

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 14<sup>th</sup> March, 2018

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

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

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TANGAZA  
UNIVERSITY COLLEGE

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to acknowledge the presence in the Speaker's Gallery this afternoon of visiting students and lecturers from Tangaza University College in Nairobi County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.

*(Applause)*

Sen. Poghismo, please, proceed.

**Sen. Poghismo:** Thank you, Mr. Speaker, Sir. I want to join you in welcoming the delegation from Tangaza University College. I believe it is affiliated with the Catholic University of Eastern Africa (CUEA). So, I want to say to you, *karibu* to the Senate.

It is important that we have a working relationship with academic institutions in this country and for them to understand what we do in the Senate. I know that a number of us in the Senate are students in various universities. So, in a way, we want to associate with your desire to be here. You can take home the fact that we appreciate you.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Cherargei, you have the Floor.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I also want to join you in welcoming the delegation from Tangaza University College. I hope they will learn a lot from the Senate. I know the Senate concept is somehow new to Kenyans because most of them have just been reading about it. Now, it is a reality.

They should also know that the Senate is one of the creations of Kenya's Constitution of 2010. It is the champion and protector of devolution across the country. So, whenever they see devolution working in our counties, they should always be grateful to the Senate. We wish them well. Let them learn as much as they can so that it informs the various courses that they are pursuing in their university.

Thank you.

**The Speaker** (Hon. Lusaka): Next order.

## PETITIONS

### ENACTMENT OF SINGLE LEGISLATION ON PROTECTION AND SUSTAINABLE MANAGEMENT OF WATER SOURCES AND RIPARIAN ZONES

**The Speaker** (Hon. Lusaka): Hon. Members, please switch to the Supplementary Order Paper which has been circulated to you.

This is a Petition by Mr. Taratisio Ileri Kawe on the enactment of a single legislation on the protection and sustainable management of water resources, water sources and riparian zones in Kenya.

Hon. Senators, pursuant to Standing Orders Nos.221 and 224(2)(b), I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Taratisio Ileri Kawe; a resident of Embu County.

As you are aware, Article 119(1) of the Constitution says:-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the said Petition are as follows:-

(a) That despite the existing laws in place, wetlands in Kenya have been receding at an alarming rate primarily as a result of uncontrolled human encroachment and exploitation over the years.

(b) If the current activities relating to the environmental degradation and water sources invasion are not curtailed, most of the Kenyan territory will be semi-arid in the next 10 years and eventually a desert.

(c) Presently, the law on the conservation and protection of water resources and riparian zones is scattered in many different pieces of legislation, which has presented a challenge in terms of overlapping and conflicting mandates and a lack of coordination in enforcement.

Consequently, the petitioner prays that the Senate initiates the enactment of a single legislation consolidating the various laws on the protection and sustainable management of water resources and riparian zones in Kenya, including putting in place a strong centralised agency with sufficient powers to enforce compliance with the said law.

Hon. Senators, pursuant to standing Order No.225, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

**Sen. (Prof.) Kamar:** Mr. Speaker, Sir, thank you for giving me the opportunity to ventilate a little bit on the petition before us. Even without looking at the details of the petition, I am a Professor of Soil and Water Conservation and the issue of water resources

is extremely dear to me. For that matter, I would like to congratulate the petitioner, Mr. Taratiso Ileri Kawe, for bringing a very timely petition. It is very timely because the issue of water towers and water resources in Kenya is a delicate matter currently. A lot of deforestation has taken place around water towers and water catchment areas. It is extremely important that we have a way of managing our water sources and resources in a sustainable manner.

I support the petitioner in the objects that he has given; that we need to relook at the laws that govern water conservation and water resource management in this country. Sometimes when you have too many laws governing one thing, you lose the importance of what you are trying to protect because different pieces of law will have different management practices. So for us to protect water sources, I agree from the outset that there is need to have one piece of law that will encompass the management of both the sources and the resources and also address the issue of who can exploit water resources and at what point the exploitation can be done.

We have talked about riverine protection. We also know that there is extraction of water from the underground. In fact recently we heard of the alarming matter about Cape Town in South Africa; that by April they will not have any freshwater source. This is extremely serious because sometimes we do over-extraction of water by digging boreholes and a lot of them are being done in this country. Most of our counties have resorted to digging boreholes in order to supply enough water to the residents. Is that always the way to go or should we manage the water sources that we have in a manner that is sustainable? This petition is timely and I will be very happy to be a friend of the committee that will handle it.

With those remarks, once more I congratulate the petitioner, Mr. Taratiso Ireir Kawe, for bringing a timely petition.

**The Speaker** (Hon. Lusaka): Honourable Senators, pursuant to Standing Order No.226(1), the petition stands committed to the standing Committee on Lands, Environment and Natural Resources.

In terms of Standing Order No.226(2), the Committee is required in not more than 60 days from the time of reading the prayer to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate. I thank you.

Next Order!

## NOTICES OF MOTIONS

### BIPARTISAN RESOLVE TO SUPPORT THE INITIATIVE ON 'BUILDING BRIDGES TO A NEW KENYAN NATION

**Sen. Orengo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, ACKNOWLEDGING that the meeting between His Excellency, the President, Hon. Uhuru Kenyatta and the distinguished Leader of the NASA Coalition, the Rt. hon. Raila Odinga on Friday, 9<sup>th</sup> March, 2018, putting aside political differences through building bridges marked an important and historic moment for the country;

AWARE that this extraordinary opportunity will enable Kenyans to face and address the challenges currently faced, and openly and honestly discuss successes and failures and finally formulate and implement the necessary corrective measures for the country to move forward;

COGNIZANT that, ahead of and immediately after the 2017 general elections, Kenya witnessed a number of political upheavals including and not limited to the demonstrations and hate speech which threatened to polarize the country along political and ethnic differences;

RECOGNIZING that, the Initiative by His Excellency the President and the Leader of the NASA Coalition made on 9<sup>th</sup> March, 2018 on 'Building Bridges to a new Kenyan Nation' and aimed at ensuring an all-inclusive and cohesive nation will require facilitation and support from all arms of Government and relevant institutions;

COMMITTED to the determination of all Kenyans to live in peace as one indivisible sovereign nation;

FURTHER RECOGNIZING that there is need to roll out and implement programmes on shared objectives in a bipartisan manner as was agreed by the two distinguished Leaders;

NOW THEREFORE-

(a) the thanks of the Senate be recorded in commending H. E. the President, Hon. Uhuru Kenyatta and the Rt. hon. Raila Odinga for providing leadership in the patriotic task of promoting unity, peace and harmony in the country and initiating the move towards 'Building Bridges to a new Kenyan Nation'; and

(b) the Senate commits itself to support and advance, within its mandate, the aims and objectives of the initiative of 'Building Bridges to a new Kenyan Nation'.

I thank you.

*(Applause)*

**The Speaker** (Hon. Lusaka): Honourable Senators, for the convenience of the Senate, I direct that we proceed to Order No.10 but we will come back to other Orders later on.

**Sen. Khaniri:** On a point of order.

**The Speaker** (Hon. Lusaka): What is your point of order?

**Sen. Khaniri:** Mr. Speaker, Sir, I plead with you. Now that we are on the Notices of Motions and there is only one other, allow me to give my notice of Motion and then we go by the ruling that you have made.

**The Speaker** (Hon. Lusaka): Okay, proceed, honourable Senator.

DEVELOPMENT AND IMPLEMENTATION OF  
NATIONAL DISASTER RISK FINANCING

**Sen. Khaniri:** Mr. Speaker, Sir, I thank you for your indulgence.

I beg to give notice of the following Motion:

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya, establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

Thank you.

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF MEMBERS FROM  
MAKUENI COUNTY ASSEMBLY

**The Speaker** (Hon. Lusaka): Hon. Senators, before we move to the next order, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting Members of the County Assembly of Makueni. I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:-

- |                                  |   |                          |
|----------------------------------|---|--------------------------|
| (a) Hon. Kimongo Jonathan Muunda | - | The Majority Whip        |
| (b) Hon. Mueni Joseph Muthini    | - | The Deputy Minority Whip |
| (c) Hon. Joseph Kahindu Kivinda  | - | The Minority Whip        |

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

VISITING DELEGATION OF LIBRARY STAFF  
FROM VIHIGA COUNTY ASSEMBLY

I would also like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting library staff from Vihiga County Assembly. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them.

On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

VISITING DELEGATION FROM TIRENI BOYS  
HIGH SCHOOL, NANDI COUNTY

I would also like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Tireni Boys High School from Nandi County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them.

On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

We may now proceed.

**MOTION**BIPARTISAN RESOLVE TO SUPPORT THE INITIATIVE ON  
'BUILDING BRIDGES TO A NEW KENYAN NATION'

**Sen. Orenge:** Thank you, Mr. Speaker, Sir. I beg to move the following Motion:

THAT, acknowledging that the meeting between His Excellency, the President, the Hon. Uhuru Kenyatta and His Excellency Raila Odinga on Friday, 9th March, 2018, putting aside political differences through

building bridges marked an important and historic moment for the country;

AWARE that this extraordinary opportunity will enable Kenyans to face and address the challenges currently faced, and openly and honestly discuss successes and failures and finally formulate and implement the necessary corrective measures for the country to move forward;

RECOGNIZING the fundamental values encapsulated in the Constitution of Kenya on the aspirations of all Kenyans for a Government based on the fundamental principles of human rights, social justice, the rule of law and a shared prosperity for all;

COMMITTED to the determination of all Kenyans to live in peace as one indivisible sovereign nation;

RECOGNIZING that the need to put structures and build bridges towards the rebirth of a new all-inclusive and cohesive nation as agreed by the two leaders on 9th March, 2018 will require the support and the goodwill from all arms of Government and relevant institutions;

FURTHER RECOGNIZING that there is need to roll out and implement programmes on a shared vision and objectives in a bi-partisan manner as was agreed by the two distinguished leaders;

NOW THEREFORE –

(i) The thanks of the Senate be recorded in commending His Excellency the President Uhuru Kenyatta and Right Honourable Raila Odinga for providing leadership in the patriotic task of promoting unity, peace and harmony in the country and initiating the move towards building bridges to a new Kenyan nation.

(ii) The Senate Commits itself to support and advance, within its mandate, the aims and objectives of this initiative as contained in the memorandum signed by the two leaders titled; ‘Building Bridges to a new Kenyan nation’ and to act appropriately on any incidental and consequential draft legislation or the execution of legal instruments.

Mr. Speaker, Sir, I will try and spend about ten minutes so that everybody may have a chance to contribute to this Motion. First of all, at the outset, let me congratulate the two leaders for finding it fit in the name of the people of Kenya to be seen together shaking hands after a fruitful meeting. They agreed on common concerns and a vision towards resolving the problems that faced the nation. Indeed, during that historic moment when this occurred, Kenyans were happy that Kenya was moving in a new direction.

Leadership is never easy; in fact, in the world of politics we tend to commend most leaders many years after they have gone. When they stood out to provide leadership at a particular moment, many people have not seen the need of the value of some of those meetings. I want to remind this House, there are some incidences of historical nature that have affected nations after the leaders have decided to come together to resolve the problems facing their nations.

If you look at the conversation that went on when Martin Luther King met President J. F. Kennedy, there were a lot of people who said that he had betrayed the black people in America. However, Martin Luther King had seen an opportunity of resolving the problems facing the black people in the United States of America (USA). It was only possible through an engagement with the power that was responsible for the plight of the black people.

The civil movement took a different direction after that and encounter in the White House. In fact, people in the black community criticized Martin Luther King, while former President Nelson Mandela even as a prisoner, started meeting with elements in the Nationalist Party including Fredrick de Klerk and people in the African National Congress (ANC)---. I know this is a matter of fact because I heard from comrade Mbeki the father of the former President of the Republic of South Africa, that they thought what President Mandela had done was an act of betrayal.

I would like to urge Kenyans, first beginning by Rt. Hon. Raila Amollo Odinga, what he has gone through as a person compared to many of us - being jailed for nine years and being persistent every time he thought things were going wrong in the country. Surely, if you judge by yourself who has never slept in a prison cell, you should be ashamed of yourself to call Rt. Hon. Raila Amolo Odinga somebody who can betray the cause of the people of Kenya.

I also want to commend His Excellency the President Uhuru Kenyatta because I have worked with him. Sometimes when you are in leadership, to come out of that cocoon when you are already sitting in power and be in a position to engage with those you have competed with, it is not easy.

Therefore, this historical moment must be appreciated by all Kenyans who desire good for Kenya. The foundational value for this country is contained in the preamble to this Constitution. One of the most important ones is that the Kenyan people are determined to live in peace and unity as one indivisible nation. Read the preamble to the Constitution. How can we live in peace as one indivisible nation if we cannot sit together and try to resolve the problems of our country as one people and one nation?

I sometimes sit and wonder, because I remember that we were campaigning for the draft Constitution together with the Senate Majority Leader and we would ask him to explain to the people in public meetings how it was a good document. However, because of politics, he sometimes began reading the Constitution in a different way and I would also read it in a different way because we were trying to advance our political interests.

*(Laughter)*

There is nothing wrong with that. However, knowing where we have come from, it is high time we sat down together and tried to resolve the problems of this country. People have sacrificed for this country and there is no community that has not sacrificed for its good. These two were not talking about sharing of power. If you look at that document, there is no question of sharing of power or getting goodies here and there. Instead, they are focused on what is good for the country. It is, therefore, up to us to look at the issues that face the nation and create an enabling environment to have this process going on.

First, looking at some of the incidents that happened during the debate that we had, there are some people who lost their lives and we must think about them. We must also think about how we can engage each other in a more structured way so that we can create an enabling environment; but history will be the judge. In another one year, we will look back and determine whether that handshake was good for the country or not. For it to be good for the whole country, you and I must play a role. I am never scared that the ultimate price should be paid. I know that there are many people on the other side who are prepared to pay the ultimate price for the good of this country. Therefore, I ask you to join together.

Last year, we tried to come up with a joint process in this Senate where we could look at the Constitution, but it was cut short because of partisan interests. However, we now have an opportunity that will make the work of this country have meaning for those who have been excluded; for those who think that they have no space in this nation and for those who are merely looking for a cup of tea or something to eat as others have plenty. So, we, as the Senate, this is our time to show that leadership together with the two leaders.

During that process, we should talk about Kenya with a little decorum and with respect. We sometimes tend to make our debate look like it is just name calling and we forget the issues that are facing the nation. Let us re-engineer national conversation so that we can talk to each other as women and men who desire good for this great country called Kenya. This is because there is no other country for us other than Kenya.

Lastly, I would plead that we must advocate for a very strong Judiciary. You and I may be feeling very comfortable where we are. However, I know that at the time when leaders like even hon. Mwai Kibaki were in the opposition, they sometimes had to run to the Judiciary to resolve problems even within their political parties. We should not criminalise the justice system or the process of administering justice so that the wrong people are taken to court; or people are taken to court on trumped up charges; or we make our judges feel like they do not have room to administer justice freely and fairly as an independent institution.

That also goes for Parliament. I hope that the design and architecture which is contained in the Constitution; that Parliament has legislative and oversight authority which it does not share with any other arm of government, should never be swallowed by the Executive, whether your party is in power or not. If we can maintain this Parliament to live to what it was designed to be in the Constitution, then Kenya will be headed in the right direction. When you look at the Constitution, the provisions relating to Parliament come before those of the Presidency, the Executive and even the Judiciary. So in the order of things, Parliament is a very important institution. Let us, therefore, use it for good and make Kenya – I do not want to quote President Trump – but we must strive to make Kenya great together and not in separate ways.

There is a great verse in the Book of Isaiah that I am going to paraphrase. It pleads that those who carry weapons such as spears, should turn them into plowshares; and by the command of God, nations should cease to fight against nations. If the Kenyan communities want to live together, we should stop fighting against each other. Let that handshake be a shared handshake amongst us and as we walk out of this Chamber today,

I would ask every member to give each other a handshake of friendship and commitment of ---

**An hon. Senator:** A hug!

**Sen. Orengo** No, a hug may be misunderstood.

*(Laughter)*

In the other House, they were saying that people were getting pictures of all sorts. So, someone may take that picture and use it for a different reason. If we do not do that, our people may not understand what this process is all about.

With those remarks, Mr. Speaker, Sir, I beg to move and I ask the Senate Majority Leader to second.

Thank you.

**The Senate Majority Leader** (Sen. Murkomen): Thank you Mr. Speaker, Sir. First, I start by congratulating the Mover of the Motion. I have never shied away from saying that he is part of the people in the legal profession who inspired me to study law. He is a Senior Counsel and a senior member in the political arena, because when I was born, Sen. Orengo was already a Member of Parliament. I, therefore, have utmost respect for the work he has done over the years and the consistency that he has shown in his political career. I am very proud and honoured to be here seconding his Motion, which is a very important one.

Mr. Speaker, Sir, this Motion comes at a time when many Kenyans never believed that it was possible to bridge the gap that was dividing us. In my honest opinion, the meeting between the President and the Rt. Hon. Raila Odinga, the former Prime Minister, was not just a meeting that was made possible by men. It was made possible by inspiration from God. This is because this country needed a turnaround from the ways of the past.

The Bible says that you must find direction, your way and your first love. It is time and moment in this country that the people of Kenya must go back to their first love. That love that put Tom Mboya in the same boat with Mzee Jomo Kenyatta and Mzee Oginga Odinga and joined later by people like Daniel arap Moi and Ronald Ngala *et cetera*. That spirit that pushed this country to fight for justice, equality and independence must come back and reign in this country.

It is a pity that, particularly after the 2007/2008 post election violence, we thought we had learnt our lesson - and we did. At least, we got ourselves a new Constitution. We believed that we would solve the problem by providing that the President of the Republic of Kenya must gain 50 per cent plus one vote in an election. It reached a stage where the divide was going to be so strong. Most of us were theorising that the higher the percentage you need to win the presidency, the easier it is to unite the country. Most of us never contemplated that it would be easy to divide a country into two.

The former Prime Minister, who was a fierce competitor against the current President and who has participated in many elections, has made a very bold step of making a decision to sit with the President and decide we need to have a stable nation and a conversation that has no conditions. It is very disheartening when you hear the kind of conversations that we have in the country. These are conversations that are not focused

on any theme of solving the problems of this country. The conversations are very cheap and it is sad.

I want to tell our media houses that it is so unfortunate that when such a very historic moment occurred, the only way they looked at it was in terms of the loser and winner. They cheapened it so much. I was purportedly supposed to be the loser because, apparently, the former Prime Minister will now not be in a position where I will be attacking him every day. That was so cheap.

Other political players that have been working with the former Prime Minister, the Deputy President and other people were mentioned to be losers. It is not a lose-win situation; we can build a nation of win-win. When we sanitise our politics we can have a win-win situation. We must not look at every event that happens in the country in terms of who will win the next elections. That is what was said by the President and the former Prime Minister; that this country must not focus too much as to who benefits from what event for the purpose of the next elections. That is really cheapening the discussion. The discussion that we must have as a country is about the problems that we have. We have issues that we need to solve.

If this country is divided along ethnic lines, is it possible that the last elections and the elections before would have led to a gap that makes it difficult for brothers and sisters to interact, to visit any part of this country? This makes the politics of this country so dirty that one cannot possibly stand--- It reached a point where if Sen. Orengo had the intention of visiting Elgeyo-Marakwet County, I would only wish him good luck because I would not want to be seen standing with him. Likewise, if I were to visit his region, he would only tell me: "Good luck; I will not visit with you." This is because the perception built in this country is that when people who are from different communities meet---

There was a time when the Deputy Speaker, Sen. Orengo, the Senate Minority Leader and I went to have some fish in one place in Hurlingham. I posted the picture on my Facebook account and the only question people were asking was: "Are you being pulled to the National Super Alliance (NASA) or are you pulling them to Jubilee?"

We travelled with the Senate Minority Leader and were taking tea somewhere in Paris. When I posted the picture that I took with him, people were saying that Sen. Wetangula was coming to Jubilee. Others were saying that Sen. Murkomen was being 'naswad'. That kind of thinking must come to an end in this country.

The Citizens must be able to see that leaders can sit down, interact and discuss issues about this country. In fact, what has been very contradictory is that when we, Senators, travel, have meetings or are in a retreat together, the amount of knowledge that is exchanged across the floor is immense. The comradeship, the relationship or the tea we take together is not reflected out there. Sometimes when you look at your brother on television after you have had a good session in this House, you ask yourself if that is the same person you were with in the Senate.

The doors that have been opened by that conversation must permeate all other sectors of the society. It should even permeate the church. During the elections period, a friend of mine told me that even in their own church people from different communities were sitting separately. These are the same people who are saying that they are going to heaven perpendicularly.

(Laughter)

They cannot sit together in church, but they are willing to go and sit together and live in the same house with God in heaven. So, these problems of politics have permeated every sector. Pastors, churches and civil societies are struggling.

The conversation that was opened on Friday must now move to the level of bringing everybody to the table of conversation and encouragement. I am so surprised that Sen. Orenge was able to quote the Bible. It is not common for him to do so. I want to quote what the Bible says. It says: "Come, let us reason together." It is time that all of us can come and sit around a table and reason together as the people of Kenya without worrying so much about it.

How beautiful will it be when NASA will run their political campaigns, selling their manifesto and their agenda by using a language that does not have hate speech? They can travel anywhere in the country and have their rallies in any part of this country. They can go to Embobut, where I come from and everywhere else. How beautiful will it be for me to go and sell my policies somewhere in Homa Bay without worrying about my security? That is the country we want to build and that is what I saw from what the former Prime Minister and the President did. They were opening doors for Kenyans to continue engaging each other across the country without having the fear that their tribe and political parties are not dominant in those particular areas.

There have also been a lot of discussions out there about who was consulted and who was not consulted. Consultation is a good thing, but if Nelson Mandela in Robben Island had confessed to the African National Congress (ANC) followers that he would sneak out at night to go and meet De Klerk's men, the process of negotiating his release may not have succeeded. So, sometimes one person has to take the risk and be bold enough. That is the reason there is leadership.

Can you imagine that President Uhuru Kenyatta went through difficult elections in August 2017, accepted to go through another election on 26<sup>th</sup> October, 2017? The election was made so difficult by his competitor that elections did not take place in other parts of the country. The language used was so strong and the feelings were not good, but the President was still willing to invite the former Prime Minister to talk.

Can you imagine the former Prime Minister, having vied for presidency with strong faith that he was going to win, opted out of the repeat election and was 'sworn in', yet with humility, he still put that aside and decided to meet the President in order to unite our country?

With all that, I strongly feel that the two leaders focused on legacy. That is the last statement I will make. We, as leaders, worry so much about what people will think about us 200 years to come. However, we will do things that are beyond our selfish interests. That is the message from the former Prime Minister. He is looking at his legacy, history and the impact he will cause in this country.

Even though President Uhuru Kenyatta is now running the country, the former Prime Minister wants an environment where there is creation of jobs, development and the growth of economy. If the economy of this country goes down, it is not just a Jubilee or a NASA supporter who will lose, but the whole country. If youth are not employed,

everybody will lose. If foreign direct investment is not forthcoming to this country, all of us will lose.

Mr. Speaker, Sir, with those many remarks from the Jubilee side, we strongly support the relationship that has started. I also thank the Senate Minority Leader because he is a party leader in his right. They recently said that they support the process and I want him to be more involved.

I laud my friend and the former Vice President, His Excellency, hon. Kalonzo Musyoka, for supporting dialogue. He says he wants to be involved in structured engagement. I have just seen in the news bulletin that they are planning to meet with the President and engage in dialogue. I support and encourage hon. Musalia Mudavadi who has also said he is ready for dialogue.

I want to thank the churches and the civil society. I appreciate all Kenyans who have seen it is time to turn around from politics of hate to politics of love.

I beg to support.

*(Question proposed)*

**The Speaker** (Hon. Lusaka): The Floor is now open.

Proceed, Sen. Wetangula.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I can see how you have captured the mood with that exuberant enthusiasm.

*(Laughter)*

I rise to support the Motion. In his book *Kusadikika*, Shaaban Bin Robert wrote and I quote: “*Mara nyingi kila nchi huficha mashujaa wake mpaka janga kuu litokee*”

Mr. Speaker, Sir, this country has been on the brink many times. In 1997---

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

**The Speaker** (Hon. Lusaka): What is your point of order?

**Sen. Kihika**: Mr. Speaker, Sir, I rise under Standing Order No.100. Given the great interest in this Motion, will I be in order to propose that we limit the debate per contributor to five minutes?

**The Speaker** (Hon. Lusaka): I will give the Senate Minority Leader ten minutes and the rest of the Members five minutes each.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Mr. Speaker, Sir. In 1997 when the country was on the brink of disaster, the then President Daniel Arap Moi conceded to the Inter-Parties Parliamentary Group (IPPG) in Parliament. On the night the Bill to alter the Constitution and several other laws was brought to the House, he came to the House at midnight, voted for the Bill and the temperature in the country went down drastically before we went to election. We were in that House with the distinguished Sen. James Orengo and Sen. Poghisio.

Mr. Speaker, Sir, this country has gone through trying moments. We have had elections nullifications, repeat elections, boycotted elections, demonstrations, violence, teargas, bullets, deaths, injuries, arrests, prosecutions and incarcerations, *et cetera*. However, on Friday last week, an important event which has the effect of turning around

our political trajectory to give this country an opportunity for another beginning happened.

I laud President Uhuru Kenyatta and the Rt. Hon. Former Prime Minister, Raila Odinga, for the statesmanship that they have shown to the country. Regardless of what many people think, the ultimate has been the temperature of politics in the country has gone down. This is what Kenyans want. There will always be skeptics. Even when young Jesus was born, some self-styled wise men wondered whether anything good could come from Nazareth. Jesus came to save the world and we have all been saved by him.

Mr. Speaker, Sir, on Monday, our coalition of four principals plus our co-chairs; that is, Sen. Orengo, hon. Eseli Simiyu, hon. Johnstone Muthama and hon. Sakwa Bunyasi met. The Rt. Hon. Former Prime Minister briefed us fully on what the former President of Uganda, Idi Amin could call 'briefing in details'. We all appreciated the steps taken and what has been achieved, so far. We jointly issued a statement that; one, we unconditionally support the initiative taken by the two statesmen. Two, that we would want to take the process forward by engaging in a constructive, all inclusive and open dialogue that would heal the gaps and rifts that this country has hitherto gone through in the process of elections.

This process will not be easy. I encourage the two leaders and other leaders in this House, to be fully committed and supportive. Not everybody will get what they want or expect. However, the country will be richer and better if we bring sanity and good hygiene into our politics.

I say so because we have gone through a very bruising campaign. We have called each other names, described each other in very unpalatable terms; obscenities have been hurled at each other, falsehoods and fake news have been generated against individuals but at the end of the day, we have said and we repeat, there is no spare Kenya. There is only one country called Kenya and every patriotic Kenyan has a legal and moral duty to contribute to the peace, stability and security of this country.

The two leaders said that they now want this country to embrace not only dialogue in good faith, but inclusivity in the management and running of our public affairs. I want to assure this country that the Government that I will lead in future will have a Cabinet Secretary (CS) from the El Molo and even the Makonde communities. That way, Kenyans from everywhere can feel that this country is not about the so called big five or big two. This is because, until and unless every Kenyan has a sense of belonging, trust and ownership of the process of developing this country, we will continue having these altercations that will, every five years, reverse the gains that we have made in the process of development.

Mr. Speaker, Sir, as we move forward, we have to also caution ourselves that a good idea such as this must be time bound. Time becomes the complete essence of what we are doing so that the exuberance, steam and desire by every Kenyan to see that a new Kenya is born---

Like in the village where a woman who has been in marriage for 10 to 15 years without a child eventually gets a child, the whole village descends on her home to see, touch and celebrate the child and ensure that the child is not for that family but for the village and the community. This is what it is now.

This process engineered by the President and the former Prime Minister is not a process of the two. It is a process of all of us. Like John F. Kennedy said: “Ask not what America is doing for you; ask what you are doing for America.” Let every Kenyan not ask what the President and the Prime Minister are doing for them but ask themselves: “What are you doing to contribute to the stability, peace, cohesion and development of this country?”

This will only be done if we remember the great words of Mwalimu Julius Nyerere when he said: “Everything is possible. It can be done but you must do your part.” Do not stand there and cheer or jeer; be satisfied or complain; be part of the process and the game.

Looking at both sides of this House, you see consummate and seasoned people. Sen. Haji, whom I always call the wise old man has been a District Officer (DO), District Commissioner (DC), Provincial Commissioner (PC), Minister or Member of Parliament (MP). He has something to contribute. When he speaks, let us listen and listen to one another.

In a situation such as this – as I finish – remember that everybody has value. Vladimir Lenin said, even when a mad man speaks, listen to him; it may be his lucid moment. This is now the moment of lucidity for Kenyans. Even those who have embraced political lunacy, now embrace lucidity and come back to the reins and let us move forward together. Nothing is impossible and we shall succeed. We hail the two leaders for beating the odds and showing the way that is truly able to help. Long live Kenya.

I speak this on behalf of the National Super Alliance (NASA) fraternity; Hon. Kalonzo Musyoka, Hon. Musalia Mudavadi, yours truly and our brother, Raila Amollo Odinga enjoined as congenital twins in this. We will work together and make sure that this process is not frustrated, derailed or in any way made not to work. This country has a great future which rests on the shoulders of the great men and women of this country that include all of us here as assembled and those who are not here.

I beg to support.

**Sen. (Prof.) Kindiki:** Mr. Speaker, Sir, I thank you. Indeed, these are very interesting times. No one would have expected what we are witnessing in our country to happen so fast, yet so importantly. We totally support this process.

Secondly, I think we should honour both leaders; the President of our country and the Rt. Hon. Raila Odinga. They should be respected for the decision that they took and particularly, the Rt. Hon. Odinga. This is because when you have lost an election – whether you think you lost fairly or unfairly – it is not very easy to come to terms with that and still be at the negotiation table for the sake of the nation.

For your information, I support one Sen. Orenge. Our senior said that Hon. Raila Odinga is not just your ordinary politician. He stood for presidential elections in 1997. In 2002, he supported somebody else in a very critical way. He stood in 2007, 2013 and 2017. This is not somebody we cannot hold a candle up for. So, I take this opportunity to applaud the two leaders.

Thirdly, it is a great thing for the country to come together. In Psalms 133, the Bible says: “How wonderful, how precious it is for brethren to dwell together in unity.”

So, anybody who is opposed to this, is an enemy of Kenya; the peace and happiness of our country.

Fourth, I call upon the other leaders – one of them has already spoken – of NASA, I am happy to hear what my brother, Sen. Wetangula, has said. I am also calling upon Hon. Kalonzo and Hon. Mudavadi to also come on board and all of us to steer in the same direction. I thank all those who have stood with Kenya during the difficult times – church organisations, diplomats and friends of Kenya who have always meant well. I think this is a time to appreciate all our friends.

Allow me to clarify something that I said over the weekend. I believe that out of the things that we will do in this moment of truce and togetherness – I think we have a constitutional moment – this is the time to look at our Constitution and then quickly look at those pro-*mwananchi* issues that have disturbed us for a long time and get them done rather quickly.

I have in mind the need to relook between the presidential and parliamentary system and see whether the parliamentary system can unify our country even further.

Mr. Speaker, Sir, this country is hurting. We know devolution has rolled out but still, it is suffering. We need more money to go to the counties. We also want to look at other aspects of the Constitution that can reduce the wage bill. The size of the Executive is also worrying. However, I am of the opinion that we are even better off reducing the number of Cabinet Secretaries, and at the very top maybe adding one or two positions for Prime Minister and Deputy Prime Minister so that when people from every corner of this country look at the national executive, they can see part of their face in that set-up.

I mentioned about 2022. I make it clear that I did not see anywhere in that agreement between the two leaders a mention about 2022. In fact, I did not see any mention about political parties –not Jubilee, not National Super Alliance (NASA). As we applaud the two leaders and support them, let us not worry so much. When the time comes for 2022, the usual politics will play out.

This is historic and it reminds me of Shimon Peres and Yasser Arafat in the early 1990s. It reminds me of the almost happening meeting between President Donald Trump and the North Korea President who had exchanged very bitter words before.

Finally, Mr. Speaker, Sir, let me just encourage the country not to be skeptical all the time. Sometimes we need to give some of these processes the benefit of doubt. As Joan of Arc said:-

“It is true that the King has made a truce with the Duke of Burgundy lasting fifteen days, by which he must turn over the city of Paris peaceably at the end of fifteen days. However, do not be surprised if I do not enter it so quickly.”

That is the language of skeptics. Let us enter the city. We believe this means well for our country and I am a happy Kenyan today. I will spend the rest of my political life building friendships across the aisle and across the political divide for the sake of our country. God bless Kenya. God bless our county.

Thank you, Mr. Speaker, Sir.

**Sen. (Prof.) Ongeri:** Mr. Speaker, Sir, I rise to add my voice and appreciation in the manner in which the Heavenly Father has guided the two statesmen to make a very profound and extremely important decision that will guide this nation to prosperity.

It has not been easy. I remember when we sat in the Serena Talks in 2007; we thought that at the end of that exercise and with Agenda 4 being one of the main agenda, we needed to put into focus both the institutional and independent commissions and the new Constitution of Kenya 2010. We thought that through that, we had everything put in place. We have now seen in the successive elections that there has been no peace.

Peace is a priceless commodity. You cannot just go and handpick it from a shelf. Peace generates and comes from the bottom of the heart. The two statesmen have put aside that element of hate, dislike, and selfishness and exhibited the highest level of love for this nation. It behooves every one of us – the citizenry of this country - to accept that moral responsibility of loving one another.

It has been a big burden for some of us. As these issues continued, we shared across the Floor. We consulted wanting to know which way we should move so that we can save this country from bloodshed. This country is not at a standstill. We now have a ballooning population of about 51 million people. At the time we promulgated the Constitution of Kenya 2010, we had 40 million people. There are issues of unemployment, social services, health services, education and many others that need to be attended to by us, and this gives us the opportunity to resolve them.

Today, and particularly on that day, Friday, when the two great statesmen met, I was the happiest person because we also had a prayer cell praying for this process to be successful. When the two great statesmen stand high and lofty and advise Kenyans on the way we should go, it behooves every one of us to accept that clarion call to live together as Kenyans. I am sure by now you have realised the sigh of relief and the kind of peace you experienced over the weekend and the starting of the weekend. I cannot wait to see how we can rally every single Kenyan voice to support this idea because it means well for this nation.

With those few remarks, I support that this is a great moment for this nation.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Proceed, Sen. (Rev.) Waqo.

**Sen. Wako:** Thank you very much, Mr. Speaker, Sir---

**The Speaker** (Hon. Lusaka): Order, Sen. Wako! It is Sen. (Rev.) Waqo Naomi Jillo –Waqo with a “q.”

*(Laughter)*

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir. I rise to add my voice on this. It seems as if it is a day for each one of us to quote the Bible. So, I start with Mathew 19:26 where we say everything is possible with God our maker. I congratulate our President and also the Retired Prime Minister for the special gift they have given to us, Kenyans. It is a gift because Easter is approaching and this is an Easter gift because we will celebrate Easter as one nation. At Christmas, we were all divided, but now we are a united nation. Therefore, I congratulate our President for inviting the Retired Prime Minister to reason together.

We all know very well the pain that we have gone through as a nation. Many people have lost their lives and businesses, and many more are still counting losses. However, God in His own way has brought our leaders together so that we can have a

new beginning. Therefore, I encourage Kenyans that there is a hope for us because the new Kenya is bringing a lot of meaning to us. Our businesses and economy will be revived and many investors will be attracted to our nation as usual. We will now regain our pride that we almost lost when we went for a repeat election and walk tall with our heads up.

Mr. Speaker, Sir, I thank all the people who have prayed for this nation. I know there are people who have been fasting and praying for us, especially, women – those who are known to me and those who are not. I know there are women who have been fasting for this nation. I congratulate them because what has happened is as a result of faithful prayers. I also encourage Kenyans to always pray so that God can intervene even in hard situations. I congratulate Kenyans and also tell my brothers – Sen. Olekina and the others – that we are glad that we have come to the end of ‘Tialala’ and ‘Tibim.’ We will now work together as a team.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order, Members. I just wish to disrupt debate briefly to make a brief communication.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM KIRINYAGA UNIVERSITY

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kirinyaga University in Kirinyaga County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

Proceed, Sen. Haji.

**Senator Haji:** Asante sana, Bw. Spika, kwa kunipa nafasi hii. Kwanza, namshukuru mwenzangu, Seneta wa Kaunti ya Siaya, kwa kuleta Mswada huu kujadiliwa katika Jumba hili. Pili, nawashukuru wote waliozungumza, husan ndugu yangu, Sen. Wetangula, kwa yale mambo mazuri aliyozungumza juu yangu.

Bw. Spika, kama kuna mtu aliye na furaha kwa mwenendo uliochukuliwa na hawa viogozi wawili, ni mimi. Miezi michache iliyopita –nafikiri miezi mitatu au mine - nilimwita Sen. Wako na Sen. (Prof.) Ongeru na nikawaambia kwamba vile nchi inavyokwenda, itakuwa vibaya kama sisi, wazee na viongozi, hatutajishughulisha ili kuleta hawa viongozi pamoja. Hata hivyo, kwa bahati mbaya, tulipokuwa tukijaribu kutafuta wale ambao tungeweza kufanya kazi nao pamoja, wengine walitoa hiyo siri. Kwa hivyo, tuliona ya kwamba hatungeweza kuendelea na jambo hilo. Ilikuwa kisa kama vile Wazungu wanavyosema, “*letting the cat out of the bag.*”

(Laughter)

Bw. Spika, viongozi hao wawili walisikizana Ijumaa, siku ambayo kwetu sisi Waislamu ni siku kubwa sana na ni siku muhimu kuliko zingine zote katika wiki. Tunaamini ya kwamba Mungu husikiza maombi ya siku hiyo. Kwa hivyo, naona kuwa Mungu amesikiza maombi yetu kwa kuwaleta hawa viongozi wawili pamoja.

Bw. Spika, kama tulivyokaa hapa, tunavuta hewa ya matumaini ya kwamba Wakenya watakuja pamoja kuhakiksisha ya kwamba ule undugu ambao tumekaa nao kwa miaka yote hamsini, utakuja na kudumu zaidi. Kwa hivyo, tunawapongeza viongozi hawa wawili; Rais Kenyatta pamoja na *Right Hon. Prime Minister*, Raila Odinga, kwa kufanya walivyofanya. Tungependa kuuliza viongozi wote wa kisiasa, sio hawa wawili tu, twende pamoja. Ni lazima tuwaunge mkono kwa roho na kwa vitendo ili yale mambo waliyokubaliana yatekelezwe kwa njia itakayowasaidia wananchi wa Kenya.

Bw. Spika, tulikuwa tumefika mahali ambapo hungelijua mtu ni wa Kabila gani. Wala hapakuwa na haja ya kuuliza kuhusu kabila. Hata hivyo, katoka mwaka wa 2007, watu walianza mambo ya kutengana na hali ikawa mbaya zaidi katika uchaguzi wa juji. Sisi viongozi tuko hapa na tumechaguliwa na watu ambao wanangoja tuwaonyeshe mfano mzuri. Kwa hivyo, tunafaa kuwashukuru hawa viongozi wawili kwa kutuonyesha mfano mzuri.

Bw. Spika, nataka kuwauliza Maseneta katika Jumba hili la 'wazee;' ambapo labda mimi ndiye mzee zaidi, ingawa tunashindana kwa umri na Sen. (Prof.) Ongeru.

(Laughter)

Mara nyingi imesemekana kuwa vijana ni viongozi wa kesho. Mfano mzuri ni kama huyu Seneta wa Kaunti ya Makeni; wakati wenu umefika na ni sasa. Kwa hivyo, nawaomba tusimame kwa umoja ili tuhakikishe kwamba yale ambayo yamekubalianwa yametekelezwa.

Kwa haya machache, Bw. Spika, naunga mkono.

Asante sana.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for giving me the Floor. I stand in support of this Motion. The push for unity in this Nation does not have to be limited to the top leadership of this country. All of us have a role to play in uniting our Nation. The handshake that we saw on Friday should now be witnessed at all levels of leadership in all cities, towns and villages in this nation. Most important is the role that we, as leaders in the Senate, will play in pushing forward the unity agenda for our nation.

Mr. Speaker, Sir, on matters of building bridges, the Senator of Kitui County has done and continues to do his part. It will be remembered that on the 16<sup>th</sup> of December, last year, when I organised the first ever goat auction in Kitui County, we had representatives from across the political divide in this House. There were Senators who came and participated in that event, which you graced and presided over.

Two weeks ago, I addressed the County Assembly of Kitui in the company of Senators and Members of Parliament from across the political divide. Last Sunday, I was

in Kitui presiding over a church function and I was in the distinguished company of the Senator for Kericho, Sen. Cheruiyot. I can confirm here that the Senate Majority Leader was willing to accompany us, but he was a 'birthday boy' that day; so he could not make the trip.

*(Laughter)*

Having said that, Mr. Speaker, Sir, regarding the dialogue that we are talking about, it is on record that the leader of the Wiper Democratic Party, hon. Kalonzo Musyoka, has been pushing for an all-inclusive, structured and purposeful dialogue. This is dialogue that seeks to fix what is wrong with our politics; it seeks to unite us now and for generations to come; this is dialogue that goes beyond self-gain.

Mr. Speaker, Sir, since everyone is quoting the Bible, I want to quote the book of Matthew 5. It says: "Blessed are the peacemakers, for they shall be called the children of God." However, in the same beatitudes, the Bible records that: "Blessed are the meek for they shall inherit the earth."

In the spirit of brotherhood, I want to quote the words of our National Anthem: "May we dwell in unity, peace and liberty. Plenty be found within our borders."

Thank you, Mr. Speaker, Sir. I beg to support.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, I wish to support this important Motion. By the two leaders, His Excellency President Uhuru Kenyatta and Hon. Raila Odinga, coming together there is no doubt that the people behind them will follow suit. Leaders lead the way. Given that the two leaders have shown us the route of unity, I believe that is where the country is headed.

Our country has been in a very unpalatable and worrying situation. Let us all admit that the leadership, including all of us, have been responsible for dividing the people of Kenya along ethnic entities. I know that more is coming, but the appearance of the two leaders talking as brothers; each of them referring to the other as a brother, sent very positive thinking in this country.

The importance and necessity of unity to a home, a people and a country need not be overemphasised. It is an essential thing like the food we eat. This country has been expending a lot of energy for the last two years, when politics has been heightened, on destructive things that divide us. We would rather have used the same energy to look into why we are leaders in this nation. Leaders should worry more about the rising cost of living of our people and how tomorrow will be. Therefore, the action by the two leaders should have the support of all of us.

Mr. Speaker, Sir, it has not been very easy for some of us who happen to have friends across the political divide. For example, Sen. Orenge was my classmate in Alliance High School, but if for some reason I was captured with him and the photo appeared on *The Daily Nation* newspaper, the message that would be sent is I am cohabiting with NASA. We have a country with many religions. When did you see a Catholic not chatting with an Anglican? This is the way we should live when we are politicians from different divides. However, we have brought it to the extent where it has not been easy.

The issue of who should have been consulted is not important. The most important thing is that this action happened. Let me tell you about something that happened to this country when we were just about to get Independence. Mzee Kenyatta as the Prime Minister met with his people and told them that he wanted to go to Nakuru to address the settlers. All of them told him: “No! Our decision is that you should not go.” Mzee told them: “I am the Prime Minister and have to go.” When he went to Nakuru---

*(Sen. (Eng.) Maina’s microphone went off)*

**The Speaker** (Hon. Lusaka): Order, Sen. (Eng.) Maina! Your time is up.

Sen. Omogeni Erick Okong’o.

**Sen. Omogeni:** Mr. Speaker, Sir I rise to support the Motion.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones.

**Sen. Omogeni:** Mr. Speaker, Sir, I begin by making reference to the quotation by Nelson Mandela in May 1994, when he was assuming the presidency of South Africa. Mandela said:-

“Out of the experience of an extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud.”

With that quotation Nelson Mandela picked Fredrik Willem de Klerk, who was the President from the regime that had presided over apartheid and kept Mandela in jail for 27 years. Nelson Mandela planted a seed in South Africa of togetherness, forgiveness and tolerance that lasted for a long time in South Africa.

The gesture we saw last week from His Excellency Raila Amollo Odinga and His Excellency President Uhuru Muigai Kenyatta is something that gives this country an opportunity to open a new page of togetherness. It is a page where our ethnicity should not divide us and we should do away with politics of toxic nature, abuse and looking at each other through our ethnic lenses.

Mr. Speaker, Sir, we should all applaud the two leaders and agree that from now henceforth we should aspire to build a nation where future generations will be proud of. Some of us who are serving our first term in this House experienced how our ethnic divide had become wide. When we were participating in choosing our Chairpersons and Vice Chairpersons in our Committees we could see that this country had reached a level that was alarming in terms of our ethnic affiliations.

It is my true and sincere hope that what this country went through last week will give us an opportunity to embrace the preamble in our Constitution, 2010. It says in part:-

“We the people of Kenya, proud of our ethnic, cultural and religious diversity; and determined to live in peace and unity as one indivisible sovereign nation, adopt, enact and give this Constitution to ourselves and to our future generations.”

Mr. Speaker Sir, we will not live the true spirit of this Constitution if we continue embracing politics that puts our ethnicity ahead of everything. I hope from now henceforth, we will see more unity in this House; we will seize the opportunity to relook

at our 2010 Constitution and correct any anomalies that we have seen in it as we build a Kenya that our future generations will be proud of.

With those remarks, I support this Motion.

**Sen. Mwaure:** Thank you, Mr. Speaker, Sir. I rise to support the Motion on unity of purpose between His Excellency the President, Hon. Uhuru Kenyatta and the former Prime Minister, Rt. hon. Raila Odinga. I can authoritatively comment about these two great gentlemen because I served as a Member of the National Assembly, courtesy of Rt. hon. Raila Odinga who nominated me. Today, I am serving as hon. Senator because of his Excellency the President, Hon. Uhuru Muigai Kenyatta who nominated me.

On a light note, our people out there, are saying Uhuru *Tibim* and Raila *Tialala* just to show the kind of spirit that is engulfing the country. Today morning on *Inooro FM*, I was very glad to hear people from Homa Bay County saying they cannot wait to see President Uhuru and Rt. hon. Raila Odinga touring their county to unite them and speak to them. Indeed, we are very excited to hear there is a programme by the two gentlemen to tour the country and unite it. It reminds me of the time when Raila Odinga and his Excellency Mwai Kibaki went to Nyeri in 2002. The Rt. hon. Raila Odinga was referred to as *Njamba*; meaning a hero in Kikuyu language.

Mr. Speaker, Sir, let us agree that this country was deeply divided. Those of us who were foot soldiers of the political divide that we find ourselves in, could not even tolerate one another on television. It looked like we were going to war; we were not reasoning. Any time you said anything, somebody would jump on you. Reason had taken a back seat because of the deep divisions and suspicions.

Unity must have purpose because if we just unite for the sake of it, then people may lose direction. In fact, I was very happy to see the National Super Alliance (NASA) other co-principals saying that they too would like to meet his Excellency the President, Hon. Uhuru Muigai Kenyatta. My response to them is: “Welcome, we all need everybody on board in this process of uniting Kenya.” We must respect the fact that the former Prime Minister, Rt. hon. Raila Odinga provided leadership by showing the way that the whole country has followed.

We must ask ourselves this question: For how long are we going to play our politics based on ethnic mobilisation? If we do so, it means that if we vote for a certain candidate, we are voting for their tribe and, therefore, against another tribe. This is very sad.

Investors say this country is good and has a future. However, they cannot be sitting back to watch every five years as we grapple with the outcome of elections. If we have to move forward, let us accept that the structure of the Executive does not allow for full inclusion of the face of Kenya. That is the truth. Going forward, for purposes of unity, we may need to expand the structure of the Executive to create the position of the Chief Cabinet Secretary and two deputies so that competing coalitions can have an opportunity to serve in the Government and present their manifesto to Kenyans.

If we do not stand together as a country and slay the dragon of corruption, it does not matter who captures the State through democratic means because Kenyans will not get their rightful share and birth right. For sure, we need to address tribalism and corruption in this country. Tribalism has robbed us of our collective sense of purpose while corruption has stolen our present and our future. It is incumbent upon us, as

Senators and leaders, to rise above our personal proclivities, the polemic and adversarial nature of our democratic politics where you have two sides of the divide. We need to sit down and craft an agenda that will turn around this country.

Of great importance is the issue of electoral reforms. It should be noted that we should have a system where people are able to go for elections and whoever gets the majority of the votes carries the day. This must also start with our political parties because they are known for conducting shambolic nominations. If you have shambolic nominations, it will interfere with the integrity of the main election.

Mr. Speaker, Sir, I beg to support.

**Sen. Outa:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to support this important Motion. As true Christian, I thank God, He exists. For somebody like me, people will ask: What kind of politics will you be doing?

*(Laughter)*

This is because for the last two decades, I have been following Hon. Raila Odinga, the man that I respect and believe that he means well for the country. When I go to sleep and wake up, I want to know how he is doing. For the last two decades, the politics in this country have not been well.

God has given us a great country called Kenyan. It has a lot of potential. So, what happened on Friday, 9<sup>th</sup> February, 2018, I want to praise God for it.

**Hon. Senators:** Amen! Amen!

**Sen. Outa:** I was not consulted, neither was I told anything. However, in the evening, I saw two statesmen shaking hands. Believe me, peace flowed in the entire nation, especially in the City of Kisumu. If you were in Kisumu, you could have seen it was as though the heavens were wide open and Jesus Christ jumped into Kisumu.

*(Laughter)*

Everyone was happy. For the last two decades, we lost people because of political differences. If God exists and allows these two statesmen to continue to champion peace in this country, who am I to stand in their way?

I want to urge all the other politicians, please, this is not the time to lament that you should have been included. This is the time that we need to stand as leaders in Kenya and support this move of the two statesmen. We do not want any other politician, either from NASA or Jubilee party to interfere. These two gentlemen, President Uhuru Kenyatta and the Rt. hon. Raila Odinga, came as statesmen. If they can bring peace, we need to support them. We need the peace that surpasses all understandings as the Bible says. If they can bring it to Kenya, we need to say “amen.”

In Kisumu today, we can smile. My brothers and sisters from the other side of the political divide, are doing business in Kisumu. We are looking forward to receiving the two statesmen, his Excellency the President, Hon. Uhuru Kenyatta and the Rt. hon. Raila Odinga. To me, history will be repeating itself. In 2013, immediately after the Supreme Court ruling, I was the Member of Parliament (MP) for Nyando Constituency. It was in my constituency that the two leaders met and shook hands for the first time after the

Supreme Court ruling. The same should happen again and I would like to welcome them in Kisumu City again. They should ensure there is peace in this country so that Kenya can grow.

I thank you.

**Sen. Poghisio:** Mr. Speaker, Sir, thank you very much for giving me the opportunity to support this Motion. If you look around, you will realise that even the demeanor of this House has changed because it never used to be like this last week. Because of the handshake, we are all sitting together in this House. So, I appreciate the fact that it has brought the peace that we wanted.

William Wilberforce is the man credited with abolishing slavery and slave trade through legislation because he was a Member of Parliament in the House of Commons. It took him nearly 30 years and at the end of it, a Motion was passed and slavery was abolished. He said that he was on a mission to do two things; to abolish slavery and slave trade and reformation of manners. Even with the newfound peace, we still need to reform our manners and the way we do things.

During every election cycle in this country, we behave in such a way that is inconsistent with the words of our national anthem. Our national anthem is sung many times and there is no reason for us to doubt that God can answer prayers. Our national anthem goes like this:-

“Ee Mungu nguvu yetu  
Ilete baraka kwetu  
Haki iwe ngao na mlinzi  
Natukae na udugu amani na uhuru  
Raha tupate na ustawi”

We have been singing it all along. Why would we doubt that one day God will answer us? That answer came. So, we thank God for enabling the two great leaders to have that handshake. The two leaders could have met upstairs at Harambee House, gotten into a car and disappeared but they did not do that. Instead they came out in the open. They shook hands and it was broadcasted everywhere in the world. That public show is the one that we celebrate today.

So, I join the whole nation in thanking His Excellency President Uhuru Kenyatta and the Rt. Hon---

**The Speaker** (Hon. Lusaka): Sen. (Prof.) Kamar, what is your intervention?

**Sen. (Prof.) Kamar:** Mr. Speaker, Sir, I am standing on a point of order according to our Standing Order No.100 on limitation of time. I can see a lot of blinks which means many of us what to contribute. I request that you limit the debate to two minutes.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): I will allow each to have three minutes.  
Sen. Poghisio, you may conclude.

**Sen. Poghisio:** Mr. Speaker, Sir, will I have three minutes?

*(Laughter)*

**The Speaker** (Hon. Lusaka): You should be concluding.

**Sen. Poghiso:** Mr. Speaker, Sir, I thank the two leaders for showing the way. For the rest of us, whatever comes our way, it is a moment to sacrifice. It is a moment for us to get together even if it means getting together to amend our Constitution for our sake or if it means getting together to legislate so that we make this country great again.

We could not move. We were all choked and we needed fresh air so that we begin to do business, travel and shake hands. I am happy that our country is now open. In fact we saw the shilling reacting to that. We also have tourism and other sectors already responding.

I urge us to honour the two great sons of Kenya and respect them. If you cannot respect them, then you need to honour them. Let us give them the moment that they deserve to lead this country. There are no winners or losers. You cannot be a loser in a place that will win. You cannot be a loser when the overall result is victory.

With all that, I thank you.

**Sen. Madzayo:** Asante Bw. Spika kwa kunipa nafasi. Siku ya Ijumaa ni siku muhimu sana haswa kwa jamii ya Waislamu lakini viongozi hao wawili sio Waislamu. Cha kushangaza ni kuwa walikutana siku ya Ijumaa na Mwenyezi Mungu aliibariki siku hiyo. Nachukua nafasi hii vilevile kuwapa kongole kwa ujasiri wao kukutana licha ya kuwa walikuwa wapinzani. Kuna baadhi ya Wakenya waliopoteza maisha yao kutokana na vita.

Nina furaha kwamba Kiongozi wa Wachache katika Seneti alieongea na sikuona mtu yeyote upande ule mwingine akitoa hoja ya nidhani na hiyo si kawaida. Natumai kuanzia leo hoja za nidhamu hazitakupeo.

Jambo la muhimu ni kwamba sote twahitaji amani katika nchi ya Kenya. Bibilia pia inatuhimiza kupenda jirani zetu kama tunavyopenda nafsi zetu. Hiyo ni amri ya Mwenyezi Mungu. Jukumu letu sisi kama Wakenya ni kuona kwamba Kenya yetu inaendelea mbele kimaendeleo na kiuhusiano.

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

*[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]*

Wanasema kwamba palipo na wazee, hapaharibiki neno. Mheshimiwa Uhuru Kenyatta na Mheshimiwa Raila Odinga hatimaye walikutana. Kiongozi wa muungano wa wafanyakazi Bw. Francis Atwoli aliwaambia kuwa haina haja kutuambia siku, saa na wapi. Alitaka wakutane kisiri ama kiwazi lakini waongee peke yao na nchi hii itakuwa na amani. Msemo huo umetokea kuwa kweli.

Nawapongeza watu wa dini, mawakili na watu wote katika nchi ya Kenya kwa kuhimiza viongozi hao wawili kukutana.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Asante sana, Sen. Madzayo.

**Sen. Wario:** Mr. Deputy Speaker, Sir, thank you for giving me time to add my voice to this important Motion. I support the coming together of the two great leaders. This is an idea which needs to be supported by every citizen of this country and not just by the arms of Government and leaders.

We are all Kenyans. I want to say *pole* to anybody whom I offended just like the Mover of the Motion said earlier. We need to move from the politics of hardliners, division and tribalism and embrace each other. The country underwent a repeat election and there were demonstrations, arrests and teargas, as the Senate Minority Leader said.

Mr. Deputy Speaker, Sir, allow me to quote a Swahili saying that says, '*baada ya dhiki, ni faraja; baada ya demonstration ni faraja; baada ya election nifaraja; na baada ya repeat elections, faraja.*' We have already tested politics of tug of war and ethnic division and it has not taken us anywhere. It is high time that we say enough is enough, come together, embrace each other and say let us move in one direction.

Mr. Deputy Speaker, Sir, on my behalf and on behalf of the great people of Tana River County, I support this Motion.

**Sen. Mwangi:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. There could not have been a better time to bring this Motion. The meeting between President Uhuru Kenyatta and the Rt. Hon. Raila Odinga is commendable and this should have come much earlier than now. The economy of Kenya is in disarray because of the disagreements that were there before the general elections.

Therefore, this unity between the two leaders is going to improve our economic prosperity. Kenya can be a first world like countries in Europe and the United States of America (USA) and all we need is peace in this country. If we had uninterrupted peace for ten years, this country would become a first world and would cease begging other first world countries.

Our strength in Kenya today can only be peace. If we have prolonged peace then we can say Kenya is going to develop. We need selfless leaders like we have today. Leaders like President Uhuru Kenyatta and the Rt. Hon. Raila Odinga who would sit one morning and agree that for purposes of building and developing this country, they agree to meet to unite Kenyans.

Selfishness has brought a lot of problems in this country and it has brought the economy of the country down. We need to have a big economy in Kenya because we want our children to have good education and live good lives. That cannot happen without unity of common purpose. We have seen countries like Yugoslavia---

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to add my voice to this great act of patriotism by His Excellency President Uhuru Muigai Kenyatta and the Rt. Hon. Raila Odinga. The great act of leadership is what happens after your absence. If everything you have done and worked for all your life dies with you, then you become a failure.

Further, leadership is measured by what happens when you die. It is not about your investments in buildings or your investment in divisive politics, but what people will remember you with.

As I stand here to represent the great people of Narok County, I know that they will remember these two gentlemen for having set aside their own selfish interests to come together to support the unity of this great nation. I am always saddened that when you become a leader, you tend to forget that you are supposed to be there as a servant.

What I saw last Friday is a true act of leadership that inspires young generations. This is leadership that makes every young Kenyan have a promise for tomorrow. What makes a great country is when you have a government that not only invests in making

money but one that invests in its people. Instead of selling power and money, that government promotes not only the country but the people and intellectuals.

Mr. Deputy Speaker, Sir, what these two gentlemen did is that they showed us that we can come together because we are so divided. As the Senator for Narok County, I had a very strong opinion in defending the Rt. Hon. Raila Amolo Odinga. The Senator for Bomet County had his own strong opinion defending President Uhuru Kenyatta. However, these two gentlemen have come together and have said, “Gentlemen, slow down. It is time that we put the interest of the Kenyans ahead of us.”

Lest we forget, Samantha Pendo died accidentally when most of us were fighting for what we believed was stolen from us. The fact that the two gentlemen have come together, it now behooves us---

**Sen. Mugo:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to also add my voice to this great debate which is happening here in this Senate where there has been so much division and now we see oneness – one Senate, one people with one hope for our country.

I also want to take this opportunity and take a cue from my colleagues in congratulating the two great leaders, His Excellency, President Uhuru Kenyatta and the former Prime Minister Rt. Hon. Raila Odinga. They showed us that leadership is thinking about the people you lead and not about self-interest. That is a big lesson that we can learn from the two leaders.

I speak on behalf of the women and children of this country who for the past few years or months have felt insecure. When there is no peace in the country, the people who suffer most are the vulnerable – the women and children. While we are especially happy that our leaders have shown the way, what we have to do as leaders is not always to be “you; you”. We know what we should do for our people.

We know we need peace. It should not be the two leaders who should be deciding that now there is peace and tomorrow there is no peace. As leaders, we have a responsibility of keeping that leadership and it is our utterances which will promote peace in this country. We need to be one nation because God wanted us to be one nation and that is why he put all of us here in Kenya.

The biggest appreciation that we can give to the two great leaders is to make a nation from now on; not a nation of Kenya today and a nation of this and that tomorrow. It is possible and we can do it for we owe it to our children and our country. We have a nation to continue building just like our forefathers left it.

I support unreservedly and I support to work with all of us together for the goodness---

*(Sen. Mugo’s microphone went off)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): So far so good. Put your thoughts together for I can see that the levels of interest are still extremely high. We will proceed for a while then see what we can do.

Could we hear from Sen. (Prof.) Kamar?

*(Sen. Wako spoke off record)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Sen. Wako. The Chair knows what he is doing. Just watch and you will see what will happen.

Could we hear from Sen. (Prof.) Kamar?

*(Sen. Wako stood in his place)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Sen. Wako, sit down.

Sen. (Prof.) Kamar, you have the Floor.

**Sen. (Prof.) Kamar:** Thank you, Mr. Deputy Speaker, Sir, for that protection. I thought that we have had the handshake.

*(Laughter)*

Mr. Deputy Speaker, Sir, I rise to support this Motion and to thank Sen. Orengo for moving it because this is a very important moment in our nation. I also congratulate His Excellency the President and the Rt. Hon. former Prime Minister for coming together. We have learnt our lessons in the last few days and we now know that divided we fall. I say that because that division even came into this House and we fell flat down. I was very impressed to see Sen. Dullo having a hearty chat with the Senate Minority Leader a few minutes ago. I told myself that things have changed.

What has happened has taught us some lessons and one of the lessons arises from the reaction of the people to what has happened between the leaders. That has shown us that Kenyans are bound by God and we thank Him for that. We must obey the unity of purpose that founded this nation. I would like to urge Senators that arising from this lesson, we should now forge our future, especially in the next four-and-half years, in unity because there is a lot that we must do together.

I know that we fell apart and were not able to do a number of things in this House. There is a lot that requires the unity of Senators. We have said that we want to reform the Senate, we want the Senate to be the eye of the people and do oversight that is required but we cannot do all that unless we are united. I encourage Senators to be united like our leaders, move forward and make this country proud.

With those remarks, I support.

**Sen. Wako:** Thank you Mr. Speaker, Sir, for giving me this opportunity. As someone who has been involved in a number of these crises since 1991, I want to congratulate His Excellency the President of Kenya, Uhuru Muigai Kenyatta and His Excellency Raila Amollo Odinga for the initiative they have taken to move this country forward.

I am paying tribute to the two because in the joint statement that they made, they touched on the problems that have confronted Kenya, time and again, and they are problems that all of us have gone through. We had them in 1991-1992, then 1997 where the Inter-Parties Parliamentary Group (IPPG) was formed and I had the privilege of drafting the biggest legislation, the Statute Law (Miscellaneous Amendments) Act, 1997, which touched on 67 different legislations. The then Speaker said that he was allowing it because of the special circumstances of that time.

We then thought that everything was going to be okay. Then came 2003 and 2007 where we went through the same problem again and thought that unity had been solved. We later had a new Constitution and I felt that I had done my work and things are going to be okay in Kenya but we went back to the same problems.

I am pleased that the two leaders have recognized this very problem and in their statement, they said:-

‘So long as we remain divided, acrimonious, selfish and corrupt, no amount of institutional reform will better our lives’.

On the issue of being divided along ethnic and religious lines, they acknowledged that the negative ethnicity has now been entrenched in our society and was destined to be a curse. I am using their words at that point. Therefore, the two leaders want to leave a legacy where Kenya becomes united.

All Kenyans and leaders must now be committed to creating a Kenya that is united and as one speaker before said, already we can see it in this House for there are not so many points of order here and there and so on. We are all listening to each other and we are all being reasonable.

**Sen. Faki:** Bw. Naibu Spika, nimesimama kuunga mkono Hoja ya Sen. Orenge na kuwapongeza viongozi wetu, vinara wawili; Mhe. Rais Uhuru Kenyatta na Mhe. Raila Amollo Odinga. Viongozi hawa walikuwa mahasimu wajadi lakini juzi, siku tukufu ya Ijumaa, walikuja pamoja, wakakumbatiana, wakapeana mikono na wakashusha hali mbaya ya siasa ambayo iliyokuwepo katika nchi yetu ya Kenya.

Ihali, yapo mengi ambayo bado yana takikana kufanywa kwa sababu ukabila, ufidina mambo mengi ambayo waliyazungumzia bado yako. Ni lazima tushirikiane kama Bunge la Seneti na nchi kwa jumla kuhakikisha kwamba yametatuliwa.

Jambo moja ambalo ningependa kuzungumzia ni kwamba hatuna kitu cha kutuunganisha pamoja sisi kama Wakenya kwa sababu kila mtu akitoka katika Bunge hili la Seneti, ana kwenda katika kabila lake. Zamani, tulikuwapo na redio ya kitaifa, idhaa ya taifa; Sauti ya Kenya, lakini sasa, kila mtu anaskiza redio ya kabila lake. Hiyo ni mbaya kwa nchi hii kwa sababu hatuna kitu ambacho kina tuunganisha kama Wakenya.

Kuna wakati hayati Mwalimu Nyerere alizungumzia kabila akasema kwamba katika Karne ya 21, hakuna mtu anatakikana kupanda basi ya kabila. Ukabila ulikwisha kwa sababu watu wa Ulaya walijiunga pamoja na kuwa *European Union*. Sisi tumejiunga pamoja kama *East African Community*, lakini bado tunarejea katika makabila yetu ili kuwahujumu wengine. Kwa hivyo, tutafute kitu ambacho kitatuunganisha pamoja kama Wakenya. Hii itakuwa ni lugha ya Kiswahili ambayo tunaitumia kama lugha ya taifa.

Kwa sababu kama hatuna kitu cha kutujumuisha pamoja kama Wakenya, yale yote yanayofanywa hapa yatakuwa ni ya bure. Yaliyofanyika mwaka wa 1997, 2007 na 2017 yanaweza kufanyika tena kama hatutakuwa na mambo ya kudumu ya kuondoa ukabila. Kwa hivyo, ni lazima tulete taasisi ambazo zitahakikisha kwamba kuna usawa, hakuna ukabila na zitaondoa ufidina ili kuhakikisha kwamba nchi yetu ya Kenya inasonga mbele.

Kwa hayo mengi, Bwana Naibu Spika, naunga mkono Hoja ya Seneta Orenge.

Asante.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante sana, Bw. Naibu Spika. Nataka kuunga mkono Hoja hii. Kwa kweli, hakuchi, hakuchi, hatimaye kumekucha. Nasema hivi kwa sababu hawa viongozi wawili tayari wamesalimiana na wakasema kwamba Kenya ni moja na msukumo wa mambo ambayo yametuunganisha hayawezi yakatenganishwa. Kwa hivyo, sisi kama viongozi hapa Seneti, tunawaunga mkono na kusema kwamba lile walilofanya ni jambo la umuhimu sana.

La kufanya sasa ni kuhakikisha tuko na taasisi muhimu; na zile tulizo nazo, tuzitilie nguvu. Tukifanya hivi, tutahakikisha kwamba yale mambo yaliyozungumzwa yasiwe tu maneno makavu, bali yawe mambo yatakayo kuwa vizuri katika Katiba yetu. Vile vile, hatutaki iwe katika Katiba yetu peke yake, bali pia iwe katika mioyo na mawazo ya Wakenya.

Bwana Naibu Spika, baada ya wale viongozi wawili kusalimiana siku ya Ijumaa, madaktari wengi kutoka sehemu nyingi za Kenya wamenambia kwamba wagonjwa waliokuwa wakitembelea zahanati zao wamepungua. Hii ni kwa sababu kulikuwa na hali ya taharuki na sintofahamu katika nchi yetu. Lakini sasa, baada ya hawa viongozi wawili kusalimiana, inaonekana kuwa umoja na undugu umeimarika katika nchi yetu ya Kenya.

Langu ni kusema kwamba ikiwa hali hii itaweza kuendelea hivyo mpaka mwaka wa 2022 na 2027, basi itakuwa vizuri kwa Wakenya wote. Lakini inafaa ijulikane vizuri kwamba lile jambo linalotuogofia lisiwe tu ni siasa, bali ionekane ni siasa na iendeleo kuwekwa katika taasisi zetu ambazo zitaaminika sasa na hata baadaye.

Asante sana, Bwana Naibu Spika.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you; that is good use of time. Proceed, Sen. Shiyonga.

**Sen. Shiyonga:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion. I commend His Excellency the President, Hon. Uhuru Kenyatta and His Excellency the Rt. hon. Raila Odinga for rising up to the occasion when Kenya really needed them most. This is to demonstrate that, indeed, they are statesmen. As Senators, we must take this challenge and, indeed, propel what legacy they have brought to us.

Mr. Deputy Speaker, Sir, a country needs peace and, indeed, Kenya now has peace. It is with this peace that our economy is going to rise above where it was. We need to embrace the peace that we have and all sectors that have been mandated with bringing peace in this country.

The hatred that had taken root in this country was far beyond. Indeed, when I come to this House and stand to see that we have been unified by these two statesmen with their statements, words and handshake, I feel very relieved as one of the legislatures in this House. We need to applaud these two men. We also need to pull together and it is our duty to support this through various organs. We need to embrace this peace so that the Ministries, the Legislature, the Executive and the Judiciary can work and deliver on their respective mandates. It is only by doing this that we shall serve as an example to enable others to see what we are doing in Kenya. This will ensure that other countries that are not considering peace as being part of their undertakings to look at what Kenya is doing so that peace can prevail in their countries.

Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed, Sen. M. Kajwang’.

**Sen. M. Kajwang’:** Thank you, Mr. Deputy Speaker, Sir. I wish to go on record on this very important Motion. The question has always been whether to build bridges or walls. For a long time we, as political leaders, have been busy building walls. As I go on record, I wish to trace some of the adventures that I have also been involved in as a politician and some of the wall building activities that I have undertaken.

Shortly after my election, I was one of those who, in a joint sitting of Parliament, came in with whistles and all manner of theatrics and interrupted a solemn speech by President Uhuru Kenyatta. At that point, I had legitimate concerns that I thought could best be dealt with by building walls. Today, in the spirit of reconciliation that this country has adopted, I wish to apologise to the President for that action that we took in the National Assembly some two or three years ago.

*(Applause)*

I hope that Sen. Outa will also apologise at some point because he was my partner in crime and he was more vigorous than I was in that particular activity.

*(Laughter)*

Mr. Deputy Speaker, Sir, we have engaged in street protests and we have ‘eaten’ teargas – just to use that word – we have seen death and we have buried people. We have also faced off with the police. Many things have happened and I hope that in the spirit of reconciliation, at some point we may get an apology for all the hardships that our people have gone through.

Mr. Deputy Speaker, Sir, the County I represent, Homa Bay County – which is home to more than one million great men and women – decided that the elections that were scheduled for 26<sup>th</sup> October, 2017, were not going to take place. We shut down Homa Bay and no elections took place there; but as you heard Sen. Mwaura say, the people of Homa Bay have now come with open arms. They are saying that for too long, they have built walls and they now want to start building bridges in the spirit that has been set by His Excellency Uhuru Kenyatta and Raila Odinga.

Mr. Deputy Speaker, Sir, it will take more than just a handshake to erase all those things that we think have been done to us or the things that we have done to other people. However, there must be a beginning; young people say that it starts with a ‘tap.’

Mr. Deputy Speaker, Sir, I share the aspirations of many young people or many young families in Kenya. For too long, they have been building walls. But they now just want bridges built so that they can get food, good jobs, live in peace; have systems that can work and have a country where things are predictable; from little things like traffic to school fees to the price of food. These are the bridges we must build and not the walls---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. M. Kajwang’, your time is up. Proceed, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir. I join my colleagues to laud the President and the NASA Leader, Raila Odinga, for the good work they have done. It is now time that this country moves on from the preoccupation with the next

election. It is important that the engagement that has been started will be of mutual national interest and will ensure that we move forward as a country. Therefore, I want to call on all of us to avoid being skeptical about this deal. On behalf of the great people of Nandi County, we are excited and we want to ensure that this country moves forward.

Mr. Deputy Speaker, Sir, my brother and neighbour, Sen. Outa, said that for us who share a common border, we are very excited because we will see peace, transformation and as such, our economic interactions will go on. As for our intermarriages, which had already collapsed among the people who live along the borders, I can now go to Kisumu and you can also come to Chemaso in Chemelil for weddings and other engagements.

I am happy on behalf of the young people of this country because they will take a rest from demonstrations, maiming, injuries and 'eating' teargas that they have gotten used to. We can now utilize the energy of our youth better.

Mr. Deputy Speaker, Sir, finally, in the spirit of the House today, I wish to quote the Bible. Mathew 5 verse 9 says that blessed are the peacemakers for they will be called the children of God. Some of us are counting to be part of it. Amen.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Today is Bible day.

Proceed, Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support this important and timely Motion, and congratulate Sen. Orengo for bringing it. The unity that was shown by the two leaders of this country is paramount to all of us. That important handshake that took place means goodwill for the investors. That same handshake prevents our country from being politically polarized throughout the years. Our country was in politics throughout and we had forgotten about issues of development. I believe that, that particular handshake will reduce the political polarization in our country and encourage people to go back to work.

The two leaders demonstrated that our country is greater than all of us. It also demonstrated that there are no permanent enemies in politics; politics is a game of interests. The greatest interest at this particular time was unity to all of us. I have received several calls and text messages from the people of Bomet County and they are happy with this unity of purpose.

I believe that this will also give this House more time to unite, so that we may hold our counties accountable. Earlier, we could not effectively do it because some people, based on their political parties, could have said that we are against their governors or counties. This is the time for all Senators to be united and do their oversight work and hold our county executives more accountable in what they do.

Mr. Deputy Speaker, Sir, I support this Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. I advise that you use two minutes because the interest is still very high. The mood has been set; just put your thoughts together. Do not repeat what everybody has said.

Proceed, Sen. Judy Pareno.

**Sen. Pareno:** Mr. Deputy Speaker, Sir, I will try my best to use the two minutes. I rise to support this Motion and salute His Excellency, President Uhuru Kenyatta and the

Rt. Hon. Raila Amollo Odinga for their bold, selfless and patriotic step, to move this country forward.

Mr. Deputy Speaker, Sir, *Baba* has really proved himself to this nation. President Uhuru Kenyatta, on the other hand, has heard the cry of most of citizens for justice, inclusivity and devolution. I am happy that he has heard our cry and come out to lead this country. I thank him for that.

The statement that His Excellency President Uhuru Kenyatta and the Rt. Hon. Raila Amollo Odinga put forward speaks for itself. The heading of the Motion is: 'Building bridges to a new Kenyan nation.' This speaks for all of us. We have burnt a lot of bridges in this country. We burnt bridges to our institutions, the Judiciary and every other organ of Government. It came to a point where people were talking about secession and how we can have a map of Kenya that has what they were calling 'the central republic of Kenya' and 'the people's republic of Kenya.' That is how bad it had become. I thank them for coming forward to ensure that we are proud of who we are as Kenyans.

I am happy that in their statement ethnicity is going---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Your time is up.

Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. First, I acknowledge the President and the Rt. Hon. Former Prime Minister for this magnanimous opportunity they took to set aside their differences, selfish or otherwise, to acknowledge this.

I have one proposal. Everybody has quoted the Bible, but nobody has quoted the preamble which at the end states 'Gods bless Kenya'. If President Uhuru Kenyatta and the Rt. Hon. Raila Amollo Odinga are serious, they will go to every place in this Republic – the 47 counties - carrying this preamble like a torch of peace. That peace cannot be a handshake; it must be demonstrated by shaking the hands of the people who possibly lost their children when they should not have. They should show them true peace and repentance. True penance can only come when we have true reconciliation.

Mr. Deputy Speaker, Sir, this country will only move forward if we acknowledge that we are sinners and have fallen short of the glory of God. That is the book of Romans. Our leaders must recognize that they have misled our people through divisive politics and they must repent, so that there is true penance.

Mr. Deputy Speaker, Sir, lastly, King Solomon after being granted wisdom and married many wives, he failed and said: 'All is vanity.' That is in the Book of Ecclesiastes.

I plead with the other principals of NASA to set aside their ambitions or otherwise, and follow this path where we will have true peace and build nationhood of this country.

God bless Kenya.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done, Sen. Mutula Kilonzo Jnr. The Chair wishes that every other day was like today.

Proceed, Sen. Kwamboka.

**Sen. Kwamboka:** Thank you, Mr. Deputy Speaker, Sir. I rise in support of this important Motion on building bridges to a new Kenyan nation. I take this opportunity to

congratulate the President of the Republic of Kenya, His Excellency Uhuru Muigai Kenyatta and the Rt. Hon. Raila Amollo Odinga for the unity they have brought to this country.

After the breaking news on television and social media last Friday, there was peace and happiness in the country. As they will be working together, I hope they will ensure that all the families which were affected during and after the elections will be taken care of.

I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done.

Proceed, Sen. Aaron Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. King David, writing in the book of Psalms 133 says:- “How good and pleasant it is when brothers dwell together in unity. It is like precious oil overflowing down from his head down to the beards of Aaron”.

I had to quote the second part – although not relevant – just to hear my name.

Mr. Speaker, Sir, this is a great day for this nation. I am so happy and I feel elated as a young leader, that for the first time in this House – even when you take a stroll through social media and the streets of this city and interact with the people that we represent – there is a sigh of hope. In 2007 when we had the unfortunate events of what happened in Kenya, we were told that not many African countries have ever had the chance to turn away from the path that we had taken. On Friday, what happened on the steps of Harambee House, people again reminded us that it is not every African country that has had the opportunity of two protagonists in the political contest coming together and saying, “for the sake of unity, let us build a great nation.”

My question this evening is, for how long shall we throw away such golden opportunities? I hope that this time round, we shall be serious, address the issues that have divided us for so long and together, build a nation that we shall be all proud to belong to.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Brief and clear.

Proceed, Sen. Milgo.

**Sen. (Dr.) Milgo:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to also contribute. First of all, I congratulate my great President, Uhuru Muigai Kenyatta and the Rt. hon. Raila Amollo Odinga for showing leadership. They have actually demonstrated that even when you have different opinions, we can agree to disagree. The animosity that had bedeviled the country was so much that in certain quarters, some items were resisted despite the fact that those institutions were actually offering employment to our people.

Recently, I was in a country with a population of only 1.2 million. Tourists who visit that country are more than residents. It also attracts many investors than we do here. In the course of my interaction with them, one of them told me that he had been in Kenya some time back. I asked him why he was not in Kenya and he told me it is because of lack of peace. I am sure that we are standing today and declaring to all our tourists and investors that there is peace in Kenya. Surely, there could have been no other time than this to say that in all borders of Kenya, there is going to be peace. I am now sure that the economy will do well because our two leaders have shown us the way.

Bomet County borders counties with strong NASA followers. The Kisii and Maasai people had difficulty transacting business with our people. However, right now, they are interacting freely because of what our two leaders have shown us.

With those remarks, I support.

**Sen. Mwaruma:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity. As other Senators were quoting from the Bible, I was praying silently, but earnestly for God to reveal to me a verse that I can use to describe what is going on. What was revealed to me is from Isaiah 43:19, which says:-

“See, I am doing a new thing. Now it springs up; do you not perceive it? Do you not see it? I am making a new way in the wilderness and stream in the wasteland.”

**Hon. Senators:** Amen!

**Sen. Mwaruma:** Amen! What has happened in Kenya is historic. Kenyans are very optimistic. This is not the first time that we are optimistic in Kenya. In 2002 and 2007 when Hon. Raila Odinga and Hon. Kibaki came together, we were also rated as the most optimistic people in the world.

In 2010 when we promulgated the new Constitution, we were also rated as the most optimistic people in the world. However, all that was lost because of lack of sincerity.

Our politics must be changed. We must seize this opportunity to have a paradigm shift in our politics. Every time we go for elections, there is ethnic balkanization. When can we stop this? When you go to secondary schools and universities, students learn together in the spirit of national unity. If you go to churches, people worship together in the spirit of national unity. Why can we not do it ---

*(Sen. Mwaruma's microphone went off)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Organise your thoughts.

Sen. Nyamunga, proceed.

**Sen. Nyamunga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to add my voice to what my colleagues have raised. This is the first time in history that God has just come down in our land. When we were praying from last year – Christians must have been praying in this land – we have gone through a very difficult time. We did not know that things would end up the way they have. We thank God for that. Above all, we thank our leaders.

Mine is a simple message to the two leaders. Now that they have accepted to start the healing of Kenya, it is very important we get the best in terms of leadership in this country. Issues of corruption, bad governance and other vices in our country, should now be a thing of the past. We want to see very good governance and unity of purpose.

Moving forward, I know it will not be easy or a walk in the park. However, with the help of God and all of us supporting the two leaders, we will make it. We will not sit back and let anything pass for anything. To me, good governance is first and paramount and must be exercised to the best of the ability of the two leaders and we want to see prosperity. When President Kibaki came together with Hon. Raila, we saw prosperity. If

you want to leave a good legacy, it is a matter of practicing, believing in it and going forward together.

**Sen. Seneta:** Mr. Deputy Speaker, Sir, I rise to support the Motion. From the onset, I congratulate his Excellency the President, Hon. Uhuru Muigai Kenyatta and his Excellency the Rt. hon. Raila Odinga.

This is a great moment in Kenya. As young politicians, we want to emulate and learn from them, that there is a time that the interests of the nation are bigger than an individual's. From today, we, as a House, need to come together as representatives of the people from the 47 counties. We need to preach peace and unity to our young people and women who are mostly affected by these divisions in terms of business and politics. We now need to go back and preach to them.

I also urge the country to look into structural and systemic problems that have been dividing us, as a country. I pray to God that we, as a county, move forward.

**Sen. Kihika:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to add my voice and join my colleagues in supporting this Motion.

I congratulate our leaders, the President of the Republic of Kenya, his Excellency the President, Hon. Uhuru Kenyatta and the Rt. hon. Raila Odinga, for the great act that we saw them do last Friday. As we have all witnessed while going around the country, we have seen how much this has gone towards healing what has been a very divided country.

Sometimes we may not want to accept the way things are. This has been a country that is split 50 to 50 per cent which has been bad for the fabric of our country and economic and social development. All sorts of things have not worked well despite a push by many to try and bring it back on track. However, by the decision of the two leaders to come together and by just having that handshake in public, it has gone a long way in healing this country.

As we move forward, I also urge leaders that if we play our role in helping to bring the country together as they have done, then we shall go a long way in healing this country, getting better days ahead and building the bridges after such a bitterly contested time we have gone through in the last few years.

I also support this Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed, Sen. (Prof.) Ekal.

**Sen. (Prof.) Ekal:** Thank you, Mr. Deputy Speaker, Sir, for also giving me time to add my voice to what my colleagues have already spoken. I am one of the few people who spent a lot of time thinking and worrying about Kenya. I have been complaining, talking to myself and to anybody I came close to as to why this happened to us. It was very possible that we were going to split this country into two sections, so, I got worried. I wanted Kenya to remain intact.

I have seen so many ugly things based on parties where I come from. People did not speak to each other, blows have been exchanged, bad words have been used, and some bullets have been fired. There was much division because of the elections of 2017.

As much as this handshake has taken place, my interest and desire is that the two gentlemen and statesmen that have decided to shake hands go ahead and elaborate and explain this issue to the people so that even those from my community understand what the handshake means. With that they will understand, come together and heal those

wounds from the last elections. The masses that are out there do not really understand the meaning of the handshake. If these two leaders take one lap around the country talking to people---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. (Prof.) Ekal! Your time is up.

Proceed, Sen. (Eng.) Mahamud.

**Sen. (Eng.) Mahamud:** Thank you very much, Mr. Deputy Speaker, Sir. The two leaders, President Kenyatta and Rt. Hon. Raila Amollo Odinga have shown that leadership is about action and not positions.

In fact, they have shown that this country can be divided by leaders and also united by leaders. The handshake on Friday 9<sup>th</sup> at Harambee House brought tranquility in this country. I thank them for being that bold and decisive. Without reference to anybody, they came out and made this county peaceful as it is today.

It was said by Martin Luther King Jr., that the ultimate measure of a man is not where he stands in moments of comfort, but where he stands at the time of challenge and controversy. We have had a lot of controversy. In fact, this country was almost dismembered. We were talking about two countries at one stage. We did many things. In fact, our leaders have saved this country. We have done it again for the second time.

After the 2007/2008 Post-election Violence (PEV), when the two leaders then, His Excellency President Kibaki and Rt. Hon. Raila Amollo Odinga shook hands, the country just became peaceful and people's hopes were raised. Now, the hopes of this country are very high.

We at this Senate must support whatever is brought up in that agenda of building bridges for a new Kenyan nation. Let us be prepared and be innovative. It is the right time. A time like this---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you.

Proceed, Sen. Ndwiga.

**Sen. Ndwiga:** Mr. Deputy Speaker, Sir, what happened on Friday is actual revelation of the mystery of God. God works in mysterious ways in the wonders He performs. We have prayed as a nation that we could see this action happen. I hope that this House will seize the moment to look afresh at the Kenyan Constitution.

We want to look at the issues that divide this nation. We want to seriously address what causes these divisions. Every time we have an election, we anticipate and expect that there are going to be ethnic divisions in this country.

Mr. Deputy Speaker, Sir, it is time that this Senate took the lead to look at the Constitution afresh so that we do not relapse into the bad behavior. We need to sanitize our politics. That can only be sanitized through strengthening of institutions. I accept that we need to strengthen the Judiciary and the Parliamentary institution so that people can get the representation that they deserve. We also need to look afresh at the Executive itself and see what needs to be strengthened further in the Constitution.

Finally, I wish to send a word of warning to Kenyans. This is now a new revelation. You do not have to create enemies on behalf of anybody. Those of us who have been attacking one another, particularly the young people in the social media, please, this is a good revelation that---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Ndwiga.

Proceed, Sen. Farhiya.

**Sen. Farhiya:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to support this Motion and congratulate the two great leaders for putting aside their differences and bringing the political temperatures of this country down and giving us a feeling of fresh air in the county. Good politics is good life. Most of the reforms that happened in this county happened when His Excellency Mwai Kibaki and Raila Odinga agreed. An example of those are our Constitution and Vision 2030.

The wealth of this country will grow if our politics is good because economy is about the perception by people. A sense of peace also brings a sense of hope. People will like to invest more. I am on record in this House having said that we should learn from our neighbor Somalia. I repeat – there are children born 25 years ago who have never seen peace. We need to learn from that.

With the current development, I am more than convinced that Vision 2030 is not a dream but it will become a reality. The four big projects will also become real. I am also convinced that we should embark on reforms so that what happens every electioneering year should never happen.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well.

Mover, please, in three or so minutes, reply.

**Sen. Orenge:** Mr. Deputy Speaker, Sir, briefly, I thank all the Members who have contributed to this Motion. The views that have been given form a very good record. The deliberations of this House as usual are in the HANSARD. We can go an extra mile of compiling and making it available to the two leaders, His Excellency Uhuru Kenyatta and His Excellency, Raila Amollo Odinga so that they could get the feeling not only of the support but also the ideas we have contributed to this debate and project that is going on.

The Bible has been quoted a lot here, but in the name of our brothers who are of the Islamic faith, I have found another verse here which is very compelling.

It says:-

“All you who believe, be persistently standing firm in justice as witnesses for Allah.”

This is all about doing justice. I hope that this debate is not going to be derailed by thinking about the 2022 elections. In fact, a lot of those who are now clamouring to be included in the process are not doing so because of the project but their own political objectives which are extraneous to the reason why these two leaders came together.

I am glad to notice that the Deputy President the other day said that we let ourselves discuss the agenda and forget about the politics of 2022. Once we begin to talk about 2022 and to think about those who want to play a role then, this debate will be derailed.

I think President Uhuru Kenyatta and Rt.Hon. Raila Odinga should take charge. There is going to be an appropriate time when everybody will have their say and participation. However, at this point in time let us not get in to the situation in the Democratic Republic of Congo where they said that they should have everybody. They have been talking about elections and democracy for the last 20 years. We do not want to take that amount of time.

In conclusion, speaking in---

I beg to move.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Thank you, Sen. Orengo, and all the Senators who have contributed to this Motion. We have come to the end of debate on this Motion. I would like to say two things:-

One, I determine that this is not a matter concerning counties and therefore we are going to make a voice vote.

Two, in line with what some of you, including the Mover, have said, I would want to communicate to the House that this is not the end of this matter. From here, the Senate will be transmitting the Order Paper, the Resolution and the HANSARD report of this House on this matter to His Excellency the President and the Rt. Hon. Former Prime minister so that they can benefit from the very important input that this House has made. So your contribution has not been in vain.

*(Applause)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senators.

Next order!

We will not be able to transact the business on Order No. 7 today. I, therefore, direct that the statements that were supposed to be requested or issued today be deferred to tomorrow afternoon. They will appear in the Order Paper tomorrow.

## STATEMENTS

STATUS OF THE PHYSICAL DEVELOPMENT PLAN FOR  
SOUTH C ESTATE, NAIROBI COUNTY

MUSHROOMING OF SCHOOLS IN RESIDENTIAL ESTATES IN  
NAIROBI COUNTY

PROVISION OF WATER SERVICES TO KITENGELA TOWNSHIP  
AND ITS ENVIRONS

EFFECTS OF CLIMATE CHANGE ON PASTORALISTS

CONSTRUCTION OF APARTMENT BLOCK ON THE NAIROBI  
RIVER BANK

LICENSING AND CO-ORDINATION OF LIQUOR RELATED LAWS

DEROGATORY SONG AGAINST THE KAMBA COMMUNITY

SEVERE DROUGHT IN ISIOLO COUNTY

REGISTRATION AND PROVISION OF FACILITIES IN PRIMARY AND  
SECONDARY SCHOOLS

DISAPPEARANCE OF PATIENT LEMELOI SHONKO FROM  
COPTIC HOSPITAL

RAID BY ARMED BANDITS IN SUYIAN AREA, SAMBURU  
NORTH CONSTITUENCY

DELAYS IN PROCESSING OF BIRTH CERTIFICATES

ONGOING RECRUITMENT EXERCISE BY KDF

VIOLENCE IN JAMHURI HIGH SCHOOL, NAIROBI

SHOOTING OF RESIDENTS IN LUANDA MARKET,  
VIHIGA COUNTY

COMPENSATION FOR PERSONS AFFECTED BY KETRACO  
HIGH VOLTAGE POWER LINE PROJECT

*(Statements deferred)*

**BILLS**

*Second Reading*

THE ASSUMPTION OF OFFICE OF THE COUNTY  
GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

*(Sen. Wamatangi on 8.03.2017)*

*(Resumption of Debate interrupted on 13.03.2018)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): With regard to that Order, I do not see Sen. Wamatangi who was supposed to reply. So, we defer it.

*(Bill deferred)*

*Second Reading*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL  
(SENATE BILLS NO.11 OF 2017)

*(Bill deferred)*

## MOTIONS

ADOPTION OF REPORT OF THE WOMEN POLITICAL LEADERS  
ANNUAL GLOBAL SUMMIT

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit held in Reyjavik, Iceland from 28<sup>th</sup> -30<sup>th</sup> November, 2017, laid on the Table of the House on Wednesday, 14<sup>th</sup> February, 2018

*(Motion deferred)*

**The Deputy Speaker (Sen. (Prof.) Kindiki):** We will move to Order No. 12. Depending on the progress, the Chair will make determination on whether or not we are able to transact Order No. 13, 14 and 15 at an appropriate time.

Next Order!

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. I appreciate this chance to move this Motion. It is something I consider so passionate and important to me. Being in this House, this is a desire that I have had far too long---

**The Deputy Speaker (Sen. (Prof.) Kindiki):** Order, Senator. You know you have served in this Senate for one and a half terms. This is one term and the last one, half. You start by moving the Motion. After that, you say all the other stories and things.

**Sen. Cheruiyot:** Mr. Deputy Speaker, Sir, I knew I would not escape your wrath. I apologise. Let me do the right thing.

ESTABLISHMENT OF AN *AD-HOC* COMMITTEE TO INQUIRE  
INTO THE CHALLENGES FACING THE TEA SECTOR IN KENYA

Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT, AWARE that Kenya is the third leading producer of black tea in the world accounting for about 10 per cent of the total world tea production;

COGNIZANT that tea contributes four per cent of Kenya's Gross Domestic Product (GDP) and 26 per cent of the country's export earnings;

FURTHER AWARE THAT the tea industry in Kenya supports close to six hundred thousand small scale farmers and provides direct or indirect employment to over two million Kenyans;

REALIZING that despite tea being Kenya's most important cash crop, the Kenyan tea farmers, who are mainly small scale farmers spread over fourteen counties, continue to receive a disproportionate return for the resources and time they put in tea production;

FURTHER ACKNOWLEDGING that the sector continues to face numerous other challenges which require urgent intervention to ensure that this critical sector thrives for the benefit of our economy;

CONCERNED that the current situation, if left unchecked, may lead to the collapse of this critical sector of Kenya's economy and great loss to the nation, investors and the Kenyan taxpayers;

NOW, THEREFORE, the Senate resolves to establish a Select Committee to conduct an inquiry into the challenges facing the tea sector in Kenya and to submit a Report to the Senate within five months, with specific legislative and policy interventions to address the problems facing the tea sector in Kenya;

AND FURTHER that the following Senators be appointed to the Select Committee:-

1. Sen. Irungu Kang'ata;
2. Sen. (Dr.) Christopher Lang'at;
3. Sen. Samson Cherargei;
4. Sen. Cleophas Malalah;
5. Sen. (Prof.) Sam Ongeru, EGH;
6. Sen. Njeru Ndwiga, EGH;
7. Sen. George Khaniri, MGH;
8. Sen. Aaron Cheruiyot; and,
9. Sen. Mercy Chebeni.

*[The Deputy Speaker (Sen. (Prof.) Kindiki) Left the Chair]*

*[The Temporary Speaker (Sen. (Prof.) Kamar in the Chair)]*

Madam Temporary Speaker, I had earlier on made my observation that if we are not careful, tea will then be the next pyrethrum in this country. We all remember that at one particular time, pyrethrum farmers were among the most celebrated agricultural practitioners in this country. Thanks to the mismanagement of the sector and people not speaking out at the right time, that sector collapsed and there are very few farmers. I cannot even recall a county that practices pyrethrum farming as their main stay.

Tea farming has faced the same challenges. Watching the trend in the last 10 years, if we are not careful and if we do not speak up, we are soon going to have a near or total collapse of this extremely important and critical sector, which is the main stay of our economy.

Madam Temporary Speaker, many are the times we attend seminars in hotels with very good headlines and themes. When you listen to the statistics that are given out by the Ministry of Agriculture Livestock and Fisheries and the Kenya Tea Development Association (KTDA); they tell you that tea is now, after tourism, the second leading foreign exchange earner in our country. They will also tell you that, last year, tea earned this country Ksh130 billion worth of Gross domestic product (GDP), which is four per cent of our nation's GDP.

By any ordinary standards, these are rosy and extremely good statistics. Unfortunately, the same does not translate into earnings in the pockets of farmers. Most of these farmers wake up very early, leave everything behind and, on a daily basis, from Monday to Saturday; from very cold mornings up to late in the afternoon, they work and

toil in their tea farms. However, at the end of the year, when these beautiful statistics are being read out, these farmers do not feature anywhere.

Madam Temporary Speaker, when you are given these statistics, one of the things they will not tell you is how much has ended up in the pockets of the tea farmers. It is a known fact that at the end of the day at 5.00 p.m., when the ships are about to dock off, a kilogramme of tea fetches Ksh300. Out of that amount, what ends up in the pocket of the farmer is hardly Ksh60 or Ksh70 per kilogramme at most. What a disproportionate earning distribution! The fact that the person who tills the land, takes care of the plant, plucks the tea and delivers it to the factory gets only 10, 20 or 30 per cent of the earnings at most is appalling. The bulk of the money ends up in between the chain.

Madam Temporary Speaker, I know that there have been questions as to why a Motion to create an *ad-hoc* Committee is being brought at this time. That is why I have taken time to look into parliamentary work that has been done with regards to tea legislation from way back in the Ninth Parliament, when there was some intervention in 2008. I realised that just before that Bill – that had been worked on by a Member of Parliament (MP) – was tabled, the same cartels that we are trying to chase out of this industry organised and ensured that the Ministry of Agriculture, Livestock and Fisheries tabled a Government Bill.

You will remember that under that dispensation back then, it was not possible for an individual or a private Member to sponsor another Bill if the government was already working on a Bill on a particular sector. There died the dream of that good gallant MP, who wanted to bring good legislation.

Madam Temporary Speaker, I also looked at the works of this Senate. I remember that one afternoon during the last Parliament when the former Deputy Speaker and then Senator for Muranga, Hon. Kembi Gitura, moved and placed before this House a very generous report of investigations that had been done. It contained good statistics like the ones that have been placed before us here. Unfortunately, year after the other, earnings from tea do not reach the rightful owners. Therefore, I have sat down, spoken to each and every Member of the Senate who comes from tea growing counties and requested them to allow us to look into this issue.

With utmost and tremendous respect, I want to thank Members of the Committee on Agriculture, Livestock and Fisheries. They also had their own concerns and they told me, ‘Senator, this happens to fall within our mandate’. I have spoken to them individually and shared with them very interesting challenges that they will run into, that I feel the only way this can be addressed is if we went the way of forming an *ad-hoc* Committee. It is my sincere hope that they will allow us the leverage to, within five months, come back before this House and produce legislation and interventions that will reverse this extremely bad trend.

Madam Temporary Speaker, I remember vividly that back in the day in the County I represent in this House – and our neighbors know this too –the French multi-national company, Peugeot, used to have a show room where they would sell brand new vehicles. Every December when farmers were paid their tea dividends, they would walk into that showroom and drive out with brand new vehicles. However today, you cannot find a tea farmer who can afford such luxury. It is unfortunate that we have allowed it to

get to this level. It is my sincere hope that we shall reverse this and place tea farmers where they belong.

Madam Temporary Speaker, our work is cut out for us. There are many things that we will listen to. It is my sincere hope that, together with other Senators whose names we have put forth to serve in this Committee, we shall call these people and get their views on, for example, the KTDA. We have so many questions to ask them. When we test their popularity or otherwise with tea farmers, the answers vary because there are those who feel that you are interfering with something that is already working. This is, however, for fear of a total collapse.

Up to when shall we fear and say that if we touch this institution, tea farmers are going to suffer? Are we not subjecting ourselves to misery and hopelessness? Why do we look at ourselves, as leaders with such a low esteem, and feel that we cannot propose good solutions for this industry?

Madam Temporary Speaker, it will be interesting for you to know that tea is among the most taxed commodities in this country. You will remember that, last week, we were given a response from the Ministry of Agriculture, Livestock and Fisheries. We were told that 32 to 38 tax units go directly to tea farmers, which is really unfortunate. We shall, therefore, request to have audience with the Ministry of Agriculture, Livestock and Fisheries and hear them out on whether we can negotiate and reduce some of these taxes so that we can send more money to farmers. That way, they can begin to enjoy the fruits they have been laboring for all these years.

Madam Temporary Speaker, it is a known fact that if we are not careful – Sen. (Prof.) Ongeru and many other Senators who come from tea growing counties know this – very few people will be planting new crops of tea. In fact, many are the people who are stuck with tea bushes they do not know what to do with. They just retain these crops because they do not have an alternative. However, it is extremely difficult to find a new farmer saying, ‘I want to become an investor in the tea sector’ because of all these challenges.

Multinationals have not been left out as I speak about this. The history is well known and clear that in counties like Kisii, Kericho and Nandi, many of these multinationals are occupying land that they never paid for. Many of these firms are owned by companies that come from our former colonial masters. To date, there is no compensation that goes to the evictees and the people that were pushed away from those firms, so that these multinationals can be set up.

Occasionally, I get invites in my office, the office of the Senator of Kericho County, to the effect that Unilever or George Williamson are opening a classroom in X,Y,Z primary school. Out of the billions that they make and the free land, the only thing they can think about is to set up a small classroom here and there. We must begin to ask ourselves what is it that we can do, as leaders, so that we can speak for our people and get value for money. That is our land. These multinationals did not come with any land from their countries; they found it here. You will be shocked by the taxes they pay to our county governments.

The other day the County Government of Kericho was acquiring a parcel of land from Unilever and they were charged Kshs10 million per acre, yet the land rates that they pay is shocking. It is only Kshs96 per acre, per year. However, when you tell them that

you want to make good use of this land, they will charge you exorbitantly. In fact, I am happy that now we are about to consider the Own-source Revenue Bill, where we will do fresh valuation of this land and so that these multinationals can pay taxes that are commensurate to the value of land that they occupy.

It is my sincere hope that this Committee shall be granted the opportunity. We shall work and come back to this House with a proper report that will ensure that, at the end of it, the tea farmer will smile one more time and people can continue to enjoy their cup of tea knowing that the main people who have toiled for it are getting value for their money.

Madam Temporary Speaker, with those very many remarks, I beg to move and call upon Sen. (Prof.) Ongeru to second.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Very well. Sen. (Prof.) Ongeru, you have the Floor.

**Sen. (Prof.) Ongeru:** Thank you, Madam Temporary Speaker. I stand to add my voice and second this Motion on the Establishment of an *Ad Hoc* Committee to look in to the affairs of tea industry. Such an important and crucial industry has languished in difficulties and frustrations because the returns that a farmer obtains from tea are paltry.

Sen. Aaron Cheruiyot has already enumerated the enormous support that the tea industry contributes to our Gross Domestic Product (GDP). A contribution of 4 per cent of the GDP is not mean. If you look at it as a stand-alone element in the area of the agricultural produce, that contribution goes up to 26 per cent. If you look at the contribution of foreign exchange earnings from the tea industry alone, it goes up to 67 per cent of the earning of the hard foreign cash, which goes to sustain our Central Bank in terms of foreign exchange reserves. Who does that? It is the 600,000 small-scale farmers.

What are the investments? It is only fair at this stage that I declare my interest that I am a tea farmer. Therefore, I should not be judged that I am being punitive because I am a tea farmer.

What are the problems incurred by this small-scale farmer? The small-scale farmer has to till land but the fuel costs have gone up. After planting, it takes two or three years for you to start picking tea. There is also the question of fertilisers. You will also realise that the cost of fertilisers has gone up exponentially. Therefore, the farmer is at the mercy of those who produce fertilisers. Fortunately, a tea crop is not one of those crops that require applying agro-chemicals because it is pesticide free. Therefore, those who enjoy the end product enjoy the fragrance, beauty and aroma of the Kenyan tea. The farmer gets nothing in return.

A farmer can pick tea for two or three years before he prunes to get another established crop. The cost of pruning has also gone up. It used to cost Kshs1 to prune a stem but the cost has gone up in some areas up to Kshs6, Kshs7 or Kshs8. Does a farmer get a corresponding price increase? The answer is no. So, the farmer remains stagnant and a very frustrated person.

Recently they brought some subsidized fertilisers. Sometimes the fertilisers that come are of questionable quality because you apply fertiliser on tea crops and it just dampens the production. You do not get the kind of shootings that you would expect to get. The requirement is that you pick a leaf and a bud but multinational companies use machines that cut everything. Use of machines denies people employment opportunities.

You will agree with me that small-scale farmers employ our young men and women who pick tea. There is also a rise in the amount of salaries. I am making this case because a farmer does not earn much.

The Kenya Tea Development Agency (KTDA) manages 67 factories and they pay about Kshs15 to Kshs17 per a kilo of green tealeaves. Some multinationals pay between Kshs21 and Kshs27 for a kilo but they are fond of promising that “there will be a bonus.” We need to know how the bonus looks like.

Let us look at what the bonus looks like. For example, if you come from Kiiru Factory, there is a sense of high quality tea. Farmers there are paid bonus of between Kshs32 to Kshs35 per kilogramme. Sen. Ndwiga will agree with me. However, for Kisii and Embu counties, the difference is very big. When the KTDA pays bonus, it is in the range of Kshs15 or Kshs20. Sometimes we are lucky to get Kshs35 or Kshs40 per kilogramme depending on which factory your tea was taken to and what kind of quality they maintained.

Madam Temporary Speaker, when you add up the cost of production of green leaves and the daily payments per green leaf from the farmer, it is negative balance. The only thing that he looks forward to is the bonus that is paid in the month of September, October and November. As you have realized, when this bonus is around the corner, all elements who are anti-social flock around the farmers in order to deplete them of their earnings. They will, eventually, be left with nothing and go back to ground zero.

This is a farmer who is contributing to the Gross Domestic Product (GDP) of this nation. This is a small-scale farmer who is creating employment opportunities for everybody. This is a small-scale farmer who is contributing towards the foreign currency reserve in this country. This is a farmer who is providing quality tea to the external market which they enjoy while saying, “Kenyan tea is a good tea.” This is a farmer who gets peanuts.

There is a case for us to argue beyond just picking the green leaves. We must look at value addition; the blending and the packaging of this tea. As Sen. Cheruiyot said, this is a crop that fetches up to Kshs300 or Kshs400 when it is properly blended. This farmer is getting a paltry maximum Kshs27. So, the discrepancy is what we want to look at as *ad hoc* Select Committee and see how best a farmer can earn at least something sensible and credible to sustain him. This crop is sustaining livelihoods of many young farmers.

Madam Temporary Speaker, I strongly root for this *ad hoc* Committee. If I had time I would have gone further to explain the level of frustrations farmers get at the end of the month; like queuing at some of our KTDA factories. The KTDA has created a host of another 10 companies. However, the farmers have no clue whether those companies are making profit or not. He is not aware whether that profit is ploughed back to the factory itself so that he earns an extra cent.

I stand here stating Kisii and Nyamira counties are major tea growers. Therefore, I am advocating on their behalf just as I am advocating on behalf of the rest of the other tea growing counties; that we need to add value to the crop which is so important and is highly ranked in the list of our export industry.

I thank you and take the pleasure to second this Motion.

*(Question proposed)*

**Sen. (Dr.) Milgo:** Thank you Madam Temporary Speaker. I rise to support this Motion because tea, as it has been stated, is a major cash crop that adds to the Gross Domestic Product (GDP) in Kenya. It is unfortunate that there are many challenges that are bedeviling the tea sector.

Since the Eighth or Ninth Parliament, many legislations have been put in place and at this point, we would wish to know what has been happening with those legislations that have been put up yet they have never seen the light of day. There are many pieces of legislations and I want to imagine that with this Committee, we shall establish one legislation that is going to bring a solution to this sector once and for all.

If you look at the tea farmers you will mistake them for actually casual workers. They are actually slaves to whatever they have done with imagination that they are going to make money. When we were going to school in those early days, tea, in this case, was a very reliable crop, but of late, there are a lot of challenges; from the tea collection centres to the factory itself where the tea is being processed; to the transportation and eventually the sale of the tea. This Committee should be able to address---

As a tea growing farmer as Sen. (Prof.) Ongeru has said, I have faced many challenges. When it comes to plucking the tea, the farmers pluck it the whole day. Sometimes, the tea leaves are rejected and thrown out by the clerks at the buying and collection centres because of poor quality. We know that major companies would take any other tea and blend it with the quality tea from our small scale-farmers.

Madam Temporary Speaker, in most countries, our black tea is being used as a raw material to make other teas. Many a times, you go to various places and you are given high quality tea yet those countries do not grow tea. They take our black tea and blend them with other substances to produce a high-quality tea. I am sure this Committee will look into the idea of adding value to the tea so that our farmers can receive their entitlement.

The multinational companies are affecting the farmers. There are many middlemen that are coming up with factories. While somebody was imagining that the price of tea is Kshs27 per kilogramme, these middlemen are now buying at Kshs22 per kilogramme and there is no bonus for the farmers. I am sure these Members are going to look at these issues and come up with recommendations which will solve the problems that are bedeviling the tea subsector once and for all.

Sen. Cheruiyot, I did my research in PhD on what is causing the low prices of tea. So, in the course of your investigations, you can consult me for some addition. Most of the Committee Members are from the tea growing areas and they are also affected. I support them. I am sure that at the end of these five months, they will come up with recommendations to address the challenges facing the tea subsector once and for all.

I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you.

Proceed, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker, for this opportunity. I know the tea subsector is facing a lot of crises at the moment. I am also privileged to be a

Member of this Committee. I want to thank Sen. Cheruiyot for this bold initiative to ensure that we form an *ad hoc* Committee to look at this issue.

I know the cartels in the tea sector are not excited about this, but I believe that this is the way to go. Personally, among other Senators, I come from a county which is a tea growing area, for instance, Aldai, Chesumei, Tinderet and Mosop sub-counties. The entire Nandi County is under tea growing. When you go to Nandi Hills Sub-county where we have multinational companies, the aura, the exuberance and the bubbling economic life in Nandi Hills Town has gone down. This is because of the so many problems that have been derailing the tea sector for quite some time.

There are so many challenges and I want to agree with what most of my colleagues have said. The tea sector is very crucial and one of the interesting things about it is that it is one of the highest revenue earners for the country. However, what small-scale farmers contribute in this earning is not reflected.

Madam Temporary Speaker, I agree that most of the multinational companies have nothing to show in terms of Corporate Social Responsibility (CSR). For example, I have never walked into any primary or secondary school in my country where the multinational companies have assisted in building a classroom. They only assist in building toilets. It is, therefore, very sad that what this country earns through revenues generated from tea farming cannot be reflected on the farmers.

Madam Temporary Speaker, most of the land that these multinational companies have in our counties, they did not buy it, yet there is nothing tangible to show for it. Therefore, this Motion is timely. These companies do not conduct CSR because they do not value anything else within our counties. Most farmers have been subjected to the whims and wishes of these multinational companies. For example, some have tea buying centres somewhere, like in Kapsimotwa, Tinderet and Aldai; but the farmers there have not benefited anything from them.

Madam Temporary Speaker, I am a maize farmer, but most of my family members are tea farmers. Tea farming is not profitable anymore. I agree with what Sen. Aaron said; that we used to have a Peugeot showroom in Eldoret. When farmers got their tea bonuses, they would just walk to the showroom and drive away in brand new cars. However, that is no longer the case. Therefore, I agree that this Motion is timely. I hope that the recommendations of the Committee will ensure that this issue is sorted out.

Madam Temporary Speaker, my two last points are on the issue of employment. There is a crisis, especially in Kericho County, in terms of problems between parent companies and subsidiary companies. This Motion will assist in resolving some of those issues so that farmers can continue farming in a good environment and get value for their work. This will also help us to avoid the crisis we are seeing in Kericho County at the moment, where the parent factory wants to separate itself from the subsidiary factory. Those issues of farming should be resolved.

Finally, Madam Temporary Speaker, there is an aspect in the tea sector, especially from the multinational companies, that is worrying us. When you go to a place like Taito in Nandi sub-county, the multinationals have started a habit of blacklisting most young people, especially in Nandi Hills Sub-county. They do this at the expense of ensuring that they fight off competition in terms of employment and turnover of the tea leaves that they get to their factories. They also blacklist the native communities so that they do not have

answers to provide in terms of CSR. This is a way of intimidating farmers so that they cannot raise questions of quality service and payments, among other things.

Madam Temporary Speaker, I agree that this is the way to go. I hope that this *ad hoc* Committee will come up with recommendations that will ensure that we have far reaching effects that will change the lives of tea farmers, be it in Kericho, Embu, Kisii or any county across the country.

Madam Temporary Speaker, I beg to support.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker, for giving me the chance to add my voice together to those of other hon. Senators. Coming from Turkana County, I am not necessarily a tea grower. However, I want to contribute as a Kenyan. Tea is very important to Kenyan lives.

I lived overseas for many years and can tell you that nothing is as good as a cup of Kenyan tea. We would go out to look for shops that sell Kenyan tea, knowing that it is first class Kenyan tea which is usually sent overseas. We would buy and brew a nice pot of tea, and enjoy it with a lot of relish.

Madam Temporary Speaker, I also passed through Kericho County a number of times as a student on my way to Kisumu County and back. I always admired that 'carpet' of tea from a distance. I always felt I could dwell on it and have a nice time. So, I have had good experience with tea. Therefore, it makes me sad to hear that multinationals are taking advantage of our people and an industry that should be helping our people.

It is a good idea that Sen. Cheruiyot brought this Motion, so that we can tighten loopholes, where multinationals are taking advantage of us. We want our own people to have advantage of what they produce and not people from outside. I know that they make a lot of money by selling that tea overseas. I would buy a kilo of Kenyan tea at so many dollars, and I know that they do not pay our people in dollars. So, they are taking advantage of our own people.

This Committee should, therefore, tighten those loopholes and make this a useful crop for our people to have a decent living from the work they are putting in.

Thank you, Madam Temporary Speaker.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker, for allowing me to also contribute to this important Motion. Most of the issues were mentioned very comprehensively by Sen. (Prof.) Ongeru, and I was so excited. However, I want to add that in spite of the tea sector being the pillar of the economy of this country, the farmer down there is suffering and needs to be rescued.

Most of the small scale farmers in areas like Bomet, Kisii and Kericho counties grow tea on land that could be used to grow food crops. As a result, a number of children from these areas are malnourished. There is a lot of hunger and, perhaps, we also need to come up with another Motion for these people to be supported with relief food. This is because tea farming no longer enables them to buy food, yet they have used all their land to grow tea.

This group of Members who have been proposed for this important mission should find out the issues facing the tea farmers. This is a very important step towards saving the situation. So far, most farmers in Bomet County have stopped picking tea because it is no longer economically viable. Some are even uprooting tea because of these issues. So, this Motion is timely and the Committee should conduct thorough

investigations. Instead of coming up with recommendations, I would recommend that they come up with a Bill that will eventually become a legislation to support the farmers of this country sustainably.

I support.

**Sen. Ndwiga:** Madam Temporary Speaker, I would be happy if I had more time to talk on this hot subject. I believe that if tea farmers hear that I was here today supporting them--- This is because what is happening in the tea sector now is bullish. Those of us who grow tea – and I want to confess that I am a tea grower – can tell you that the pain that goes into growing tea, up to the moment where you get peanuts, is so great that not many people will enjoy that cup of tea.

In fact, not many people who enjoy a cup of tea know what effort we put in to produce tea. It is very sad that in many tea growing areas, there is abject poverty. The areas used to be examples of prosperity in this country. Today, if you visit most of these tea growing areas you will be surprised that poverty has visited those places. It is extremely sad. That is why this Motion is important. It is time this House looked seriously at the real cause of the problems of the tea sector.

Madam Temporary Speaker, previous Parliaments have been looking at the issue of tea. I know that Agriculture Committees, especially the one that I was involved in travelled everywhere with the aim of improving the sector. Even today, so many years later, we still have the same subject on our table. I believe that this time round, we will get to the bottom of the problem of this sector.

Listening to my colleagues who have contributed earlier, it is true that there are myriad problems which affect the tea sector. I want us to be careful. There are those areas where we have Kenya Tea Development Authority (KTDA). Let us look at the small scale holders and KTDA. There are also those other places where we have the big companies that produce and process tea. The problems are different. In areas where we have big companies, the issue is land and what they do with it. In KTDA-managed factories, the myriad of problems are what they are doing with the tea.

We have said time and again that we do not want to visit London and the first thing you see in a supermarket is English breakfast tea. There is not one bush of tea in the whole of Britain, but that is what you find. Why is it that today we cannot get into value addition? I agree with Sen. (Prof.) Onger. Why is it that we are throwing away our produce and giving other people to go and add value out there and our farmers end up with peanuts? These are some of the things that we are going to interrogate seriously this time round so that by the time we are through, our farmers will get what they should be getting.

Madam Temporary Speaker, for those of us who know tea farmers, a woman wakes up in the morning sometimes with their children to go to pick tea. By the time they have delivered the tea, sometimes it is evening and the children cannot concentrate the following day in school. In most of these places, the education standards have also gone down drastically as a result of the standards in this sector not being properly organized.

We want to relook at the entire process of tea from production and the way we process tea in our factories up to marketing. We want to seriously interrogate the marketing the tea.

**The Temporary Speaker** (Sen. (Prof.) Kamar: Sen. Ndwiga, please, hold for a second, please.

I direct under Standing Order 32 (2) that for the convenience of the Senate and the few contributors that would like to contribute, we extend the House for a further seven minutes so that we conclude the debate and the question.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Madam Temporary Speaker, for these few minutes to contribute to this Motion. I had given my undertaking to the distinguished Senator for Kericho when he was mooted the idea, that I would be here to support him. This is because tea production has for a long time been the main contributor to our economy. At one time it was the number one foreign exchange earner sharing from time to time the same slot with tourism and now floriculture and horticulture.

The people who work in the tea sector and the management of the tea industry - as my colleagues before me have said - require a major surgery. This is because we have, on one hand the big corporates like James Finlay who have a seamless flow of management and profits - never mind how they exploit our poor workers - something the Committee will also have to look at. I speak this because whether you go to Kericho, Nandi Hills, Murang'a, Limuru or wherever, in all parts of the country, you find 60-70 per cent of the workers there are from the "Mulembe nation".

I would want to see that everybody involved in the tea industry gets their just returns. Over-taxation is a problem. The other day, we saw a governor waking up in the morning and imposing heavy tax on tea passing through the Port of Mombasa. We need some synchrony in the taxation regime between the national and county governments so that the farmer is not hurt in the process.

Madam Temporary Speaker, more importantly, the cartels that run Kenya Tea Development Agency (KTDA) are the ones that have caused a serious disadvantage and problems to the farmers. There is a group of people who have become a fixture in everything that happens in the tea industry. KTDA is supposed to help the farmer. It is an investment of the farmer.

In the old days, farmers used to earn very good bonuses. You may recall the scandals that are always there when girls from Koinange Street are in Kericho, Nandi Hills or Kapsabet, when bonus is paid in order to 'help the farmers spend their money quickly'.

*(Laughter)*

Now you cannot even talk about bonuses. It is peanuts. My friend Sen. Ndwiga has been in this industry for some time. You find that during campaigns, we kept on getting information that the bonuses paid in some parts of the country are completely different from others. You find that one part of the country is getting almost double what others are getting. This is not right because we do not have any empirical evidence that there is inferior tea from some parts of the country and superior tea from others. Why would KTDA then be paying differentiated bonuses to farmers?

If you are paying a bonus, do so. If depression brings it to Kshs10 or Kshs20, you should pay everybody that. However, it does not make sense to pay a farmer in Kisii County Kshs8 and pay a farmer elsewhere Kshs6 or something like that.

Madam Temporary Speaker, lastly, I encourage the Committee being formed; apart from looking at the troubles bedeviling the industry, the exploitation of the farmers, workers and the lack of value addition that Sen. Ndwiga has talked about, to also address the issue of the expansion of the industry. Since, there are hardly any new factories coming up, of tea.

Madam Temporary Speaker, in Bungoma County where I come from, there was a research that was carried out 20 years ago to build 40 factories in Mt. Elgon. Perhaps those factories would have created employment and stopped these marauding youth from raiding and killing people. Every time they hear you have sold a goat or some bags of potatoes, they come for the money in the evening. If there were tea factories, they would be gainfully employed to do something else so that people can enjoy their hard earned money.

Madam Temporary Speaker, I congratulate my distinguished friend and Senator for Kericho for thinking about the tea farmers and for bringing this Motion. The team he has put in place are all impeccable Senators who come from tea growing areas. I hope they will bisect and dissect these problems seriously and make recommendations that will help the farmers so that we have sanity in this industry.

I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Cheruiyot, you promised you can respond in one and half minutes.

**Sen. Cheruiyot:** Madam Temporary Speaker, I will need less. I have heard the contributions of all the distinguished colleagues that have spoken to this matter. We will take into consideration and live up to the demands and the expectations of our colleagues.

With those remarks, I beg to move.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you Senators, may I now put the question. Hon. Senators, this Motion zeros in on the formation of the Committee. Thus, it is a House keeping matter and has nothing to do with counties and for that reason, we will vote by acclamation.

*(Question put and agreed to)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.37pm. Pursuant to Standing Order 31 (2) and for the convenience of the Senate, I interrupt the business of the Senate. The Senate, therefore, stands adjourned until Thursday, 15<sup>th</sup> March, 2018, at 2.30pm.

The house rose at 6.37 p.m.