

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 9<sup>th</sup> July, 2013**

*The Senate met at the Kenyatta International  
Conference Centre at 2.30 p.m.*

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

### PRAYERS

#### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Ethuro): Order, hon. Senators, we need to determine if we have a quorum.

**The Clerk of the Senate** (Mr. Nyegenye): Mr. Speaker, Sir, we have 21 hon. Senators in the Chamber. We have a quorum.

**The Speaker** (Hon. Ethuro): In that case, let us proceed.

### NOTICE OF MOTION

#### ESTABLISHMENT OF IRRIGATION SCHEMES IN ASAL AREAS

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

THAT, noting with concern that the pastoralist areas in the country which are mostly arid and semi-arid continue to lag behind other areas in development due to persistent drought and livestock diseases that decimate livestock which are the main source of livelihood for those regions; aware that insecurity and lack of opportunities have resulted into unending conflicts over the scarce resources leading to a vicious cycle of poverty and underdevelopment; cognizant of the Government's commitment to invest in and modernize agriculture and open up at least one million acres of new land through irrigation in order to end food insecurity; further noting that the pastoralist regions have vast unutilized land, the Senate calls on the Government to undertake the bulk of the planned irrigation schemes in the pastoralist areas of the country.

## MOTIONS

ESTABLISHMENT OF ONE-STOP PUBLIC  
COMPENSATION CLAIMS BUREAU

THAT, aware that the State and other Government agencies have been the biggest impediment to payment of dues to Kenyans, including retirement benefits, court awards and insurance claims; recognizing that such delays amount to violation of human rights and undue punishment; noting that claimants spend a lot of money and time travelling to Nairobi and other far off destinations pursuing the claims; acknowledging that the purpose of devolution is to take services closer to the people; the Senate urges the National Government to immediately establish a one stop Public Compensation Claims Bureau to enable victims of delays and all future claimants to lodge their claims for immediate verification and subsequent expeditious settlement through the nearest commercial banks and to ensure that legally confirmed dues are settled within six months of the award.

*(Sen. Obure on 3.7.2013 – Morning Sitting)*

*(Resumption of Debate interrupted on 3.7.2013- Morning Sitting)*

**The Speaker** (Hon. Ethuro): Order, hon. Senators! We are at a point of voting on an amendment to this Motion. I wish to refresh the memory of hon. Senators that we will proceed to vote on an amendment that reads as follows:-

“THAT, the Motion be amended by deleting the words appearing immediately after the word “Senate” on the sixth line and inserting the words “hereby establishes a Select Committee which will work on a Bill to establish a one stop public compensation bureau in all counties to process all outstanding claims and ensure claimants are paid within three months of retiring. The Committee should report to the Senate within three months. The members of the Select Committee are:-

1. Sen. Chris Obure
2. Sen. (Dr.) Agnes Zani
3. Sen. Kimani Wamatangi
4. Sen. Fatuma Dullo
5. Sen. Otieno Kajwang
6. Sen. Abdirahman Hassan Ali
7. Sen. Stephen Sang
8. Sen. Beatrice Elachi
9. Sen. (Prof.) Anyang’-Nyong’o
10. Sen. G. G. Kariuki
11. Sen. David Musila

12. Sen. Amos Wako

13. Sen. Naisula Lesuuda”

Hon. Senators, we shall now proceed to the Roll Call Vote. Ring the Division Bell.

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Murkomen?

**Sen. Murkomen:** Mr. Speaker, Sir, I am aware you have made your decision previously on this issue. But is this really a matter that affects counties that requires voting by delegations?

*(Sen. Murkomen consulted Sen. Hassan)*

**The Speaker** (Hon. Ethuro): Hon. Senators, Sen. Murkomen has risen on a point of order requiring to know from the Chair whether this matter affects counties. Even before the Chair could respond to him, he has gone ahead to seek the support of Sen. Omar Hassan of Mombasa County, to purport to answer on behalf of the Chair. That is not possible. The Chair is of the considered opinion that this is a matter affecting counties. What is helping that is if you look at the words being inserted. The Motion as originally is before the proposed amendment would be an ordinary Motion. But the amendment is talking about establishing a select committee which will work on a Bill to establish a one stop public compensation bureau in all counties. That is where the catch is. So, Sen. Murkomen, you have been “caught” by those words. This is a Motion affecting counties. So, we will proceed on the procedure of voting on matters affecting counties.

Ring the Division Bell.

*(The Division Bell was rung)*

Order, hon. Senators! I order that the doors be closed---

**An hon. Senator:** Bars be closed----

**The Speaker** (Hon. Ethuro): Order! Are there any bars? Could we have the names of the Tellers? Senate Majority and Minority leaders, whom are you nominating?

Order, hon. Members! The following are the Tellers for the Ayes: Sen. (Dr.) Agnes Zani; and for the Noes, Sen. Ali Abdi Bule.

Proceed with the voting.

*(Hon. Senators proceeded to vote)*

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. Looking at the constitutional provisions in terms of voting by a county and looking at the Standing Orders, is it allowed that when the head of delegation is around, any other hon. Member of the delegation can vote?

**The Speaker** (Hon. Ethuro): Order, Sen. Murkomen! Which Standing Order are you referring to?

**Sen. Murkomen:** Standing Order No. 68(1).

*(Sen. (Dr.) Khalwale stood up in his place)*

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, without making reference to me, obviously, it is touching on an issue on which I am forced to make a comment. The reason why we have consulted, as a delegation, and agreed that Sen. Kanainza votes is because while the debate was going on last week, I was not in the Senate. So, I am not properly informed to be able to vote. So, I allowed her – because she sat through the Motion – to take a decision and I have put that in writing.

*(Applause)*

Mr. Speaker, Sir, I think it is important that you appreciate that Kakamega is unique; it has got a very capable young woman who can make a very good decision---

*(Laughter)*

**The Speaker** (Hon. Ethuro): Yes, Sen. (Prof.) Kindiki?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, is Sen. (Dr.) Khalwale in order to refer to Sen. Daisy Kanainza as a “young woman?”

*(Laughter)*

*(Loud consultations)*

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Kanainza?

**Sen. Kanainza:** Mr. Speaker, Sir, I am not complaining of being called a young woman; I actually represent the youth!

*(Applause)*

**The Speaker** (Hon. Ethuro): Sen. Kittony.

**Sen. Kittony:** Mr. Speaker, Sir, is it parliamentary language to call her “a young woman,” even if she is representing the youth? I think the proper name should be used in the House.

**The Speaker** (Hon. Ethuro): Sen. Hassan Omar.

**Sen. Hassan:** Mr. Speaker, Sir, as you are trying to establish whether Sen. (Dr.) Khalwale has breached the Constitution or not, may I urge that, that would mean then, that Sen. (Dr.) Khalwale cannot hold public office for breach of the Constitution!

*(Laughter)*

**The Speaker** (Hon. Ethuro): Order! Order, hon. Senators! Let me dispose of the issue of whether Sen. Kanainza is young, she is a woman or a Senator. In my view, what Sen. (Dr.) Khalwale said was actually that in his delegation is another Senator; and he went ahead to describe the kind of Senator we have. So, actually, Sen. (Dr.) Khalwale was qualifying that the Senators in his delegation are young, she also happens to be a woman and also a woman who is a youth. I think for any doubting Thomases, that should rest the matter; now you know how to handle the hon. Senator, who is a Member of the Kakamega Delegation.

Now, let me move on to the more substantive matter raised by Sen. Kipchumba Murkomen on whether any Member of the delegation can vote while the head of the delegation is present. If you look at the Standing Order guiding us there – Standing Order No.68(2) – and the Constitution in Article 123(4)(a), Standing Order 68 reads:-

“On election, all Senators who were registered as voters in a particular county shall collectively constitute a single delegation for purposes of paragraph (2) and the Senator elected under Article 98 (1)(a) of the Constitution shall be the head of the delegation.”

So there, we are defining the delegation and who is the head, according to Article 68(1). So, in Standing Order No.68(2), it says:-

“Except as otherwise provided in the Constitution, in any matter in the Senate affecting counties-

(a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;”

Obviously, the honorable Sen. (Dr.) Khalwale decided that he was not going to take the words in between the commas, because the operational words are “absent” and the word “or.” Now, if you look at the exceptions – assuming that there are exceptions provided in the Constitution – we look at Article 123(4)(a) of the Constitution, which says:-

“Each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;”

Basically, we repeated the same constitutional provision in the Standing Orders for purposes of clarity and to avoid any doubts. So, I am afraid to make the determination; and even before I do so, just check Standing Order No.68(2)(b), which says:-

“the person who votes on behalf of a delegation shall determine whether or not to vote in support of or against the matter after consulting the other members of the delegation;”

Obviously, Sen. (Dr.) Khalwale, in his infinite wisdom, wanted to dispense with the requirement to consult the hon. Member of his delegation who was previously present and wanted to make life easier. Unfortunately, according to Article 98(1)(a), Sen. (Dr.) Khalwale, you are the head of delegation because the people of Kakamega voted for you;

and you must assume the responsibilities of that office, including voting for this particular Motion.

*(Laughter)*

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Kipchumba?

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir, for the correct ruling and for upholding the Constitution.

Mr. Speaker, Sir, is it in your determination that, therefore, the vote that has been cast is a spoilt vote?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I also want to thank you for your ruling. But just thinking about it, at what point was the point of order raised? The point of order was raised after the vote had been cast, and according to the Standing Orders, the Speaker is not aware who is in this Chamber and who is not in this Chamber until his attention is drawn to it. So, since your attention was drawn after the vote had been cast, how does the Chair know that I was in the House at the time the vote was being cast?

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, Members! When he says “there is no way any Senator would have raised a point of order unless the breach was actually realized---” So, there was no way Sen. Kipchumba Murkomen would have stood to anticipate and imagine that you have delegated that authority to another Senator, because the vote was called by the Clerk and somebody rose. It was after that, that the breach took place and Sen. Kipchumba Murkomen, like any other Senator present, had the opportunity to inform the House of that particular breach. So, in terms of the sequencing, I find it correct that it came after the vote had taken place. And since we have not concluded the entire voting process – you even know that by the time we finish the round of all of them, sometimes we ask if there is any other Senator, by any chance, who had not heard his or her name and we usually allow him or her to vote. So, that process was not yet concluded.

I also find that, as requested by Sen. Kipchumba Murkomen, that vote is invalid. But you are not going to lose your chance to vote; I will still allow you to vote on behalf of the people of Kakamega County.

So, I call upon the Clerk to repeat that vote.

*(Hon. Senators proceeded to vote)*

**Sen. Murungi:** On a point of order, Mr. Speaker, Sir. I think that the Senate, being a serious House, should strictly vote in accordance with the Standing Orders of this

House. The relevant Standing Order is No.74 (5) which deals with Roll Call Voting. It reads:-

“When called out, each Senator shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner- “I vote Yes” or “I vote No” or “I abstain” or use appropriate Kenyan sign language.”

Mr. Speaker, Sir, it is grossly out of order for any Senator to say “Yes” or “No.” You stand and say “I vote Yes or I vote No or I abstain.” So, for all those who have said “Yes”, those votes are invalid.

*(Laughter)*

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. Along the same vein raised by the Sen. Kiraitu Murungi, the Senator for Meru, could you kindly also guide this House in terms of those who have voted by saying: “X” County votes Yes or X County votes No?”

**The Speaker** (Hon. Ethuro): Hon. Senators, I could see the Senator for Meru, following the earlier points of order between Sen. Khalwale and Sen. Kipchumba, with more than passing interest. So, when he rose, I could easily tell where he was going.

Hon. Senators, first, I want to agree with him that the proper procedure is the one spelt out in Standing Order No.74 (5), as he has correctly read. But as to whether it amounts to gross misconduct or should lead to invalidation of the vote, I disagree with him. You can also add those other words of “so-and-so on behalf the county,” because there is no harm in demonstrating and making it very plain that you represent a particular county. That is why you are here in the first place and voting is by county. I do not think that the House should be in the business of denying Kenyans the beauty of the English Language or any other language. Indeed, the same Standing Order says that you may even use appropriate sign language. I, therefore, encourage all of us to use “I vote Yes or I vote No.” But those who just said “Yes” and “No”, for all intents and purposes, have already demonstrated their intention to vote either way.

Thank you.

**Sen. Murungi:** Mr. Speaker, Sir, I really do not want to enter into the dangerous territory of arguing with the Speaker, but the word used is “shall.” It says: “When called out each Senator shall---“ So, there is no room for anything else other than following strictly what is in the Standing Order. The word “shall” is mandatory.

**The Speaker** (Hon. Ethuro): The word “shall” is mandatory, but what is mandatory? Is it to say all the words or rise in your place or her place?

In order to allow us to proceed, we will go by the understanding of Sen. Murungi; that all the subsequent Senators, when called out, shall rise in his or her place and declare that “I vote this way or that way.” But the Chair will look into your arguments in a more considered manner for future reference.

*(Hon. Senators proceeded to vote)*

**DIVISION****ROLL CALL VOTING**

*(Question put and the Senate proceeded  
to vote by County Delegations)*

**AYES:** Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Dr.) Kuti, Isiolo County; Sen.(Prof.) Lonyangapuo, Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Munyes, Turkana County; West Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira Count; Sen. Sang, Nandi County; Sen. Wamatangi, Kiambu County and Sen. (Dr.) Zani, Kwale County

**Teller of the Ayes:** Sen. (Dr.) Zani

**Teller of the Noes:** Sen. Bule

**The Speaker** (Hon. Ethuro): Order, Senators! I wish to announce the results of the Roll Call Vote as follows:-

**AYES:** 27

**NOES:** Nil

**ABSENTIONS:** Nil

The Ayes have it and, therefore, the amendment is carried.

*(Question of the amendment carried by 27 votes to 0)*

*(Question that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Speaker** (Hon. Ethuro): For the remainder part of the time of the Motion, you will make your contributions on the amended Motion.

You can now open the doors.

*(The doors were opened)*

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



*(Loud consultations)*

Mr. Speaker, Sir, I need your protection.

**The Speaker** (Hon. Ethuro): Order! Order, Senators! Sen. Khaniri has the Floor. I do not know what is exciting the Members, but whatever it is, you can whisper to your neighbour.

Sen. Khaniri, you have the Floor.

**Sen. Khaniri:** Mr. Speaker, Sir, I rise on a point of order to seek your clarification on two specific issues. On the first issue, I should have risen when my colleagues were rising on points of order during the division. But I fear that will be flouting the same Standing Order that I want to bring to your attention.

Mr. Speaker, Sir, it has been a practice that when we go for Division, the Division Bell is rung, doors are locked and the Bar is drawn. All other business should take a standstill and we embark on voting until we finish. This is contained in S.O. No.77 (4) which states:-

“That during division, Senators shall maintain order in the Senate and shall be in their designated seats and shall remain seated until the result is announced.”

Mr. Speaker, Sir, that has been the practice in all the previous parliaments that I have attended, that once voting is going on, you cannot raise points of orders, you wait until the results are announced or the division is over before you can rise on any issue. Therefore, I want to seek your clarification on this; whether the Members who rose on points of orders were actually in order to do so during division.

The second issue is regarding S.O No.68 (2) (c). I am glad that the amendment has carried the day because we were 27. I know that previously, if we did not attain the magic number of 24, the amendment would have died and yet S.O. No.68 (2) (c) is very clear, that the matter is carried only if it is supported by a majority of all delegations. I am seeking your clarification on why we came up with the magic number of 24 when our S.O. No.68 (2) (c) is very clear that the matter is carried only if it is supported by a majority of the delegations.

I want to believe that this is prerequisite because if you insist on 24, then we should not take the vote unless we have 24 delegations present in the House, but I have seen us take a vote when we have less than 24 delegations and the Motions fail.

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Wangari?

**Sen. Wangari:** Maybe on a further point of order to Sen. Khaniri's. Is Makueni Delegation still counted as a delegation? Maybe you could give guidance. Do we still hold 24 when we do not have one Senator from Makueni?

**Hon. Senators:** Good question!

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Khaniri to attempt to imagine that the decision is made by just half of the delegation present when the Constitution is very clear in Article 123(4) (c) that the matter is carried only if it is supported by a majority of all the delegations?

**The Speaker** (Hon. Ethuro): Could you, please, repeat?

**Sen. Murkomen:** I was just wondering whether it is in order for Sen. Khaniri to try to circumvent a constitutional provision which already says in Article 123(4) (c) that the matter is carried only if it is supported by a majority of all the delegations. I think my colleague is not in order because majority of all delegations means 24. Regarding the issue raised by Sen. Wangari, I think it is very important and we are waiting for your ruling as to whether 24 or 23 is the magic number.

**The Speaker** (Hon. Ethuro): Order, Senators! I think this afternoon the House is in a very foul mood, but it is good. It means that Senators are ready to debate and interrogate our own procedures and whether they are helpful or otherwise.

I want to dispose points of orders as raised. Let me start with the first one by the Senator from Vihiga, Sen. Khaniri, regarding S.O. 68(2) (c). This was your second point but I will take it as a first because it is fairly straight forward. The matter is carried only if it is supported by a majority of all the delegations. The writing is quite plain; “all” and “the delegations”, whether complete or otherwise for the Senate, total number of delegations is 47. So, that should give you the number, “all”. In terms of majority, the majority is the simple majority of 50+1. So, if you divide 47 by two, it should give you 23.5. Since delegations are human beings, we cannot have a 0.5. So, we round it to the nearest whole number. That is where the magic number of 24 is derived from. I thought from the Motions we have voted so far, that is the magic number that is no longer magical in the Senate. All you need for your business to proceed is 24 and above. That is the procedure. Even in your own committees, vacancies arising from a committee or the House should not invalidate the proceedings of your business. That is an understood procedure.

The second one is where you may have issues. That is S.O. No.77(4); which states:-

“That during division, Senators shall maintain order in the Senate and shall be in their designated seats and shall remain seated until the result is announced.”

So, when you rise on a point of order, you have not remained in your designated seat and you have not remained seated. You have actually moved from your seat to the Dispatch Box. So, you may have a point there but that is also mitigated on the need. What do you do? Will the Senators just sit if there is a breach of voting like in the case of Kakamega Delegation, if there are requirements for consultation, requirement of that delegation being present and so on? The Constitution determines that for another member of the delegation to vote, the head of the delegation must be absent. Now that is a matter that can affect the outcome of a vote. For the House to continue voting on a Motion as if that kind of breach has not taken place will also be a bit difficult. So, I am saying here that you have raised some fundamental issues but also in the practicality, and I have given that one particular example, the considered opinion of the Chair is that any breach of the procedure must be handled at that particular time. As long as the moving from your seat to another place is not causing serious disruptions to the division, because I do not think that was the intention of the Senators who raise points of order, they just wanted to clarify the matter before they proceed. I can see that you have some point here which the Chair will be looking at in greater depth but for purposes of procedures so far, I do not

think we have done anything that is not proper. Of course, the knowledge of the Constitution does not make Sen. Kipchumba also be the prefect of the House. The points of orders raised by Sen. Khaniri were directed to the Chair, so for Sen. Kipchumba to come and purport to be responding--- You can aid the Chair in terms of determination but you cannot start dismissing which point of order is proper and which one is not. That is my job, Sen. Kipchumba.

*(Laughter)*

Regarding the matter raised by Sen. Wangari, it is also a valid point but it does not invalidate our proceedings again on the basis that a vacancy arises. That should not affect the issues at hand. In this particular case, we have exceeded that threshold of 24. As long as you have 24 and more, then you are safe, irrespective of how many vacancies exist. In fact, you can have a balance of the 23 positions being vacant but you will still proceed with business as long as you attain 24. Thank you.

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

**The Speaker** (Hon. Ethuro): Let me take her first just in case it is following from the communication. But again, as advised by the Senator from Meru, you do not want to engage yourself in dangerous arguments with the Chair.

**Sen. Wangari:** Mr. Speaker, Sir, I want to say the same thing. I do not want to engage in the dangerous waters of debating with the Speaker but I would ask the same thing on your ruling, and I thank you for the same, not only applying to this Motion before the House but generally because 24 was not an arbitrary figure. It was actually calculated from a formula. Does it then mean that when we are 46, the 24 is still upheld? Does it mean that when something happens and we are 45, that the same 24 is upheld?

**Hon. Senators:** Yes!

**Sen. Wangari:** It is not arbitrary---

*(Loud consultations)*

Protect me, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Order, Senators! Sen. Wangari has the Floor.

**Sen. (Eng.) Muriuki:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Before I take the rest, I can see the point of order by Sen. Wangari's has elicited a lot of response. But let us take one from Sen. (Eng.) Muriuki.

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, in your ruling on the issues raised by Sen. Khaniri, I thought there was a fundamental issue he raised which you did not address. I think it has come up again and again in this House but it has never been addressed. Here we are about to vote on a matter which affects counties and, therefore, it is a division situation. The way we have known Parliament for many years, where the voting margin involves a certain number, then the House must make sure that it has that quorum before proceeding with the vote. So, I think Sen. Khaniri's point was that, if we have 20 delegations in the House, we must have a way of determining how many delegations, and

therefore, we know this Motion is going to be lost, not because the Senate does not support it, but we do not have the numbers. Then what do we do? Should we not, therefore, make sure that the numbers are there before we take the vote?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I think the issue raised by Sen. Wangari is so important that you should give it greater thought because voting takes place not in the chapters and paragraphs of the Constitution, but it takes place in the Senate. So, the delegations referred to are the delegations which are in this House. Delegations in this House are determined at the end of a general election and at the end of a general election, there are 47 delegations. So, if there is no delegation from Makeni, there might be need for you to make it abundantly clear whether the operative magic figure will now for that reason be 23 or 24. My last point is that I am glad you have said that you are going to think further on the point of order raised by Sen. Khaniri.

Mr. Speaker, Sir, it is important that you think about what Sen. Khaniri has said, because if you just leave it, then what happens, if while we are voting, a fire breaks out and you are not noticing or a Senator starts brandishing a dangerous weapon to other Senators. Surely, another Senator should draw your attention to the fact that there is something out of order. Otherwise, we shall sit there and a man will kill another one or a woman kills another one. These things happen!

**Sen. Orendo:** On a point of information, Mr. Speaker, Sir.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I would like Sen. Orendo to inform me of something.

**The Speaker** (Hon. Ethuro): Order! Sen. Orendo is at liberty to stand on a point of order to give us information, but he cannot inform Sen. (Dr.) Khalwale who was on a point of order. The whole purpose of the point of order is to address some mischief. I think he has raised some important considerations which the Chair will definitely put into account when considering the matter. You have not actually put it to its limits in terms of if the Senators remained seated and those kinds of scenarios arise, it would be illogical to continue in that seating arrangement.

**Sen. Orendo:** On a point of order, Mr. Speaker, Sir. I thought Sen. (Dr.) Khalwale had become the Speaker. I just rose when he called me, which was highly out of order. I rise on a point of order to give information. Indeed it is true that in the Parliament of South Africa, a Prime Minister was killed in the Chamber of the House of Parliament when one of the orderlies took a knife and actually stabbed the Prime Minister in the Chamber and he died.

**An hon. Senator:** Was it not in the corridors?

**Sen. Orendo:** No, it was in the Chamber.

**Sen. Haji:** On a point of order, Mr. Speaker, Sir. With great respect to Sen. Orendo, I think he is not older than me and I do not expect his memory to evaporate. I would like to inform him that that gentleman was killed in front of the Parliament and not inside the Chamber.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. If we may use a walk into history to reinforce what Sen. Orendo is saying, then if you are nullifying the situation in South Africa, maybe the House would like to know that the current way of making the Budget in the House of Commons arose because the Secretary of the

Exchequer was killed in the House of Commons because of the adversarial process. So, it has got precedence.

**The Speaker** (Hon. Ethuro): Hon. Senators, while the Chair appreciates the resourcefulness of the Senators and all that information, I do not think we should really continue engaging in this course. I just want to dispose of a few issues. Sen. (Eng.) Muriuki raised the issue about determination of the requisite numbers before the vote is taken. He made reference to the previous practice. My recollection is that, that was done at that time because that Constitution required that before you vote, especially on a constitutional amendment, you needed to determine that you had the requisite number. Now the current Constitution does not have that provision. So, we cannot do so. What I have seen Senators do is that they do their own sale policy by looking at the members present and determining whether that number can reach the magic number. For example, last week you saw a request to defer the voting by about 30 minutes. Previously, you have seen voting on Motions being deferred to the following day or even another week. That is really for the Senators to determine. But in terms of where I sit, that is not for us to determine. The only determination I have is that at the beginning of the sitting, we must determine that we have the requisite quorum. That one, we always do faithfully, just as I do the prayer.

The one of Sen. (Dr.) Khalwale, Sen. Orengo and Sen. Haji, the details are really immaterial here. I think the most important thing is the points being raised in terms of observing that particular Standing Order. So, that will be very useful information for your Chair to make a more substantive consideration of this particular Standing Order.

I really want to thank Sen. Khaniri for being quite extra vigilant in the way we enforce some of these things. Although as he said, he would easily have suffered the same fate because he also raised the same issues once we had concluded with the divisions. But issues are more important than maybe the form.

Let us proceed to the Motion. Sen. Wangari, do you want to contribute?

**Sen. Wangari:** Mr. Speaker, Sir, I would really like a clarification on the issue I had raised earlier on the magic number 24 going forward. Does it still hold or do we change the numbers as the numbers in the House change?

**The Speaker** (Hon. Ethuro): It is true I did not touch that one because I thought I had really explained in my previous response that the language in the Standing Orders as well as the Constitution talks of all delegations. Notwithstanding the flowery language used by the Sen. (Dr.) Khalwale in terms of the Senate, paragraphs and phrases, the paragraphs and phrases have already determined that there will be 47 delegations. The reality on the ground is that even a vacancy in one of the 47 should be a temporary vacancy. The Constitution should not have contemplated a situation where we would have a permanent vacancy. So, you would treat that vacancy as transitory. It is not something that would be a permanent feature to the extent that you want another reformulation of that original formula. So, I think on the basis of that, and that vacancies need to be filled in reasonable time, that ruling remains.

**Sen. Khaniri:** Mr. Speaker, Sir, I know it is normally difficult to get the magical number and I think it is the feeling of Members that before people walk out, we dispose of this Motion and vote on it now. Therefore, I will be very brief.

I want to thank you for the opportunity and I feel heavily indebted to my good brother Sen. Obure of Kisii for bringing this very important Motion to this House.

A Motion to establish this Bureau is long overdue, and I want to thank him for bringing it at this stage. I have seen over the years that I have been a public servant, so many people suffer in the name of chasing their benefits in Nairobi. As a Member of Parliament, I have received so many cases of people following up their pensions with the Pensions Department, and I want to say that this is going to be a solution to this. We have seen numerous Parliamentary Questions on why so-and-so has not been paid since their retirement. It is very shameful for a country to subject their senior citizens to that kind of treatment. These are people who have dedicated most of their lives serving the nation; then they spend the rest of their lives after retirement chasing for their benefits. This Motion is the solution. I want to ask the Committee on Implementation to ensure that once we pass this Motion, the implementation is done to the letter. I know in the Ninth or Tenth Parliament, Sen. Musila brought a Motion and subsequently a Bill similar to this in the Parliament and the Bill went through. But even after we passed the Bill, I have seen so many people still suffering; they do not get their dues in the three months that were prescribed in the Bill. Therefore I want to urge the Senate Committee on Implementation to ensure that this is implemented to the letter.

I beg to support.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. Where I had been seating, I felt the mood of the House which is that we have to vote for this Motion. The Mover should be called upon to reply. We are in a voting mood.

**Hon. Senators:** Call upon the Mover to reply.

**The Speaker** (Hon. Ethuro): Order! Order! Sen. Omar Hassan, you need to come over and do it properly.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. Considering the mood of the House, could I request that the Mover be called upon to reply?

**The Speaker** (Hon. Ethuro): Order, hon. Sen. Omar! I know that you are appreciating the procedures and that is why you are excited. Unfortunately, the Chair is of the view that this is a timed Motion where we passed a resolution to govern it. That procedure only works where we have unlimited time in terms of reports or Bills. So, if you are all satisfied, the only recourse you have is that nobody shows any interest in contributing so that the Motion just dies on its own. `

**Hon. Senators:** But that is the mood of the House and nobody is willing to contribute!

**The Speaker** (Hon. Ethuro): Order, hon. Members! You cannot force the Mover to reply. The Mover has an entitlement to reply. So, now that no Senator is interested in contributing further to the Motion, I will call upon the Mover to reply.

(Applause)

**Sen. Obure:** Thank you very much, Mr. Speaker, Sir. I want to thank hon. Senators for the interest and support they have given to this Motion. I really look forward

to a day when we will establish these bureaus in each county to provide relief to many people who have experienced difficulties in getting their entitlements.

I beg to move.

*(Applause)*

**The Speaker** (Hon. Ethuro): Order, hon. Members! I will now put the question but would like to remind you that this is a Motion affecting counties since we carried the amendment. The Motion we will be voting on reads as follows.

THAT, aware that the State and other Government agencies have been the biggest impediment to payment of dues to Kenyans, including retirement benefits, court awards and insurance claims; recognizing that such delays amount to violation of human rights and undue punishment; noting that claimants spend a lot of money and time travelling to Nairobi and other far off destinations pursuing the claims; acknowledging that the purpose of devolution is to take services closer to the people; the Senate hereby establishes a Select Committee which will work on a Bill to establish a one-stop public compensation bureau in all counties to process all outstanding claims and ensure that claimants are paid within three months of retiring. The Committee should report to the Senate within three months. The Members of the Select Committee are:-

1. Sen. Chris Obure
2. Sen. (Dr.) Agnes Zani
3. Sen. Kimani Wamatangi
4. Sen. Fatuma Dullo
5. Sen. Otieno Kajwang
6. Sen. Abdirahman Hassan Ali
7. Sen. Stephen Sang
8. Sen. Beatrice Elachi
9. Sen. (Prof.) Anyang'-Nyong'o
10. Sen. G. G. Kariuki
11. Sen. David Musila

Sen. Amos Wako; and,

Sen. Naisula Lesuuda.

We will now go to roll call voting. I now order that the Division Bell be rung.

*(The Division Bell was rung)*

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

*[The Deputy Speaker (Sen. Kembi-Gitura) took the Chair]*

## DIVISION

## ROLL CALL VOTING

*(Question of the Motion as amended put and the Senate proceeded to vote by County Delegations)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order?

**Sen. Hassan:** Mr. Speaker, Sir, the other day, we set a new standard that everybody just says “I vote yes as per the Standing Orders.” Can Sen. Kajwang, please, repeat it?

*(Laughter)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Actually, I was not in the House because I had gone to court to follow the proceedings of the Court, but I have had occasion to watch the proceedings on television from my office and I want to believe that the Speaker did make a ruling. I think it is important that we observe protocol so that the dignity of this House can be upheld. I heard the Speaker rule that every Member shall rise in their position and say “I vote yes” or “I vote no” or “I abstain.” I think it is important; it is easy and direct.

So, Sen. Kajwang, please?

**Sen. Kajwang:** On behalf of Homa Bay---

*(Laughter)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kajwang, actually, with a lot of respect to you, I think this is a small yet a big matter because if you look at the Standing Orders, we are voting as a delegation. If you vote “yes” and you have a delegation from Homa Bay, it is assumed that you have discussed and you have agreed. So, the Standing Orders direct that all you need to say is “I vote yes.” It will be assumed that the delegation that you lead is with you and that they have agreed that you vote yes.

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, I don’t quite understand the ruling. As a matter of fact, I am already being accused of being repetitive.

*(Loud consultations)*

*(Hon. Senators continued voting)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order Members!

**AYES:** Sen. (Prof.) Anyang’-Nyong’o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. G. G. Kariuki, Laikipia County; Sen. Kajwang, Homa Bay



County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Dr.) Kuti, Isiolo County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen.(Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Mungai, Nakuru County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County, Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orengo, Siaya County and Sen. Sang, Nandi County.

**AYES:** 31

**Tellers of the Ayes:** Sen. (Dr.) Zani

**NOES:** Nil

**Teller of the Noes:** Sen. Kanainza

**ABSENTION:** Nil

**The Deputy Speaker** (Sen. Kembi-Gitura): The Motion is, therefore, carried.

*(Applause)*

*(Question carried by 31 votes to 0)*

*Resolved accordingly:-*

THAT, aware that the State and other Government agencies have been the biggest impediment to payment of dues to Kenyans, including retirement benefits, court awards and insurance claims; recognizing that such delays amount to violation of human rights and undue punishment; noting that claimants spend a lot of money and time travelling to Nairobi and other far off destinations pursuing the claims; acknowledging that the purpose of devolution is to take services closer to the people; the Senate hereby establishes a Select Committee which will work on a Bill to establish a one-stop public compensation bureau in all counties to process all outstanding claims and ensure that claimants are paid within three months of retiring. The Committee should report to the Senate within three months. The Members of the Select Committee are:-

1. Sen. Chris Obure
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10. Sen. G. G. Kariuki

11. Sen. David Musila

**The Deputy Speaker** (Sen. Kembi-Gitura): Unlock the doors so that we can go to the next Order.

Next Order.

RESTORATION OF KENYA'S COMPETITIVENESS THROUGH  
EXPANSION AND MODERNIZATION OF INFRASTRUCTURE

THAT, acknowledging that a key pillar of Kenya's economy includes the provision of an outlet to the sea for many landlocked countries; recognizing that most of these countries are forced to rely on the extremely inefficient port of Mombasa and Kenya's poor road and rail systems for lack of an alternative; deeply concerned that several countries in the sub-region are seeking alternative routes to the sea for export and import of their goods; noting that our railways network has literally collapsed leading to heavy road traffic congestion, rapid wear and tear and increase in accidents on our roads as bulk of cargo is transported by road; the Senate resolves that the National Government prioritizes the restoration of Kenya's competitiveness through the expansion and modernization of the Port of Mombasa, the overhaul of the Kenya-Uganda Railway to a modern standard gauge line, and commences the construction of the Lamu Port-South Sudan – Ethiopia Transport (LAPSSET) Corridor project and eliminates corruption in the sector.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise on a point of order just to request the Chair to clarify something which is not too clear to me. As I rise on this, I want to make it abundantly clear to Sen. Emma Mbura that mine is simply a question of procedure and I am not against her Motion at all.

Mr. Deputy Speaker, Sir, if you look at this Motion, it is saying that:-  
“the Senate resolves that the National Government---”

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Order, hon. Senator! I think there is a small misunderstanding that needs clarification. My understanding was that we are moving on to Order No.10 immediately; that is why I had asked the Clerk to call the next Order because I believe it has been agreed between the Speaker's Office and the Senator moving this Motion, Sen. Emma Mbura, that Motion No.9 comes in, not today, for reasons that have been explained. So, I want to save you, Sen. (Dr.) Khalwale, so that you can then move it at the appropriate time. But then the Clerk has to call the correct Motion, which is Order No.10.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I have no problem with your ruling, but I was rising to address the issue of admissibility and validity of the Motion.

Mr. Deputy Speaker, Sir, probably if you could hear me out, it might be possible that, then, we would save the House---

*(Loud consultations)*

**An hon. Senator:** But it is not before the House!

**Sen. (Dr.) Khalwale:** I am on a point of order; you will have your time.

It might save the House the trouble of having this Motion listed at all. So, if you allow me---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! The only point I want to make is this; that apart from the fact that it was called – and I dare say erroneously, because it was not supposed to be called – it is not before the House. If my ruling is correct – that we should move to Order No.10 – then we are not there yet and there is nothing for you to talk on at the moment.

**Sen. Murkomen:** On a point of order, Mr. Deputy Speaker, Sir. I agree with your ruling, but understood it to mean that the Motion has been shelved until another day. However, the point of order from Sen. Khalwale and I, if you were to hear us, it should not even come another day.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is not within my competence. If a Motion has been approved, it becomes the property of the House. Therefore, you can only argue about it once it is in the House. That is the position. So, the Motion will still come at a later date and the Members will be at liberty to bring their points of order, primary objections or whatever it is, that they want to bring at that point. But at the moment, it is not before the House.

*(Motion deferred)*

Next Order.

#### ESTABLISHMENT OF IRRIGATION SCHEMES IN ASAL AREAS

**Sen. Haji:** Mr. Deputy Speaker, Sir, the Motion for which I have given notice this afternoon intends to address the blunder which was made by Sessional Paper No.10 of 1965. The development of this country was skewed towards certain areas which were considered to be productive, against the marginalized areas which were considered less productive.

Mr. Deputy Speaker, Sir, it is also a result of the persistent insecurity which has been going on in most of these marginalized areas. There is also lack of employment and other means of livelihood in these areas. As we all know, most of those areas depend on livestock. These livestock have been affected for quite sometimes.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, hon. Senator! My understanding of the procedure is that you need to move the Motion by reading out the terms first and then proceed with your remarks.

**Sen. Haji:** Mr. Deputy Speaker, Sir, I am sorry for the oversight.

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

THAT, noting with concern that the pastoralist areas in the country which are mostly arid and semi-arid continue to lag behind other areas in development due to persistent drought and livestock diseases that decimate livestock which are the main source of livelihood for those regions; aware that insecurity and lack of opportunities have resulted into unending conflicts over the scarce resources leading to a vicious cycle of poverty and underdevelopment; cognizant of the Government's commitment to invest in and modernize agriculture and open up at least one million acres of new land through irrigation in order to end food insecurity; further noting that the pastoralist regions have vast unutilized land; the Senate calls on the Government to undertake the bulk of the planned irrigation schemes in the pastoralist areas of the country.

Mr. Deputy Speaker, Sir, I will not go back to what I have already said. It will be part of my contribution.

Mr. Deputy Speaker, Sir, the other serious issue which leads us to move this Motion is that it will be recalled that at Independence, the White Highlands and many other agricultural lands in this country were bought by the Kenya Government with the assistance of the British Government. We also know that the money utilized in purchasing those lands was raised from taxes paid by all Kenyans. However, there is not a single settlement scheme where people have been settled in those areas I have mentioned. We feel very strongly that now that the Government has decided to undertake major irrigation schemes, it will compensate the people of those areas, by undertaking irrigation schemes in those areas.

Mr. Deputy Speaker, Sir, there is no reason whatsoever for this country to talk about unemployment, continue giving people famine relief supplies and importing rice or other commodities that can be grown by us here. We know that there is not sufficient land in the original White Highlands and other parts of this country because of the population. Since Independence, there are many people in those areas. Land has been subdivided into small acreage hence making it impossible for farmers to produce enough food. There is no reason also to claim that there is no water in those areas. This is because if you go to Garissa there is the Tana River which flows 300 kilometres down to the sea. However, there is not a single irrigation scheme other than very little irrigation which is being undertaken by individual farmers who cannot even produce enough food to sell because of lack of resources. They only produce food for consumption.

Mr. Deputy Speaker, Sir, similarly, if you go to other parts of this country, for example, Lake Baringo, there is a lot of water. Irrigation can be undertaken in that area and a lot of food produced. If you go to Dawa River in Mandera, farmers are just "scratching" the land along the river because they do not have enough resources to take

the water out and irrigate more land. There is possibility of producing food and even have surplus to export to other countries in the world.

Mr. Deputy Speaker, Sir, experience has shown that areas worse than the ones that I have mentioned are producing enough food. For example, Jordan River is shared by three countries. But Israel produces a lot of oranges and other fruits using water from that river. I have been to Saudi Arabia which is a desert and mountainous. They have irrigation. They are producing wheat besides other foods. They sell that same wheat to Kenya, which has better land than many parts of world.

Mr. Deputy Speaker, Sir, all that we need to do is to organize our farmers and young people, so that when irrigation is undertaken in those areas, they may access some sort of employment. This is because they cannot continue looking after herds of cattle and camel after spending eight years in primary school, four years in secondary school and maybe another four years in university. These young Kenyans can be organized into co-operative societies, so that they can do farming in those lands, produce food and also get employment and gainful means of living.

Mr. Deputy Speaker, Sir, I really want to urge the Government that the bulk of the one million acres they envisage to irrigate be done in those areas because nobody will be displaced there. If we decide to do this in other parts of this country, we will have to displace some farmers. You have to interfere with the livelihoods of other people. But 67 per cent of the landmass of this country is in the Arid and Semi-Arid Lands (ASALs). Therefore, the Government will not spend any money to acquire land.

Mr. Deputy Speaker, Sir, water is not a problem in those areas. Uaso Nyiro River runs from Nyandarua (Thomson Falls) up to Meru and then goes to Wajir, Mandera and Isiolo. There was a technical research which was done in those areas. It was found that these areas have a lot of underground water. That is why in Wajir you can get water within a depth of 20 metres. If that water could be used to irrigate this vast land, I am sure that the issue of hunger will be behind our backs. There will be no need for the Government to continue spending money on giving people famine relief. Famine relief is killing the initiative of the people. Instead of them looking for other means of livelihood, they wait in towns with tins to be given five kilogrammes of maize and two kilogrammes of beans. I think that we are killing the morale of our people. The only way that we can restore it among Kenyans all over and not just in marginalized areas, is by engaging them fully. If you go to Nyanza, Rift Valley, Central, Nairobi and Coast, there are highly educated young people. Recently, I went to Aga Khan Hospital to see a patient and was stopped by a young man who told me that he has got a Masters Degree in Communication. But for the last five years, he has not been able to get any job. Whenever he applies for a job, he is asked how many years he has worked. He is also asked whether he has a driving licence. A driving licence is now becoming one of the qualifications even to get employment. How can somebody get a driving licence when he has nothing to eat?

Mr. Deputy Speaker, Sir, under the manifesto of the Jubilee Government - and I think that it was also in the manifesto of the CORD - they promised that if they came into power, irrigation schemes would be undertaken, in order to create employment and also food security.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move and ask Sen. Hargura to second the Motion.

**Sen. Hargura:** Mr. Deputy Speaker, Sir, I rise to second this Motion. This Motion has come at the right time to alleviate the suffering of people who occupy more than two-thirds of this country. The arid and semi-arid parts of this country cover more than two-thirds of the country while more than a quarter of the population live in those areas, but due to the climatic conditions, they practice pastoralism, that is, they keep livestock which is mainly the free range pastoralism. In recent times due to climatic change, that has become an unsustainable means of livelihood. As we know, these frequent, erratic droughts and long spells of drought have decimated their only means of livelihoods, that is, livestock. It is very common that every four or five years, we are faced with the same situation of drought. We know the kind of pictures that fill our televisions, for example, the case of hunger in Turkana, which has become something common. These people survive on livestock and the kind of climate change they experience does not support that kind of livelihood. The Government has to think of an alternative sustainable livelihood for its people. That is why I welcome this idea of irrigation and I support the Mover of the Motion because it qualifies or talks of the need of targeting those already affected areas.

Mr. Deputy Speaker, Sir, we know very well that with irrigation, the productivity of these areas will be enhanced and the livelihoods of the occupants will also be enhanced. It will be the more sustainable way out of the current problems they are facing of cycles of drought. Even the normal rain-fed agriculture which we practice, is also being affected by the climate change. So, in all areas, irrigation should be the sustainable way of food production. We now have to concentrate on those who are being hit very much by this climatic changes.

As the Mover has stated, due to these erratic climate situations, people have been losing their animals frequently. When it rains, it becomes insecure because those who have lost their animals have to go and raid those with animals to get other animals to start with. That is why insecurity is never out of those areas. As a way of solving that insecurity and enhancing the livelihood of these people and increasing their productivity, there is need to urgently implement this promise of a million hectares of land under irrigation.

Since Independence, there was that bias against those areas because the sessional paper referred to by the Mover talked of concentrating on high productivity areas. Since it was considered that the crop agriculture of the rain-fed system is the one which is in high productivity areas, that was what was concentrated on. We know very well that the Government had started some irrigation schemes which were not *per se* in arid and semi-arid areas, for example, we had the six schemes established in 1966. These were Mwea, Bunyala, West Kano, Ahero, Bura and Perkerra Schemes. The national irrigation board did not cover the potential areas even with these schemes. Even without going to the arid areas, there were 54,000 hectares which had a potential for irrigation. However, these schemes cover only 4,000 hectares and there has been no addition since then. So, the Government needs to wake up and make use of its land and improve the livelihood of its people.

Currently, there are even better ways of doing irrigation. We have been relying on the open canal system, but the drip irrigation system is what is being used. One will argue that if you take irrigation to the arid areas and due to evaporation rates, there will be loss of water and it will not be cost effective. But now we have drip irrigation. Currently, Israel is using drip irrigation for crop production. Israel is 60 per cent desert. They use ground water to do irrigation. They export food to Europe during winter. The other country is Egypt. It is also a desert country which relies only on the River Nile. It is food sufficient and it is exporting. We know very well that our Gross Domestic Product (GDP) is contributed by agriculture. If you look at the GDPs of these two countries; Israel has a GDP of US\$31,000 while Egypt has a GDP of US\$5,200 while Kenya has only a GDP of US\$250 per capita.

We are only using a third of our country. So, if we can use the two-thirds which is arid and semi-arid, we have a very big potential of improving our GDP and our livelihood. My first target is the people. Mine is to call upon the Government to speed up the process. We are also used to Government promises. So, I will not be surprised after five years, we will still be doing piloting and will have not implemented any of those one million hectares. Mine is to urge the Government to make good its promise to implement the one million hectares promise and start with the arid areas because the terrains are generally flat. It is easier doing irrigation in those flat areas. It will not be costly because you will not need to pump water. Most of it will be done by gravity flow.

Mine is to second the Motion, thank the Mover for it and ask the Government to actually implement its promise.

Thank you, Mr. Deputy Speaker, Sir.

*(Question proposed)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kajwang!

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, let me start by narrating a story; a real story on the issue of Bura Irrigation Scheme (BIS). At one time, the Tana River changed its course and, for a while, irrigation collapsed because the water was passing far away and the pumps were unserviced. There was no funding for the parastatal in charge of irrigation to continue with its work. So, when the last Government came to power and realized that we were importing food and that was not good for us because even the money for importation was not there and, sometimes, the food would come with problems like maize coming in with aflatoxin, we decided to go for irrigation. I remember, hon. Ruto, the then Minister for Agriculture and hon. Ngilu, the then Minister in charge of Water and Irrigation going down to Bura to assess the situation. They agreed that the irrigation scheme must be revamped and revived. They called upon hon. Otuoma who was then the Minister in charge of Youth Affairs to help them. So, the youths were moved with their equipment and the Ministry of Agriculture brought the seeds and the Ministry of Water and Irrigation repaired the pumps. All of a sudden, there was a big harvest of maize. But after harvesting, nobody owned the maize. So, hon. Otuoma said he should be given the maize to feed his people. Hon. Ruto did not know whether he was the owner of the maize being the Minister for Agriculture. Hon. Ngilu who was in charge of

irrigation did not know whether it was her maize. All this time, the maize was rotting and aflatoxin got into it. I remember that the big harvest was wasted. It was thrown away because you could not even feed it to animals. So, we spent money and wasted it. That is how unplanned development sometimes becomes a tragedy.

I do not know, as we talk of these one million hectares, who will this time own it? There must be somebody who owns the project and the product that comes out of it. Are we going to invest this money under the supervision of the county government where the irrigation will be, so that they know that it is their product and they can sell it, store it or export it, if necessary? It is a good policy to say that we are going to do irrigation.

Mr. Deputy Speaker, Sir, when the hon. Karua was the Minister for Water and Irrigation, she went to Ahero. In Ahero, the only problem was a pump. I think she spent less than Kshs400,000 and the pump was done and the water started flowing. This is something which had been dead for ten years.

**Sen. Haji:** Point of information, Mr. Deputy Speaker, Sir.

**Sen. Kajwang:** Thank you, Bw. Waziri.

**Sen. Haji:** Mr. Deputy Speaker, Sir, what Sen. Kajwang is saying is very true and very valid. If you listened to me carefully, I suggested how we can come out of that difficulty by putting youths into co-operative societies where they will be financed and will own the crops produced.

**Sen. Kajwang:** I listened to you very carefully and I am actually supporting you only that I must give the historical background of how these things have failed because of lack of ownership, focus and planning.

When hon. Karua went to Ahero and spent less than Kshs400,000 to repair the pump, water started flowing into Ahero Irrigation Scheme. The parcels were owned by farmers or they were given licenses to use the farms. At least, there was somebody who could go into the farm, get the crop and sell it to the board. So, when planning these irrigation schemes, we must know who eventually the owner is.

If you revive it into one million hectares and each farmer will have two acres to take care of; the Government provides infrastructure while the farmer takes care of the piece of land where he or she must produce to qualify to get it the following year; that way, there will be some ownership.

We can invest in an area where people are basically not agriculturalists. I do not know because people have been livestock keepers in these regions where we want to take the irrigation schemes. Sometimes they may look at farming as a very difficult thing because they did not grow up with it. I hope that they will take up agriculture because it is not fair that we invest one million hectares then we import people to work there from Kakamega County. In Kakamega and Kisii counties, people are so attached to the land. I saw that in Bura when we were doing cotton. There is a large population of Luos and Luhya in Bura. Since they love land, they went ahead to till the land. As we invest, we must, first of all, prepare our county governments because they are in touch with our people daily. They can change attitudes. Agriculture can actually change our lives.

I was being told when we were in South Korea the other day that they import a lot of what they use; almost 79 per cent. But I was told that if you have an acre of land in South Korea and a greenhouse, you are a millionaire because the country needs that food.



They pay you well for it. Kenya needs that food and must pay well for it because we import it. Sometimes we look for maize in South Africa and Brazil, but it is not sufficient. Then we go hopping from country to country in search of maize. Sometimes the prices escalate beyond our capacity. It is a shame that we can use a lot of money to import maize when we could use a fraction of it to do irrigation. We can get everybody involved in employment and also get food security for our people.

So, I want to thank Sen. Haji for bringing this Motion. Really, what he has said which is very good is that there will be no conflict over land because there is sufficient land. The last speaker also mentioned that the land is generally flat. Therefore, irrigation is easier and cheaper. Since there is a lot of sun there, sometimes irrigation will be very expensive. This is an open area. There will be a lot of evaporation and you have to pump more water or direct more water that way. We are now told that, actually, drip irrigation is the in thing, so that evaporation does not hurt the irrigation project. Again, a lot of other foods could be grown. I am glad that we are talking of fruits. I have been to Garissa where Sen. Haji comes from. I know that just near Garissa, there are a lot of vegetables and fruits being grown on a small scale because there has not been a major investment by the Government. I think that we can use what we have because God has been good to us, as a country. We have long rivers going through the country which we are not using.

Mr. Deputy Speaker, Sir, I do not want to sound racist, but I was talking to an Asian friend of mine in Kilifi. He told me: "Look at this River called Sabaki. It pours so much water into the sea which is wasted. What is wrong with you as a country?" I think there is something seriously wrong with us. But this is where to start. It is good that this Motion actually supports the manifestos of the competing large parties or coalitions in this country. It actually shows that the Government is now supporting it so that they can move with speed. What if we also invited other partners because we may not have enough money to do this? Why do we not invite Israel and give them a million acres somewhere to do farming, feed our people and also export. Then we will get employment for our people.

Qatar asked for 10,000 acres sometimes back. I think we even agreed to give them land in Tana River, but they fizzled away. We could still talk to partners. Africa is now becoming the partner of the world because we are the only ones who still have land that can be cultivated throughout the year. Europe does not have that luxury because of the weather patterns. The county governments can invite partners and give them land. For example, Homa Bay County where I come from, has already done that. There are investors who have told us that they are going to do an agro-city. They want to invest Kshs500 trillion on agriculture. We will get employment for our people. There will be transfer of technology and a lot of other very good things that will happen because of that partnership. As the Government starts this, we should open our eyes to these partnerships that can help us grow food in areas which are really, otherwise, very fertile, except for water.

Mr. Deputy Speaker, Sir, the Ukambani area is very fertile. Where there is water, a lot of food is being grown there. *Wazungu* made people dig a canal across River Athi and Tana River. In that area where they forced us to dig the canals, you cannot get land there. It is very prime land. But in other areas where irrigation has been done, land is

almost valueless. So, I know that with this investment, the country can develop very fast. Let us start here and open our eyes to other partnerships and see where we can go as a country. We will be rich enough to export food. We will be rich enough to pay all these other things we cannot pay now because our GDP is so small. I do not think the teachers' salaries would be a problem for us if we just invested properly in irrigation and agriculture.

I support.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to join my colleagues in thanking Sen. Haji for bringing this Motion, particularly when the new Government has just come in with very ambitious irrigation plans. It is now time to identify where this land is and who is going to work on it. If you read the history of Kenya from 1963, we inherited a few irrigation schemes that were done by colonialists. The story today reads as though we just lost it when they left. If you talk about the irrigation scheme on River Tana which was revived about three years ago by the Grand Coalition Government, the entire machinery of Government went to Bura. All the Ministers and Permanent Secretaries (PSs) – I was a PS then – were there. It looked very brilliant. But it looks like when there is a crisis that is when Kenya erupts and moves into action. I do not know whether that activity is still going on now or it just ceased. If it did, it was because of competing forces and arms of Government that failed to identify that they needed to build stores for the maize that was being produced.

Since we have realized that food is a necessity and it is anchored in the Millennium Development Goals (MDGs) to tackle poverty and hunger as a serious case in Kenya, and yet we say that agriculture contributes a big percentage of our GDP, we need to address this noting that 75 per cent of our land mass in Kenya is found in the arid and semi arid lands. We may not suffer the loss that we had in Bura if we go to drier areas. We suffered that loss because of the flooding that we experienced and so on. If we move on to the drier areas where little water is going to be required as a result of the latest technology that has been invented for farming, it would do us good. You know that we import a lot of food today. Maize is our staple food. The food that we import may be Genetically Modified Organisms (GMO). I do not know whether it is fit for human consumption. For three and a half years, I was the PS in charge of industrialization where the Kenya Bureau of Standards (KEBS) was fighting goods that were coming through the Port of Mombasa, particularly food that was not genuine.

Mr. Deputy Speaker, Sir, this maize comes because we have failed to produce our own food. So, we give it to a few greedy fellows whose business is to create artificial hunger and then they import food and make a big kill. I want to suggest that we support this Motion and ensure that, as soon as it passed, the relevant Committee makes a follow up. I come from the maize growing area of Trans Nzoia and West Pokot. About 80 per cent of West Pokot is very dry leaving us with 20 per cent where we do our farming. However, there was no fertilizer that came to our place. The soils are thoroughly exhausted and so you must use fertilizer. As I am speaking now, the people of Trans Nzoia, West Pokot and the North Rift are waiting for CAN and ammonia to come. The maize has changed colour. So, in the coming year, we are waiting and staring at hunger from January next year.

This Motion which is urging the Government to start irrigation is timely. Those virgin lands are very fertile. You will not apply DAP for the next three to four years. You will also not apply CAN for the next three to four years. That means that even if you have this challenge where when the main importer of fertilizer, the National Cereals and Produce Board (NCPB) has a problem the way they do now, we will not be having food shortages in the years to come.

Mr. Deputy Speaker, Sir, I come from West Pokot where God has blessed us with mighty rivers which pour a lot of water into two lakes. Lake Turkana gets free water from River Kerio. River Kerio is flooded 11 months in a year. You cannot even cross it. So, even if we draw a little bit and do irrigation in Masol in West Pokot County, Baringo County and Turkana County, Lake Turkana will not dry. Secondly, we have Murun River which is huge and full throughout the year. However, there is no irrigation being done. We also have River Suam. We have tapped water from it. We are now using it for irrigation at Turkwel. It was meant to irrigate 20,000 acres of land and yet we have not done it.

I know if this Government takes part of the irrigation money which has been kept at the central Government and works closely with the county government where the land is, I am so sure that we can create enough food for our people and even transfer the technology and knowledge. I remember there is one scheme that was piloted in West Pokot; that is, the Wei Wei Irrigation Scheme. It is a small river, but it is serving thousands of acres of land which are very productive. The only challenge is the management which has a lot of problems. We have the KVDA which alleges to be managing it. So, the central Government sends the money to KVDA. There are a lot of stoppages and nothing moves. Now that we have the county Government, we have requested that the Wei Wei Irrigation Scheme should be handed over to the Governor, so that we can see if the management can change. When KVDA does the management, they buy four bags of DAP for one hectare yet that land does not need it, to the extent that there is now a lot of acidity that is being generated by these deposits of fertilizer.

Mr. Deputy Speaker, Sir, not very far from here, in Naivasha, the Delamere Farm, a lot of irrigation is being done using the technology we are talking about; the drip irrigation technique. They just dig boreholes. The machines are imported from South Africa or any other place. The circumference of the land covers not less than 100 acres. That is the type of technology we need right now in most areas where we do not have many rivers. This does not cost much. We only need to be serious. The only problem we have is that we suffer from the Kenyan syndrome and other problems whereby we are very aggressive in problem solving, but only by mouth. However, when it comes to implementation of the same, we do not participate.

I am hoping that the one million acres we talked about – this is how the Jubilee Government got votes – will be used for this. We need to see the first few acres being utilized. We do not need millions of acres to start with. We can start this project in some counties before we roll it out in a bigger version. Nyanza and Budalangi are areas where every year there is havoc. In April and May every year, the Government money goes to rescue people who have been affected and evicted by water. This water can be trapped at its source by damming the river. Its source is at Cherangany Hills in West Pokot County

near Mount Elgon. We should have a series of dams along the river. The counties that exist where this river passes through can, therefore, begin to use the water. However, we always wait for problems so as to deal with issues.

We now have a Ministry called the Ministry of State for Special Programmes which is supposed to deal with special problems that come every year. If we utilized this money that we always use impulsively, we would solve many problems. We were told that the Tana River County was very flooded this year. Animals died and some people had to climb on trees. This water could just have been trapped along the Tana River before it goes down. This means that we should put our priorities right.

We talk about Vision 2030. Five years have now elapsed since this was started. There was a brilliant statement referred to as the “Medium Term Plan” which was to be accomplished by the year 2007/2012. By this time, a major irrigation scheme should have been done. This has not been realized and yet over five years are gone. We produce documents that other countries come to copy. I am told that we have really fed the East African Community (EAC) and the latest beneficiary is Southern Sudan. They have been coming for our documents and implementing them. They may not talk about it, but the truth is that we are the generators of the things they are implementing.

Sen. (Prof.) Anyang'-Nyong'o taught everybody at the university. However, out of that, what next? I want to support this Motion and say that counties that have learnt can start working with the national Government. In West Pokot, we will assess how much land is available. The national Government needs to come and sit with us so that we begin the process. The young people that Sen. Yusuf Haji was talking about who can go into cooperatives should come on board when the initial infrastructure has been done by the Government, so that they do not toil. They should come on board and be assigned portions. If they fail in the first two years, another group should be assigned the land. This way, we can do it.

Several countries, for instance, Singapore do not have anywhere to plant vegetables. Everything is imported. If we had Memoranda of Understanding (MOU) with some of the countries suffering from food deficiency and we grow organic food the way they want it, we would supply them and this country would not remain the same. Our counties are already saturated. For instance, Nyeri County does not have enough land to carry out farming. These counties can link up with others which have enough land. Of course, there should be a procedure of how they come in. This Motion is coming at a time when all of us can reason together as a nation. Let us get the issues of business right.

Tomorrow, I will be talking about the livestock industry which is also in problem. I support.

**Sen. Elachi:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support the Motion putting in mind that climate change is here with us. We know the areas which have practiced agriculture for long in our country are now suffering. It is time that we looked at other virgin areas that we have not used so that we start building the agricultural sector.

When we talk about agriculture, we are talking about women because 70 per cent of this country depends on agriculture. Women are the ones who are left in every area within our rural homes to deal with agriculture. Therefore, when you build agriculture,

we also build families. We know the challenges we are facing today. The challenges we are facing are due to lack of basic needs, number one of which is food. I know that the Government, in its manifesto, has prioritized agriculture through irrigation. However, we also need to ask ourselves what challenges people are dealing with regarding agriculture and the exploitation they are facing. Most farmers in Mwea are suffering because of poor prices of rice. The rice is there, but there is a lot of influx of imports from outside which affect them.

We are looking at agriculture and the green houses which are saving people today. I believe that when we talk about agriculture and whether the Government is committed, we also need to ask ourselves whether in the passing of the VAT Bill, we will find ourselves in a scenario where the local person will not carry out agriculture. This Motion has come at the right time but we also need to interrogate it. While we support irrigation and agriculture in our country, we also need the inputs to be affordable to our people. This should not become a project where it is only the middle-man who benefits. It should be a programme where the needy people are the ones who will benefit. I believe that is what is in the plan.

We also know that we come from an area where we carry our farming, but just before we harvest, owing to the bad politics that we have, the in fights and the ethnic challenges that we face – this happened in Tana River – we start segmenting people and telling them that since they are used to being pastoralists, they should deal with it. The most important thing is that while we are trying to implement these programmes, we need to create a lot of awareness. We need to harmonise and tell the community about the challenges we are facing. I think the Kenya Red Cross Society (KRCS) is doing a very good job. When the KRCS realized that we only used to give out maize, they decided to change their programmes and started carrying out agriculture. This is one of the institutions that we need to work with so that we look at the model they have used. That is why if you go to Turkana today, you will find some maize growing. This is because of the KRCS. If you go to West Pokot, you will also find people embracing agriculture. This is because of the KRCS. This is one of the institutions that we need to work with, especially when we are dealing with the pastoralist areas where peace and security is also an issue.

When you go to Samburu in an area called Poro, you will be very impressed to see how they are carrying out agriculture. I know that the challenge they are facing is in terms of infrastructure such as roads. Therefore, I believe that as we put up systems, we need to look at infrastructure development which is a challenge, especially in pastoralist areas. Do we have the roads? This needs to be a programme where we combine all the challenges they are facing. We should ask ourselves what we stand to benefit as we carry out the projects so that we do not have one side benefiting while on another side, we are losing while things go to waste due to challenges being faced.

I know that my Government is committed in all this. However, I urge the Ministry enjoined with other departments to start looking at this issue. I know that young people out there are willing to do something. This would remove them from the bad things they are doing. Recently, I watched on television a feature where some youth in Dandora were taking some illicit brew on a Sunday. I wondered why they were not in a church. The

police came in a *Mariamau truck* and threw them inside. When you see the youth being wasted, you know that if we have agricultural development, especially in the counties, we will also reduce the rural-urban migration so that we have more of urban-rural migration.

I support.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I rise to support this Motion. I want to make two points. We must definitely support irrigation. Both agricultural and pastoral productivity need to go up and we all support that.

The other issue that Sen. Elachi raised is how we should do it in practical terms and what lessons we should have learnt from what has been going on since Independence. A lot has been said here today.

There is a model of agriculture in Kenya that worked extremely well during Independence and has continued to work well. However, this is not being replicated systematically. This is the contract farming which was applied in the KTDA where you have the concept of large scale farms which may run on intense capitalist basis; either by the state or the private sector. Attached to that are small scale farmers contractually engaged to produce commodities that are marketed together with what is produced in the large scale farms. This secures a market and guarantees the peasant producers of the market. It also guarantees good yields precisely because they are connected to the large scale farming in terms of technology and innovation. Peasant farmers, left by themselves, find it very difficult to innovate and use technology. That is known world over.

We also know that we will have peasant farming for quite some time. This is the small scale production. This is not something like the Industrial Revolution in Europe, for example, where we will have an enclosure movement in Kenya where small scale farmers will be swallowed by big farmers and disappear. To me, that is something that may happen in future, but it will take a very long time. So, in the next foreseeable future, as we go towards fulfillment of Vision 2030, we have to contend with having large scale commercial farms to coexist with peasant production. But we cannot leave either peasant pastoralism or peasant agriculture to continue as it is today because it is not sustainable. In the final analysis, the stories we are told here today, of rain coming and flooding, peasants disappearing under the water with their houses and everything; this will continue.

So, I would propose, whether it is to the Jubilee Government or Cord Government, that peasant contractual farming is attached to large scale commercial farming or large scale commercial pastoralism; this should be the model in Kenya. Even if you look at the success of the horticulture industry around Lake Naivasha, it is a very intense capitalist enterprise. If peasants were to engage themselves in cut flower production, they would have to attach themselves to such large scale commercial cut flower production in order to, one, access the market and, two, access the technology and also benefit from management skills, just like it happened in Mumias Sugar Mills. Mumias is successful because of that.

Mr. Deputy Speaker Sir, there are three crops which we should look at very carefully; maize, sugar and rice. These crops, particularly sugar and rice, are crops that can easily do very well in dry areas where you have pastoralism. This is because the soil in the dry areas becomes extremely fertile when it is irrigated, both for horticulture and

for things like sugarcane. If this is going to be done, then we must envisage, as Sen. (Prof.) Lonyangapuo was saying, making use of these people who have been farming the same way, or looking after cattle in the same way. This can be done by making use of that labour in a set up where it becomes more productive and where it is connected to large scale farming either run by the State or by private farms.

Now I come to my last point, which is what Sen. Kajwang was saying. There is now a global movement for people who have food deficiency in their countries, particularly in the west and in the Middle Eastern countries, to look for land in Africa where it is still very cheap and accessible. They want to use this land for agriculture in order to have access to food or to bio-fuels. Those are the two things that are very popular. But we, in Africa, must be very careful because this could also be another form of land grabbing in Africa where they will access this land very cheaply, produce food very cheaply, but pay us peanuts. Today as I was coming to work, I found some guards demonstrating outside the American Embassy. They had placards saying “America is a super power, but they pay their guards peanuts.” It reminded me of this land grabbing business where we have a lot of super powers like Kuwait and so on; making proposals to all countries, even South Korea or to developing countries, saying “give us land, we shall do this or that.” But when you read between the lines, you may find that the deals that people are signing are yet another stage of pillage and land grabbing in Africa. We should be very careful about these deals.

Mr. Deputy Speaker Sir, my final point is that we cannot continue to farm or look after cattle, camels or donkeys in the same old way. In order to improve productivity, we must organize pastoralism and agriculture in a new way. That is not strange to Kenya because Kenya has done it before in terms of the Million Acre Scheme, KTDA, Mumias Sugar Mills and so on, where we have had contractual farming. We can even call it contractual pastoralism in those areas where pastoralism is a business rather than just saying that we shall have these peasants, have a market for their cattle or their camels, and yet that market is not organized systematically. So, it becomes a sporadic thing. Yes, the Government will go to Budalangi and organize irrigation. But after that, what next?

There are so many farmers in Ahero. The irrigation scheme there, is very good. However, the problem is that the organization of the market for the rice has been chaotic for a long time. I was the Chairman of the Public Investments Committee (PIC) in the mid 1990s and we went through that. It was very pitiful because these people were doing a lot of work. They were producing a lot of rice. But when it came to marketing, they faced vultures. These vultures came from the State. The very organizations that are involved in irrigation and marketing are the same people who turn around and become vultures to the farmers. Just like it is with the Kenya Sugar Board (KSB), for example. If you look at the history of the KSB and how it has been operating, obviously, it has not been good to the sugar farmers. The problem is that the people who run these things have such inter connections and webs within the State. In the final analysis, unless the State becomes really responsible in implementing these things on behalf of the farmers and pastoralists, we shall sit in this Senate, grow old and go wherever we are going. The problem shall be left behind. I am sure Sen. G.G. Kariuki remembers these things very well.

But I really think that we, in the Senate, mean very well. There are institutions that need to be put in place to implement these things. They must be put in place because as Sen. Yusuf Haji was saying, we cannot just be speaking and speaking; writing volumes which then go to South Sudan and other places to be implemented. They are not implemented here. Yet we know that in the past, there are programmes in agriculture which have been implemented. Some have worked so well. Others should be replicated, but have not been replicated because of vested interests. I think we should look at those modules and do them in the light of what we are going to do.

Mr. Deputy Speaker Sir, irrigation is very vital. Just as Sen. (Prof.) Lonyangapuo was saying, when it rains in certain rivers, it will flood. So, the thing to do is to dam the rivers. We know that the damming of the Nzoia River, for example, has met with tremendous political resistance. For example, people are saying “no, do not dam it here because when the water is dammed here, these villagers are going to be removed.” Of course, when you dam a river, somebody has to be removed; people cannot swim in the dam like fish. So, we have to face the political consequences of people being removed when dams are formed. This is what happens everywhere in the world. Kenya is not going to make dams without people being relocated; they have to be relocated unless they want to turn into fish.

Thank you very much, Mr. Deputy Speaker Sir. I beg to support.

**The Deputy Speaker** (Mr. Kembi-Gitura): Sen. G.G. Kariuki.

**Sen. G.G. Kariuki:** Mr. Deputy Speaker Sir, I want to thank you very much for allowing me to say something about this Motion, particularly after the remarks by my friend, Sen. (Prof.) Anyang’-Nyong’o.

First of all, the situation on irrigation is not a new phenomenon because, even in the past governments, there have been studies which have been conducted by several people. They have been conducted by people from Israel and other countries wishing to come to this country to do some irrigation and to assist us eradicate the hunger in this country.

Mr. Deputy Speaker, having said that, we have to decide whether we have now reached that stage in our political development to make a decision, as requested by Sen. Haji, who I know is very, very genuine in his own acts in his public life. He has been a very good Provincial Commissioner and a person who has been wishing to see this country developing in the right direction. There are few Haji’s in this country.

Mr. Deputy Speaker, Sir, what I am trying to say is that we have to ask ourselves whether we have matured politically, to allow people from outside Kenya – and even people within Kenya – to have these kinds of projects outside their areas. The major problem is that we are playing hide and seek. We want things to be done, but at the same time, some of us have our own vested interests, not just politically, but even financially. The biggest problem here is that if I decide today to start a big business in Kisumu Rural Constituency, where, perhaps, they require a person of my knowledge and with the ability to do a business that they are not able to do, some people will come out and say: “Our land is being grabbed. We have a foreigner here called G.G Kariuki, who wants to grab our land.” This is our biggest problem. Sometimes I think that politicians, like me and most knowledgeable people in terms of academics, like my friend here, are very naive.



We are not calling a spade a spade. When that time comes, when the politicians will just speak their minds without playing to the gallery, I think that this country will be very lucky.

Mr. Deputy Speaker, Sir, when I was a Minister in charge of Internal Security, we tried to introduce quite a number of things. Our President at that time, hon. Moi, was very keen to see that areas in Tana River and some parts of Garissa irrigated. Quite a number of volunteers came on board. But after that, it became a very political issue. He had to drop that great idea. In fact, even today it is only Sen. Haji, from that part of North Eastern Province, who can think the way he is doing, and whose intentions are very good. I wish Sen. Kajwang could try even to ask for 10,000 acres around Garissa, to develop a certain crop which is very conducive and marketable in the area, which Sen. Haji and the others may not have ability to do. Sen. Kajwang will just be condemned on the Floor of this House. That is why I am saying that we had better be open.

Mr. Deputy Speaker, Sir, I have listened to my friends who spoke before me. They were explaining how things could be done in a better way. All these are in our shelves and have been written by experts. In this country, we have better experts in agriculture than any other country in Africa. In fact, maybe we can compete with South Africa. They have all the knowledge, but who is stopping them from moving? It is the political decision. Are we ready to take this bull by the horn? That is the biggest question that we need to ask ourselves.

Mr. Deputy Speaker, this Motion is intended to bring a lot of benefits. It will bring employment and sustainment of food security. So many things will happen if this Motion could be implemented. But if this is just a debating club; where I stand here before cameras and then everything is now okay since I have been seen and done my job-- I am not so sure that Prof. Anyang'-Nyong'o would want to be employed in any other gainful employment than here. Equally, I would want to serve this country for the remaining time that I have without fear or favour. But look at this Motion. Many Senators are out of the Chamber and we are very few here. Can we be serious? Why should we be paid by this country when we know too well that we are not serving people? Can we pass a loyalty test of any kind?

Mr. Deputy Speaker, Sir, sometimes when I stand here, I feel like I am being a bit unfair to the thinking of others because they do not agree with me. No one is obligated to agree with me. However, if I pass a message the way it should be passed, I expect my Professor here, whom I respect, to accept it. So, unless we change the Kenyan political culture, we will not move anywhere. We are moving towards pastoralist areas, but what about even the areas which are conducive for agricultural activities? Irrigation is also required in those areas. We have all these facilities ready and yet, we are trying to think of other facilities where we will be required to make a very serious decision politically. I think that it is fair for Sen. Haji to start this kind of thinking because somebody somewhere must decide to stick his neck out. That is what Sen. Haji normally does, and I know him. He was my Provincial Commissioner and was very effective.

Mr. Deputy Speaker, Sir, land is available in this country. About 75 per cent of land is bare. There are no people there. We also have the machinery and brains, but not the political decision which is the driving force for any development. There is no

development that shall ever take place, unless the politicians decide to guide and direct it. Therefore, if through this Motion, we can have one million acres under irrigation, we will see a complete change. There will be so many people employed there. Just look at the discovery of oil. In the next 20 years, Lodwar will be just like Nairobi, because facilities will have been created. We will all run there. If we irrigate one million acres in North Eastern Province, even if the people there would not want to work on this land, there will be so many other people who will come to do that job. But are we prepared to see new people coming into our areas to do the job, without political bickering? We are in a very difficult country.

Mr. Deputy Speaker, Sir, with those remarks, I beg to strongly support the Motion.

**Sen. Gertrude:** Asante Sana, Bw. Naibu Spika kwa nafasi hii. Ninaifurahia Hoja hii sana. Hata hivyo, mchango wangu utakuwa ni mfupi sana kuhusiana na Pwani ninakotoka.

Swala la kilimo ni nyeti sana katika Mkoa wa Pwani. Jambo hili limekuwa likihuzunisha na kukera watu wetu kwa miaka mingi. Ardhi ya Pwani ina rutuba nyingi sana. Kuna watu wanaoamini kuwa Wapwani ni wavivu na si wakulima. Ningependa kusema kwamba wapwani ni wakulima hodari sana. Lakini shida yetu ni kuwa ardhi kubwa yetu imemilikiwa na *absentee landlords*. Jambo hili limefanya sisi kutotilia maanani shughuli za kilimo kwa sababu hatuna mashamba. Ningependa Serikali yetu ihakikishe kuwa mashamba haya yamepewa Wapwani. Serikali inaweza kuwapa mbegu na vifaa vingi vya kilimo ili watu wetu waweze kulima. Pwani inaweza kukuza chakula kingi ambacho kitawasaidia watu wa sehemu zingine nchini.

Bw. Naibu Spika, kuna kilimo cha njaa marufuku. Hiki ni kilimo ambapo akina mama wanakuza chakula katika magunia. Wanajazaa magunia mchanga na kupanda mimea kama vile sukumawiki, mboga na kadhalika. Hii ni njia mojawapo ya kusaidia kupigana na njaa katika nchi hii. Ukulima huu unawezakupewa kipao mbele na akina mama wakuze chakula kingi nje ya nyumba zao. Ningependa kuwahamasisha akina mama wa Tononoka kukuza chakula kwa njia hii.

Kupitia katika kikao hiki cha Seneti, ningependa kusesitiza kwamba Pwani kuna ardhi yenye rutuba. Shida yetu kubwa ni kwamba Serikali imetunyima mashamba ya kulima. Wakati wa maonyesho ya kilimo ya Mombasa, Serikali hujishughulisha sana na kuwaonyesha watu wa Pwani, hasa Mkomani, kupanda sukumawiki juu ya mawe. Mkomani ni mahali ambapo kuna mawe matupu lakini utapata ule ndio wakati Wizara ya Kilimo itazingatia Pwani ikionyesha watu jinsi ya kupanda *cabbage* na sukumawiki juu ya mawe. Jambo hili linanikera sana kwa sababu wao huja tu wakati wa maonyesho. Wakati mwingine wako wapi? Hauwezi kuwaona mashambani wakiwaonyesha watau wa Pwani mbinu mbalimbali za kilimo. Hii ni kwa sababu Serikali haitilii maanani ukulima katika nchi hii. Nashangaa kwa nini sehemu zingine ukulima unatiliwa maanani sana kuliko Pwani. Ni lazima ukulima katika Pwani uzingatiwe kikamilifu. Nimesema hapo juu kuwa ardhi yetu ni yenye rutuba. Lakini ardhi kubwa ya Wapwani inamilikiwa na *absentee landlords* ambao hatuwajui wanakoishi. Ninaiomba Serikali iwape watu wa Pwani mashamba. .

Kwa hayo machache, ninaunga mkono Hoja hii.

**Sen. Mositet:** Mr. Deputy Speaker, Sir, I rise to support this Motion by my good friend Sen. Haji. All has been said and I will just summarize by saying that the major problem facing this nation is unemployment and feeding the people of this nation. At Independence, this country's population was less than 10 million. But as I speak now, we are approaching 40 million. Even though the population is high, you will find that there is great immigration of people from the rural areas to urban centres. These people come to look for work. Most of them are employed on casual basis and they need to eat. I do agree with the Jubilee manifesto and what our people stand for. By the end of five years, they will have managed to irrigate about one million hectares. Where do we get these million hectares? I think Sen. Haji has come up with a good Motion because a big per cent of this land can be taken from the pastoralist areas.

Mr. Deputy Speaker, Sir, if I look at the pastoralist areas and not necessarily northern Kenya, but also Narok, Kajiado and part of Laikipia, a few years ago, people used to lease land for farming. But currently, about 70 per cent are the owners. If you consider areas that produce maize for example, you will count Kajiado County, especially Loitokitok and part of Narok. These areas are now producing a lot of maize.

As an engineer I know we have the best irrigation engineers in this country. So, when it comes to the issue of planning, I do not think we have a problem of where to plan or where to site the dams or even how to do the best irrigation. Just like the earlier speakers said, we will continue having the same pastoral lifestyle, but it will have improved such that the wastage from the farms can be stored and later used during the drier season.

Mr. Deputy Speaker, Sir, with those few remarks, I support this Motion. Will I be in order to ask that the Mover be called upon to reply?

**The Deputy Speaker** (Sen. Kembi-Gitura): You are out of order!

Sen. Kanainza.

**Sen. Kanainza:** Mr. Deputy Speaker, Sir, thank you for this opportunity. This is a good Motion calling for planned irrigation. I think we have heard enough contributions. Therefore, I will request that you call upon the Mover to reply.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Seeing that there is nobody else wishing to contribute, I now call upon the Mover to reply.

**Sen. Haji:** Mr. Deputy Speaker, Sir, thank you very much. First and foremost, I would like to thank my colleague Senators for enhancing the debate on the Motion and also for supporting it. This is a very good way of leaders of Kenya to say that marginalized areas of this country need help to overcome and alleviate some of the problems they face. The intention of this planned irrigation is to engage Kenyans. When I was moving it, I said that many youths in this country are unemployed and do not have enough land to till or engage in meaningful livelihood.

In the same breath, I want to sincerely thank Sen. G.G. Kariuki for the good words that he has spoken about me. To be honest, the great honour goes to him because as a very young officer, I was sent to Nyandarua as a District Commissioner (DC), which was part of his constituency. When I went there, I am what I am because of what I saw in him as a leader. He strived all the time to bring all Kenyans together. Nyandarua is a settlement scheme where the Turkana, Kalenjin, Borana, Somali, Kikuyu and other tribes

live together. It is because of its leadership that there is peace there. I think I would not have gone into politics if I would not have learnt the art of leadership from him. I want to say thank you for your good work and I always respect you for that.

I beg to move.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, this Motion as required under Standing Order No.69, is a national Motion. It deals with issues to do with the national Government and its policies. Therefore, it is not a Motion touching on counties. I therefore, rule that we shall vote by the number of Senators who are in the House.

*(Question put and agreed to)*

### ADJOURNMENT

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, that concludes the business of this House this afternoon. The House, therefore, stands adjourned to tomorrow, 10<sup>th</sup> July, 2013 at 9.00 a.m.

The Senate rose at 5.55 p.m.