

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 25<sup>th</sup> July, 2024

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

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Order, hon. Senators. Senate Minority Leader, kindly proceed to take your seat. We have quorum now. Therefore, we will proceed with today's business. Clerk proceed to call the first Order.

### PAPERS LAID

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

#### ANNUAL ODPP REPORT FOR FINANCIAL YEAR 2022/2023

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 25<sup>th</sup> July, 2024-

The office of the Director of Public Prosecutions (ODPP) annual report for the Financial Year 2022/2023.

I thank you.

*(Sen. Cheruiyot laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

## QUESTIONS AND STATEMENTS

## STATEMENTS

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No.52(1).  
Sen. Miraj, proceed.

INTERNATIONAL CONVENTION ON TRAINING, CERTIFICATION  
AND WATCH KEEPING FOR SEAFARERS

That Statement is dropped.

*(Statement dropped)*

**The Speaker** (Hon. Kingi): Request for Statements pursuant to Standing Order No.53(1).  
Sen. Faki, proceed.

OWNERSHIP OF FREEHOLD LAND BY NON-CITIZENS

**Sen. Faki:** Thank you, Mr. Speaker, sir. I rise pursuant to the Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the ownership of freehold land by non-citizens in the Republic of Kenya.

The immediate former Cabinet Secretary for Lands, Housing and Urban Development recently issued a statement in which she stated that foreign residents were not allowed to own freehold land in Kenya.

This statement has caused panic, fear and despondency, not only to the foreign residents who have invested in Kenya, but also to Kenya citizens, especially in Mombasa and the coast region, where there are many foreigners who own land and businesses.

Article 65(1) of the Constitution of Kenya, 2010, provides that a person who is not a citizen may hold land on the basis of leasehold tenure only and any such lease, however, granted shall not exceed 99 years. However, the land registrars are refusing to deal with land transactions leading to confusion among members of the public.

In the Statement, the Committee should-

(1) Outline measures the Government has put in place to convert the freehold land owned by non-citizens to leaseholds; and,

(2) Explain the legal framework that the Government has proposed to cater for the freehold land that will be converted into leaseholds.

STATUS OF THE HR DEPARTMENT OF  
MOMBASA COUNTY GOVERNMENT

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare, concerning the status of the Human Resource Department of the County Government of Mombasa.

*(Loud consultation)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. May the Senator from Mombasa County be heard in silence?

**Sen. Faki:** Thank you Mr. Speaker, Sir. The County of Mombasa has since the inception of the devolution attracted adverse reports from the Office of the Auditor-General on the on matters human resource.

Currently, the recurrent expenditure on human resource is about 48 per cent of the total budget of the County. This is contrary to the provisions of the Public Finance Management (PFM) Act.

In the Statement the Committee should-

(1) State the reasons behind the failure of the County Government of Mombasa to implement---

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

**Sen. Onyonka:** Mr. Speaker, Sir, I am wondering--- The system is not working. I do not know whether HANSARD is also working or not.

**The Speaker** (Hon. Kingi): Clerk, can you confirm if the system is working or we are on our own? Hon. Senators, the HANSARD is okay. Senator of Mombasa, proceed.

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I think I will have to start all over again.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labor and Social Welfare concerning the status of the Human Resource Department of the County Government of Mombasa.

The County Government of Mombasa has since inception of devolution attracted adverse reports from the Auditor-General on matters human resources. Currently, the current expenditure on human resource is about 48 per cent of the total budget of the county. This is contrary to the provisions of the Public Finance Management (PFM) Act.

In the Statement, the Committee should-

(1) state the reasons behind the failure of the county government of Mombasa to implement its own report on human resource management within the county;

(2) Clarify whether the county government continues to hire and why it continues to hire more personnel despite the wage bill exceeding the stipulated 35 per cent maximum under the PFM Act; and,

(3) Outline the steps that the county government of Mombasa has taken to reduce the wage bill to acceptable level, especially in the light of an understaffing in critical departments affecting service delivery.

Thank you.

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

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

STALLED/ABANDONED INFRASTRUCTURE  
PROJECTS IN BOMET COUNTY

*(Statement dropped)*

**The Speaker** (Hon. Kingi): Sen. Richard Onyonka, please, proceed.

LEASING OF JKIA TO A PRIVATE COMPANY

**Sen. Onyonka:** Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the leasing of the Jomo Kenyatta International Airport under the Build, Operate and Transfer Model of Public Private Partnerships (PPPs) to a private company.

In the Statement, the Committee should-

(1) Inform this House, whether the Report, which was done on 19<sup>th</sup> June, 2018, was adopted. The Report was done by the Departmental Committee on Transport, Public Works and Housing. It was on the inquiry into the proposed Kenya Airways privately initiated investment proposal to Kenya Airports Authority.

I want the Kenya Airports Authority (KAA) to confirm whether they have entered into an agreement with MS Adani Commercial Limited, a private company, to lease out JKIA under the Build Operate Transform Model of PPP and if so, state the terms of this agreement and indicate the associated costs to be incurred by the airlines and other users of JKIA, if any;

(2) Table the contract documents of this agreement or any other agreement that has been signed in the Senate and indicate the ownership of MS Adani Commercial Limited, the processes undertaken to identify and award the lease and state whether there was public participation in the process;

(3) State whether a proper tendering process of this agreement was done, and disclose the details of the award of the contract, the number of bids received, the criteria used in selecting the company awarded, as well as the cost of the award;

(4) Provide the details of the contract between the Kenya Airports Authority, MENSES ALG, a Spanish company, that transacted as the advisor to this deal, indicating the ownership of the company, the processes undertaken to identify the award of contract, to develop an air transport policy for Kenya and the subsequent payment of the Kshs160 million to this company;

(5) Furnish the Senate with the notices of meetings, the agendas and the minutes, and resolutions which the board of KAA passed on the 15<sup>th</sup>, July 2024; and finally,

(6) Inform this House, whether the Government plans, as it has been stated by the MOU that is available, whether the Government is planning to avail free land to this company known as MS Adani to build a city state side development on this land, which may lead to many disputes and issues on that land, and tell us whether the Ministry of Land has been involved in this transaction also.

I thank you.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

**The Speaker** (Hon. Kingi): Statement Pursuant to Standing Order No.57 (1). Senate Majority Leader, you may proceed. Okay, proceed, Sen. (Dr.) Khalwale on behalf of the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 30TH JULY, 2024

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.57 (1), I hereby present the Business of this Senate for the week commencing Tuesday, 30th, July 2024. The status of the legislative business before the Senate is as follows-

Forty-nine Bills are pending conclusion in the Senate, of which 42 are at the Second Reading Stage while seven are at the Committee of the Whole; 20 Motions are pending conclusion; 21 Petitions are due for reporting; and 378 Statements are under consideration by respective standing committees.

While I am delighted that some progress has been made on the debate on Bills at the Second Reading Stage, there is a build-up at the division level which we must address.

As indicated in today's Order Paper, Orders No.8 to 16, we have pending business awaiting decision by division. I request the Majority and the Minority Whips to mobilise the requisite number of delegations for the voting to be undertaken.

With respect to business for the coming week, the Senate Business Committee (SBC) will meet on Tuesday, 30<sup>th</sup> July, 2024 to consider the business for the week. The tentative business for Tuesday will include business not concluded from today's Order Paper as well as business indicated in the Notice Paper attached to the Order Paper for today.

At its meeting on Tuesday 23<sup>rd</sup> July, 2024, the SBC resolved to prioritise consideration of select committee business. I request respective Committee Chairpersons and Movers of the business scheduled to prioritise plenary sittings to prosecute their business.

Mr. Speaker, Sir, the tentative business for Wednesday, 31<sup>st</sup> July, 2024, during the Morning Sitting, will include business not concluded in the Order Paper for Tuesday 30<sup>th</sup> July, 2024, and the following Motions-

(1) Report of the 147<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings held in Luanda, Angola, from 23<sup>rd</sup> to 27<sup>th</sup> October, 2023.

(2) Report of the Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam, from 15<sup>th</sup> to 17<sup>th</sup> September, 2023.

(3) Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre in Midrand, South Africa, from 20<sup>th</sup> to 27<sup>th</sup> March, 2024.

(4) Report of the Kenyan Delegation to the 148<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings that were held in Geneva, Switzerland, from 23<sup>rd</sup> to 27<sup>th</sup> March, 2024.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(5) Report of the 14<sup>th</sup> Ordinary Session of the Plenary Assembly and Related Meetings of the Forum of Parliaments of the International Conference on the Great Lakes Region held in Livingston, Zambia, from 15<sup>th</sup> to 19<sup>th</sup> April, 2024.

(6) Establishment of a Monthly Car-Free Day and County Car-Free Zones.

(7) Addressing the Challenge of Power Purchase Agreements Renewals and Electricity Supply in Kenya.

(8) Stoppage of Funds to Isiolo County due to the Failure by the Governor to honour Senate Summons.

Mr. Speaker, Sir, the business for Wednesday, 30<sup>th</sup> July, 2024, during the Afternoon Sitting, will include business not concluded on the Order Paper for Tuesday 30<sup>th</sup> July, 2024 and the following businesses-

(a) Bills at Committee of the Whole Stage. These include-

(i) The Gambling Control Bill (National Assembly Bills No.70 of 2023).

(ii) The Tea (Amendment) Bill (Senate Bills No.1 of 2023).

(iii) The Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).

(iv) The Meteorology Bill (Senate Bills No.45 of 2023).

(v) The Nuts and Oil Crops Development Bill (Senate Bills No.47 of 2023).

(vi) The Cancer Prevention and Control (Amendment) Bill No.2 (National Assembly Bills No.45 of 2022).

(vii) The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022).

(b) Bills at the Second Reading Stage namely-

(i) The Wildlife (Conservation and Management) (Amendment) Bill (Senate Bills No.49 of 2023).

(iii) The Cooperative Societies (Amendment) Bill (Senate Bills No.53 of 2023).

(iii) The Early Childhood Education (Amendment) Bill (Senate Bills No.54 of 2023).

(c) Motions, namely: Development of a Policy and Law for Social Risk Management in the Infrastructure Development of Projects in Kenya.

Mr. Speaker, Sir, the projected business for Thursday, 1<sup>st</sup> August, 2024, will be business not concluded in the Order Papers for Tuesday, 30<sup>th</sup> and Wednesday, 31<sup>st</sup> July, and any other business scheduled by the SBC.

I thank you and hereby lay the Statement on the Table of this Senate on behalf of the Senate Majority Leader, Senator for Kericho, Sen. Aaron Cheruiyot, MGH, MP.

*(Sen. (Dr.) Khalwale laid the document on the Table)*

**The Speaker** (Hon. Kingi): Sen. Wakili Sigei, having explained yourself, your Statement is restated. You may proceed to read it.

STALLED/ABANDONED INFRASTRUCTURE  
PROJECTS IN BOMET COUNTY

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir, for recommitting my Statement, which I came in shortly after you had dropped.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads and Transportation regarding stalled and or abandoned infrastructure projects in Bomet County.

Several incomplete and abandoned infrastructure projects in Bomet County represent a significant waste of public resources and have deprived residents of Bomet of the services and benefits they rightfully deserve. I would like to highlight the specific projects that have remained incomplete or abandoned between three to 10 years, leading to substantial waste of public resources.

(1) The Governor's Residence, which is in Mutarakwa Ward under Department of Administration.

(2) Chesoen Ward offices. These are ward offices within Chesoen Ward under Department of Administration.

(3) Kembu Ward offices in Chemaner Ward under Department of Administration.

(4) Nyangores Ward offices in Nyangores Ward, under Department of Administration.

(5) Ndanai Ward offices in Ndanai Abosi Ward, under Department of Administration.

Mr. Speaker, Sir, those under Roads include: Saoset-Kapkirib Road in Kembu Ward; Kolongei-Kipsigis Road in Chepchasbas Ward; Merigi Sot Technical Training Institute (TTI) Access Road; Mogoiywet-Ngainet Road; Chesumer-Sibayan-Chemobei Road in Kapletundo Ward; and finally, Kiswahili Bridge. This is one of the bridges that went viral in the media under Silibwet Township Ward.

In the Statement, the Committee should-

(1) Provide reasons leading to each of the projects remaining stalled, abandoned, incomplete and/or unutilized;

(2) Provide minutes of tender awards and copies of tender advertisements and tender evaluation reports for each of the projects listed above;

(3) Provide the Bills of Quantities (BQs) for each project and their implementation status and/or development stage, and outline the budgetary allocation, expenditure, payments made to the respective contractors and any pending payment;

(4) State the timelines within which these projects are anticipated to be completed and or put into use.

**The Speaker** (Hon. Kingi): Let us move on to the next Order.

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

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

**BILL***Second Reading*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL  
(SENATE BILLS NO.40 OF 2023)

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

**BILL***Second Reading*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL  
(SENATE BILLS NO.41 OF 2023)

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

**BILLS***Second Reading*THE LAW OF SUCCESSION (AMENDMENT) BILL  
(SENATE BILLS NO.20 OF 2023)

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

*Second Reading*

THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)  
BILL (SENATE BILLS NO.38 OF 2023)

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

*Second Reading*

THE CONSTITUTION OF KENYA (AMENDMENT) (No.2) BILL  
(SENATE BILLS NO.52 OF 2023)

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

*Second Reading*

THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL  
(SENATE BILLS NO.55 OF 2023)

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Bill deferred)*

Next Order.

**MOTION****ADOPTION OF REPORT ON CONSIDERATION OF THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATION, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES, 2024**

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2nd July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul-

(i) the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024); and,

(ii) the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024).

**The Speaker** (Hon. Kingi): This Order is deferred.

*(Motion deferred)*

Next Order.

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

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

**The Speaker** (Hon. Kingi): That Order is deferred.

*(Motion deferred)*

Next Order.

**MOTION****ADOPTION OF REPORT ON ALLEGED IRREGULARITIES IN PROCUREMENT OF LONG-LASTING INSECTICIDE TREATED NETS**

THAT, the Senate adopts the report of the Standing on Health on the inquiry into alleged irregularities in the procurement of long-lasting insecticide treated nets at the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Wednesday, 8th May, 2024.

The Senate Standing Committee on Health is established under Standing Order No.218 (3) of the Standing Orders. It is mandated to consider all matters relating to medical service, public health and sanitation.

On 15th May, 2023, Hon. Felix Koskei, the Chief of Staff and Head of Public Service, released a press statement regarding allegation of Kenya Medical Supplies Authority (KEMSA) in management and administration of various medical programmes being undertaken by Kenya in conjunction with development partner.

In the statement, the Head of Public Service noted that the regular verification exercise of Global Fund has revealed alleged maladministration on the part of KEMSA with regards to procurement of treated mosquito nets for vulnerable household.

In line with the Government commitment to promote accountability and openness in the management of public affairs, the statement went further to announce the termination of the then Principal Secretary, the State Department of Public Health and Professional Standard, Ministry of Health, and the provocation and consequent constitution of KEMSA board, the suspension of the then Chief Executive Officer (CEO) of KEMSA, the appointment of an acting CEO and suspension of various staffs at the agency.

In regards to that, the Committee noted key issues of determination and centered the following issues-

(1) Specify the allegations and irregularity of the procurement of Long Lasting Insecticidal (LLI) nets.

(2) Clarity on circumstance that led to cancellation of tender procured.

(3) Clarity on what reservation Global Fund has with regard to the tender.

(4) Clarify on a specific timeline for the procurement of LLI nets as agreed between the Global Fund and KEMSA.

(5) Clarity on allegations of undue interference on operation of KEMSA by the line Ministry.

(6) Clarity on circumstance that led to termination and suspension of Ministry of Health (MOH) and KEMSA officials.

Mr. Temporary Speaker, Sir, as a Committee, we interrogated the key institution related to the inquiry on that issue, that is MOH, Ministry of Economic Planning and National Treasury, KEMSA, Public Procurement Regulatory Authority and PricewaterhouseCoopers (PWC) as the Global Fund agent. On that inquiry, we got these recommendations-

(1) The Senate to amend the Public Procurement and Asset Disposal Act.

(2) Automatic disqualification of any companies that failed the national tender evaluation process in a donor funded program from further considerations and consideration by the donors to minimize potential abuse.

(3) Implementation of measures to prioritize the local manufactured goods in both public and donor driven procurement, where applicable.

(4) Review the structure relationship between the Government of Kenya and the Global Fund to prioritize user department in case the Ministry of Health is a principle rather than subsidiary in the programme related to the mandates.

(5) Dispense the Global Fund management units at the National Treasury and full transfer of its responsibility and function to the Ministry of Health.

(6) Application by the Ministry of Health to the National Treasury for KEMSA to receive its own direct votes head for the operationalization.

*(Sen. Mariam Omar on 8.5.2024)*

*(Resumption of debate interrupted on 24.7.2024)*

**The Speaker** (Hon. Kingi): Clerk, confirm that we have the requisite number for the putting of the question.

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

Hon. Senators, we have the requisite quorum. I will proceed to put the question.

*(Question put and agreed to)*

Next Order.

## **BILL**

### *Second Reading*

THE LOCAL CONTENT BILL  
(SENATE BILLS NO.50 OF 2023)

*(Sen. Wamatinga on 26.3.2024)*

*(Resumption of debate interrupted on 24.07.2024)*

**Sen. Wafula:** Mr. Speaker, Sir, I request that we get to the next speaker as I sort myself out.

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

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. It is understandable when you know it is approaching the weekend.

I rise to support the Local Content Bill, 2023. The issue of extractive minerals and control of any natural resource anywhere across the world continues to evoke serious reservations, especially when the local communities are not involved especially on minerals and oil. When you visit the Delta State, where the dollar billionaires from Nigeria are, it is always unstable.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

They call it oil gas. Countries like the Democratic Republic of Congo (DRC) has all the minerals available in the world and the rainforests but stability continues to be scarce like a snowball in hell. I was watching a documentary and those of us who have been very keen on natural resources, would realize why part of Delta region in Nigeria remains unstable. I watch in one of the leading channels people being interviewed and complaining that the exploitation and extraction of natural resources has not benefited the local population in as much as it has made dollar billionaires from that region.

Mr. Speaker, Sir, you know there is a famous saying in Nigeria that when you board British Airways, you do not turn to your right, but only to your left and they only use first and second class. They do not go to economy class when they are boarding a plane. This is because of the beauty of natural gas and oil that is in Nigeria and other countries across Africa. Somebody quipped somewhere that we do not have oil gas in Kenya until the day Turkana under the Tullow oil programme was exploited.

Mr. Speaker, Sir, you were a governor then. You realized that there was then a lot of uncertainty in the management of Tullow Oil. I remember it was reported in the media at some point that the local population even blocked the lorries from transporting the crude oil from Turkana to be exported. People who have lived long enough, like Senior Counsel, Sen. Omogeni is familiar with such.

The issue of natural resources and other hydrocarbon resources are very critical. There was an issue in Tanzania on where to get the gas into Kenya. We repackaged, especially cooking gas, to make it affordable. We are in the era of environmental conservation and protection, where we are now discouraging use of firewood. We do not want to destroy and exploit the forests in the country. Therefore, the exploitation and extraction of natural gas to be used for cooking and other industrial purposes is very critical.

Mr. Speaker, Sir, when you look at our Constitution on environment and natural resources, especially Article 69, the state has been obligated to ensure the extractive of natural resources from minerals, oil, gas, and hydrocarbon extractives. I do not know whether we are over-legislating or legislating on this Bill but we still have a lot to go through on the Constitution that we passed in 2010.

This issue of local content is under Article 69. I remember in the previous session, I saw this under the Chairperson of the Committee on Energy, the former Senator Agnes Zani. She was very passionate about The Local Content Bill at that time.

We need to bring out all those issues, including mining. Under the Mining Act, 2010, we have a process where 70 per cent of the revenue in the extractive process is taken to the national Government, 20 per cent to the county government and 10 per cent to the local community.

We must bring it under one Bill, so that we do not just have the Mining Act. I am happy that the former Cabinet Secretary, your colleague and neighbour, Hon. Mvurya, was very vast with the issue of the Mining Act.

Mr. Speaker, Sir, we also have a concern on the issue of gold in Nandi. We have gold in Karebe, but my people have never benefited. We only see choppers coming in and out and the gold is being taken away. We do not know how many kilos of gold are taken and there has never been proper use of that natural resource.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The issue of gold is a concern even in Migori, but Nandi is the largest producer of gold in Kenya. I am surprised that a gold refinery was being built in Kakamega yet when you go to Kakamega ---

*(Loud consultations)*

*(Sen. Sifuna walked into the Chamber)*

*(Sen. Cheruiyot spoke off record)*

Mr. Speaker, Sir, can you protect me?

**The Speaker** (Hon. Kingi): The Senate Majority Leader, you should lead by example. You know the Cabinet Secretary nominee for Interior and National Administration.

*(Laughter)*

**Sen. Cherarkey:** The Cabinet Secretary nominee is a friend of Sen. Cheruiyot, so I do not know why he wants to give out that position and it is already occupied. I know in the second coming of the Kingdom, Sen. Sifuna might be a beneficiary, of course, after discussing with the Orange Democratic Movement (ODM) Central Committee and Parliamentary Group on that issue.

Mr. Speaker, Sir, what we are just saying is that, for example, Nandi is the largest gold producer, including Kilimapesa, part of Coast and Kitui. This country also has rubies and we have a lot of mineral exploitation and extraction. Therefore, I know there is a gold refinery being built in Kakamega.

We are also proposing for a gold refinery to be built in Nandi as it is the leading gold producer in the country. I have seen it by myself and I have numbers. The company that is there pays almost Kshs300 million through tax but when you go to Kakamega, they are what we call, mundane. Therefore, that belt of gold goes through Vihiga to Kakamega, hence under Article 69 of the Constitution, we must also ensure that the exploitation meets the environmental standards and this Bill has tried to ensure that.

I am happy that at the Coast, we now have the mining and blue economy, where we need to take care of biodiversity. We must be compliant such that when we are doing mining along the coastal part of this country, the biodiversity and genetic resources must be protected. If you can recall the issue of fishing in international waters, we have some countries that have been blacklisted for overfishing and using trawlers that are not agreed and therefore, they destroy biodiversity and genetics.

Article 69 of the Constitution has developed a premise upon the Local Content Bill. Everything is local. You must listen to what the people are saying. The only way to make the minerals valuable for the ordinary *mwananchi* down there where the exploitation of minerals is done, be it the extractives like oil, gas and hydrocarbon, is to ensure that 50 per cent of the revenue goes to the national Government be it gold, oil or

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

gas. The 20 per cent should go to the county, then the 30 per cent should go to that local community.

Additionally, if you recall, most of the water comes from Murang'a and we were developing a tunnel that will bring water from Murang'a to Nairobi to satisfy the needs of the people in Nairobi. Why is it that when you go to Murang'a, the people of Murang'a for example, do not have sufficient water yet people from Nairobi are benefiting from it? This is similar to Nandi County in Emgwen and Chesumei Sub-County, our water is being used in Kakamega. However, when you go to Kiptuya Bay and around Kapkangani areas, they do not have water.

Mr. Speaker, Sir, the essence is at least having the local content being valued by those people. I am happy with the Senator for Murang'a, my brother, Sen. Joe Nyutu, as he should follow up on this because at the end of the day, we end up taking the whole water to Nairobi but when you go to Murang'a Water and Sanitation Company, it becomes a problem. We must listen to the ground so that we do not attract the unnecessary wrath from the people.

When you look at Clause 3, Kenya is still very clean because it talks about the exploitation of gas and other petroleum resources. We need to resolve the issue of Tullow Oil. I know the capacity and the projection that we wanted especially in Turkana. We must ensure that the people of Turkana are beneficiaries. The Committee on Energy should ensure that if Tullow Oil is mining and extracting petroleum and oil at least it should give value to the people of Turkana.

My proposal has always been very simple. Under local content, let us review the revenues from 70 per cent. Let us give 15 per cent to the national Government, 30 per cent to the local community and then 20 per cent to counties, because at the end of the day when you are exploiting these resources, you might end up destroying the roads and water sources as a lot of processes is undertaken when exploring the minerals.

When you look at Clause 11, it talks of their assessment of local capabilities and under Article 10, we must look at public participation too together with Clauses 9 and 10 which talk about the establishment of a Local Development Committee.

The Mining Act talks about the Mining Development Committee and that Committee is very important. For instance, if you are generating revenue and you are saying 50 per cent of this revenue will go to the national Government, 30 per cent should go to the local community and maybe 20 per cent should go to counties in terms of division of that revenue, for the 30 per cent, you must have a gazetted Local Content Development Committee.

I hope the Mover of the Bill is noting. We already have a Mining Development Committee under the Mining Act. Now you want to establish a Local Content Development Committee. It will be what we call overlapping of duties. Is it possible to amend the Mining Act 2015 and the Mining Rules, 2015 to ensure that we do not need to establish a Local Development Committee and establish a Mining Development Committee?

Mr. Speaker, Sir, in principle, I agree that this Committee should be there, such that the revenue that is developed can be shared. For example, when we were pushing for Karebe Gold reforms, we wanted a gazetted Mining Development Committee that out of

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

almost US dollars 200 million that were being generated by the company for some time, even if they get 10 per cent which is about US dollars 200,000 which is around Kshs20 million, they were able to sit down and agree in terms of dispensary around Chemase, in terms of roads around Kibisem or other areas within Chemelil, Chemase and other parts of Nandi County. Therefore, the establishment of that Committee is very important, but of course, I hope the drafter of the Bill ensures that the Local Content Development Committee can function properly and add value.

Since I had only four points, let us go to Clause 26. It talks about employment and development plans. The challenge we have is that most of these expatriate or foreign companies walk into the country and just work with import expatriates yet we need to develop that technology. Why should you fly somebody from India to do that work?

We must agree on the local content that when an expatriate comes to Migori or at Kilimapesa and is doing extractives of the minerals in Kilimapesa where my brother Senator--- Maybe I have been away too much but of late, my brother, the Senator for Migori, appears relaxed nowadays and he is always smiling. I do not know if it is because of the Azimio La Kenya Kwanza Government or what is happening.

Mr. Speaker, Sir, when you go to Kilimapesa Gold Mine in Migori region, and give the company to an expatriate, it is their duty under this law to develop the technology of those people. It does not make sense that we have to fly an oil engineer all the way from China or America in the 21<sup>st</sup> Century while we can develop our technology. I agree with Clause 27 on education and training for locals. I remember, mining of gold use mercury cyanide. I realize that the companies are not doing the training to ensure that the people we have in place are trained adequately.

We must agree that we must train our people. For example, if today a gold mine is decommissioned, how does the local community handle chemicals, oil, minerals and other extractives? We must develop capacity through training. If you do not do public participation, like in the Kiambu case of 2013, the courts pronounced themselves that public participation is no longer an option. Nowadays, it involves civic education and training for the locals. This is very important.

I agree with Clause 30 that the transfer of technology is very critical. It should be done under the guidance of the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs. When the nominees of Cabinet Secretaries are confirmed, they should set out a strategic plan on how they can ensure there is local content.

In conclusion, because I want to allow my colleagues to contribute, what is the value to the ordinary *mwananchi* when you have oil in Turkana, or gold in Nandi, or rubies and other extractives? Whom does it benefit? It is very important that we look at it. Some of the conflicts we see is because of natural resources. We are now giving opportunity---

I request the Mover, Sen. Wamatinga, to amend the Bill and ensure that the Local Content Development Committee gives 50 per cent to the national Government, 20 per cent to counties, and then 30 per cent to local communities, so that they can plan themselves. That is very important going into the future.

I agree with the issue of licensing fund for training and development. This is a straightforward Bill that will come in handy. The upshot is that I am happy it has adhered

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



to the principles of Article 69 of the Constitution on the issue of sustainable exploitation. The caveat is that we must ensure sustainable exploitation.

We are struggling with two things; we want to be compliant in terms of environmental protection and conservation, and we want to be compliant in terms of exploitation of natural resources to benefit. We must ensure that it is sustainable. The word is, “sustainable exploitation of resources” within that region.

Mr. Speaker, Sir, with those many remarks, I beg to support. I will bring amendments.

I thank you.

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

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for the opportunity to make my contribution to the Local Content Bill (Senate Bills No.50 of 2023). This Bill is very critical and long overdue because we need to have a clear framework to facilitate the process of local ownership, control, and financing of activities related to exploitation of minerals. This is a very important Bill.

As the Member who has been on the Floor has said, we will be seeking to improve it further so that we ensure it serves the local communities and all the stakeholders.

Mr. Speaker, Sir, as I am speaking to this Bill, tomorrow my county will be launching the granite factory at a place called Buyangu. It is a partnership between the Ministry of Mining, Blue Economy and Maritime Affairs and an investor. This Bill comes at a very appropriate time that this project is now being officially launched.

This project has been on for several years. I thank the Governor of Vihiga County, Hon. (Dr.) Ottichilo, for having played a big role in ensuring that this project takes off, from the days when he was a Member of Parliament (MP) for Emuhaya Constituency. The project is going to be launched tomorrow.

While I appreciate that this project is going to employ thousands of our people and also improve the economic position of our people, especially in Emuhaya and Luanda constituencies, I have had an engagement with the Ministry of Mining, Blue Economy and Maritime Affairs on this issue. There are grey areas, which I hope the Ministry is going to address.

When we have a situation where a county government engages an investor and the national Government, it is important that Article 187 of the Constitution has to be complied with so that the interests of the county government, the interests of the national Government and the interests of the investor are captured.

When we have a situation where a county government gives land for the project, and then ends up not having any agreement with the investor and the national Government, I find that to be not in order.

I have raised a concern because the people of West Bunyore gave their land through the county government, and then the national Government took over the land for this project, which is fine. However, the people need to be compensated for their land, or at least, we need to have an agreement as per Article 187 so that the community benefits from that arrangement.

Mr. Speaker, Sir, allow me to talk about this project because this Bill is referring to that project. Having looked at the specific agreement signed between the national Government and the investor; a lot needs to be done. While I fully support the project, the Ministry of Mining, Blue Economy and Maritime Affairs should ensure all the gaps in that project, including the issue of land ownership and sharing of proceeds from this investment must be within the law. How shall the local community, the county government, the national Government and the investor benefit? That clarity is very important.

Moving forward, I hope this Bill will address that problem. We need to have a specific agreement that captures the interests of all the stakeholders. When I went through the file at the Ministry, I realized that there is no specific agreement that captures the interests of all the parties. It is just a tender document and an award letter. That is not proper because, in the end, we will end up not getting the benefits going to the various stakeholders in the process. This Bill provides a framework under which such arrangements, like the granite factory, will be reinforced so that the communities, the county governments, the national Government and also the investor benefits. This Bill is long overdue. I congratulate the Mover for coming up with it because it is going to help us in our various counties.

Mr. Speaker, Sir, even as we talk about minerals, each year, we have passed some conditional grants to the counties and every year, we have that aspect of mineral royalties. We wonder why some counties do not get mineral royalties.

In my county, a lot of gold activity is happening and the same happens in Kakamega County where Sen. (Dr.) Khalwale represents. However, in this House when we come here to pass the conditional grants, our counties do not get mineral royalties. What happens, Mr. Speaker, Sir?

Is it that the gold mined in our counties is not accounted for or not? If it is not accounted for, who is responsible? We cannot have a situation where in our areas, we have minerals being mined and our communities do not enjoy mineral royalties.

This Bill should address this issue of mineral royalties. I will be seeking amendments so that we do not have a situation where we have mining activities happening in our counties and our people cannot get benefits through royalties from mineral activities.

Mr. Speaker, Sir, this Bill also talks about the role of the national Government and the one for county governments. It is important to give clarity because some of the agreements that have been signed so far are not clear on what county governments are going to do on matters of minerals, like the gold in our counties. I brought a question here on the issue of gold mining in Vihiga County. I got surprised that the County Government of Vihiga is not aware of what is happening in their backyard.

Some unscrupulous people, some from China and other places have invaded my county. They are mining and people are staying on top of big holes and this is a disaster in waiting while the County Government is doing nothing about it. The national Government is doing little about it. They responded to my Statement here that they were going to do something and temporarily, they chased away the company that was mining. After a few weeks, the Chinese came back and started doing the same thing.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mr. Speaker, Sir, I hope the Ministry of Mining and Blue Economy which is going to be under Hassan Joho is going to do a better job than what we have been seeing. What we have been seeing in this Ministry was laxity and corruption through cartels of miners who came to our counties to invest.

**The Speaker** (Hon. Kingi): What is your point or order, the Senate Minority Leader?

**Sen. Madzayo:** Asante, Bw. Spika, Seneta Osotsi ni rafiki na ndugu yangu na tunasikizana sana. Hoja yangu ya nidhamu ni kwamba, ifikapo mambo na sheria za Bunge, hawezi kumtaja mtu ambaye hakuitwa na Bunge ama, hakujakuwa na taarifa fulani kwamba aje na hakuja, halafu yeye anamtaja kwa njia ambayo si ya kisawasawa.

Mimi nauliza kama ni haki kumtaja mtu kabla hajaitwa katika Bunge kwa njia mbaya na hajapata nafasi ya kujitetea?

**The Speaker** (Hon. Kingi): The Senate Minority Leader, I do not think hon. Joho was named in bad light. Hon. Osotsi said he hoped that the incoming Cabinet Secretary and the name of Hon. Joho was dropped.

That is not bringing the name of Hon. Joho in bad light. He hopes that the incoming Cabinet Secretary for Mining and Blue Economy will do a better job because, according to his opinion, there was laxity. His hope is that this time around, with Joho at the helm of the Ministry, he hopes that things will be different I do not think he is out of order.

Proceed, Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for protecting me. I made that statement in good faith because we all know that Hon. Joho is capable of doing a better job. I was just saying that he is the right person to clean the mess in the mining sector. I hope he starts with Vihiga---

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

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

**Sen. Chimera:** Mr. Speaker, Sir, I rise under Standing Order No. 105. Is the Senator for Vihiga, Sen. Osotsi, in order to imply that the immediate former Cabinet Secretary for Mining and Blue Economy, Hon. Salim Mvurya was presiding in a corrupt Ministry before the Cabinet shake-up? Can the Senator substantiate factually whether there was corruption in the Ministry, either reported or unreported?

**The Speaker** (Hon. Kingi): Sen. Chimera, I have listened to Sen. Osotsi so keenly here. At no one time did he allege the issue of corruption. He said, according to his opinion there was laxity in the Ministry and he hoped that this time around, things would be better.

Proceed, Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for protecting me. Hon. Chimera is my good friend but I have not mentioned the name of my good friend, Salim Mvurya, in any way. I only talked about the Ministry. The Ministry is not an individual.

I was talking about the role of county governments. This Bill makes it clear that what county governments are going to do on managing the local content through various committees and the specific functions which the county governments are going to do.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

This is very progressive and it will help us in addressing some of the challenges I have talked about, like the issue of mineral royalties and coming up with local content plans so that communities' interests are ring-fenced in every project that is undertaken in our counties.

This Bill also talks about the performance of the local content because some investors do not observe the local content regulations and midway, they may decide not to honour the statutory requirements of sharing the benefits of the proceeds from resources. This is also going to strengthen the process of managing the local content in our country and our various counties.

Mr. Speaker, Sir, this Bill also goes further to talk about the strategies for local content development. It is important that an operator in an area should abide with the process of how he is acquiring goods and services. We shall provide a fair opportunity to all local persons who participate in the provision of goods and services in relation to extractive activities that are undertaken by that operator.

I had given an example of the granite factory. Some of this granite will be sourced from various homes. This law will guide how the investor or the operator will get this from the local community and compensate the adequately.

Mr. Speaker, Sir, there are quite a lot of good provisions here. However, we will have an opportunity to look at them and fine-tune where we think it is important to clarify some them, particularly on the roles of committees. What will the committees at the county and national level do? How will that support the process of ensuring that all stakeholders receive adequate benefit from this process?

With those remarks, I support with amendments.

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

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I rise to support the Local Content Bill (Senate Bills No.50 of 2023). Sen. Cherarkey has spoken before me and referred to my county of Murang'a, which feeds Nairobi City County with water despite of the fact that most of our residents do not have adequate water for drinking and farming.

Although this Bill relates to mining of minerals and petroleum, I am encouraged to support it because we will be involving the locals in the exploitation of resources in the counties. Clause 4 of this Bill states that-

“The object of this Act is to-

(a) promote the maximisation of value-addition and the creation of employment opportunities in the extractive industry value chain through the use of local expertise, goods, services, businesses and financing and their retention in the country;”

The major problem we have in this country is unemployment of young people. This has had a bearing on the events of the last few weeks in this country. When we have a Bill that proposes ways and means of having people gain employment, especially in relation to whatever is available locally or when it is related to locally available materials and the resultant industry, then that becomes very attractive to any well-meaning Kenyan.

Clause 4 (c) states that the object of the Act is to-

“enhance the participation of local persons in extractive industry value chain.”

This participation as envisaged here is very encouraging and that is why I feel we should support this Bill. Speaking of Murang'a County - where I am elected - we have an area in Maragua Constituency called Gakoigo where we produce very good clay soil. This soil is important in making pots and even energy-saving jikos. This is a product that is available locally. If regulated properly, will benefit the people in that particular area and others.

Clause 7(iv) (b) of the Bill states-

“In ensuring that the national Government fulfils its obligations under section 6, the Committee shall-

(b) facilitate the realisation of local content through the development and implementation of strategies for the development of local skills, business know-how, technology, financing, capital market development and wealth capture and distribution.”

This is also very progressive because most of our people lack skill. If we develop their business knowledge, technology and finance skills, we will be promoting them to conduct their business in a more skilled way and resulting to higher benefits and profits.

The participation of the locals is of paramount importance and that is why I support this Bill. When we develop skills through this particular Bill, we will also be curing some of the age-old traditions. For example, through this Bill, if we can identify minerals in the bandit prone areas where we have cattle rustling all the time, we can develop the skills of those young men and women. I am sure we will arrest such problems that have been occurring over the years.

I am concerned about the membership of the committee. I have gone through Clause 12 and I did not see any provision where the locals will be able to produce a member to the committee. That is one thing that Sen. Wamatinga should consider. If we are talking about local content, then we should have representation from the locality. With those few benefits I have seen resulting from this Bill, I support. However, I propose that the membership provision be adjusted or amended to include a member from the locality.

I support.

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru, proceed.

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to share a few thoughts on this very important Bill. I commend Sen. Wamatinga for bringing it. Generally, when we think of mining oil and gas, there is nothing that can bring inclusive growth at the scale we need to deal with in this country like envisioning a local content framework in the public policy space

Mr. Speaker, Sir, we are talking at a time that the country has just experienced a serious uprising of young people who are desolate and do not have jobs. Many of us have now focused on the jobs conversation. Now, we have to start talking about income conversations. Where jobs are not possible to find, income certainly should come for the purpose of helping young people. The extractive sector is, indeed, the place to anchor this job creation, especially when you think about host communities that are blessed with these resources such as minerals, oil and gas.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

As a Senate, when we visited Turkana County last year during our Senate *Mashinani*, you could see the immense potential of the oil industry in the county. However, you could also see it juxtaposed with the idea that many young people there still do not have job opportunities in equal measure. Therefore, I support this important Bill.

Mr. Speaker, Sir, I recognize that the role of devolution is extremely missing on this Bill. The truth is the minerals; oil and gas are mainly industries that are found within the borders of our local communities. Therefore, these extractive sectors end up affecting the ecosystem of those communities, which then affects the entire economic population of the counties.

Mr. Speaker, Sir, if you are going to have a proper structure and framework that can make the local content of these industries broader, then it has to be housed within the structures of the local communities which are then empowered by counties.

I say this because I come from Migori County where gold mining is a very big industry. Some urban cities and urban areas have emanated from being discovered as areas of economic production that then have grown from scratch through mining activities. For example, Macalder Mines and Osiri Matanda are emerging, developing areas in Nyatike Constituency entirely because of gold mining.

Masara Town has emerged because of mining activities and the vibrancy there has become due to mining. As a result of mining activities in that area, there are other potential economic activities that sometimes suffers the consequences of mining there.

For instance, cattle farming is a big industry for the people of Nyatike Constituency. However, the mining that goes around there does not allow economic diversification to happen. Everybody first focuses on mining in Osiri Matanda, in Macalder Mines and coming to Masara Mines in Migori County.

The mining exercise itself, through the industrial process that is going on there, if unchecked end up affecting other economic activities there. Both by design and by choice of people who live in those communities, it becomes extremely difficult to reinforce economic diversification.

That tells you just how important Clauses 6 and 9 all through Clause 12 of where the committee is been talked about. It must be mainstreamed within the framework that works for counties. For instance, we know that under Section 20 of the Urban and Cities Act, we have an establishment of municipalities that are given some fundamental rights in terms of how different economic permutations in our counties work.

I come from Rongo Constituency, where they have got a municipality. If the municipality structure is not given a voice in terms of the economic permutation that is affected by money, we would miss out very strongly on the economic diversification that is supposed to happen in these areas.

Mr. Speaker, Sir, I support this important Bill. However, I would want that perhaps Sen. Wamatinga can take notes, especially on the roles of the national Government *vis-à-vis* the role of county governments as stipulated under part 2 of this Bill. The Bill should be able to invent the proper structures that are within counties already that need to take a key role in terms of just thinking about how local content should be developed within the county structures.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Local content is a key area around policy. It is a policy that will anchor the various elements of local content development in our counties and within the borders of our country.

The local content policy leaders must then emanate within the structures of counties so that when you think about this kind of committee, they can think about research and development institutions that can anchor the design and implementation of different policies that can enable the community to benefit from the proceeds of this minerals.

On issues of sustainability of the knowledge in the mining, oil and gas industry, as some Senators have spoken about here, the capacity element of companies that then come and do extraction in our local communities, their capacity is informed by different capital and different resources that they have.

In Migori County where I come from, I have seen several Chinese people coming to extract gold. They come with the knowledge, equipment, and the entire infrastructure. However, that knowledge is not sustainable and transferable. It is limited because they come as private players without a proper local content policy in terms of a vision framework that allows them to share that knowledge.

If one goes to Masara, Macalder and Osiri Matanda, the local people there are still doing artisanal mining. They lack even simple knowledge of knowing where the gold is. They lack knowledge about the geospatial mapping of where to exactly get the gold. They still have to use rudimentary forms of mining to the extent that even endangers life.

You have seen this in several places in this country, even in Ikolomani, where Sen. (Dr.) Khalwale comes from, Rongo, and Migori, a number of our people very well-meaning going to mine without the knowledge. They then end up dying in the mines. It is not just the issue of capital in terms of investing, but also knowledge.

When foreigners come to our places, they have some basic ways of knowing through some geospatial mapping that they will exactly this point. They say I will exactly extract this kind of gold, which local people do not know. When they leave, that knowledge is not transferable.

This also, indeed, comes with the idea of business participation and business registration. This Bill should have also included the element of business registration for these local businesses. In most cases, you find that in mining communities such as in Kakamega and Migori in general, I have seen people mining without having a business organization. It is mining for survival.

It has become so subsistent to the extent that everybody who is extracting finds this very difficult to have a local business that can encourage them to organize to unionize and even to bargain for the prices of the commodity that they are having.

Mr. Speaker, Sir, I see that some Senators are concerned that I am talking here, but Sen. Cherarkey is getting all the credit on our screens. I hope that Kenyans now know how to distinguish between my voice and the voice of Sen. Cherarkey. They should also recognize the knowledge gap because I come from a serious extracting sector so the content will generally just come.

I think there is a technical problem with our screens today. So, we have to make sure that it is not Sen. Cherarkey interpreting my knowledge to the public, but that can be dealt with.

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

**Sen. Cherarkey:** Mr. Speaker, Sir, as a statement of fact, is it in order for Sen. Oketch Gicheru to allege and state that he is more brilliant than I am while the obvious is known?

Is he aware that I hold a degree in law? I also went to the Kenya School of Law and hold an LLM. I have not said other papers to my name, but what is known. Is it in order for him to allege that there is a knowledge gap while he is not my peer in any forum; academically, age wise, culturally, dressing and even mannerisms?

**The Speaker** (Hon. Kingi): Hon. Senators, both Sen. Eddie and Sen. Cherarkey, you are totally out of order. We are not here to weigh each other against how knowledgeable we are. Sen. Eddie, I want to believe that you are saying that on a light note. If you meant it, then you have to withdraw.

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, I was sharing a matter of fact. The facts are that the knowledge around gold mining can only be shared strongly between the Senator for Kakamega, “the bullfighter” and myself because we have mines. I was just trying to help my senior ranking Member, Sen. Cherarkey, to understand how mining happens in Migori County. I was very specific to Migori and Ikolomani constituencies.

**The Speaker** (Hon. Kingi): Sen. Eddie, is it your contention that you have more knowledge regarding this area of minerals as opposed to the Senator for Nandi?

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, it started when Sen. Cherarkey appeared on the screen when I was specifically talking about Migori and Kakamega counties. So, I was limiting the knowledge to Migori and Kakamega because those are the places I have visited in terms of mines. Sen. Cherarkey is very far away from those places. So, he does not understand how the mines work.

**The Speaker** (Hon. Kingi): You are not in any way trying to undermine his general knowledge in this area?

**Sen. Oketch Gicheru:** I did not undermine him in any way.

**The Speaker** (Hon. Kingi): Proceed and conclude.

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, it is also important that this Bill allows for formation of these committees in a way that allows for development of resource corridors harboured within counties. Without these resource corridors, the policy framework for local content will sometimes not help in mainstreaming training skills and re-skilling within the structures of the counties. For instance, we know that Technical, Industrial, Vocational and Entrepreneurship Training (TIVET) institutions and a number of other training institutes within our counties sometimes offer courses that are general to the entire population. They are not really focused on the economic permutation of those particular local communities.

I would like to see mainstreaming skilling and re-skilling of people in the mining sector in places such as Uriri, Nyatike, Kuria West and Kuria East in Migori County. I would also like to see TIVET institutions in Kakamega giving skills and re-skilling

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



opportunities to young people to mainstream the idea of skilling them with economic permutations of those places in the mining sectors.

That will not happen if the committee proposed here is overly dependent on a structure and policy framework that emanates from the Cabinet Secretary. It will be better if it emanates from the local policy makers within a framework of the counties.

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

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

Madam Temporary Speaker, we have also seen the idea of special economic zones in this country, which was well meant by the Kenya Kwanza Government. However, it is not mainstreamed within the economic potential of mining sectors. This will happen if we reinforce the idea that these committees must be put within the county infrastructure.

It is also important to look at industrial partnerships within the framework of Public-Private Partnership (PPP), which should again happen within the counties' infrastructure that those policies must emanate from.

Lastly, it is important that local content regulations and implementations take into account the biggest function of economic equality, which is the price of commodities. We must have an interface whereby this particular Bill allows for the price of commodities like minerals such as oil and gas to have an avenue of conversation at the county level.

If we do not have that, then people at the local level participating in mining of oil and gas cannot partake on the fair retail price of these commodities. For instance, I do not know how we can come up with a formula of the price of gold in Migori County. I think that also applies to Kakamega County where Sen. Boni comes from.

What happens is that there are middlemen who choose to put any price. We do not have a pricing index such as India or Dubai, but use that put by local middlemen in our communities that they suggest for that particular commodity. That must change with the coming of this Bill, so that the communities at the local level lead and champion the regulations and implementation of the pricing mechanism and a tool, which must be akin to what is going on in the global market for those commodities.

Madam Temporary Speaker, global market is something that if the local miners and local communities can partake in directly, then it will be more transformational. It will also enable them to create more wealth than leaving it to open and disorganised market.

I support this Bill, but with a caveat that the institutional element expressed in it from Clauses 6 to 12 must be relooked with the idea of forming those committees at the county level to empower counties to have true control of these minerals such as oil and gas.

Madam Temporary Speaker, I support with those amendments. I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, I join my colleagues in giving my thoughts on the Local Content Bill (Senate Bills No.50 of 2023). It is a Bill that will provide a framework to facilitate local ownership, control and financing of activities connected with exploitation of gas, oil and other petroleum resources to provide framework to increase local value capture along the value chain in the exploration of gas, oil and other petroleum resources and for connected purposes.

This Bill has been in Parliament for a while. I think this is the third attempt to legislate on this issue of local content. Unfortunately, each time this Bill comes to Parliament, there are significant changes that happen to it that sometimes it loses its objects. The initial idea was to involve the local communities in any resources found within a specific jurisdiction. Perhaps this is where we will require the services of the committee to provide clarity.

If you read the object of the Bill I am referring to, you will be forgiven to imagine that it only speaks about oil and gas alone because that is the title that has been given to the Bill. The committee will need to provide clarity later when we are doing amendments.

It is only when you read deeper into the preliminary parts of the proposed Bill in the definitions and the interpretation that they define better that the extractive industry here means oil, gas and mining sectors in Kenya. A plain reading of the title can easily confuse.

That is not the real essence of what we intend to do with this Bill. We must ask ourselves one question even before going into its ins and outs; what are we trying to achieve?

Madam Temporary Speaker, mining as a sector contributed Kshs120 billion to the Kenyan economy in the last financial year. The desire of the Government, if you read the Kenya Kwanza Manifesto, is to grow it towards double digit. To make it almost 14 to 20 per cent as a contribution to our Gross Domestic Product (GDP).

Let us not lie to ourselves, to do that is not much about what local people can get, but who you can attract to come and invest here for the locals to benefit. This is not the main problem of this mining or exploration sector in the country.

I like the fact that this Bill speaks to safeguarding local interest. I wish we had merged this conversation and made it attractive for the people with the resources who want to come and mine the petroleum gas, or whatever mining activities that are being done in our various parts of the country. When we attract them, we find ways of safeguarding our locals. The problem is that we are speaking about ensuring the locals are not exploited and are benefiting from the industry. However, we do not even have that industry.

Sen. Osotsi while speaking earlier asked how comes Vihiga and Kakamega counties do not get conditional grants from the mineral rights. It is because many of the mining activities he is describing and boasting proud of are artisan mining. They are not captured anywhere in the records of this country. These are just young men and women with sacks trying to do mining by use of their hands. It is not as an industry the way we understand it.

The greater challenge to us and this is perhaps what I want to challenge the committee that is handling this particular Bill--- Probably, it is her intention that we, first

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

of all, address how to secure benefits for the local community that hosts whatever is being mined or whatever is being extracted in the extractive industry.

It is a good thought because that is also part of the problem. I know for a fact, speaking to many people who have come to the country that if you go now to the Ministry of Mining, chances are that you will run into an investor or somebody that looks well-to-do and with a group of villagers in toe. If you go to the boardroom of the Ministry of Mining, there are many such people there, every single day.

You will ask them what is it that you people are here to do. They will say these are the community owners of where I have mining rights to and I have been granted consent by the community. These are the representatives. Therefore, there is no gainsaying for a fact that, indeed, you need to sort the issue of community interest. How do you tie them?

Madam Temporary Speaker, you must also marry that with the fact that if you are not very careful on how you grant these rights to the community, it is easy not to inspire the confidence of investors. We know between us and the four walls of this Parliament that we do not have either technical or financial capacity to grow the extractives industry to the level that we aspire to get it as a country.

I urge the committee handling this Bill to either marry the two or handle it the same way you have brought the Bill here, encouraging us to look on the interest of the local community. Can they immediately merge into this particular Bill or separately in another Bill?

Ensure that you also counterbalance the commitment that you are giving to the local community with incentives for the people with the money and the knowledge run this industry. If you do not provide the guarantees for them, if we do not become sensitive and attractive for business, we will just have a good law that will just gather dust in our shelves.

Nobody will come here if they are told that even if you get a license in Nairobi, you cannot go to Migori and mine the gold that Sen. Eddie is talking about. Of what use is that to an investor? Of what use is it to the people of Narok at Kilimapesa if we do not provide that particular incentive to the investors? The people can stay with their gold the same way it has stayed for the thousands of years it has been there.

I contend and hold the view that while this is a good and a positive step to begin with - I will speak to the benefits whatever little additions I have to the Bill - I think this is only 20 per cent needed for that industry to thrive.

I will give an unrelated example. Business processing of services, the young people that we are encouraging to work. You know the President has been speaking about digital hubs across the country where we are training our young people by use of computers to work for companies that are set out of the country. It is an industry that has been trying to thrive and setting foot in Kenya.

This is an industry that is dominated by Philippines and India. However, Kenya has such a good competitive advantage for the simple fact that Kenya has young and literate population who speak very good English compared to the Filipinos and Indians. Therefore, many of those companies are working hard to set up in Kenya.

Remember if you follow news closely, one of the companies that was contracted by Meta, the parent company of Facebook, that was operating somewhere in our special economic zones in Athi River, they closed shop the other day. Why is it so? I have followed that case up to the ruling that was given by the High Court in that particular case. It is because the investors that are in that particular industry are saying please appreciate and understand that we are a contracted service provider. For example, that specific company, they were content moderators.

You remember like now we have been having these challenges with social media and the rest. If you post things that are either offensive or graphic, there are companies that are contracted to flag that information and take it out. These are third party engagements. Unfortunately, a Kenyan went to court and sued the parent company that had contracted this company that was operating out of Kenya.

A Judge in the High Court of Kenya gave a ruling and insisted that the company which contracted this company that is in Kenya must pay. Then it means no other investor will dare touch Kenya because they know that we do not appreciate and understand that space. They are asking why are you suing us? We have no contract with you as Government of Kenya. It is a third party that has an agreement with you, who was supposed to sort the issues with that particular staff.

Madam Temporary Speaker, I am speaking to the issue of listening to the industry and the players and appreciating them from Government, the Executive and even us at the legislature when we are passing laws such as this. What are we doing to ensure that we provide sufficient cushion and cover and make it attractive? What are the things that an investor looks at before they decide where to place their money in their next venture? When a company is seated somewhere out of London and in the far-flung corners of the world, what will attract them to Kenya?

What will make that executive make a decision to say this is a good place to invest if this is what their laws are? That is the challenge that I pose to us, especially when we are dealing with such industries that we predominantly have no control of either by technical or financial ability.

When we are creating the laws such as what is before us and come up with a committee that files a field development plan and things listed in this Bill, I hold the view that that is barely scratching the surface. The more difficult work---

**The Temporary Speaker** (Sen. Veronica Maina): Sorry to interrupt you, Senate Majority Leader. Technical team, thank you for updating the transmission. Please make sure we can see the most current proceedings in the Senate. You have been transmitting what is immediately passed.

Thank you.

You can proceed, Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, let me give an example of Clause 28 of the Bill. It speaks of an operator, which is a company that is carrying out the business of these extractives. Number one, it shall give first consideration to the employment of local persons who have requisite expertise or qualification in various levels of the extractive in accordance with this Act. It then says

minimize the employment of foreign personnel. These are what I call potential areas of conflict that we need not to legislate.

I completely hold a different view on this particular issue because employment is a very sensitive issue and in a country that is defunct of employment opportunities such as Kenya, the minute you start legislating things such as this, then you are setting up investors and no investor will set foot in this country.

This thing is so serious. I saw in the neighbouring county of Nandi, that an investor who runs a tea factory the other day, was being taken to task in all this madness that has been going around of young people demanding opportunities. They are being told that your Chief Executive Officer (CEO) must be a local from this county not even from the region or the tribe. The minute we begin to legislate things such as what is in Clause 28, about expertise, this is not a matter that you want to speak to and put in law.

I hold the view that the minute you legislate and want to put it into law, these are what you call the turn-offs to an investor. If I am putting my one, two, three, four or five million dollars on this very expensive equipment either for exploitation of gas, oil or even mining of gold, that despite the investment that I am putting in, you want to dictate to me who I employ.

I do not think as an investor, I will take the risk to come to your country because tomorrow you will be taking me to court if I tell you that these machines can only be operated by specific people. You will say, no, he is a graduate. It is not just about the issue of graduating and having the expertise. What experience and capabilities culturally, do we agree with? Do we share the same values? Therefore, these are things that are either left to regulation or licensing conditions, but not to be elevated to the level of a statute. I continue to insist that as Parliament, we must learn to listen to the industry.

Madam Temporary Speaker, you were there the other day, when we came from Mombasa where we had a roundtable with the Kenya Private Sector Alliance (KEPSA). Part of the criticism that they continue to give to us as legislators and as lawmakers of the country is that we listen to the Government side alone. Many times, we make laws with the Government, the Executive and the people in mind without considering that there has to be a counterbalance. You can protect the people, but if the industries are not there, what happens?

As legislators, we must rise to the occasion and appreciate the need to ensure that we balance both the needs of the investors; the people that are coming up to set these industries and the local communities such as what we are speaking to. I pointed out the deficiency in terms of the operation of this Bill in Clause 28.

The last one is Clause 30, which speaks to the transfer of technology and research plan that—

“The Cabinet Secretary shall, in consultation with the Committee and in collaboration with relevant State agencies and county governments —

(a) formulate a strategic plan to transfer of technology concerning various operations in the extractive industry; and,

(b) publicise in such a manner that it shall consider the appropriate strategic plan.”

Although it appears plain some of these things are patented. This is a competitive industry. If you go deep into detail about how the mining and extractive industries work, you may think it is just a simple matter of sinking in the machinery and coming out with whatever you are extracting. However, in terms of strategy and practice, what one company does is not the same thing as what another company does.

These are matters of patent. Companies have spent their money; they have researched and they can achieve different factors depending on the resources that they have deployed if they are granted the opportunity. Thus, to demand them and grant this issue of the transfer of technology is not a bad thing. I agree with the need to secure that, but we must maybe tighten that conversation so that it is upon certain agreed conditions with the investor.

There are many other things that I would wish to speak about such as the issues on research. For example, under Clause 35, you need to submit your research and development plan for five years and so on. I would rather that this conversation be complete by ensuring that apart from securing the locals in the Bill, we listen to the industry as well in terms of how willing they are to contribute.

This is a good start because it is an attempt at ensuring that nobody exploits our people as is the case. This is an industry, for example, the extractive industry, that if we are to spend significant time, energy and resources, we will help to grow Kenya's economy to the next level. All these issues that you are struggling with on taxes and revenue-raising measures if we concentrated and did better in this particular industry. The country can even accelerate and grow to a better stage than what is available presently.

It bothers me that there are various countries across the region whose economies are not even as diverse or advanced as Kenya's, but as a share of their Gross Domestic Product (GDP), mining contributes more than what we earn. We need to study the mining reports even from across the continent. I am not speaking of South Africa and Congo, countries that are way advanced in the extractive industry. I am speaking of the neighbouring countries, even as young Republics as South Sudan, Tanzania and Uganda on what they get out of the extractive industries.

We need to become better at how we manage this particular situation by ensuring that we protect the local communities as is being explained in this particular Bill. Nonetheless, I want to repeat for emphasis's sake, that we still have not thought of ways of attracting investors who can come and put their resources, into this.

There are other issues as well that we need to address. I know, for example, that in some parts of this country such as Kwale, Homa Bay or Kericho which has got significant deposits of rare earths. They are untapped and there is no activity going on there. There are people with licenses to explore and have overstayed with those particular exploration licenses.

We must address that particular need and ensure that we sort out whatever local issues exist. If there are people who are not comfortable and are not assured of how they are going to be compensated or benefit, that is part of what we need to study in this particular Bill so that our counties can earn better.

It is out of growing industries such as this that we will save ourselves the burden of the revenue-raising measures that we have relied upon, which is purely on taxation and

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

that has even led the country to the current crisis that we find ourselves in. You borrow and when you are no longer able to borrow, you come back to this few lots, almost a 1.8 million earning population, to carry the burden of 50 million Kenyans. That is part of the challenges that we are facing. It is only by growing such industries that we shall be able to ease the burden on other Kenyans.

**Sen. Kinyua:** Madam Temporary Speaker---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, what is your intervention? One minute, Senate Majority Leader.

**Sen. Kinyua:** Madam Temporary Speaker, I am struggling to recognize my Majority Leader on that screen. You can see right now he is speaking and he has stopped speaking. I do not want to blame him, but I want to say that we have raised this issue of transmitting and our Senate system in the Committee on Budget and Appropriation time without a number, but our request has fallen on deaf ears.

It is true that as we speak, they are struggling to work hard to try and help the situation. The system is not only in the High Dependency Unit (HDU), now it is in the Intensive Care Unit (ICU). The Constitution provides that we are supposed to be open about what we are discussing here.

Right now, the Senator for Kericho County is not being recognised by people in Kericho because the pictures are blurred. When I was at the lounge, when the Senator for Kericho County was speaking, the Senate Majority Leader, what was appearing on the screen was the Senator for Murang'a County, Sen. Joe Nyutu.

Madam Temporary Speaker, I ask the Budget and Appropriations Committee to give this House money, particularly for that purpose because transparency is a requirement of the Constitution. I do not want to waste more time. I just wanted to help you because I heard you ordering the people who are controlling the systems. They are not the problem. The problem is the system itself.

Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Kinyua. I can see you are still speaking while in actual fact, you are seated. There is a delayed transmission of the pictures. To avoid having such technical hitches, I hope the secretariat will take it up.

The Clerk is instructed to check into that issue to ensure we have transmission that meets the constitutional threshold of accountability in transmission of information and proceedings that are being carried out in the Senate.

Senate Majority Leader, you can conclude your speech.

**The Senate Majority Leader** (Sen. Cheruiyot): I had concluded, Madam Temporary Speaker.

Sen. Kinyua has done a good job. I thought I voted for commissioners to represent me and ensure that the systems work. However, I understand the challenges they are facing. We must put in concerted effort to ensure that we resolve this issue because what happens in this House is increasingly becoming embarrassing.

Madam Temporary Speaker, with those main remarks, I support the Bill with amendments on deletion of Clause 28 and a more elaborate drafting of Clause 35 and the other general thoughts that I have shared about it.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senate Majority Leader. We can now have Sen. Mungatana.

**Sen. Mungatana, MGH:** Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii ili nitoe mawazo yangu kuhusu Mswada huu unaopitisha sheria inayosema kwamba kila mtu anayewekeza kwa sekta ya kuchimba madini, ahakikishe ya kwamba wananchi wa kawaida wa sehemu hiyo wanapata nafasi yakujiendeleza.

Jambo la kwanza ni kuwa sielewi kwa nini Mswada huu unaongelea kuhusu mafuta na gesi yanayotolewa ardhini peke yake. Napendekeza jina la Mswada huu ligeuzwe ili lijumuishe wawekezaji wote wanaochimba madini kutoka ardhini. Nasema hivi kwa sababu Mswada huu ni mzuri.

Mama Spika wa Muda, ukiangalia sehemu ya Charidende na Bangali kule Tana River, kuna madini yanayotumika kutengeneza *cement*. Madini haya yanayotwa *gypsum* na yanatoka sehemu hiyo ya Tana River. Ikiwa wawekezaji wangukuwa wanafuata mapendekezo ya Mswada huu, basi jambo lingewafaidi sana---

**Sen. Oketch Gicheru:** On a point of Order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Oketch Gicheru? Resume your seat Sen. Mungatana.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, I know you have partly advised, but not ruled on this matter. However, I stand on this matter again under Standing Order No.245. What is going on in this House in regards to broadcasting is a very serious issue. Standing Order No.245(2) says that the broadcasting of the proceedings of the Senate shall comply with the rules set out in the Sixth Schedule of this Standing Orders.

If you read Schedule Six under Television Broadcasting, it talks about the dignity that this broadcasting comes with. If you look at the tradition of this Act, sometimes we retreat to the Senate Lounge to follow these proceedings. When you are in the House and someone is talking and you are looking at the screen, you have the feeling that somebody is drunk. It is not dignified and honorary to the Members of this House. I am imagining if this is going on at the lounge, it looks even crazier.

Madam Temporary Speaker, sometimes technological problems appear. Would you perhaps rule, by request, that the system be shut down now? The recording can proceed for future references. However, the system here and the other side is shut, so we can have a proper account of what we are following in the House as well as in the lounges. Otherwise, it is against the Sixth Schedule on dignity to the Senators who are contributing at any given time.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, hon. Senator. Indeed, I had noted that the transmission was not being done properly. As you can see, it is delayed and reporting after the event. I believe it is not meeting the standards that are set out under Standing Order No.245 and the Sixth Schedule of the Standing Order.

As the Senate Majority Leader had also rightly noted, it could cause embarrassment to the Senate. When Senators are diligently executing their tasks and addressing the Motions that are before this House, especially the current debate which is

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



focusing on a very important Bill, the proceedings need to be properly broadcasted. This is an enactment of a Bill in relation to local content, which is definitely is an avenue to achieving some of the goals that our nation has in ensuring that the extractive minerals can be harnessed for the benefit of our nation. Those are proper proceedings that need to be properly broadcasted.

We have been advised that the Budget and Appropriations Committee, as mentioned by Sen. Kinyua, have a request to ensure that the Senate has a system that properly broadcasts and meets the constitutional standards of providing information to the public and ensuring that the public is able to follow what is happening at the Senate.

In addition to what I had requested, I again request the technical team, under the secretariat and through the Clerk's office, to ensure that, if possible, the immediate and proper transmission of the proceedings that are happening in this House. I regret that I am not able to order for the closure of the broadcast. That would be drastic and wrong.

The transmission will continue, but we are asking the technical team to do all that is possible to ensure clarity in the broadcast and also ensure that Senators appear in the state they are at, with clear, sharp and focused images and with the clarity of what they are submitting as well. Over to you, the technical team and the Clerk's desk. Please give support to the Senate in the proceedings. We may proceed.

The Committee on Finance and Budget, this is an urgent issue that we direct you to deal with and with immediate effect, so as to avoid the challenges the House is going through due to interfered proceedings by poor broadcasting. In this digital era, we should not have excuses. Kenya has enough experts and technical support. Even the equipment is available. There should no excuse for not providing clear broadcasts.

What is your point of order, Sen. Karungo Thang'wa?

**Sen. Thang'wa:** Thank you, Madam Temporary Speaker, for your guidance to the House, the secretariat and the Clerk.

As a former broadcaster and someone who understands how these things work, out there where people are watching what we are saying, there is no problem. The only thing is that there is a delayed version of what we are saying, but they can see someone say whatever they are saying. The only problem here is the delay we are having in the House.

That is why I agree with the Senator for Migori. Instead of us seeing the delayed version of us, they can shut the monitors and we continue discussing without looking at whoever is speaking here. Outside there at homes, people are seeing us the way we are supposed to be seen. So, they are wondering what we are discussing because there is no problem being seen at home. If they can shut down the screens, we will not see the delayed versions of us here, so that we go on discussing.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Karungo, I have already given a direction and it is the Chair who gives direction of what happens in the House. I believe this direction is good enough to guide the proceedings.

For the Senators, I am equally concerned about the delayed transmission. This is because it is a bit distracting when you are watching the previous speaker who is not on the Floor. However, we will proceed on and request the secretariat to see how they can

correct that; so that we continue to remain fully transparent even in the midst of the challenge.

What is your point of order, Sen. Kinyua? Is it on the same protracted issue? Do not return to the same because I have given directions.

**Sen. Kinyua:** Bi. Spika wa Muda, hoja yangu ya nidhamu siyo juu ya hayo. Langu ni unielekeze kwa sababu nimemsikiza Seneta wa kutoka Tana River akisema Mama Spika. Sijui kama ni lugha inayofaa kwa sababu, jina mama ni neno la heshima na sina shaka rohani. Lakini, akikuita Mama Spika, inakaganya wale wanaosikiza kutoka Laikipia na wanaweza sema, yule aliyeketi pale, ni mama wa Spika.

(Kicheko)

Ninajua jina la mama ni jina la heshima. Anahitaji kusema Bi. Spika.

**The Temporary Speaker** (Sen. Veronica Maina): Kiswahili sanifu zaidi kitakuwa ni Bi. Spika. Seneta Mungatana, unaombwa utumie hicho Kiswahili sanifu.

**Sen. Mungatana:** Bi. Spika wa Muda, ni ile heshima kubwa niko nayo kama alivyosema na ndio maana ninakuita, Mama Spika. Lakini, nimekubali kusema, Bi. Spika.

Jambo la kwanza ni kwamba Mswada huu hii ni nzuri sana sababu unahusisha shida ambayo tunapata. Nilikuwa nimetoa mfano wa Tana River, sehemu ya Charidende na Bangali tunachimba madini aina ya *gypsum*. Wale waekezaji wanachimba *gypsum* inayotumika kutengeneza simiti. Hata hivyo, wanawachia wananchi wa kawaida shida nyingi. Sehemu hii ya Mswada ambayo inahusisha---

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

**Madam Temporary Speaker** (Sen. Veronica Maina): Sen. Orwoba, what is your point of order? Just resume your seat, Sen. Mungatana.

**Sen. Orwoba:** Bi. Spika wa Muda, ningependa kumkosoa Seneta Mungatana kwa sababu anaongea Kiswahili. Jina ambalo linatumika kwa *gypsum* ni jasi. Asante.

**The Temporary Speaker** (Sen. Veronica Maina): Seneta Danson Mungatana, ni kama umekosolewa na umeelezwa inaitwa jasi. Endelea na Kiswahili sanifu kama unataka kutumia lugha ya Kiswahili.

**Sen. Mungatana, MGH:** Bi. Spika wa Muda, kule kwetu, sehemu ya Chardende, sheria inayopendekezwa katika Mswada huu ingetufaa sawasawa kama inazungumzia juu ya madini yote pamoja na gesi au mafuta.

Kwa hivyo, nimesema ninamkosoa Seneta mwenzangu na ningependa wakati wa marekebisho ya Mswada huu, tubadilishe jina lake ili kujumuisha madini ya aina yote yanayochimbwa ardhini. Vipengele vyote vilivyo katika Mswada huu vikitekelezwa wakati huu tunachimba jasi, wananchi wetu wangepata manufaa zaidi.

Bi. Spika wa Muda, nimefurahi sana ukiangalia Kipengele cha 22. Kinasema kwamba kila mwekezaji atakayekuja kuweka mali yake ni lazima atengeneze mipango kamili kabla hajapewa leseni. Ni lazima aeleze jinsi gani wananchi wa sehemu hiyo kunakochimbwa madini watakavyofaidika.

Ukiangalia wale wanaochimba jasi sehemu ya Charidende na kwingineko Tana River, hakuna manufaa wananchi wa kawaida wanapata. Kwa hivyo, ninaunga kipengele

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

hichi cha Mswada huu mkono. Kwa sababu, tungependa wawekezaji wote kabla hawajapewa leseni na kaunti, wawe na mipangilio kamili inayosema kwamba mwananchi wa sehemu hio, atafaidika namna gani.

Kipengele cha 26 kimenipendeza sana kuhusu Mswada huu. Kinasema ni lazima mwekezaji aweze kuweka mipangilio kamili ya kusema wananchi wa pale watapata kufundishwa namna ya kuchimba yale madini na kuongeza ujuzi. Wakati huu watu wetu wa sehemu zote ambapo kuna madini yanayochimba hawana ujuzi wa kufanya kazi hiyo wao wenyewe.

Bi. Spika wa Muda, watu wanatoka nje, wanakuja wanachimba madini, watu wanaambiwa tu, chimbeni ila hawafundishwi ujuzi kamili. Kusema ukweli wakiyachimba madini pale, sisi tunabaki na mashimo peke yake. Hatubaki na ujuzi unaotakikana tubaki nao.

Bi. Spika wa Muda, sheria hii ninayounga mkono inasema katika Kipengele cha 29, kuwa mtu yeyote ambaye ni mwekezaji ama anachimba madini ni lazima aweke mipangilio kamili wa watu wangapi atakaoajiri kazi katika matarajio yake. Kusema ukweli sheria hii imesema na kulenga ndipo.

Tukipitisha sheria hii na tuweke mabadiliko, wananchi wetu haswa wa sehemu tunazochimba madini kama kwetu Kaunti ya Tana River watafaidika sana, kwa sababu kwa wakati huu watu wetu hawapati chochote. Wanaajiriwa kazi zisizoeleweka na hawapati ujuzi wowote. Hakuna mipango kamili ya mwananchi kupata manufaa yeyote. Wawekezaji hawa wanapoondoka tunabaki na mashimo ambayo mbuzi na ng'ombe wetu wanaanguka ndani.

Bi. Spika wa Muda, sheria hii inasema kabisa kwamba imejihusisha na mambo ya *environment* katika Katiba ya Kenya. Inasisitiza vile wananchi wanafaa kutumia na kufaidika kutoka kwa mazingira yao. Wakaazi wa Kaunti ya Tana River wanatumiwa vibaya na wawekezaji wanaochimba madini. Naiunga mkono sana sheria hii. Katika kaunti hii, sio *Gypsum* pekee inachimba. Wakati Waziri Mhe. Mvurya, aliondoka katika Wizara ya Madini, alizuru kaunti yangu na kutueleza kwamba kuna *map* ambayo imechorwa na Serikali.

Kaunti ya Tana River ina madini ya kutosha lakini bado hawajapata wawekezaji. Jambo hili linaonyesha kwamba wakati ujao kutakuja wawekezaji wa kutosha sehemu yetu ya Tana River, na wakija tunataka sheria hii itekelezwe. Wakati huo tutapendelea vipengele hivi ambavyo vinasema wananchi wa kawaida lazima waajiriwe kazi, wapewe *shares* na wafunzwe ili wapate ujuzi wa kazi ya kuchimba madini, viwepo katika makubaliano kati ya mwekezaji na mkaazi wa Tana River.

Katiba yetu ya Kenya na sheria hii imetafsiri maana ya ardhi ya wananchi. Ibara ya 62 ya Katiba inanena na kutasfiri maneno ya ardhi ya umma. Madini yote yametafsiriwa kuwa ya ardhi ya umma. Hivi ni kusema kuwa hapa Kenya, mwananchi yeyote ambaye amepata madini ikiwa katika ardhi yake iliyo na *title deed*, ukweli ni kwamba madini yale ni ya Serikali. *Public land* au ardhi ya umma imetafsiri kuwa madini yote ni mali ya wananchi.

Katika sheria hii, kipengele cha mwanzo kinasema sheria hii imewekwa chini ya maagizo ama *principles* za Katiba ya Kenya kuhusu ardhi ya umma. Madini haya yatakayopatikana sehemu za Tana River, basi hayatakuwa kutoka kwa ardhi ya mtu

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

ambaye pengine atasema anahitaji mkataba kwa sababu unalima madini kwenye ardhi au sehemu ambayo iko na *title deed* au ni imemilikiwa na mababu wake. Haiwezekani.

Kama madini yale yametoka kwenye ardhi ya umma, basi lazima tuweke sheria ambazo zitatufaidi. Kwa wakati huu kuna tetesi kwamba katika sehemu ya kaunti ya Kwale ambapo madini ya *Titanium* yamechimbwa kutosha, migodi ile inafungwa na wawekezaji wako katika safari ya kumaliza yale mapatano. Tetezi lililo Kaunti ya Tana River, sehemu ya Kipini pia ni kuwa katika harakati za upekuaji wamepata madini haya ya *Titanium*.

Bi. Spika wa Muda, madini haya yana *value* kubwa sana. Ukweli ni kwamba wakaazi wa sehemu hii ya Kipini hawajahusishwa hadi sasa. Sheria hii ingekuwapo, tungetekeleza mikutano ya wananchi ili watu wakusanywe. Nilihudhuria mkutano wa hadhara ambao Waziri Mhe. Mvurya alikuwa pia na wananchi walizungumza kupitia Member of County Assembly (MCA) wao Mhe. Abubakar. Alisema kuwa wananchi wa sehemu ya Kipini wanafaa kuelezwa vizuri kuhusu tetezi hili la ugunduzi wa madini haya ya *Titanium*.

Bi. Spika wa Muda, watu hawa wanaishi kando ya bahari. Wanategemea bahari kwa chakula cha kila siku na pia kwa biashara zao za kujikidhi kimaisha. Wako na wasiwasi kuwa uchimbaji wa madini ukianza basi hali ya mazingira itaharibika na wataishi vipi. Wawekezaji wale wanafaa kutoka huko juu kwenye ofisi za Waziri katika Nairobi City County na waje kwenye serikali ya kaunti, haswa kwa wananchi wa Tana River, ili waongee na waeleze watu hawa wa sehemu ya Kipini.

Tunataka kujua ukweli wa mambo. Kama sheria hii inavyosema ni lazima upelelezi wa kutosha ufanyike ili ijulikane kama mazingira yataharibiwa hadi yafikie wakati ambapo hayatatumika tena. Waekezaji wale watachimba migodi hii ya *Titanium* kama walivyochimba Kaunti ya Kwale. Madini yakiisha kwenye ardhi wataondoka na kuwacha sehemu hii na mashimo yatakayoleta shida kwa sababu wakaazi hawataweza kurudi kule kuvua Samaki juu ya uharibifu wa mazingira haya.

Tukipitisha sheria hii, tunataka watu wahusishwe na waelezwe kikamilifu. Natumia nafasi hii ya Seneti kuwambia waekezaji wa *Titanium* kuwa hatutaki waende huko kupitia ofisi za juu za Serikali wakiwa Nairobi City County. Washuke chini kwa wananchi na tufanye mikutano na wao ili tuwaeleimishe.

Kila mtu anataka maendeleo lakini hatutaki maendeleo ambayo yatamuumiza. Hatutaki tuje tuambiwe ya kwamba hii *Titanium* tunapokuja kuichimbua hautaweza tena kuvua samaki sehemu hiyo. Mazingira yataharibika na hatutaweza tena kulima. Hii ndiyo wasiwasi tuliyo nayo.

Bi. Spika wa Muda, mimi nimesimama kusema kwamba sheria hii ya uchimbaji wa madini tunataka tuifanye iwe ya kisawasawa na wananchi wetu wahusishwe kikamilifu.

Miaka iliyopita, watu walikuwa wanafanya mambo kiholela. Wanaenda kufanya mipango ambayo wananchi hawahusishwi. Miaka ya sasa na katika mfumo huu wa kisasa, ni lazima wananchi wahusishwe kikamilifu.

Mimi ninaunga mkono Mswada huu na inafaa tuipitisha, lakini kabla hatujaupitisha, wale wawekezaji ambao wanataka kufanya kazi ya kutafuta madini chini ya ardhi tafadhali, wapitie hapa Seneti, waone vile tunatarajia mambo yafanyike.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Katika makubaliano ambayo wataandikishana na wananchi, mambo haya yawe pale bayana. Watu wajue kuwa kumefanyika Environment Impact Assessment Report ili wananchi wawe wanajua kutakuwa namna gani wakati madini haya yananza kuchimbuliwa sehemu hiyo.

Kwa haya machache, ninashukuru kwa kunipa nafasi hii.

Ninaunga mkono.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you Senator.

Sen. Kisang, were you standing up before you were called.

**Sen. Kisang**: Madam Temporary Speaker, it is because I have been around.

Thank you, madam Temporary Speaker for the opportunity that you have given me to contribute to this Bill. This Bill is before our committee, where Sen. Mungatana is a Member.

Sen. Mungatana, I believe that as we finalize on the amendments, we also look at including the title, because you have said the title needs also needs to change, so that people do not just think that this is the extractive industries, only oil, gas, and petroleum products.

The Bill seeks to provide a framework in the development of, and adoption of, local content through ownership, control, and financing of activities connected with the exploitation of gas, oil, and other extractive or hydrocarbon resources.

One of the issues is the development of local economies, and secondly, stimulation of industrial development within the communities---

*(There was a technical hitch)*

I think the Parliamentary Service Commission, our Commissioners and the Secretariat need to be serious, especially with this system. This thing came up sometimes last year. I am an IT expert; one of the good ones in the country, and we said there are so many solutions in this country.

I was in Zambia about two months ago. The Zambian Parliament has a very good system done by the locals. When you start speaking, even your clock starts counting. It is not only where the Secretariat alone is. It is displayed there, so that as you speak, they do not have to put that light on. You see yourself and know how you can summarize your issues.

I hope that in this Financial Year 2024/25, they are putting enough resources to do the solution. The systems are not expensive. It is not that Kshs200 million or Kshs300 million. You can get a good system under Kshs200 million.

Madam Temporary Speaker, it is unfortunate that the former Cabinet Secretary for Mining and Blue Economy has been transferred to another Ministry. In less than two years, the Cabinet Secretary and his team told us that they were able to map the country and identify where we have minerals in the country within a very short time. They were able to contribute close to around Kshs140 billion to the economy, but before that, it was less than Kshs100 billion. So, there were good plans.

I hope that as Hon. Joho takes over, he needs to move in the same direction. He should encourage also investors to move to the sector, so that we can contribute that 14 to

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

20 per cent to the GDP. In Kenya, we have a lot of resources. It is only that we have not taken time to explore and encourage investors to invest in this sector.

As a country, in Kwale, Tana River, Taita-Taveta counties, there are so many minerals. If you go to Elgeyo-Marakwet County, my colleagues have talked about gold in Kakamega and in Migori Counties. At the level of exploitation, at the level of exploration, it is very low.

I have even seen another one in Marsabit County, where there is a fight almost between the Ethiopians and the people of Marsabit on the Kenyan side, fighting over some gold exploration.

We need to map out and encourage investors to come up with the equipment, so that we have industries, instead of just the local artisans exploiting these minerals. We have lost many of them because they do not have good skills. Every two weeks, three weeks, or a month, we are seeing people dying or being rescued in Migori, Kakamega or even in Vihiga County, because they do not have the skills.

As a committee, we have put in an advert outside there to the public. It is unfortunate that we received some memorandums, but not enough. Most of the investors, and even the locals where we are doing these explorations did not come to the Committee to give enough information to help us.

There are amendments that we are proposing. I believe in the Committee of the Whole, we will be moving amendments to ensure that the concerns raised by members are taken into account. As a committee, we are not going to compromise, especially on the employment of the locals. Kenyans have gone to school. We have graduates in almost all the fields. We have engineers, geologists and petroleum engineers.

It is important that when investors come in, we ensure that they respect and employ people from the communities. We just give them maybe the key specialized employment opportunities.

In Elgeyo-Marakwet County, we have a fluorspar company, where an investor was there for close to 30 years. After 30 years, the agreement lapsed and now we have, at least through the Ministry of Mining and Blue Economy, a new investor who is putting in close to Kshs5 billion.

In that Kshs5 billion, we have said majority of the employees should come from the community, or at least from Kenya. We do not encourage expertise from outside the country when we already have the local knowledge and skills.

It is good to encourage the investors when they come to the country, that the first position that they need to give out to the communities is the head of Human Resource (HR). The head of HR will know when they are doing interviews and ensure they vet properly and employ the locals, and eventually other Kenyans.

Where we do not have sufficient skills, the investor must and should transfer skills in terms of training by taking our people to our colleges or out of the country to acquire specialized skills.

Madam Temporary Speaker, I know there are roles that county governments will play. There are also roles that will be played by the national Government and the local communities. We know anything that is below six feet is not yours, but belongs to the Government. I think that is why people are buried six feet under.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The national Government must compensate people where resources are found. County governments should give licenses without too many conditions. We know that because of corruption, some counties frustrate investors. The national Government should also do its part by ensuring that Environmental Impact Assessments (EIAs) are done properly.

Sen. Mungatana talked about something very important. After exploration and the investor has gone away, most of them leave those areas just like that. We need to put a clause in this law that ensures the environment is restored back to how it was in the beginning, if it is possible. They should find some soil elsewhere and restore.

Madam Temporary Speaker, you have seen dams created in some areas during rainy seasons. It is not because there was a dam, but people went and dug a quarry such as the one in Embakasi, which fills up with water when it rains. Eventually, it becomes a place for criminals to do their activities. Therefore, the national Government and county governments and local communities must ensure those things are done.

We will have the local content development committee. It is important for Members to know that this is a committee at the national level and not at the community level. That is why we are putting requirements for the chairperson and members of the committee. This is where we need skilled people to give a plan and monitor, and ensure that investors comply.

It is unfortunate that because of the State Department for Petroleum, the people of Turkana are still waiting to benefit from Lokichar oil. Up to now, they have not released the field development plan for Lokichar, so that they can start transporting and exporting oil.

If we had a local content development committee, they would have been put to task. That is why we are saying it is important to have it in place. They should report to Parliament regularly on what they are doing. So, this is an important committee that will help both the communities, investors and also the national Government.

We have also talked about transfer of knowledge and skills. I know some Members had an issue with Clause 28 because it states that they need to employ from the community. If we do not put it in law, investors will come and exploit our people. If we have the opportunity when we are doing the law, we need to tighten it. This will not discourage investors.

An investor can come and say that they will choose a Chief Executive Officer (CEO) and the Director of Finance, but get the others who should be from the local community. In fact, it will be cheaper for investors if they get locals. That one is also important.

We have also talked about local content plans. Sometimes there are people who get licenses to explore, but take years before they start doing developments maybe due to lack of resources. So, we need to ensure that every year, they give us a plan on what they are going to do, so that we do not just allocate a block to an investor and they sleep or speculate on it. This is also important and it should be followed closely.

Madam Temporary Speaker, we have listened as a committee. I believe when my Chairperson will be replying, he will ensure that Members' concerns are taken into account.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

We also encourage Members to go through the Bill. If you have any amendments, you can come up with them because I believe we still have time. We will listen and discuss as a House. As a committee, we will also give you proposals by the public, through the memoranda while we were doing public participation.

This is a good Bill. We urge Members of this House to keenly read and make contributions before we pass it. We should not abort it. Just like the Senate Majority Leader said, this is the third time we are making an attempt to pass this law to help our people.

It is not a Bill to attract investors. We are also trying to see how to help the locals in places with minerals to also do business. We encourage financial institutions to also advance resources to our local business community, so that they can do these particular businesses.

Madam Temporary Speaker, with those few remarks, I beg to support the Bill because it is important. We should pass it so that our people can benefit like yesterday.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Kisang.’

Sen. Karungo Thang’wa Paul, proceed.

**Sen. Thang’wa:** Thank you, Madam Temporary Speaker, for giving me this opportunity to also weigh in my support to the Local Content Bill for its introduction to the Senate.

When you hear the words “local content”, the first thing that comes to your mind is entertainment and creation of content online. It is good to tell the Gen Z and everybody who is watching that we are not talking about that in this particular Bill. What we are saying is that when resources are dug up, Kenyans must benefit from them. The Bill is just talking about community engagement and domestic value addition.

I know we will have an opportunity to amend this Bill because when I look at it, it has some unintended consequences. After reading the whole of this Bill, it has restrictive requirements that might reduce investment attractiveness.

As a Member of the Committee of Tourism, Trade and Industrialization, we visited the counties of Migori and Busia. When we were in Busia, some people were complaining that there could be some people who have invaded Busia and Migori counties and are now mining gold.

When I asked them how their areas can be invaded yet they can see the people, they said you cannot see them because they could be coming from the neighbouring countries and go over 100 meters underground. The people there are afraid that their gold is gone.

People come to this country and go 100 meters below the earth to mine gold. When I asked them how they do that, they said that people from neighbouring countries have better equipment, they are well-trained and know what they are doing.

In Migori and Busia, people are using manual ways of digging 100 meters down the ground. They are using manual ways of taking air all the way to 100 meters. When we say that we are discouraging foreigners or investors, they may never have an opportunity to mine their minerals, gas or oil.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



Madam Temporary Speaker, in this country, who has the capacity to drill oil? If you say that you are not inviting investors who have state-of-the-art equipment, oil and mineral detectors, we might end up having gold that is down the ground that is not helping the community. As we look into this Bill, let us look at everything that is restrictive, so that we can help our people partner with foreign investors and bring this kind of mining business to this country.

Nevertheless, the Bill is looking to promote local participation and value addition because not so many people know and understand what mining is. A couple of days ago, it was reported all over that there was a red alert in Kiambu County when a trailer overturned and people stole some drums containing sodium cyanide. Whoever took that stuff had no idea what that thing is because we have not been trained or educated on what involves mining.

When you promote local participation, we will be able to train people and make sure that they understand the resources that are under the earth, so that when we partner with those people who will be bringing that kind of investment, they will be involved.

Madam Temporary Speaker, the Bill also establishes a Local Content Development Committee. The chairman of this development committee will be appointed by the Cabinet Secretary for Mining and Blue Economy. As we speak, we do not have any cabinet secretary at the moment; we only have an Acting Cabinet Secretary, who is hon. Musalia Mudavadi. I believe the nominees will be thoroughly vetted for people to know whether they understand the job ahead of them.

I was looking at the Constitution to see why the Senate does not vet Cabinet Secretaries. I found it is true that the Constitution says they should be vetted by the National Assembly. If we were to vet them, I would have so many questions to some of those nominees, especially on this issue of mining. The nominee for this portfolio, Hon. Hassan Joho, hails from the Coast. I have seen a video of him going round, with him swearing over his life that he will never engage the President of the Republic of Kenya.

I have not seen him leave this country or earth, so I know it is not his reincarnation; it is still the same person. If I were a committee member who vets such a character or person, the first question would be, you swore never to talk to the President. Do you still stand by that statement that you made?

We want to have people who understand the mandate and the people they work with. You cannot be in the same Cabinet with the President, yet you swore that you will never speak to him, over your dead body. Since you are alive, that is one question I would want to see whether the National Assembly will ask.

Madam Temporary Speaker, I know this Bill is providing a preference for local companies. That is a good thing, but as I said before, these local companies must have the ability. If they do not have the ability, they should be allowed to partner with foreigners or other investors that have the ability. If we say we reduce the investors by the name of foreigners, we might be doing injustice to the local people. They will never enjoy the resources because the resources will always be under the ground.

The Bill is promoting capacity building and knowledge transfer. I talked before about the sodium cyanide, that some people took advantage of when the truck rolled somewhere in Rironi in Kiambu.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

If there is no knowledge, people will never understand what they are dealing with. If such a tractor would have overturned in a certain area where they do mining, I know nobody would have touched it or even come close to that trailer.

Knowledge transfer is not just about knowledge on what oil does, what a certain mineral does when it is brought to the ground, but it means that we should understand the processes. It means you get to understand what is required if you want mine gold or gypsum. Otherwise, it will remain an issue that is only benefitting a few who got the information and they are using it to their own advantage.

Madam Temporary Speaker, the Bill also provides that the county governments must be involved. This is the reason I am supporting this Bill. Remember the resources belong to the counties. When we are considering the division of revenue here and when we are giving grants to the counties, we have some monies that we give the counties from the resources that probably have emanated from their counties.

I know Kiambu does not benefit much from these kinds of resources, but probably they are down there. I know we have carbon for the carbonated drinks if you go to Lari. Maybe if we explore further, we might be having more minerals than what we have. That is why I am saying it is good for us to discuss this Bill with an open mind. If we continue having that excessive restriction, we might not have special skills being transferred to us.

The experts might run away and leave us doing what we have been doing all through. As I conclude, public participation is paramount. We need to come up with better mechanisms and, of course, transparency. We have to come with performance metrics and monitoring mechanisms. This is so that people can give feedback or communicate when they see someone excavating the ground looking for minerals, yet they do not know who that person is, when they got registered or who bought that land.

Madam Temporary Speaker, some people who are well advanced invite those who know how to look for minerals to the counties. As we speak, such people could be in the counties that are not well developed, exploring. Once they explore, they say here, you will have this kind of mineral and then they buy that land before they announce there will be minerals.

We need to check all the land that is owned by the United Kingdom (UK) in this country. Perhaps, there is something down there and that is why they chose those parts and left bare land for us during those colonial times. This is something that we need to look into. I believe once this Bill is passed and assented to, we will make sure that people understand what is below their feet; the earth and their houses.

Madam Temporary Speaker, in that regard, I support. I will be bringing some amendments.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

Sen. Kisang', what is your intervention?

## QUORUM

**Sen. Kisang'**: Madam Temporary Speaker, I rise pursuant to Standing Order No.41. I am not used to this, but from what I can see around the House, it looks like we do not have quorum.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

**The Temporary Speaker** (Sen. Veronica Maina): Clerk, you will confirm whether we have quorum. While you do so, I want to request the HANSARD to make sure that with respect to the interventions that were made on the broadcasting and the clarity of the broadcasting, the relevant Standing Order should be Standing Order No.245 and not Standing Order No.45. Please, make sure that is updated.

In the meantime, Clerk, you can confirm whether we have quorum. The House has no quorum, so I will ask the Serjeant-at-Arm to ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, having failed to attain the quorum at the expiry of 10 minutes, the House stands adjourned pursuant to Standing Order No.41(2)(a), until Tuesday, 30<sup>th</sup> July, 2024, at 2.30 p.m.

The Senate rose at 5.41 p.m.