foundations for decades of exploitation of raw materials from the African soil to feed the Industrial Revolution in Western capitals.

Painfully, the rip-off continues today with the full backing and connivance of a compromised lot of African leaders, the selfish co-drivers of neo-colonialism. It baffles me that the invasion and plunder and desecration of our resources as in found space nor triggered a process of recourse in past and present lists of crimes against humanity.

The proposed High Grand Falls Dam, strugling the two counties of Kitui and Tharaka Nithi is touted as one of the world's biggest hydro and agro-irrigation dams. The reservoir covers a distance of more than 58 kilometres long and 8 kilometres wide. An objective resettlement action plan would put the imminent mass displacement of indigenous populations in proper context.

The resultant loss of livelihoods is yet to be quantified. There is zero evidence of any efforts to mitigate the disruption of indigenous cultural heritage and the unparalleled destruction of flora and fauna. This singular project is a perfect example of how compromised, subjugated, impoverished, and poorly represented masses are eternally disinherited in the name of development.

The promoters of this project are the quiet type. They hardly ever speak. When they do, they speak very casually and in harsh tones to the project-affected persons about the overwhelming benefits of such a huge project in their midst. They tell my people to

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grab the opportunity so that roads in the area can be tarmacked, schools and hospitals can be rebuilt and their children would get jobs.

Before we can even begin to think of any form of constructive engagement, I want to throw a few questions out there, specifically to the investor, GBM UK, and the implementing agency, the National Irrigation Authority (NIA). What is the level of public participation in this ambitious project and what is the scope of details that have been made available to the project-affected persons? In what language was the public participation exercise, if any, carried out? Which elected leaders in Kitui and Tharaka Nithi counties have been officially engaged and briefed about this big-deal project? Who has conducted an environmental and social impact assessment on this project and where is the report?

Kenyans must refuse to be hoodwinked into embracing projects based on benefits determined by foreigners and local fronts out to exploit our resources for obvious selfish gain.

The proposed site of the High Grand Falls Dam lies right in the middle of a rich mineral belt. Who will be the custodian of the mineral-rich soil excavated to create the reservoir? Who will benefit from the minerals extracted from the excavation exercise? Before anyone, either a foreigner or a local contact, speaks to us about the construction of roads, schools, hospitals and the creation of jobs and business opportunities in the project, there are minimum conditions that the people of Kitui and Tharaka Nithi counties must demand.

There must be a clear resettlement scheme with full and adequate representation of the project-affected persons. This scheme must meet internationally accepted standards. The project promoters and implementing agencies must go back to the drawing table to initiate an open, verifiable, participatory approach in adopting and rolling out an acceptable social management plan at all the stages of the project lifeline.

The ever-controversial exercise of land acquisition and compensation for property and heritage must be exhaustively dealt with before breaking the ground for the project.

In this respect, special attention must go to the vulnerable parts to ensure that they are protected from the greed of brokers. While at it, the project promoters must demonstrate in writing that gender issues in development have been adequately taken care of.

In this regard, the promoters must take into account the full participation of women at every stage of decision-making, including compensation for land and property, resettlement plan and full participation of women in discussions for the benefit-sharing agreement.

(Applause)

I believe that is the Chairperson of KEWOSA applauding because we want women to be taken care of. They must be taken of. Our culture, or what remains of it, is our heritage. The project promoters must table an ambiguous cultural heritage management plan that respects the diversity of our attachments to indigenous practices and objects, including ancestral graves, charms and sacred collections.

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How will these be preserved, decommissioned and transferred to new settlements in ways that dignify those sacred bonds?

The project site is a natural ecosystem that is home to a wide variety of species of wild animals and birds whose natural habitats will be irreparably destroyed. Some of these animals and birds occupy a special place in the culture of our people; they are totemic. How is the destruction of the habitats going to be compensated?

Additionally, the project site is populated with diverse indigenous trees and shrubs of great medicinal value to the community. The destruction of these trees and shrubs adds fuel to human activities leading to desertification and the adverse effects of climate change and global warming. What measures are in place to mitigate these effects?

At the start and throughout the project period, the site will be inaccessible to local communities both from Kitui and Tharaka Nithi Counties for extraction of resources they depend on for their daily living including water, timber, sand, building stones, etc. How will this be compensated?

Finally, for now, what is the place of the local community in determining the Benefit Sharing Agreement? What is in it for the community in terms of jobs, business opportunities, schools, markets, health facilities and other social amenities?

Our people want the project and the construction of the High Grand Falls Dam but they value their lives and the protection of the lives and livelihoods of the present and future generations more than they want the project.

The Deputy Speaker (Sen. Kathuri): I can see some interest in this statement, but I am tempted to decline these requests. Sen. Gataya Mo Fire, proceed.

Sen. Gataya Mo Fire: Mr. Deputy Speaker, Sir, I rise to support this statement which has been brought by Uncle Enoch from Kitui County.

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

Sen. Gataya Mo Fire: Mr. Deputy Speaker, Sir, what is it that is out of order? Ignore Sen. Sifuna because I am raising issues concerning Tharaka Nithi County. I am not the Senator for Nairobi City County.

Sen. Cherarkey: He cannot be ignored.

Sen. Sifuna: Thank you, Sen. Cherarkey. I cannot be ignored. Indeed, the Standing Orders require that we refer to each other as Senators. When Sen. Gataya Mo Fire wants to show us his family tree by referring to his uncles and aunts, then he is out of order.

The Deputy Speaker (Sen. Kathuri): Sen. Gataya Mo Fire does not refer to Sen. Wambua as Uncle Enoch.

Sen. Gataya Mo Fire: Mr. Deputy Speaker, Sir, the fact remains that Sen. Wambua is an uncle.

I am happy that he has brought this statement before this House. Six months ago, I brought the same statement concerning the High Grand Falls Kindaruma which has been in the talk of two counties for a couple of months.

The Deputy Speaker (Sen. Kathuri): Sen. Gataya Mo Fire, did you say High Grand Falls Kindaruma?

Sen. Gataya Mo Fire: No, Mr. Deputy Speaker, Sir, I am referring to the Grand Falls Kibunka, not Kindaruma.

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Such a huge project has a huge social implication, especially for the residents of Kitui and Tharaka Nithi counties. It is abnormal to see people going up and down trying to make interventions without involving political and local administrators on the ground. We have not witnessed a single incidence where residents have been subjected to public participation. We only see people make surveys. This is high time as a leadership we category agreed that the project cannot be initiated without the blessing of the political leadership on the ground.

The place where the Grand Falls Dam is supposed to be constructed has been a historical settlement. People have been living there for close to 500 years. People who live in a place where they have buried their fathers, grandfathers and kinsmen should not evacuate without knowing where they will acquire land.

We do not know the value of the land. We must have a serious conversation as leaders. Once these people are removed from this place where are they going to be taken? What is the value of land as of now? I stand to agree with Sen. Wambua that the political leadership from Kitui and Tharaka Nithi counties, the local administrators and the locals in both counties must be involved fully to make sure we get to know what is happening.

There could be fraudsters who would want to deceive people and make sure they do a dam without benefit to the people on the ground. I strongly support the statement.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, make a two-minute comment so that we make progress. We have other statements lined up under Standing Order No.53(1).

Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I agree with the two Senators; that is, the Senator for Kitui and the Senator for Tharaka Nithi. I went through this as a Member of Parliament when we did Thwake Dam in Makueni County, which would have been completed five years ago. It has been delayed and become more expensive. Resettling people is indeed a difficult matter, especially where they have buried their loved ones. Their homesteads have to be cleared and you have to find new graves for the old ones.

The process was complicated because of compensation. I agree that public participation is important. They need to educate the people around the site. It is one of the Vision 2030 flagships. The water will help Tharaka Nithi and Kitui counties. The dam will supply water to Northern Kenya and control the floods downstream. The reason why Sen. Mungatana is not here is that his people have been afflicted by floods downstream in the Tana River, which should be sorted out. It is high time the Government took the matter seriously.

The Thwake Dam project did not benefit the people of Makueni County with employment. There is something called local-local contracts. Everything ended up with people from other parts of the world, including non-Kenyans who were the greatest beneficiaries of the Thwake Dam project.

When you compare it with this project, I encourage the two Senators to approach the two governors and the leadership of the two counties to engage the national Government on this matter so that when the dam is completed on time and does not give us problems as you have seen in Makueni County.

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Mr. Deputy Speaker, Sir, I support.

The Deputy Speaker (Sen. Kathuri): Sen. Wamatinga, proceed.

Sen. Wamatinga: Thank you, Mr. Deputy Speaker, Sir. I also rise to support the spirit in which Sen. Wambua has raised his statement. However, I would want to enrich his understanding of project management and initiation in the spirit of one Kenya. It has been said and truthfully so, that Sen. Mungatana has been a victim of water overflowing from the Seven Forks Dams.

If we embrace the one-Kenya approach, where we look at one community benefit as a benefit for all Kenyans, then we will embrace projects that benefit two or three counties, which will in the long run benefit the rest of the country.

I support the spirit of public participation, which is the approach of the World Bank or the Donor Funded Projects. The first ingredient of social projects is public participation. However, before this is conducted there must be a geotechnical survey and fact-finding survey to establish whether the geotechnical composition of the soil and rocks in the area will support a five billion cubic meter dam. There must be other questions that might be raised.

It is high time we started a conversation on how to deal with land issues and compensation for land.

We know things that were conceptualised in 1960s and 1970s. Due to lack of proper town and urban planning, we found ourselves in situations where people have built on waterways and areas that were earmarked for highways.

It is our duty and obligation as a House to come up with an approach that will be accommodative enough, so that whenever we have such a project as in the case of Makueni where we have Thwake Dam, we do not need to reinvent the wheel every time we have a mega project like that. We should just copy and paste. That can only be done if we put legal and legislative framework in place. Whenever we have such a project, we should borrow from the experiences learned in past projects without replicating the costs that go with it.

Mr. Deputy Speaker, Sir, that is the conversation we must have as a country.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Prof.) Tom Odhiambo Ojienda, do you want to comment on this statement or something else?

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, I will wait to request for my statement then comprehensively address the statement by Sen. Wambua.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I support and appreciate the Senator for Kitui for bringing this to our attention. Having a project worth Kshs400 billion is not a small investment. As it was well put by the Senator, that investment is going to encompass an area of 58 kilometres by 8 kilometres and that has a lot of impact.

To start with, this is the House that is supposed to protect devolution. A dam is at the heart of thinking about serious water reservoirs in any economy. If a House such as the Senate or elected leaders like the Senator for Kitui are not involved, it is just wrong.

We have seen some places where dams are like every other evil. The path to any evil place is always paved with good intentions. Those good intentions have been expressed here as massive benefits that the people of Kitui and Tharaka Nithi counties are supposed to benefit from. However, the hazards are just as equally important to look at as you look at the benefits.

One of the things we have seen is that when these dams burst, many lives are lost and the entire ecosystem of that region is affected; whether it is flora or fauna, or the economic progression.

This is an important project that we keep on hearing about, especially the national Government being involved with different corporate organisations in a Public Private Partnership (PPP) arrangement. However, they do not recognise that there are elected leaders who are also important.

I have even seen such in my area where we have Gogo Dam in Uriri Constituency. There is an allocation of Kshs3 billion. Some people are already thinking about getting serious investors and contractors to come and start doing the site. However, there has not been a proper compensation conversation for people occupying that land. There is need to have a conversation because there are ancestral and communal lands.

As I conclude, the worst thing is that sometimes we have mega projects being started and people are promised to be compensated, but it becomes a serious prolonged battle between them, contractors on the site, investors and the national Government. A case example is what I gave today in the morning.

If you go to Nyatike in Migori County, there is a mega rice project that was started. Up to date, that is six years later, the National Irrigation Authority (NIA) has not properly compensated farmers there and their land is under use. Paddy rice leaves that particular region and goes to Uganda and Mwea, but those people have never been compensated.

This must never happen to the people of Kitui and Tharaka Nithi counties. We need to arrest this issue right now as the Senator of Kitui has rightly brought it to the attention of this House. We must force a conversation with the elected leaders of Kitui and Tharaka Nithi counties.

Mr. Deputy Speaker, Sir, as I support the statement, I hope it will be given the attention it deserves by this House.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Wafula then we will go to the next Order.

Sen. Wafula: Asante, Bw. Naibu wa Spika, kwa nafasi hii. Ningependa kuchangia taarifa ya bwawa la maji ambalo Seneta wa Kitui ameelezea. Ni muhimu Serikali inaporatibu na kuweka mipangilio ya kuwekeza katika sekta ya maji kuwahusisha washikadau wote kwa sababu wao ndio wamiliki wa rasilimali ambayo tunajadili sasa.

Mwafrika ni mtu ambaye ana itikadi na historia yake. Ikiwa historia na itikadi zake haziwezi kuheshimika, ni dhahiri shahiri kwamba mtu huyo hana thamani yoyote. Hii ndio sababu naunga Seneta wa Kitui mkono.

Kuna sehemu ambazo mababu waliotutangulia walizikwa na mahali walikuwa wanafanyia sherehe za kitamaduni. Maeneo hayo lazima yapewe kipaumbele katika kufidia serikali za kaunti na jamii husika.

Pia kuna sehemu za ibada na mbuga za wanyama ambazo vile vile lazima zishughulikiwe. Serikali inapotaka kuwekeza katika kaunti hizo, ni lazima iwape watu hao kipaumbele.

Bw. Naibu wa Spika, naomba upeane mwelekeo kwa Waziri husika katika sekta ya maji. Kando na bwawa ambalo tunajadili litanufaisha watu wa Tharaka Nithi na Kitui, kuna mabwawa mengine katika nchi ya Kenya ambayo Serikali ya Kenya Kwanza itaanzisha.

Lazima wawajibike na kueleza nchi mikakati ambayo wataweka ili kuhakikisha kwamba hakutakuwa na kulalama kwa watu wa kaunti nyingine kwa Seneti wanapopewa nafasi kutokana na changamoto kama zile ambazo watu wa Tharaka Nithi na Kitui wanapitia. Tharaka Nithi na Kitui ziwe kaunti ambazo zitapeana mwelekeo wa jinsi miradi ya Serikali ya mabwawa ya maji na unyunyizaji mashamba itakavyokuwa inatekelezwa.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Mr. Deputy Speaker, Sir, I take this opportunity to thank my Deputy Minority Leader, Sen. Wambua, for bringing to the attention of this House the issue of the dam being constructed downstream of Tana River. This is affecting Tharaka Nithi and Kitui counties. The issues he has mentioned, including public participation, cannot be gainsaid. These are important issues.

There were concerns of public participation regarding Koru-Soin Dam between Kericho and Kisumu counties. Their ancestral land was being affected. First of all, there was a hurry to implement the project without consulting the people.

Donors are very sensitive when people complain and say they were not consulted and do not know about a project, or a project is going to affect their ancestral land. Some of them have aesthetic values and attachment to the land when they are being removed. Therefore, they have to know exactly how they are going to be compensated.

On the Sondu Miriu Project, the people complained and the Parliament of Japan stopped the implementation of that project simply because the people complained that they were not consulted and the people downstream were going to be seriously affected by the construction of that dam.

Mr. Deputy Speaker, Sir, it is important that we have public participation. I had a project in my constituency when I was the Member of Parliament (MP) for Bondo on the Yala River. An investor was constructing a dam. There is a method called contour and another where you dig deeply so that the dam goes deeper. However, this takes a small area. When you do the contour method, it expands to a larger area and people get access, their cattle can drink water from the dam, but the other method denies the community the possibility of people and their animals having access to that water.

The people then decided to have the contour method, but the dam was taking a much bigger area than they had contemplated. Therefore, there must be proper planning, consultation and compensation for the people before a project of that size is implemented.

Mr. Deputy Speaker, Sir, we know the economic benefits the country will get from such a dam. It first controls flooding downstream. Secondly, it can be used to produce electricity and, thirdly, it can also be used to produce drinking water for the population. Fourthly, it can also be used as a tourist attraction like the Aswan Dam in Egypt. They draw water from our Lake Victoria and they use it to attract tourism in that area. There have big hotels constructed around it with boats. This attracts many tourists from all the world who go to see Aswan Dam.

These dams can bring many benefits, including tourism as well as economic benefits. However, they need to be carefully planned and in full consultation with the people. Public participation must be stressed because it is important.

I support the statement by my leader, Sen. Wambua. I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, just two minutes.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I support Sen. Enock Wambua and Sen. Mwenda Gataya Mo Fire for bringing this issue. I am happy that the people there are not objecting the construction of the High Grand Falls Dam that is between Kitui and Tharaka Nithi. However, I have realized there is abuse of the Constitution.

This is because the salient feature that Sen. Wambua has raised are on the issue of non-compensation. The property rights under Article 40 make it clear that when you are doing compulsory acquisition of land, it must be paid within the market value and it must be prompt. If that one has not been paid then GBM-UK must tell us why.

Secondly, Articles 118 and 110 talk about the salient feature of a democracy called public participation. If that has not been done, what are they hiding? Are they night runners? Are they doing something they fear that the people might oppose? They should do public participation and not as a privilege, but to the satisfaction of the law. We are not saying they should see the Senator for Kitui, Tharaka Nithi or any leadership. We are saying that they should follow the law as is and as prescribed.

The third point is that I saw Mwache Dam had a lot of issues. There was the issue of ancestral land and there was attachment to sacred places. However, they were compensated for their graves. They were even given time to relocate their graves. When you go to South America, they do not bury their dead, but they walk around with them as they wash and change them every year.

Mr. Deputy Speaker, Sir, can the wishes of the people of Tharaka Nithi and Kitui counties be respected to relocate their graves? We experienced this issue in Nandi when they were relocating my people from Tinderet to Kabiyet. *Wazungus* told them to go and their spirits would follow them.

I support this statement and when it comes here, the Senators for Tharaka Nithi and Kitui counties should invite us to have a conversation on this.

The Deputy Speaker (Sen. Kathuri): Sen. Abass, must you say something on this? Just two minutes, please.

Sen. Abass: I thank you, Mr. Deputy Speaker, Sir. I firstly want to thank the Senator for Kitui. He has brought a very important issue. It touches on many communities. In my experience, most of mega projects like this dam being constructed, the public is rarely involved. It only involves a few Government officers and a few gate-

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keepers who call themselves the local leaders. At the end of the day, the beneficiaries or the owners of the land are not compensated and they get a lot of problems.

There will be many socio-economic issues that will come up. People's farms and grazing land will be displaced. There will be socio-economic impact and research needs to be done before this dam is constructed. Therefore, it is important to have public participation to inform members of the public.

Most members of the public do not understand the whole concept. They will be told that a dam is being built and it is for their benefit. At the end of the day, especially in mega projects, many people get displaced and they go without water. Even during drought seasons, they do not get any services from these projects. The displaced people sometimes do not get any compensation. For every mega project that comes up, members of public always get displaced.

Mr. Deputy Speaker, Sir, the other thing is that the same dam will have a major impact on these people. Today, we are seeing many farms that have been destroyed and yet, the owners did not get involved.

We appreciate what Sen. Wambua has done. There is need to challenge all the people involved, including Government officers. We know what happened with the Standard Gauge Railway (SGR). Many people who were on that land were told that they would be compensated, but up to date, they are still waiting for that money. Apparently, that money was already paid and no one was compensated.

With that contribution, I support this statement.

The Deputy Speaker (Sen. Kathuri): Sen. Beth Syengo, you have one and a half minute.

Sen. Beth Syengo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the statement by my Senator and leader, Sen. Enoch Wambua.

I will speak on two things. The first one is on the compensation to the residents of Kitui and Tharaka Nithi counties. We have seen in other instances and places where foreigners or people from outside the affected counties coming in, buying land in that specific area so that they get compensated, but the real residents of that place who should benefit are left out. This must be carefully handled. We must ensure the residents of Kitui and Tharaka Nithi counties benefits from this mega project.

Secondly, we know corruption is rife in this country. We need proper mechanisms of implementation so that when work is taking place, it is done properly. We do not want to see scenario where money is paid, but work is not done, is poorly done or is substandard work which result in money being lost.

Mr. Deputy Speaker, Sir, I will speak on the benefits that will come from the High Grand Falls Dam. As one of my colleagues, the Senator for Siaya has alluded to, electricity, irrigation and many other benefits will come out of the project. This project must benefit the people of the two affected counties and bring development to our great country. It should not benefit those who have come as partners or those who purport to bring PPPs and then they get greater benefits and Kenyans are left languishing in poverty.

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Wambua, this project has generated a lot of interest. Under Standing Order No.52 (1), this statement is of topical concern. Maybe you can follow it up with the Cabinet Secretary for Water, Sanitation and

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Irrigation so that he can come and update the Senate on the plans they are doing on this project.

It is in Tharaka Nithi, but the ecosystem of Wajir, Garissa and Meru will also be affected by that mega project. I am told it is second from Aswan High Dam in Egypt. You can go that route so that the Cabinet Secretary can come and update the Senate on this project.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir, for pointing me to that direction. Can I plead that you direct me to liaise with the Cabinet Secretary for purposes of him appearing before the House to apprise the House on this matter?

The Deputy Speaker (Sen. Kathuri): I so direct.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir.

(Applause)

The Deputy Speaker (Sen. Kathuri): The next statement is by Sen. Kinyua, the Senator for Laikipia County.

USE OF “CORRUPTION FREE ZONE” TERM IN GOVERNMENT

Sen. Kinyua is not in the House. That statement is dropped.

(Statement dropped)

The next statement is by Sen. Nyamu.

STATE OF ROADS IN THE COUNTRY

Sen. Nyamu: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52 (1) to make a statement on an issue of general topical concern and national importance. The importance of roads in the day-to-day lives of citizens cannot be overemphasized as they are a critical infrastructure enabling ease of movement of people and goods.

Unfortunately, many of our roads are in poor condition, characterized by large potholes, inadequate or nonexistent road signs and insufficient markings. The state of our roads has impacted users and the country at large negatively, most notably the increase in road accidents.

We acknowledge that while many road accidents are caused by over-speeding, reckless driving, loss of control by drivers and drunk driving, as exemplified by the recent Mbagathi River accident, where a Nairobi-bound NABOKA Sacco bus plunged into the river, resulting in nine fatalities.

The dilapidated condition of our roads has also significantly contributed to numerous accidents across the country. I take this opportunity to extend my condolences to the family of the Mbagathi River accident victims.

Poor road networks in many parts of the country have led to job losses, wasted time and increased operating costs. Despite the Government's efforts to improve the transport infrastructure, some major roads remain in poor state.

According to the International Monetary Fund (IMF), poor roads in developing countries hinder inclusive growth. I believe that some of our roads can be redesigned in order to improve road safety. For example, a 21 kilometres stretch at Salgaa, once an accident black spot, saw a reduction in accidents by over 90 per cent, after a concrete barrier was constructed in 2018.

The Government must develop tangible solutions to the challenges facing our road network, not only in Nairobi and major cities, but across the entire country. Roads are essential to meeting the needs of the Kenyan economy and the population at large.

In conclusion, Kenya registered approximately 48 fatalities per 100,000 people. There is no reason why Kenya should not improve its road safety score by ensuring roads are designated and constructed with safety in mind. I urge the Government to deploy all measures necessary to reduce road accident fatalities.

I thank you, Mr. Deputy Speaker, Sir.

(Applause)

The Deputy Speaker (Sen. Kathuri): Thank you. Let us go to the statements under Standing Order No.53 (1). Let us have the Senator for Kisumu County read his two statements first.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. I have two statements. I will start with the statement on the state of Jaramogi Oginga Odinga Grounds and Victoria Park, and the establishment of other parks in Kisumu County.

STATE OF PARKS IN KISUMU COUNTY

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the state of Jaramogi Oginga Odinga Grounds and Victoria Park, which were closed for renovation in 2020 and reopened in 2024 with slight modifications, as well as the establishment of other public parks in Kisumu County.

Target seven of the Sustainable Development Goals, SDG 11, to which Kisumu County fully subscribes, requires that the county to provide universal access to safe, inclusive, accessible and green public spaces for all residents by the year 2030.

In the statement, the committee should-

(1) Provide a breakdown of the funds allocated for the renovation of Jaramogi Oginga Odinga Sports Grounds and Victoria Park in Kisumu County, a list of companies contracted to undertake the works and table documentary evidence indicating whether the right channels of procurement were followed in awarding the contracts.

(2) Find the variance between the architectural designs and the completed projects, if any, stating any course implications.

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(3) Establish whether there are plans to allow traders to operate their businesses in the parks and the criteria to be used in allocating space to the said traders.

(4) State any plans of the county government to develop similar parks and recreation spaces in Muhuroni, Nyakachi, Nyando, Kisumu East, Kisumu West, and Seme sub counties in Kisumu County, indicating the budgetary allocations and completion timelines for said projects.

STATE OF ECDE IN KISUMU COUNTY

Mr. Deputy Speaker, Sir, I also rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Education regarding the state of Early Childhood Development Education (ECDE) centres in Kisumu County.

Article 186 of the Kenyan Constitution 2010 as read together with Section 9 of Part 2 of the Fourth Schedule, devolves pre-primary education and child care facilities to the county government. Additionally, Section 5 of the County Government Act, 2012 provides for the functions and powers of county governments, including the establishment, management and regulation of ECDE centres.

In the statement, the committee should-

(1) Provide an overview of the current status of all ECDE facilities in Kisumu County, indicating rationale for building new ECDE centres instead of completing the existing ones.

(2) Provide details of all teachers employed in each of the ECDE centres in the county, stating their qualifications and regulations, including any other benefits paid to them.

(3) State steps the county government has taken to improve the quality of learning and training programmes provided in ECDE centres in the county.

(4) Establish the criteria used to determine which ECDE projects are prioritized for completion and state measures in place to address the challenges faced in the construction of ECDE centres.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Kibwana, proceed.

DEATH OF MASTER STEPHEN MWANGI FOLLOWING ALTERCATION WITH KFS OFFICERS

Sen. Kibwana: Thank you, Mr. Deputy Speaker, Sir. Speaker, I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on National Security, Defense and Foreign Relations regarding the circumstances leading to the fatal altercation involving Master Stephen Mwangi, a form three student at Maji Mazuri Day School and Kenya Forest Service (KFS) officers at Maji Mazuri in Eldama Ravine, Baringo County.

In the statement, the committee should-

(1) Provide a detailed account of the events leading to the fatal altercation between Master Stephen Mwangi and Kenya Forest Service (KFS) officers, including the actions that transpired before, during and after the altercation.

(2) Disclose the status of investigations into this unfortunate incident, including the parties involved in the altercation and any preliminary findings or outcomes of such investigation.

(3) Give a review of the general conduct and protocols observed by KFS officers in executing their duties, particularly in matters involving public engagement and enforcement activities within the forests in Kenya.

(4) Elucidate whether there are any existing policies, guidelines or training programmes in place for KFS officers regarding engagement with civilians and conflict resolution strategies.

(5) Highlight measures being taken or proposed by the Government to prevent similar incidents in the future with a view to improving accountability and ensuring the protection of citizens' rights during law enforcement operations.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Betty Montet proceed.

OPERATIONS OF NACONEK

Sen. Betty Montet: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education regarding the operation of the National Council for Nomadic Education in Kenya (NACONEK).

In the statement, the committee should-

(1) Table a report of schools per county and programmes funded by the council from 2015 to date.

(2) Provide a budget allocation for the council in the last five years, including other funding by stakeholders and development partners.

(3) State the criteria in the determination of the learning institutions under the council and the manner in implementation of the programmes and whether there are any plans by the council to expand the programme to cover learners in areas that were hard hit by recent floods.

(4) Explain whether the council contracts companies to run the programmes under them, tabling a list of companies contracted and the specifics of the contracts.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. The ladies are doing so well this afternoon.

Proceed, Sen. Shakila Abdalla.

TRANSPORT CHALLENGES ON LAMU-GARSEN ROAD

Sen. Shakila Abdalla: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads,

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Transportation and Housing concerning the recent flooding and transportation challenges along the Lamu-Garsen Road at Gamba, Tana River County.

In the statement, the committee should-

(1) Detail measures the Government has implemented to provide alternative means of transportation, such as the deployment of Kenya Navy rescue boats, in response to the limitations of small private boats, which have proven unsafe, as highlighted by incidents like the Madogo boat accident on the Tana River.

(2) Explain the immediate measures the Government has taken to ensure the safety of residents currently using private boats to navigate flooded areas in Gamba.

(3) State how the Government is coordinating with local emergency services and disaster response teams to assist the affected population and ensure timely and effective transportation solutions during this crisis, providing details on the nature of these collaborations.

(4) Outline the long-term infrastructure projects being considered to ensure safe transportation in Gamba, given the annual recurrence of these transportation challenges every year.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, proceed. You have three Statements. Kindly read them simultaneously.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I will try to read them all.

STATUS OF DAM CONSTRUCTION PROJECTS IN THE COUNTRY

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 status of dam construction projects in the country.

In the statement, the committee should-

(1) Provide a status update on the construction of Umaa and Badassa dams in Kitui County and Marsabit County, respectively, explaining any variations in the Bill of Quantities and or contractual commencement and completion dates.

(2) Evaluate whether due process was followed in tendering and awarding of the contracts for the construction of the said dams.

(3) Disclose the identities of the respective contractors and subcontractors, providing a breakdown of all payments made to each, so far, along with the reasons for the payments.

(4) Provide a status update on all other incomplete projects for the construction of dams in the country, providing a list of the respective contractors and the payments made to them, so far.

(5) Outline any actions taken against persons responsible for any misappropriation of funds or irregular variations of the terms of contract for the projects, stating whether the committee could order a special audit of the projects by office of the Auditor General.

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COLLECTION TARGETS BY KRA
FOR FY2023/2024

I rise again pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Finance and Budget on the Kenya Revenue Authority (KRA) revenue collection targets for the Financial Year 2023/2024.

In the statement, the committee should:

(1) State the measures that have been put in place by KRA to ensure that they meet their set target on revenue collection for the Financial Year 2023/2024.

(2) State the reasons for the anticipated failure in meeting revenue collection targets as reported by KRA, which has observed that the tax collector is likely to miss the target by about Kshs300 billion.

(3) Provide reasons that led to the decline in Pay As You Earn (PAYE) collections totalling about Kshs72.3 billion, despite the commission having applied new strategies.

(4) Apprise the Senate on the systems that have been put in place by the KRA to ensure tax compliance by all sectors and improve tax collection in the country.

(5) State the measures taken by the KRA to ensure tax evasion is eradicated, providing details of all pending major tax disputes and state the amounts collected from previous disputes.

ALLEGED UNFAIR LABOUR PRACTICE BY TSC ON
EMPLOYMENT OF JSS TEACHERS

With regard to the final statement, I request all Senators to listen keenly despite the industrial action.

I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Education regarding the unfair labour practice by the Teachers Service Commission (TSC) in employing duly trained and qualified teachers as interns in Junior Secondary Schools (JSS).

In the statement, the committee should:

(1) Elaborate on any measures the Ministry of Education has taken to ensure the full implementation of the Competency-Based Curriculum (CBC), especially considering that the teachers are currently overwhelmed, poorly equipped and unmotivated to implement the CBC.

(2) Clarify why the TSC continues to violate the rights of trained teachers who are 46,000 by employing them as interns at JSS and retaining them as such for the second consecutive year, despite prior assurances of absorption on permanent terms, then proceeding to recruit new teachers without renewal of contracts of those currently serving as interns.

(3) State the reasons for the Ministry of Education and TSC's failure to comply with the Employment and Labour Relations Court judgement on Petition No. E223 of 2023, which found out that the JSS teachers were unfairly treated and discriminated against as they were denied the terms and conditions of service ordinarily enjoyed by

trained teachers, explaining when their terms, including medical cover and pension, will be improved.

(4) State whether the Ministry of Education has completed the process of interviewing teachers for promotion, explaining why the TSC failed to promote teachers who automatically qualify due to experience, including JSS teachers who possess similar training as other teachers in secondary schools.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Wafula, proceed.

DEATH OF MS. RUTH AYUMA INGANGA
FROM A HIT-AND-RUN ACCIDENT

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the death of a pedestrian in a hit-and-run accident that occurred near Chabera Shopping Centre in Nyamira County.

In the statement, the committee should:

(a) Find out the circumstances leading to the death of a pedestrian, Mrs. Ruth Ayuma Inganga in a hit-and-run incident by a vehicle; registration No. KCW 636W, Toyota Axio, near Chabera Shopping Centre in Nyamira County.

(b) State the ongoing efforts by the police to apprehend the driver of the said vehicle for arraignment before the court of law.

(c) Inform the Senate of the immediate actions taken by police at Chabera Police Post where the incident was first reported to ensure the arrest of the driver of the vehicle.

STATUS OF PUBLIC LAND IN BUNGOMA COUNTY

I rise again pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of public land belonging to the County Government of Bungoma.

In the statement, the committee should:

(a) Provide details on the acreage and location of all parcels of land belonging to the County Government of Bungoma accompanied by the corresponding legal documentation that proves ownership.

(b) Clarify whether the said parcels of land are being utilised effectively and for the designated purpose and if not, state any plans to utilise them to the benefit of the residence of Bungoma County.

(c) Table the report of the task force set up to identify grabbed land in the county by the then Governor of Bungoma County in 2019 and provide a status update on the implementation of its recommendation.

(d) Outline steps taken by the County Government to reclaim all public land held by individuals.

(e) Outline any measures put in place to ensure adherence to the local physical and land use development plan in all public centres in the county.

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Thank you.

The Deputy Speaker (Sen. Kathuri): That is the end of statements. We go to the next order.

BILL

Second Reading

THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)

(Division)

I can see we do not have the numbers for Division.

(Bill deferred)

Next order.

BILL

Second Reading

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)

(Sen. Cheruiyot on 9.5.2024)

(Resumption of debate interrupted on 21.5.2024)

Hon. Senators, I can see Sen. (Dr.) Oburu is interested to speak to Order No. 9, the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023). Are you interested to contribute on that?

Sen. (Dr.) Oburu: Mr. Deputy Speaker, Sir, I do not wish to contribute to that.

The Deputy Speaker (Sen. Kathuri): Is the Mover around to reply because there is no other Senator interested to speak on this. We defer that Bill to next week.

(Bill deferred)

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

I defer Order Nos. 10 to 12.

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO. 70 OF 2023)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

So, we go to Order No. 13.

BILL

Second Reading

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

The Deputy Speaker (Sen. Kathuri): The Deputy Majority Leader, you can now move the Bill.

(Sen. Tabitha Keroche spoke off record)

It is the Deputy Majority Leader, the Principal assistant.

Sen. Tabitha Keroche: Mr. Deputy Speaker Sir, I beg to move that the National Construction Authority (Amendment) Bill, (National Assembly Bills No. 59 of 2022), be now read a Second Time.

Mr. Deputy Speaker Sir, the National Construction Authority (Amendment) Bill (National Assembly Bill No.59 of 2022) was published in the Kenya Gazette Supplement No.189 of 2022, dated 18th November, 2022. The Bill was considered by the National

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Assembly and passed on 6th December 2023. Thereafter, it was referred to the Senate for consideration.

The principal objective of the Bill is to amend the National Construction Authority Act No.41 of 2011 to ensure women, youth and Persons With Disability (PWDs) can have start-up business and can apply to be registered as contractors under Categories 6, 7 and 8 while being exempted from paying the prescribed fee.

The amendment seeks to provide for the recognition of women, youth, and PWDs as marginalized groups and cushion them from the burden of paying registration fees.

Mr. Deputy Speaker, Sir, in the recent past, there have been initiatives to promote the inclusion of women, youth and PWDs in the business sector, including the enactment of the Public Procurement and Disposal Act (PPDA). This has been done with the focus on providing equal opportunities for employment and access to business opportunities for these groups.

It is noteworthy that women, youth and PWDs are increasingly taking roles in the construction industry. By exempting these groups from the prescribed registration fees, it will help remove the financial barriers and encourage these groups to pursue entrepreneurship in the construction industry. Ultimately, leading to the development of more accessible and equitable construction and building, taking into account the needs and perspectives of diverse groups. For this reason, the importance of the Bill cannot be overrated.

Mr. Deputy Speaker, Sir, specifically Clause 2 of the Bill seeks to amend Section 17 of the National Construction Authority (NCA) Act. It is to provide that women, youth and PWDs who apply to be registered by the Board as contractors shall be exempted from paying the prescribed fee where the business is a start-up venture and further where the fee does not exceed Kshs15,000.

In concluding, the passage of the Bill will contribute to a more sustainable and socially responsible construction sector. I, therefore, urge hon. Senators to support this important Bill.

Signed by Senator Aaron Cheruiyot. I call upon the Senator for Nandi to second.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. As I second, I congratulate the Senate Deputy Majority Leader. She is taking over reins of power this week when her boss is not around.

Mr. Deputy Speaker, this is a straightforward amendment. You Sen. Tabitha Mutinda--- Sorry, Sen. Tabitha Keroche is one of the best entrepreneurs in this country. She is the one who prepares your favorite drink most of the time.

I would have expected her to give us a---

The Deputy Speaker (Sen. Kathuri): Sen. Mohammed Faki.

Sen. Faki: Is it in order for my learned friend, Sen. Cherarkey, to refer to Sen. Tabitha Keroche as Sen. Tabitha Mutinda yet we know the two are different distinguished Senators in this House?

The Deputy Speaker (Sen. Kathuri): He immediately corrected himself after a slip of the tongue. Sen. Cherarkey, maybe you can properly refer to Sen. Tabitha Keroche without mixing names.

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Sen. Cherarkey: My apologies, Mr. Deputy Speaker, Sir. Sen. Faki is a bit confused because both Tabithas are female Senators from UDA, the ruling party. They are also entrepreneurs, married and they are beautiful. I can understand what Sen. Faki is going through.

Mr. Deputy Speaker, Sir, in seconding the Bill, I would have expected Sen. Tabitha Keroche, the distinguished Senator of Nakuru and the future Governor of Nakuru County to tell us the magic she has been doing to build a multi-billion-dollar industry. She is one of the most celebrated industrialists in this country and a leader.

She is one of the few female Senators that were elected on our side to this House. They are actually two because Sen. Dullo of Jubilee crossed over to the Majority side. On the other side is the Senator of Machakos, Sen. “Kavaa mama.” She is among the few and jokingly, the street normally refers to that county as Nakuru girls.

In supporting this amendment, the work of the NCA can be seen. Although we have had many challenges with NCA, mostly on the collapsing buildings. You saw the other day when the floods became too much, a building collapsed within the Nairobi Metropolis and lives were lost.

We have many substandard buildings collapsing daily. Even as we push for this amendment, I want to challenge the NCA to do due diligence. In future, when a building collapses, the NCA officials must be charged with manslaughter because they are the ones approving these buildings.

I remember when the Bunge Tower issue came up, we were discussing about certificate of occupation by public works who work together with NCA as the supervisor of both the contractors and what happens at the construction site.

Mr. Deputy Speaker, Sir, you are aware of the Affordable Housing Programme of His Excellency the President of the Republic of Kenya, Dr. William Ruto. It would not have been a better time for this amendment to come than now. One of the BETA by His Excellency the President and our Government is the issue of affordable housing.

We are encouraging young people to get into construction. As it is said in the Bible, there are people like the sons of Isaack who knew times and signs.

This is a sign to many youths and women that we are amending the law to give them leeway to register construction companies. This was viewed as an industry that was only exclusive to some individuals.

There is the construction of economic stimulus plans. The markets that we are building in Marimanti, Meru, Makutano, Nandi, Nandi Hills, Kabsabet, Mosoriot, Kaiboi and others are under an economic stimulus plan. It means this decade and this century belongs to construction and development.

I want to challenge young people across the country to take charge so that they are not misused and abused by politicians. I do not do that. However, a few politicians who have selfish interests will want to give handouts to young people. I want to challenge my colleagues here at the Senate and other elected leaders to assist young people in registering companies. I know we amended the AGPO where we say 30 per cent of tender and contract should be awarded to young people.

I also want to challenge the Office of the Auditor General (OAG) to do an audit. You will be shocked that in the AGPO, 30 per cent that should be given to young people,

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women and PWDs does not go to the disabled and young women. They go to people calling themselves senior youth. I hope Sen. Crystal Asige will speak about this.

We find somebody running a youth company, but they are 60 or 70 years old. I think this amendment would have come at a better time. We do not want to give young people fish, but let us teach them how to fish.

If today young people of Kenya take up this challenge and register companies and competitively get their awards of 30 per cent as per the AGPO, there would be fewer or no young people to be misused and abused in this country by selfish politicians.

Whenever you go to rallies or *mandamanos*, the youth are the majority. I challenge the youth in this city and many other towns to register construction companies. There is what we call *aluta* where you disappear for three days. That is what is happening to the young people. They disappear over the weekend; they go clubbing and *kupiga sherehe*. They should know their future waits for them. The only way they can do this is to register companies.

That is why I want to challenge the Committee of Devolution and Intergovernmental Relations or even the County Public Accounts Committee (CPAC) where I sit, to do an audit to know how much of that 30 per cent of the budget go to the youth, women and PWDs. How many young people's companies have been awarded tenders in Meru, Nairobi, Nandi, Mombasa, Wajir, Garissa, Lamu and across the country.

As we do the law, let it not be a law on paper, it should have value to many young people across the country. We even processed the Start-up Bill in this country which proposed giving young people tax holidays and tax exemptions to encourage them to build on their businesses going into the future.

You are aware that 60 per cent of the population of Kenya are youths. So, let us be fair. We do not have the white-collar jobs across the country that we can give to young people.

Many young people are going through universities and graduating with diplomas and degrees. You heard about JSS. There are 46,000 JSS interns in the country. I can tell you even in Meru they are there. I know you have received an SMS from JSS. I have not been having peace.

I have been receiving messages, WhatsApp calls, WhatsApp messages, Facebook updates Facebook inboxes, Instagram and TikTok, from the JSS interns, asking what Parliament is doing to ensure they are employed on Permanent and Pensionable terms. I can bet that those 46,000 interns are young people.

You saw the doctors' strike the other day. Most of those intern doctors are young people. You heard Sen. (Dr.) Bonnie Khalwale saying I went through *gumbaru* and it is in HANSARD. I shall be applying for it to be expunged. However, the Speaker of the day did not challenge him regarding responsibility for facts as set out in Standing Order No.105.

I do not have a problem. I might have gotten the grades that Sen. (Dr.) Khalwale talked about, but he should know we are many. If he meant it in bad faith that people who do not go to school are many, then I am happily part of that generation. The point I am making is that there are many interns and going to *gumbaru* is not a problem. Many

people have become professors, we have those with PhDs who went through *gumbaru*, and they are doing a wonderful job in our societies.

I am using an example of the strike that you saw of doctors. About 90 per cent of the doctors that were on the street were Clinical Officers (Cos). Those who were demonstrating today are young people.

We cannot employ everybody. Even we, as Members of Parliament (MPs), could not employ ourselves. We had to go to the people to seek employment. I hear MPs say why should you not generate employment, yet we could not hire or employ ourselves? We had to go and beg for employment through the vote to be employed by the people. We could not employ ourselves.

What I am just saying is that wherever we are, let us encourage young people to seize the opportunities because they cannot be young forever. Even on this one, the registration fee does not exceed Kshs15,000. I do not think it is a lot of money. It is being fair to the hustlers. I know when they want to do start-up businesses, they can do it. It is something that we can remain focused on.

Section 17 of the parent Act talks about the application for registration of the NCA certificate. Many young people shall be exempted from paying the prescription registration fee. So, I pray and wish one day this is what media will be giving as headlines, even in the national newspapers. Today the Parliament of Kenya, through the Senate, has proposed a law to ensure youth, PWDs, and women can register free of charge.

I am praying for the day the media will run such stories as headlines, not talking about funny things that I do not want to mention on the Floor of the House. That is the prayer to our media. I know the media are doing their job. They are exposing the ills. However, I want to request them to run both positive and negatives. When such a law comes, I expect it to receive prominence as news so that young people can know we are doing something.

Politicians and MPs are normally blasted for doing nothing about the common man. Here we are working. However, because we cannot go to the top of the mountain and use a trumpet to tell the world, the media should be assisting us, not to cover more negativity.

I want to encourage the media, as they write other stories to indicate that Parliament has moved to ensure that youth, PWDs and women are exempted from paying prescription and registration fees. This is what we want for our country. This is for hustlers

I am happy because the other issues of registration like technical qualifications and necessary experience in construction and application for registration remain the same. I know when it comes to the Committee of the Whole, we will look at the experience.

We want young people who go to study engineering, for at least, one or two years--- That is what we did with the County Attorney Act. We ensured that we put in place an experience. This is because many young people do not have experience. Young people cannot get employment because they are being asked whether they have

experience in the particular field or guarantee. We should be looking even and exploring how young people can access credit.

We ask them to give collateral security and yet they do not have title deeds. Title deeds belong to their grandfathers or great-great-grandfathers. However, the bank wants to loan them against collateral security.

They do not have a logbook. They have just finished school. That is the pain of most of the young people go through. Most of them want to do something, but cannot do it because they need collateral or security like a logbook, title deeds or a payslip

Online jobs that the President is trying to pursue, banks will take long to adapt to this. If you tell the banks that you are working online, they do not understand how you earn your money. Currently, the President is in America and other places to look for online jobs.

We will build Information Communication Technology (ICT) hubs across the country. Even in my place, there is a place called Kaptengelei where young men are generating dollars from online jobs. Bankers do not understand how to give a loan to somebody who works online. They need to know that young people are moving differently. There was the issue of Bitcoin which has collapsed in South American countries.

Young people need support since they cannot have collateral or loan security. They cannot have the title deeds, logbooks or a pay slip to get a loan.

Finally, I agree with the amendments to this Bill. This is one of the Bills that I have unconditional support for. Although it comes from the National Assembly. This is a brilliant Bill and we should give a chance to young people to feel they are part of us.

I heard Sen. Miraj saying in the morning that many people do not know in your tenure in the National Assembly you were instrumental in ensuring that *muguka and miraa* are legal crops. The argument was that when you see young people consuming it during daytime it is because they do not have a job to do. They are idle. They say an idle mind is the devil's workshop.

Mr. Deputy Speaker, Sir, there is the Hustler Fund that is His Excellency the President's pet project for a better economy. We want young people to borrow the money and generate their income through the Hustler Fund. You do not need collateral or security to access Hustler Fund, you only need your phone and yourself to get that money.

Interestingly in the Senate, almost 50 per cent of the Senators are young people. I expect all the young people in the Senate, including myself, to say something about this Bill. We have a number of women Senators who I expect to speak to this Bill. We have a number of Senators with disability or differently abled led by Sen. Crystal Asige and Sen. Mbugua who I expect to fine-tune this Bill by looking at it and tell us if it is in line with what their constituency would want us to pass. Are they comfortable?

Going into the future, let us amend all laws possible within counties. I have challenged the chairperson of the Committee on Devolution and Intergovernmental Relations, Sen. Abass, who should do an audit.

I saw the chairperson of the Finance of the Budget Committee, Sen. Ali Roba who should table a report on the compliance of counties on employment of 30 per cent youth.

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We want to know how many companies in Meru belong to young people who are getting county tenders.

I am happy the Vice-Chairperson of the Committee on Finance and Budget is here. She should tell the country how many counties are complying with the 30 per cent rule. Even in Nakuru County, we want to know how many youthful companies are giving business to young people. This is the future we want to see.

We are not encouraging young people to be corrupt. We want them to do legit business and not *kemikali* business.

I will finish in the words of the great man called Bob Marley who unfortunately succumbed to cancer at 36 years. I would like to use these words to encourage young people. Young people would want to be rich overnight and be instant millionaires.

When Bob Marley was being interviewed, he was asked by a reporter about the wealth he had acquired through his concerts and selling of his songs. He asked the reporter what they meant, whether it was riches of possessions. The reporter replied that it was in terms of wealth. Bob Marley answered – this should encourage us in leadership – that his true riches and wealth is to have a life full of love and live forever.

With those beautiful words of Bob Marley, I encourage young people as I second this Bill. May his soul live, Rastafarians do not die, but transit to another world.

I thank you, Mr. Deputy Speaker, Sir. I beg to second.

(Question proposed)

Sen. Faki: Asante, Bw. Naibu Spika, kwa kunipa fursa hii kuchangia Mswada wa marekebisho ya sheria ya *National Construction Authority* yaani shirika linalosimamia ujenzi katika nchi yetu ya Kenya.

Mabadiliko haya yako wazi na yatasaidia pakubwa kuchangia kina mama, vijana na pia walemavu kupata fursa ya kufanya biashara kama wanakandarasi nchini.

Wanawake na vijana ndio asilimia kubwa ya idadi ya watu walioko nchini. Wengi wametengwa katika biashara na makazi kwa sababu uchumi wetu haujakuwa wa nguvu ili kuweza kumchukua kila mmoja.

Mswada huu utatoa fursa ya kuwezesha wao kufanya biashara ili waweze kujikimu na pia waajiri watu wengine ambao watafanya kazi katika kampuni ambazo zitakuwa zinafanya kazi ya ujenzi.

Sheria ziko, lakini katika utekelezaji wazo utaona mambo mengi yanakwenda kinyumenyume. Kwa mfano, ijapokuwa vijana wana asilimia katika kandarasi zinazotolewa na kaunti zetu utapata wanakandarasi wengi ni watu wa umri mkubwa lakini wanatumia majina ya vijana kama wakurugenzi kwenye kampuni zile ili wapate biashara. Lakini kwa ukweli kampuni sio zao na pesa zinakapokuja vijana wanapewa pesa kidogo kulingana na pesa ambazo zimepatikana.

Vile vile wanawake wengi wameshindwa kuingia katika biashara kwa sababu ya ukosefu wa raslimali/*capital*. Ijapokuwa kuna taratibu ama Miswada ambayo imeletwa kusaidia, kwa mfano, Hustler Fund, pesa hizi zimekuwa donda sugu na wengi wameshidwa kulipa kwa sababu uchumi ni mbaya na hawawezi kufanya biashara kwani kaunti zetu hazilipi pesa kwa wakati.

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Pia Serikali ya kitaifa hailipi pesa kwa wakati. Kwa hivyo, hata wakifanya biashara zile hawapati malipo ama faida kama vile inatarajiwa katika kufanya biashara hiyo.

Wengi ambao wanaanzisha biashara wanapata changamoto nyingi hususan changamoto za raslimali yaani mtaji wa biashara ile. Utapata hata kama amepewa kandarasi, inataka alipie mali ghafi ama vitu ambazo atatumia kwenye ujenzi ama kupeleka kwenye biashara. Hivyo basi wanakosa kufanya biashara hizo kwa sababu ya pesa hizi ama mtaji raslimali inayohitajika kuanzisha biashara hizo.

Vile vile Mswada huu unapendekeza kuwa wale ambao *fee* haizidi shilingi 15,000 waruhusiwe kufanya maombi hayo bila kulipa. Mswada huu utasaidia pakubwa kuimarisha hali ya kina mama, vijana na walemavu katika nchi yetu.

Pia utasaidia pakubwa kuinua biashara na kuhakisha kwamba watu wengi wanafanya biashara ambazo zitasaidia kuendeleza maisha yao kuliko kusubiri kuajiriwa. Kazi zimekuwa adimu sana kwa sababu uchumi wetu haukui jinsi unavyopaswa.

Kodi mpya zitakazotozwa zitazidi kulemaza biashara katika nchi yetu ya Kenya.

Asante, Bw. Naibu wa Spika, kwa kunipa fursa hii.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I rise to support this National Construction Authority (Amendment) Bill. What catches my eye is New Clause 2A regarding special groups such as women, the youth and Persons with Disabilities (PWDs). As a champion for the youth and women, this is one of the amendments that I will always support, any time.

I support the two proposed amendments. Let me start with 2A(b) which states that the fee should not exceed Kshs15,000. As Africans, we say that if you want to help someone, just help them. Do not say that you are going to help and give conditions.

If we want women and the youth to get certification by the NCA, then this Kshs15,000 should be reduced to zero. If there is really need because of paperwork and administrative costs, it should not exceed Kshs3,000. That will encourage these particular special groups of people to do business.

We have organisations and entities like the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA) and the Kenya National Highway Authority (KeNHA), among others, that are involved in real estate. With the manifesto of the Kenya Kwanza Government on affordable housing, this is an area where young people can get opportunities to become full contractors without depending on foreigners.

We have been having cases where foreigners come and get locals to be part of the directors so that a company has Kenyans. This amendment seeks to allow our youth, fellow women and PWDs to be confident enough to get into these businesses.

Mr. Deputy Speaker, Sir, you will agree with me that the business of construction has been perceived to be for a specific group of people. The specific group of people are those who are monied or have financial muscles because the contract sums required are huge. Someone who is starting up a business should be excluded because everyone has a starting point.

Even those who are worth billions or millions started from somewhere. There is always a starting point. That is why zero is also an important digit. The amendment seeks to bring on board also those with start-up businesses.

I agree with the Senator for Mombasa. We have been having business people using young people's identification cards and PWDs as directors of companies in the name of winning particular tenders. That has been happening. However, with this particular amendment, it will give them confidence to register with minimal or zero cost to obtain NCA certificates.

The NCA certificates are in ranges depending on the category that one wants to get involved in. Depending on whichever category one can afford, different terms are put, but it should be as low as even Kshs2,500 or Kshs3,000.

As I conclude, I would like to talk about what is happening in Nairobi. We have seen rogue business people putting up buildings. Some of them do not have correct NCA documents. The NCA should be more keen and ensure that buildings that are coming up, especially in the city are certified.

During the recent floods, we saw buildings coming down. At times, it was because someone presented fake certificates. You will find someone being awarded a contract and yet they do not have the expertise and techniques needed according to the NCA standards.

The NCA not only issues certificates to businesspersons, but it also requires you to have the personnel for your company such as those with engineering skills to oversee or supervise the work after getting a contract. This is a good opportunity. As a Government, we have championed opportunities for women, the youth and PWDs. This will be one of them when we agree to pass this particular amendment.

I heard one colleague talk about the data for the jobs. That is the 30 per cent given to women, PWDs and the youth from different counties. That falls under my Committee on Finance and Budget and the report is available.

A Member of this House requested for that report. We, as a committee, got the feedback and shared with the Member. That information is available not only in our committee, but also in relevant Government offices such as the National Treasury. If you look at it, they have indicated how many youth, women and PWDs were awarded tenders.

Mr. Deputy Speaker, Sir, to our surprise, the number is quite high for the youth, women and PWDs. The only issue is knowing who those individuals are. Are they aware that they are also directors or their names are just being used?

I support.

The Deputy Speaker (Sen. Kathuri): Since no other Senators is interested in contributing, we can now have the Mover to reply.

Sen. Tabitha Keroche: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. This Bill will go down as one of the best Bills that we have had in this House and during our time. We should all celebrate because construction has been known as a male-dominated industry. With this Act in place, it will enable women, youth and PWDs to be involved in this business. It is a big business which everybody should reap from.

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Banks should also have trust in women, the youth and PWDs. They should not be referred to as risk persons when it comes to lending as everybody starts small and grows big. We hope women, the youth and PWDS will be given the opportunity. With this Bill being enacted, we hope to see them grow and become big contractors in this country.

As Sen. Tabitha Mutinda said, we will not be looking for foreign contractors to come to our country to do construction work. When women touch on anything, we know that it flourishes. We hope to see them in the global markets. We have seen them building here in Africa and the rest of the world. I know women are the conquerors of this world. It is time for women from Kenya to flourish in Africa and the rest of the world.

Mr. Deputy Speaker, Sir, I beg to reply. I wish to thank all hon. Senators who have to contribute and support the Bill. I urge the Standing Committee on Roads and Transportation where the Bill was committed to finalize, table it and report on the Bill so that the report may enrich the Bill and the eventually it be enacted.

As I stated before, once enacted, this law will ensure that the women, youth and PWDs are enabled to set up start-up businesses. They can apply to be registered as contractors under the Act while being exempted from paying the registration fee. This will ensure that they continue to take on roles at the construction industry.

Mr. Deputy Speaker, Sir, I further request that pursuant to Standing Order No. 66(3), the putting of the question on this Bill be deferred to a later date.

I thank you.

The Deputy Speaker (Sen. Kathuri): That is very correct. We will defer Division to a later date.

(Putting of the Question on the Bill deferred)

Let us go to the next Order. We will defer Order No. 14 and then we will go to Order No. 15.

BILL

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.46 OF 2023)

(Bill deferred)

BILL

Second Reading

THE NUTS AND OIL CROPS DEVELOPMENT BILL
(SENATE BILLS NO.47 OF 2023)

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The Deputy Speaker (Sen. Kathuri): Sen. Hamida Kibwana.

Sen. Kibwana: Mr. Deputy Speaker, Sir, I beg to move that the Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023) be read a Second Time.

Mr. Deputy Speaker, Sir, this is long overdue. This Bill will be significant in the nuts and oil industry. The industry needs a strong and a robust policy. It is time we spoke about coconuts, cashew nuts and other nuts as well. We have had Bills for coffee and tea crops, but we do not discuss about the coconut crops.

This Bill intends to promote globally competitive nuts. When we talk about coconuts, I can only look at Azam products. When I go to our stores or supermarkets, I hardly find coconut products made in Kenya. I have bought Azam or other products. You cannot imagine that Azam products originate from Kenyan products. They go to Mombasa, get coconuts and process their products. Sometimes, they take them to Malaysia and back to Tanzania. It is sad that us Kenyans are unable to support our own cash crop.

I will look at the benefits of coconuts. We from the coastal region use coconut milk for cooking. Coconut is also used as medicine and their husks make ropes. Their sticks as well make brooms. The wood from the coconut plant is used as firewood. I also have some stools made out of coconut wood.

We also use coconut shells to steam food or make porridge with. The coconut water is quite refreshing when it comes to reducing weight and other benefits.

The Bill establishes the Nuts and Oil Crops Development Board, a body corporate with perpetual succession and a common seal whose functions regulate and promote the development of the nuts and oil crops industry. It may make recommendations to the Cabinet Secretary and oversee the implementation of strategies, plans and policies on these crops.

The Bill promotes the diversification of nuts and oil crops and also products and by-products. It will also promote the marketing of nuts and oil in this country. We will be taking pride in them, just the way we take pride in coffee and tea.

One time I was in Dubai and I was eating some cashew nuts. I kept on thinking that they were sweetest cashew nuts I had ever eaten. I wanted to know the manufacturer and where the nuts came from. My shock was that they were made in Kenya. They were the best cashew nuts I had eaten. However, where do our local farmers go?

They work, do all the best they can and the nuts are exported, but they hardly enjoy their labour. I remember the late President Magufuli promoting cashew nuts. Right now, in Tanzania, you will find that cashew nuts are all over. They have been regulated and their farmers are enjoying. This Nuts and Oil Crops Bill is going to promote the marketing of nuts and oil crops in Kenya. It will also establish linkages and local international research institutions to conduct scientific research and investigations on this.

It is going to collect, collate and disseminate information on the cashew nuts on the nuts and oil crops industry. It will regulate the marketing and exportation of nuts, oil crops products and by-products to conform with the quality of food standards recognized in the international market.

Mr. Deputy Speaker, Sir, it will also coordinate capacity building training for young people. Once this Bill is enacted, our youth will be empowered. They will get jobs.

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We will have farmers establishing Savings and Credit Cooperatives (SACCOS) for growing cashew nuts and nuts.

For our youth in the Coast, there has been debate on *muguka* and such similar issues, but this debate will go on as long as our boys and girls do not have jobs. Once this Bill is enacted, it will create jobs for the youth.

The Bill is critical for economic empowerment, particularly in rural areas where nuts and oil farming is predominantly practised. Locally produced nuts and oils also reduce the carbon footprints associated with food miles. It is unlike nuts and oils to incur significant carbon emissions from transportation. So, the locally produced products will be different.

Mr. Deputy Speaker, Sir, the small-scale farmers are also going to benefit and will play a crucial key role in the Kenya's agricultural sector of nuts and oil crops. We shall recognize their importance.

The Bill also aligns with the constitutional provision of devolution since agriculture is a devolved function under Part 2 of the Fourth Schedule of the Constitution. Devolution emphasizes on the equitable distribution of resources. When I talk about coconut and cashew nuts, the people from the coast and other areas with nuts will benefit out of it.

Devolution further requires building the capacity of the county governments and institutions in order to effectively deliver services and promote development of nuts and oils. The Nuts and Oil Crops Development Bill (Senate Bills No.47 of 2023) includes provision for that capacity building.

In conclusion, I am sure many people have read it. Like I said, the Bill was long overdue. It was introduced in 2023 and we are in mid-2024. The Bill is crucial and quite critical in realizing the vision of vibrant and self-sustaining nuts and oil sector in Kenya. By addressing food security concerns, this Bill will boost agricultural productivity and promote economic empowerment and support environmental sustainability.

The Bill lays the foundation for a thriving nuts and oil industry that benefits both the farmers and consumers alike. It is, therefore, imperative for the Senate to endorse and prioritize the legislative initiative to unlock the full potential of Kenya's nuts and oil sector and contribute to the nation's overall development agenda.

Mr. Deputy Speaker, Sir, I have a lot to say about the oil and the coconut itself since we use it as hair oil as women, let me stop here.

I propose Sen. Tabitha Mutinda to second this Bill.

Thank you, Mr. Deputy Speaker, Sir. I beg to move.

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I would have wished to second the Bill in Swahili since it is a coastal product. However, since the Mover started in English, I will proceed with the same language.

I rise to support the Nuts and Oil Crops Development Bill (Senate Bills No.47 of 2023). It should have come earlier, but we say God's timing is the best. The reason I say it should have even come earlier is because anything that is agricultural has high economic value, not only in this country, but in the world.

I thank my colleague and sister, Sen. Kibwana, for this great Bill. Not only does she come from the coastal regions, but she has a passion for value addition as far as different products are concerned.

I have looked at the Bill and noted that it has also talked about the Nuts and Oil Development Board. It is a very key factor. These boards assist in making the structure and policies that are not in place so that the industry or the entity can sustain itself in the long term. The board is a very critical element. However, I urge Sen. Kibwana, during the amendments period---

(Sen. Munyi Mundigi consulted with Sen. Kibwana)

I request Sen. Munyi Mundigi not to distract Sen. Kibwana because he was not there. I am trying to reply so that these amendments are well captured. I am talking about the board. It is very critical, but I urge the Senator to specify the members of this board during amendments because it is very important. We have had situations that people want to be board members, but lack the expertise, knowledge and experience in this sector.

I would advise that the amendments to include the membership of this board, including gender balance. People from the coastal region where nuts do very well should also form also part of this board.

A member from the Council of Governors (CoG) should be represented. The board can include one member from the county that is favourable as far as nuts are concerned, among other stakeholders, that would ensure we achieve the goal for forming the board.

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

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

Mr. Temporary Speaker, Sir, I have my Bill, the Agricultural Extension Officers' Bill, which I am happy is at the National Assembly. It is a very important Bill. I commend the Senator because I have noticed that the issue of extension officers has also been factored in this Bill. They play a very critical role. It is them to assist our nut grower on the ground in order to produce the best quality nuts.

What I have noted again, which I would want Sen. Kibwana to note during amendments is research centre. It is very important to have it because farmers are guided on the correct type of seedlings to use to in order get the best quality. It is reseach centres that will advise on the type of soil, the fertilizer to be used and the value additions needed so as to get the different products.

Global marketing is also a very important aspect. It will be brought about by having a research centre that will guide the farmers correctly to achieve the specific outputs. As a student of International Business, I know global marketing is very important.

The nuts do very well in the coastal region. The advantage of the coastal region is the port used for export purposes. So, after value addition, farmers will get more revenue

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because it eases up their export procedures and processes. Farmers can also have a direct market of their products in future as long as the output is of an international standard.

Job creation is a very key aspect. However, in my research, I have also noted that we only have two companies in the coastal region that are doing the oil and nuts business. That is the East African Tall Coconut and the East African Dwarf Coconut. Their produce is not enough. After doing my research, is close to 80 to 100 coconuts in a year. So, these two companies cannot produce enough.

The more we encourage our farmers and have a body to assist them on all these factors that I have mentioned, definitely the yields will increase, which will consequently increase job creation.

Our women and young people are able to get job opportunities. We are in 2024 and access to countries like China is not a challenge. There have been bilateral talks that enhance business for our people. This is in regard to the modern machineries that are in place that can be used for maximum production as far as the product is concerned.

Apart from creating the jobs, it will also increase the output, which is very key for any business to sustain. As an entrepreneur, how you put out the end product in the market is very key.

Some of the products that my sister has mentioned such as coconut have different ranges. I have come across coconut flour some years back during an expo in this country. There are also different types of oil such as cooking, hair and body oils. Since I was a young girl till to date, coconut oil is believed to be the best for natural hair growth. This product has been there, but it has not been given enough concentration to realize maximum output.

Mr. Temporary Speaker, Sir, each day we wear smart, hold our heads up high, but so many modern diseases are amongst us. You wake up the next day and are informed that somebody is no longer with us. The next question that follows is what happened. They did not look unwell. Over time, the internal diseases have manifested in our bodies.

Just to mention a few key benefits that coconut has. It helps in strengthening of the immune system which is very important. A good immune system definitely adds you a couple of years. It controls diabetes, prevents pre-mature aging and regulates the blood pressure. Blood pressure is a disease that is becoming a norm in this country. If you have this condition, you also have to be on medication throughout. It is normal and fine. However, these are issues that can be prevented. These are some of the products that can prevent some of these diseases.

Mr. Temporary Speaker, Sir, with those few words I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I will allow debate on this. The first Senator will be Sen. Faki.

Sen. Faki: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia Mswada wa mazao ya *nuts and oil crops*. Mimea ya mafuta kama vile korosho, nazi, macadamia na mingine hupandwa kwa nia ya kuzalisha mafuta.

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Nampongeza Sen. Kibwana kwa kuweza kuudhamini Mswada huu kwa sababu utasaidia pakubwa kuinua mazao haya ya nazi pamoja na korosho katika kaunti za pwani ambapo mazao haya yanakuzwa kwa wingi. Kwa mfano, mazao ya nazi na korosho yanafanya vizuri sana katika kaunti za Kwale, Mombasa, Kilifi, Tana River na Lamu.

Ukosefu wa sheria kama hii kwa miaka mingi imefanya mazao haya yatupiliwe mbali na wananchi wanapata shida. Kifungu cha pili kinasema kwamba mazao haya ni pamoja na nazi, korosho, macadamia, njugu, *sunflower*, *jojoba*, simsim, bambara na mengineo mengi yatakayo tangazwa katika gazeti rasmi na Waziri wa Kilimo.

Zamani kulikuwa na sheria ambayo ilikuwa inatoa mazao yote kwa jumla; Agriculture and Food Authority (AFA). Lakini sheria hii ilipatikana kukusanya mazao yote ya biashara na chakula pamoja na ikawa vigumu kupata uangalizi wa kimaada kwa yale mazao mbalimbali. Hivyo ndivyo basi kukakuwa na sheria kutoka 2017/2018 ambayo ilikuja na wazo kuwa kila zao liwe na sheria yake. Ndio maana sasa kuna sheria ya kahawa, chai, ukuzaji miwa na sukari. Mazao haya yote yameweka chini ya heria mbalimbali. Hii ni kwa sababu kila zao linatiliwa mkazo kivyake.

Ile sheria ya AFA haikusaidia ukuzaji wa ukulima. Kwa mfano, zao la pareto au *pyrethrum* liliweza---

(Loud consultations)

Bw. Spika wa Muda, ninachangia Mswada huu wa Sen. Kibwana na yeye yuko mstari wa mbele akisikiliza mchango wangu.

The Temporary Speaker (Sen. Abdul Haji): Endelea Seneta. Asante.

Sen. Faki: Bw. Spika wa Muda, zao la pareto lilikuwa linafanya vizuri sana. Hata hivyo, liliunganishwa na mazao mengine katika sheria ya AFA, na karibu ukulima wake kufa. Ninafikiri kuwa katika Kaunti ya Nakuru ambapo lilikuzwa kwa wingi halipo sasa. Kwanza kabisa kupea mazao haya sheria zao husika itasaidia pakubwa kuinua tena ukuuzaji na uuzaji wa mazao mbalimbali.

Jambo la pili ni kwamba kumekuwa na ukosefu wa utafiti wa mazao kama haya. Kule pwani ukipanda mnazi leo ni lazima ungojee miaka kumi ili upate zao la nazi. Siku hizi kuna *variety* ya mbegu zinazotoka kule Vietnam ambazo zinafanya mti wa nazi uwe tayari kwa muda wa miaka mitatu na unazaa karibu nazi 400 kwa kila zao. Utafiti ukifanyika utasaidia kuleta miti ambayo itakuwa inazaa kwa muda mdogo na pia kuongeza yale mazao ili wakulima wapate faida.

Zao la korosho linafanya vizuri sana katika kaunti ya Kilifi, Kwale, Lamu na sehemu ya mpeketoni. Zao hili litafanya vizuri zaidi kama kutakuwa na utafiti wa mbegu zitakazoweza kuzaa kwa muda mfupi na kuongeza mazao ya wakulima.

Hivi majuzi, nimelezwa kuwa, kulikuwa na mbegu nyingi za zao la korosho kule Kenya Agricultural and Livestock Research Organization (KALRO) Mtwapa. Gavana wa Tharaka Nithi, Mhe. Njuki, alizinunua zote. Hivi sasa, nasikia zao hili limeanza kufanya vizuri sana katika kaunti za Tharaka na Makueni ambako liliinaweza kukuzwa.

Jambo la kusikitisha ni kwamba; kaunti zetu za pwani hazijawekeza kwa zao hili. Kwa mfano, hapo nyuma, kulikuwa na mtambo wa korosho wa Kilifi uliokuwa maarufu sana. Ulisaidia wakulima wengi wa korosho Kilifi kupata pesa, kusomesha watoto wao

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na pia kujiendeleza kimaisha. Lakini, mtambo ulipofungwa na kuuzwa, mpaka hivi sasa, wakulima wametatizika.

Kwa muda wa miaka 10, Serikali ya Kaunti ya Kilifi haikuweza kukeza pesa kununua mtambo ule ili iwe ni raslimali yao. Kwa hivyo, kaunti zetu hazijawekeza katika mazao haya na ukulima kwa jumla.

Ukiangalia bajeti za kaunti ya Lamu, Mombasa, Kwale, Kilifi na Taveta Taita, ni asilimia ndogo sana ambayo tunaakeza katika ukulima. Ilhali, mazao haya yana uwezo ya kuwanasua watu wetu kutoka lindi la umaskini na ukosefu wa pesa.

Bw. Spika wa Muda, Kifungu cha 22 cha Mswada huu kinasema kwamba kaunti zitatunga sheria kuhusiana na masuala ya uandikishaji, utumaji maombi na mambo mengine ambayo yamezungumziwa pale.

Mswada huu tayari unatoa mwongozo kuhusiana na vile ambavyo kaunti zetu zitaendesha mambo yao. Kwa kuchelea kwa sheria ambazo zitagongana, yaani sheria ya kaunti na ya kitaifa, itakuwa wazo bora kama sehemu hii itarekebisha au iondolewe kikamilifu.

Hii nafasi katika Kifungu cha 38 ambacho kinampa Waziri mhusika kwa masuala ya ukulima, akishirikiana na bodi ambayo imeanzishwa hapa na sheira hii, pamoja na serikali za kaunti ziweze kutengeneza kanuni za kusimamia masuala kama hayo ambayo yanazungumziwa hapo. Kwa mfano, ya uandikishaji na mengineo ambayo yamezungumziwa katika Kifungu cha 22.

Jambo lingine la kunifurahisha ni kwamba, bodi itakuwa na makao yake makuu katika sehemu ya Kilifi. Hii iko katika kifungu cha nne. Lazima tutoke katika ile kasumba ya kuweka kila kitu katika jiji la Nairobi.

Wakati fulani, tulikuwa tunazungumzia masuala ya uvuvi na ikasemakana kwamba, makao makuu ya shirika la uvuvi yatakuwa South C katika jiji la Nairobi wakati uvuvi ufanyika Mombasa na Ziwa Victoria. Hakuna sababu ya makao makuu ya uvuvi kuwa jijini Nairobi.

Kwa hivyo, hili wazo la makao makuu kuwa Kilifi itasaidia pakubwa. Kwa sababu, bodi itakuwa pale pale ikiangalia maslahi ya wakulima, wanunuzi na wale watakuwa wakifanya biashara ya nazi.

Masuala mengine ni kwamba, nazi inaweza kusaidia pakubwa kumaliza umaskini katika pwani. Lakini, tumeona kwa muda sasa, minazi ambayo inazaa ni ile babu zetu walipanda. Hatujafanya jambo lolote ambalo litaweza kusaidia kuhifadhi zao la mnazi na korosho katika hii miaka ambayo tumeishi sisi, takriban miaka 30.

Bw. Spika wa Muda, ni muhimu kwamba kaunti zetu ziweze kufanya utafiti wa mazao yetu. Wapewe vitega hamu vya kuhakikisha kwamba haya mazao ya kimila ya pwani yakuzwe kwa wingi ili yalete faida kwa watu wetu.

Tukiangalia zao la korosho, hakuna kinachopotea. Korosho ikiwa iko juu, yale makanju yanaweza kutengeneza *juice* nzuri sana. Ukiangalia zao la nazi, likiwa ni dafu, unaweza kunya madafu. Inasaidia kusafisha *system* yako ya *urine* na kuhakikisha kwamba unaisha na afya.

Nyama iliyo katika dafu, inasaidia pia kuinua *platelets* za mgojwa. Huu ni utafiti uliofanywa kitambo na majeshi ya kule sehemu za Indonesia na kwengineko.

Nazi nazi yenyewe inaweza pikwa, kukaushwa na ikafanywa mafuta. Hata kama siwezi kwenda katika kiwanda kikubwa, viwanda vidogo vya kukamua mafuta vinaweza kuchangia pakubwa kuinua hali ya nazi na maisha ya watu wa pwani.

Kama alivyosema Sen. Hamida; hupotezi chochote kwa nazi kwa sababu makuti inaweza kutumika kufunika paa la nyumba yako. Hata kama kuna joto, huwezi kuihisi ukiwa na paa la makuti.

Unaweza kupata kamba kutoka kwa makumbi ya nazi. Pia unaweza kutengeneza godoro kutoka kwa zao ya nazi. Nazi ina faida nyingi sana kwa watu wetu.

Kwa hivyo, sheria hii itasaidia pakubwa. Pia naona majukumu ya kaunti zetu yamezungumziwa kwa undani kabisa katika Kifungu cha 21 ya sheria hii. Sheria hii itawaleta pamoja wakulima wa mazao haya. Kwa mfano; wakulima wa korosho na nazi watawekwa katika vikundi vya *cooperatives* ili waweze kupata mikopo kwa njia rahisi na kufundishwa mbinu mpya za ukulima ili waweze kujikimu kimaisha.

Ukisafiri kutoka Kilifi kwenda Malindi, utapata watoto wengi wanauza korosho ambazo zimetayarishwa kienyeji. Hiyo ina maana kwamba, iwapo wazo hili litapata soko, watu wengi watapa njia za kukimu maisha yao ili waweze kusomesha watoto wao na kupata ruzuku ya kuwawezesha kimaisha.

Kwa hivyo, naunga mkono sheria hii isipokuwa Kifungu cha 22. Kinapswa kiangaliwe tena kwa sababu kina nafasi ya kutatiza majukumu ya kaunti zetu ambazo zimezungumziwa katika Kifungu cha 21 na vile vile katika Kifungu cha 38 cha Mswada huu.

Haya mazao mengine yote kama vile *castor beans, cashew nut oil seed* ya ingaliwe. Mafuta mengi yanayotumika hapa Kenya yanaagizwa kutoka Malaysia na Indonesia. Halafu baadaye, yanakuwa processed na kuuzwa hapa nchini.

Kuna nafasi ya kukweza *sun flower, jojoba na palm oil* inayomea katika maeneno ya pwani na kwengineko. Hii yote ni mimea inayoweza kumea pwani ili watu wetu wapate ajira na tuweze kupata viwanda vidogo vidogo.

Bw. Spika wa Muda, katika ruwaza ya Serikali ya Kenya Kwanza, wamesema kwamba watafanya zile zinaitwa *aggregated industrial parks*. Viwanda kama hivi vidogo vidogo ndio vinaweza kuhudumu, kusafisha bidhaa kama hizi na kuziuzwa nje ili nchi yetu ipate fedha za kigeni.

Bw. Spika wa Muda, nakubaliana na Sen. Hamida kwamba haya mazao yaliyozungumziwa hapa yanafanya vizuri pia katika sehemu ambazo ni kame. Sehemu kama vile Embu ambapo pana ukavu kidogo panaweza kupandwa simsim. Vile vile, katika kaunti ya Tharaka-Nithi, Makueni na Kitui. Ni mimea ambayo inaweza kufanya vizuri katika maeneo ambayo hayana maji mengi. Kwa hivyo, ni zao ambalo linaweza kusaidia pakubwa kuinua nchi yetu kiukulima.

Vile vile itatusaidia kuanzisha viwanda vidogo vidogo. Viwanda hivi ni kama ngazi ya kuwezesha sisi kuwa na viwanda vikubwa ambavyo tutavihitaji hapa nchini ili tuweze kuendelea.

Bw. Spika wa Muda, asante kwa kunipa fursa hii.

The Temporary Speaker (Sen. Abdul Haji): Asante sana, Seneta. Sen. Alexandra Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Spika wa Muda, asante kwa kunipa fursa kuchangia Mswada ambao umeletwa Seneti na Seneta Hamida. Mimi ni Naibu wa Mwenyeketi katika kamati ya kilimo. Tuko na furaha kwa sababu nakumbuka wiki jana tulitembea Mombasa na wiki zijazo tutakuwa Kirinyaga, Meru, Kaunti yangu ya Embu na kaunti zingine kule Rift Valley.

Huu ni Mswada ambao unaweza kusaidia mambo ya kilimo. Katika ile manifesto ya Serikali ya Kenya Kwanza, mambo ya kilimo yamezingatiwa sana na ndio maana pesa ya kilimo imekuwa ikiongezeka. Tuko na uhakika kwamba katika Bajeti ya mwaka ujao wa Serikali, mambo ya kilimo hapa nchini yatatengewa pesa nyingi.

Tunajuwa kilimo ni pesa mfukoni. Inasaidia kwa sababu kilimo kinafanywa na watu wote, vijana kwa wazee, walioajiriwa na wasioajiriwa. Naunga mkono kwa sababu tunataka pia Serikali Kuu iweze kuongezea pesa ili kuwe na walimu wa kufunza watu kilimo cha kisasa katika kaunti zote 47. Kilimo cha zamani kilikuwa kwamba ukipanda miti au mimea mingine inakawia kuwa tayari.

Kuhusu kilimo ya makadamia, Kaunti ya Embu ina sub-county nne. Watu wengi pale Manyatta na Runyenjes Sub-county upande wa juu ya Embu wamepanda zao hili. Tunafurahi sana kuunga mkono Mswada wowote ili mkulima awe na furaha miaka yote.

Nakumbuka wakati tulipochaguliwa tulikuta kwamba makadamia kutoka Kaunti ya Embu iligharimu shilingi 30 kwa kilo moja. Tulipopiga kelele nikiwa mmoja wao, kilo moja ya makadamia kwa sasa ni shilingi 130.

Kama Seneti, tunaweza kusaidia kwa kuunga mkono miswada itakayosaidia mkulima. Serikali ya Kenya Kwanza nayo ihakikishe imetoa pesa za mbegu na walimu wa kusaidia watu kupanda mimea isiyochukuwa muda mrefu kukomaa.

Kaunti nyingi zimekubali kulima. Wabunge nao waongezee mgao wa bajeti kwa kilimo. Tutakapofanya kazi hiyo yote ya macadamia, nazi na njugu ambazo Seneta Hamida ametaja itakuwa vizuri ikiwa Serikali ya Kenya Kwanza itatutafutia soko nchini Marekani, Dubai na nchi zingine ili mkulima apate kujifurahisha kupata pesa ya karo, hospitali na kadhalika.

Pia naunga mkono kuwa na vyama vya ushirika vitakavyosaidia mkulima. Kwa sababu mambo ya kilimo ni shughuli ya serikali za kaunti, inafaa magavana na wakulima waketi pamoja ili kilimo kiboreshe mashinani.

Kaunti zingine huwa *semi-arid* kama vile Mbeere North na Mbeere South katika Kaunti ya Embu. Wapelekewe wale watu wanaojua mambo ya mchanga upimwe vizuri ili zile kaunti ziweze kupanda mimea kama iliyotajwa. Hakutawezekana ikiwa wale watu kama *agricultural officers* hawako.

Ningeomba Waziri wa Kilimo kwamba kuwe na *waterpan* na pia *dam* kubwa. Kwa mfano katika Kaunti ya Embu, sehemu kubwa haina maji. Sehemu kubwa ya Mbeere South na Mbeere North haina maji ya kutosha. Tuweze kupata *dam* kama ile tumeahidiwa na Serikali ya Kenya Kwanza ili sehemu hizo ziwe na kilimo bora.

Sio mambo ya makadamia pekee. Kuna *cash crops* kama miraa na nyingine. Nahakikishia Serikali kuwa ikiwa itafanya kazi hiyo yote, ushuru utaongezeka na haitaenda kukomba na kukopa pesa huko nje. Serikali za kaunti vilevile zitapungungiwa na mzigo wa kukosa fedha.

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Ikiwa Serikali itaajiri maafisa wa kilimo, kwa miaka chache ukusanyaji ushuru utaongezeka. Kama Seneta wa Embu kaunti, naunga mkono kilimo ambacho ni mojawapo ya manifesto ya Serikali ya Kenya Kwanza.

Ni Mimi Seneta Alexandra Munyi Mundigi, daktari na *Deputy Party Leader* Katika Kenya Kwanza.

Asante.

The Temporary Speaker (Sen. Abdul Haji): Asante Seneta.

Sen. Tabitha Karanja.

Sen. Tabitha Keroche: Thank you, Mr. Temporary Speaker. I take this opportunity to congratulate Hamida for coming with The Nuts and Oil Crops Development Bill (Senate Bills No.47 of 2023). It is a nice Bill.

I come from Nakuru County where we grow everything apart from coconuts. The soil is very fertile. We contribute about 40 per cent in of the National Gross Domestic Product (GDP) from agricultural activities. This means it is a very important county. With the pass of this Bill, Nakuru County will reap maximum benefits.

Contrary to Sen. Faki alluded to, farming of pyrethrum has not collapsed. We have revived the pyrethrum crop in Nakuru County. We are so lucky to have an American company that has come up in Naivasha. They are putting up a processing plant that will do 7,000 tonnes per year and will create direct employment of 600. We need to grow more pyrethrum to support that industry. We thank the company from America. We saw the launch being done. That is one of the achievements for Nakuru County.

One of the Kenya Kwanza five pillars is agriculture. We have seen what the Government has done, especially with the subsidized fertilizer. We have also seen the output this year has surpassed what we had two or three years back. This means we have achieved the agenda and will continue to support agriculture in this country.

I think what Sen. Hamida is looking for is a value addition to whatever we grow in this country. Even as we continue with agriculture, the most important thing is to ensure we add value to agricultural products. When do value addition to tea, it becomes more expensive than just the normal tea. So, the minute we continue adding value to our nuts, pyrethrum, tomatoes, carrots, cabbages and whatever we grow, we will continue putting money into the people's pockets.

In Kenya, we are so lucky to have our fertile land, where we pride ourselves on our agricultural output. This means that if build industries that will add value and create employment. When you add value, the products become more expensive. This will put money in our farmers' pockets. In Kinangop, farmers grow a lot of potatoes, but they lack storage facilities.

If you go to other parts of the world like China and Germany are good in value addition in their farm produce. They even do value addition to their potatoes and produce. Value addition make their produce very expensive.

As a country, we need to think seriously about value addition to our farm produce. This is the only way we will create more markets for our agricultural products. Our leaders visit abroad to market our products.

I support Sen. Hamida and congratulate her for bringing this Bill to floor of this House. I am sure Nakuru County will be one of the counties that will benefit from this

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Bill. I urge people of Nakuru to continue with their agricultural activities because with the enactment of this Bill into law, they will benefit a lot. Let us continue growing food and be proud of ourselves as Kenyans for Kenyans.

Thank you, Mr. Temporary Speaker, Sir.

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

Sen. (Prof) Margaret Kamar.

Sen. (Prof) Kamar: Thank you, Mr. Temporary Speaker, Sir, for allowing me to support the Nuts and Oils Crops Development Bill (Senate Bills No. 47 of 2023).

As I support it, I would like to congratulate Sen. Hamida for coming up with a very good Bill that looks at how we can produce quality nuts and oils. The Bill that provides for the production, processing, marketing and distribution of oil nuts is very important. We are very fortunate to have different climatic zones across the country. Right from the coast to the northern parts of this country that are dry, we can produce almost every nut to be consumed in the world.

I remember a long time ago, there was the Sahel Programme, which was promoted by Israel and the Norwegians in Turkana County. It was supposed to produce palm oil. They called it the palm of the Sahel. I worked for the Ministry of Agriculture a little bit. During the research at that time, the soil testing from northern Kenya, in particular Turkana, showed that it could support the growth of dates from the Sahel. Therefore, it is possible for us to grow palm oil and dates growing in northern Kenya.

This is something that has not been exploited. This Bill is moving us to another level where we should boldly look into production of some of these crops. We have limited ourselves as a country to products and cash crops that are known today, yet we know that there are so many other crops that can be produced.

Currently, under the COMESA agreements, we allow for the importation of anything duty-free that comes from COMESA countries. We receive a lot of oil crops and products from Egypt, which we should be producing ourselves. We should not look helpless when it comes to the production of things we can grow in this country. So, I support this Bill because I know some areas have not been explored by the Ministry of Agriculture and Livestock Development.

If we explore those areas, we can produce oil crops and nuts that can be exported from this country, so that we avoid being a net importer. When it comes to oils, we are a net importer, yet we can produce it ourselves.

I am happy that this Bill covers everything nut. We are a very lucky because cashew nuts produced in Kenya are some of the best in the world. Cashew nuts sold on the streets of Malindi town are not found anywhere else in the world. Outside this country, we see broken nuts. They are not of good quality in comparison to nuts sold on the streets of Malindi.

Mr. Temporary Speaker, Sir, this Bill move us to the level where we add value and market farmers's produce. As I said, cashew nuts sold in the streets of Malindi can find market 00 times anywhere if they are packaged properly.

Our other problem has been being slow in value addition. I think some Senators have mentioned that even as we expand our agricultural products, the real challenge is

how to add value, so that we do not sell raw things. If we add value 100 per cent for the farmers, they will get much better than what we are getting right now.

Mr. Temporary Speaker, Sir, increasing production is one of the things that this Bill is promoting. Processing is the other one. If we can add value to any product that we produce, we can export and more earn foreign exchange for our country.

Whether it is COMESA or the market that we have in the East African Community (EAC), we need to add value to ensure that we export something that is of quality. A lot of our neighbouring countries have relied a lot on Kenya for a very long time. They have been relying on a few BIDCO products. So, we need to spread out and make sure that the farmers get value for their produce.

The other thing that I support in this Bill is sustained research and extension services. Without research, we will not improve the yield and determine where to grow what. Our research sector must remain vibrant as far as the production of agricultural products, including the oil crops that we are dealing with in this Bill, is concerned. We need to support our universities with research fundings.

We need to support our agricultural research services with funding, so that they research and improve on these crops. If you look at products that have been developed by our researchers, whether it is maize or wheat, they are superior. This is because they are indigenous and they have been produced in the climatic zone where the crop is going to be grown. So, expanding our research and supporting research is key. I hope that out of this Bill, we can expand the ongoing research work.

Extension services are important because they ensure we have quality products and seeds. If you do not have extension workers who can move from house to house, farmer to farmer, to help them know the agricultural practices that will go along with these crops, it becomes a problem. Extension services are devolved. Therefore, we expect our governors to start budgeting for not just our current crops, but also invest in extension staff in anticipation of the new crops, including nuts, we are advocating in this Bill.

Groundnuts grow everywhere in the country, but value addition has reduced them to a snack for children. We know that when you are out of this country, a packet of groundnuts is valued highly. People buy them at a high price. This is something that our farmers should enjoy.

I do not want to say more than that. I thank Sen. Kibwana for coming up with a beautiful Bill. I believe when it is passed, it will change the lives of many farmers and Kenyans in general.

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

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

Sen. Murgor: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to air my views on this important Bill. I thank Sen. Kibwana for coming up with the Bill and I support it.

Our people produce whatever they can according to their areas. Some of them do not produce for commercial markets, but for consumption. There is a need for the nuts and oils to be industrialized. We can do so by getting experts with knowledge of nuts and oils to help the farmers to produce and attract international markets.

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We need to think about commercial production. Our people must shift their mindsets from producing for consumption and think about value addition and commercialization. Producing for consumption can be done in given areas. For example, if one grows nuts in West Pokot County for consumption, other farmers can produce crops commercial purposes.

When I was growing up, maize farming was not well spread or commercialized. Later on, it expanded and now it is being grown for commercial purposes because our farmers shifted their mindsets. When maize was commercialized, farmers increased its production.

Somebody also mentioned agricultural extension officers who were assisting our farmers. For the improvement of crop production in this country, we need to have university agricultural graduates deployed to areas where nuts and pyrethrum crops are grown. Graduates who have studied and researched on these crops can advise farmers. Our farmers will gain knowledge and skills from trained and skilled personnel.

This will enhance the improvement of quality. Seeds produced through scientific research are superior. Quality is improved by research. Also, the quantity will improve so that people grow it in abundance.

Processing is essential. Without it, the nuts may not attract the market. Processing will attract and meet the expectations of the market. When nuts are processed properly, they will be attractive to the eye. Processing will also add value to our products.

As I said, research will enhance productivity, quality and quantity of our nuts. There is ready market for nuts in this country.

I support.

The Temporary Speaker (Sen. Abdul Haji): Sen. Githuku, proceed.

Sen. Githuku: Asante, Bw. Spika wa Muda, kwa fursa hii ili niweze kuchangia Mswada huu muhimu ambao unahusisha ukuzaji wa korosho na nazi.

Nashukuru Sen. Kibwana kwa kuleta Mswada huu kwa wakati unaofaa. Tulikuwa tunahitaji Mswada huu sisi kama wakaazi wa Pwani. Nazi na korosho ni vitega uchumi katika kanda yote ya Pwani. Mswada huu utasaidia kufanikisha wakulima wetu ili wapate kitega uchumi ambacho kinazingatiwa kisheria. Wakulima wa Pwani waweze kuuza mali yao.

Ili kusaidia wakulima wetu, Serikali, kupitia Wizara ya Kilimo na Mifugo, lazima ifanye utafiti mwafaka kuhakikisha wanapata mbegu nzuri za uzalishaji wa korosho na nazi. Hiyo ikizingatiwa vizuri, tutaweza kuimarisha uchumi wa wakazi wa kaunti za Pwani na kwingineko katika Jamhuri yetu ya Kenya ambako mimea hiyo inakuzwa.

Natoka katika Kaunti ya Lamu ambayo ni mojawapo ya kaunti ambazo zinaweza kutoa mazao mazuri ya korosho. Kuna Kisiwa cha Faza kule Lamu Mashariki. Ni mahali ambapo panakuzwa korosho nzuri sana. Zimefanyiwa utafiti na zimeibuka kuwa bora zaidi. Ni korosho ambazo zinaweza hata kupelekwa katika nchi za nje na kuuzwa katika mataifa ya kigeni ili kuimarisha uchumi wa wakazi wa Kaunti ya Lamu.

Ni muhimu sana Serikali, kupitia Wizara ya Kilimo na Mifugo kuona kwamba dawa ambazo zinatumiwa kunyunyizia mimea hiyo zinapatikana. Wakati mwingine unakuta kwamba mimea hiyo inavamiwa na wadudu na kuathiri mazao.

Ni vyema Wizara ya Kilimo na Mifugo ifanye utafiti. Wanafaa kutoa dawa mwafaka ambazo zitasaidia. Dawa hizo zisiwe na madharau ya moja kwa moja kwa mkulima na mazingira. Hilo likifanyika, bila shaka mazao yatapatikana kwa wingi na kusaidia wakazi wa sehemu mbalimbali.

Pia naunga mkono kwamba tutafute masoko katika nchi za nje ili wakulima wetu watie bidii kwa sababu mazao hayo yanahitajika. Serikali ikiwahakikishia kwamba wanapokuza mazao hayo watapata masoko katika nchi za nje. Ikifanya hivyo, bila shaka itasaidia sana wananchi wetu na Kenya nzima.

Bw. Spika wa Muda, kuna jambo ambalo limekuwa likiendelea. Watu kutoka nchi za nje wamekuwa wakija kununua mazao hayo. Wananyanyasa wananchi kwa kununua kwa bei ya chini. Ni vyema tuwe na taratibu kwa mambo ya bei ili wakati mazao hayo yanapelekwa kuuzwa katika nchi za nje, bei inayofaa imewekwa kuwasaidia wakulima wetu ili waweze kujinufaisha kiuchumi.

Zao lingine ambalo linajulikana zaidi katika mwambao wa Pwani ni nazi. Nazi ni kitegauchumi kikubwa cha wakazi wa Pwani, kuanzia Mombasa, Kilifi na Lamu. Ni zao ambalo limekuwa likisaidia sana watu hao.

Bw. Spika wa Muda, naunga mkono Mswada huu ambao umeletwa na Sen. Kibwana kwa sababu utahakikisha kwamba wananchi wote wanafaidika kutokana na Serikali kuweka taratibu za kuuza mazao yao. Naomba tuupitishie kama Seneti ili kusaidia wananchi ambao tumekuwa hapa kuwakilisha.

Huu ni Mswada ambao umekuwa kwa wakati mwafaka. Ni Mswada ambao utasaidia wananchi wetu waweze kujimarisha na kujiendeleza kiuchumi, ikizingatiwa kwamba kuna taratibu kwenye mazao mengine kama vile miwa na makadamia za kusaidia wakulima.

Hili ni zao ambalo halikuwa na taratibu lakini sasa ni wakati mwafaka. Wananchi wetu watapata fursa ya kusaidiwa. Vile vile, watahisi kwamba walishughulikiwa na kuzingatiwa na Seneti.

Asante, Bw. Spika wa Muda. Naunga mkono Mswada huu.

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

Hon. Senators, we have come to the end of the debate. I now call upon the Mover to reply.

Sen. Kibwana: Mr. Temporary Speaker, Sir, I beg to reply. I thank hon. Senators for their contributions. I have taken note of all they have said.

I sincerely thank Sen. Tabitha Mutinda, Sen. Faki, Sen. Munyi Mundigi, Sen. Tabitha Keroche, Sen. Murgor, Sen. (Prof.) Kamar and Sen. Githuku for their contributions. I hold them highly.

I do not need to repeat what they have said, but I have taken notes, especially when it comes to research centres. This has been repeated over and over again by all the Senators. They have said that we may need a research centre and marketing.

Apart from marketing, Sen. Murgor said that when you have skilled persons, the quality and quantity increases. Additionally, packaging is also crucial because you may have quality products. However, if you have packaging that is less attractive to the eyes, at times, you may fail, This is because people are attracted to what catches the eye.

I have taken note of all that, especially the mindset of the people and how we need to industrialise and go about the issue of marketing. We should also commercialise production in certain areas and not just for consumption.

Sen. Tabitha Mutinda talked about export. We fail on exportation because most farmers are exploited. They do a lot in terms of farming, but they do not realise the benefits of exporting. Exporting is key. We hope that the proposed board members are going to take into account interests of the farmers in terms of exportation.

At the coast, women are the most involved stakeholders. You will find them taking coconuts to houses to sell them, so that they can at least pay their children's fees and do other things. I strongly advocate for women who will be the beneficiaries. The youth will also benefit. Instead of taking other substances, they will have time to do the work.

Mr. Temporary Speaker, Sir, like I said, I do not need to repeat, but everything that has been said has added value to my Bill. I appreciate them and thank you for having the patience.

Mr. Temporary Speaker, Sir, pursuant to Standing Order No.66 (3), I request that putting of the question be deferred to a later date.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Very well, Sen. Kibwana. We shall defer the Division to a later date.

(Putting of the Question on the Bill deferred)

Hon. Senators, at this point, I will rearrange the Order Paper, so that we proceed to call on Order No.21.

Proceed, the Chairperson for Committee on Finance and Budget.

MOTION

REPORT ON STATUS OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR CONSTRUCTION OF COUNTY HEADQUARTERS

Sen. Mutinda: Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion-

THAT the Standing Committee adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of the projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March, 2024.

This is a process that started during the Second Senate, in 2015, just after devolution. Its aim was to establish county offices. In that regard, an *ad hoc* committee was set, so as to give a report on the counties that needed headquarters. This is because some of them moved into the *de facto* government offices and other colonial offices.

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They had something to start with. However, there were five counties that did not have anything to use as offices.

In that regard, the State Department for Public Works at that time was also involved in this process. The counties that were identified to have need for headquarters were five; Lamu, Nyandarua, Isiolo, Tharaka-Nithi and Tana River. These counties at the advent of devolution did not inherit any adequate facilities from the *de facto* governments.

In the budget implementation by then, it was agreed that the national Government, through the Treasury, would support these counties with 70 per cent of the funds and the counties would contribute 30 per cent of that funding. This would depend on the Bill of Quantities (BQs) that the Public Works would advise based on the size and many factors on the needs of the five counties.

The county headquarters' projects were originally scheduled to be completed at a cost of Kshs518 million, starting at the financial years 2016/2017, 2017/2018 and 2018/2019. However, it has been a disappointment for the last eight years because the time that was set lapsed and there was no completion. Some of the contractors who had been awarded some of these contracts left their sites. Those sites were shells and even now, people of those counties have not been able to use these offices.

Mr. Temporary Speaker, Sir, in this 13th Senate and on 4th July, 2023, the Council of Governors (GoG) appeared before our committee and they tabled their issues that caused delays. They cited key challenges that ranged from the Department of Public Works and no disbursement from the National Treasury because there were hindrances from the Public Works.

The committee considered the matter and resolved to follow up the matter and recommended for a way forward. We convened many meetings with these counties. It is good to know that none of the Members that sit in the Committee on Finance and Budget represent any of these counties. The committee called in different stakeholders; the National Treasury Economic Planning, the State Department of Public Works, the Governors from the beneficiary counties and the Intergovernmental Relations Technical Committee (IGRTC) led by its Chairperson.

Mr. Temporary Speaker, Sir, in the consideration, the committee pointed out a few observations. One of them was the eight years' delay that has been there and the shells that the counties still have. The national Government was expected to contribute Kshs121 million for the three financial years, which totalled to Kshs1.8 billion for the five counties.

As at the end of last Financial Year 2022/2023, the disbursement from the national Government was Kshs837 million only. So, the balance of Kshs977 million is still outstanding, where Kshs454 million after the Committee pushed, has been allocated to the county governments as additional allocation for this Financial Year 2023/2024. The balance of Kshs445 million has been allocated to the next financial year, 2024/2025. That leaves a balance of about Kshs78 million.

We were able to cite the issues of inflation, putting in mind that the cost that had been put in the BQs eight years ago cannot be currently the same. However, the committee agreed with the governors of the respective counties that they would fund the

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remaining balances to completion, despite the challenges of inflation in order to have a win-win situation. This is to avoid the projects lagging behind as the projects would not benefit anyone.

The other issue on the intergovernmental agreements' framework entered into by beneficiary counties and the State Department of Public Works had posed a challenge in effective implementation of the projects. For instance, counties were to enter into contract with contractors. However, the payments to the contractors were to be made directly to the contractors by the State Department. These were some of the challenges that the governors raised.

Mr. Temporary Speaker, Sir, the committee also noted the challenges by the projects and submission by the various stakeholders and recommended the following:

1. That the intergovernmental agreements' framework for the implementation of the projects should be revised to ensure expeditious completion of the projects.

2. The IGRTC should spearhead the process of revision of intergovernmental agreements that will ensure that the projects are officially handed over to the five beneficiary counties. Further, the IGRTC should submit monthly status reports to the Senate.

3. The national Treasury, the State Department of Public Works and the CoG in cooperation with the IGRTC should ensure the transfer of the project is expedited.

What I am simply trying to say is that we brought harmony amongst these different stakeholders, so that they are able to achieve the goal of having county headquarters.

As a committee, we further recommended that overall responsibility of the project management, including supervision, monitoring and payment of contractors of the respective projects should be handed over to the respective beneficiary county governments.

This was based on that fact that at the end of the day, they are the owners and users of these projects. You could see the passion and the need that came from the governors of the respective five counties.

Mr. Temporary Speaker, Sir, that is why they say that only the wearer of the shoe knows where it pinches most and they were in a better place to monitor and supervise. The National Treasury should also allocate all the remaining balance towards the projects by the next financial year with the County Governments Additional Allocations, which amounted to Kshs523 million.

In conclusion, the committee appreciated all the stakeholders for agreeing to come onboard. I remember it was on a Friday and we were seated in this Chamber. We were able to have closure as the 13th Parliament, so as to ensure these five counties complete and have their headquarters because it was long overdue. Those structures would go on dilapidating if they continued being in the same status they were in.

Mr. Temporary Speaker, Sir, I request the Senators to approve this report, so as to ensure the beneficiary counties are in charge of the construction projects and this will ensure expeditious completion of the projects.

I do beg my colleague in the same committee and the Senator for Mombasa, Sen. Faki, to second this Motion.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Faki, proceed.

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. I wish to second the report of the Standing Committee on Finance and Budget of the Senate regarding the adoption of the report of the Status of Implementation of Projects Funded by the Conditional Grant for Construction of the County Headquarters in Nyandarua, Isiolo, Tharaka-Nithi, Lamu and Tana River counties.

The committee held extensive negotiations with the concerned counties. Four of them were very cooperative, except Tana River County, where the Governor, despite being-invited on three occasions, failed to honour the invitations. However, we proceeded to consider the matter without their input.

We got very valuable input from the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, the IGRTC and also the county governments involved. These projects were supposed to be jointly funded by the national Government and county governments, with the county governments contributing about 30 per cent of the total cost of the construction. However, the national Government was not able to meet its obligations under the terms of the projects. Therefore, most of the projects stalled. In fact, many had stalled to such an extent that the counties that started their own county headquarters later were able to finish and move in, yet these others were still pending.

Mr. Temporary Speaker, Sir, after many discussions and deliberations, the national Government agreed to hand over the projects to the county governments and whatever was pledged for the construction of these projects. It is now the responsibility of the county governments to conclude these projects. Therefore, this report should be adopted by the Senate Plenary, so that the implementation can start and the county governments are able to complete their county headquarters.

It has bothered the committee that the projects took so long. In some instances, the supervision was done by the Ministry of public works. Therefore, there was a lot of back and forth. Some of the contractors who were given the jobs gave up and moved on, but some are still on ground. For instance, in Lamu County, they were able to conclude the projects at the same cost that had been agreed upon at the time of inception of this committee.

Mr. Temporary Speaker, Sir, without much, I want to ask our colleagues in the Senate to adopt this report, so that we can have this matter concluded and launch these county headquarters in the next two or three financial years, before we conclude the final sittings of the Senate in 2027.

Thank you, Mr. Temporary Speaker, Sir. I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): At this point, Senators can make their contribution to the---

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

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

Sen. Kibwana: Mr. Temporary Speaker, Sir, I rise under Standing Order No. 41. There is no quorum, so we need to get quorum.

The Temporary Speaker (Sen. Abdul Haji): Clerk, can you confirm?

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

Serjeant-at-Arms, please ring the Bell for ten minutes.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, having failed to attain quorum at the expiry of the 10 minutes. Therefore, the House stands adjourned pursuant to Standing Order No.41(2)(a) until tomorrow, Thursday, 23rd May, 2024, at 2.30 p.m.

The Senate rose at 6.14 p.m.