

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 3<sup>rd</sup> July, 2014

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

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

### PRAYERS

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Billow Kerrow.

### STATEMENTS

#### ESCALATING BANK INTEREST RATES

**Sen. Billow:** Thank you, Mr. Speaker, Sir. I have a Statement that was requested by the Senator who is also sitting on the Chair as the Speaker now. So, should I now go ahead with it? I need your guidance.

*(Applause)*

**The Deputy Speaker** (Hon. Ethuro): Thank you very much, Sen. Billow. That statement is the one by the Senator for Murang'a County, who is also now sitting on the Chair as Speaker. Since he will not be able to interrogate the Statement from here, I am directing that the Statement be issued on Tuesday, 8<sup>th</sup> July, 2014, at 2.30 p.m. I am sorry about the inconvenience, but we must proceed that way.

*(Statement deferred)*

Sen. Karaba?

## REINSTATEMENT OF JOHN MAINA NJOROGE BY TSC

**Sen. Karaba:** Thank you, Mr. Deputy Speaker, Sir. I also have a Statement to issue, and this Statement was sought by the Senator for Murang'a County, Sen. Kembi-Gitura, who is also the Speaker today. If you allow me, I can go ahead. What is the direction on this?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, I am sure you heard me giving directions to Sen. Billow on a Statement also requested by the Senator for Murang'a County. Since the Senator for Murang'a County cannot sit here and also interrogate a Statement, it will also be issued on Tuesday, 8<sup>th</sup> July, 2014. I am sure Sen. Khaniri, who is a specialist in Standing Orders, will agree with me that one cannot do two things at the same time. So, we shall do this on Tuesday, 8<sup>th</sup> July, 2014, at 2.30 p.m. I hope that is okay with you.

*(Statement deferred)*

**Sen. Karaba:** I am not okay, Mr. Deputy Speaker, Sir, because this is something that we have been struggling to get and I was hoping that if we can get the Speaker later where you are sitting---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, when you use the word "struggling," it is becoming a cliché with you, because you have not struggled more than I have to seek that Statement. I sought the Statement and it has taken a very long time to come; it has finally come and the Senator for Murang'a County would like to interrogate that Statement. I do not want to give directions from the Chair on the Statement. There are many things I can say about it and I think that will not be fair. So, shall we also defer it to Tuesday, 8<sup>th</sup> of July, 2014? Unless it is not convenient for you and you want another date.

**Sen. Karaba:** No, it is convenient for me.

**The Deputy Speaker** (Sen. Kembi-Gitura): Then it is so ordered, Senator.

**Sen. Karaba:** Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): I am sorry about that inconvenience.

**Sen. Karaba:** Mr. Deputy Speaker, Sir, I also have another Statement, but the person who requested for it is not here.

**The Deputy Speaker** (Sen. Kembi-Gitura): Whose statement is it?

**Sen. Karaba:** Sen. Elachi.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Elachi is not in the country. That is in the knowledge of the Speaker and I think the Speaker gave directions yesterday and said that she is out of the country with his knowledge and that, therefore, the Statement should await her return. I am not sure when she will return, but I also direct that the Statement be issued on Tuesday, 8<sup>th</sup> July, 2014.

**Sen. Karaba:** Okay, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, I am sorry about the inconvenience because I am sure you are quite ready to give the statements.

Are there any more statements? Yes, Sen. Billow?

**Sen. Billow:** Mr. Deputy Speaker, Sir, I also want to find out if the Senator for West Pokot, Sen. (Prof.) Lonyangapuo is within, because there is a Statement that he had requested and it has been pending with me for more than a month now. Every time I come he is not available. If he is out of the country, we will wait as per your directions. But if he is in the country, I need directions.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not have specific knowledge about Sen. (Prof.) Lonyangapuo. The only thing I know is that the general direction from the Speaker is that as much as possible, Statements should be issued when the Senator seeking it is in the Chamber. So, may I request you to, please, agree to issue that Statement again on Tuesday, 8<sup>th</sup> July, 2014, at 2.30 p.m.

Thank you very much, Senator.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, mine is a request for a Statement. I do not know if I should proceed or do you want to dispose of the issuance of statements first?

**The Deputy Speaker** (Sen. Kembi-Gitura): Yours is on what issue, Sen. Khaniri?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, it is a new request for a Statement.

**The Deputy Speaker** (Sen. Kembi-Gitura): You can go ahead and seek the Statement.

#### SLOW CONSTRUCTION OF THE KISUMU-KAKAMEGA ROAD

**Sen. Khaniri:** Thank you, Mr. Deputy Speaker, Sir. I rise to request for a Statement pursuant to Standing Order No.45(2)(b) from the Chairperson of the Standing Committee on Roads and Transportation over the slow ongoing construction of the Kisumu-Kakamega Road. The construction works on this particular road has taken too long and yet it is the link and business road in the region. The extremely long diversions designed by the contractor have not only inconvenienced the public transport, but have also negatively impacted on the administrative and economic activities in the area.

In the statement, Mr. Deputy Speaker, Sir, I would wish the Chairperson to explain:-

- (1) The status of the construction works;
- (2) The reasons for the long diversions, especially between Mbale and Majengo;
- (3) The timeframe for the completion and subsequent commissioning of the road;
- (4) How much the road construction was estimated to cost; and, (5) How much money has been disbursed and spent so far.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Chiaba stood up in his place)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Where is your card, Sen. Abu Chiaba? Can you insert your card properly and then let somebody lead you through it because I know that you were not here yesterday and the day before yesterday? You will not use the Dispatch Box if you can use your card; then you will never learn.

**Sen. Chiaba:** Thank you, Mr. Deputy Speaker, Sir. I understand the issue and I will direct it to the Ministry concerned. I request that I get the Statement in two weeks.

**The Deputy Speaker** (Sen. Kembi-Gitura): Is that okay, Sen. Khaniri?

**Sen. Khaniri:** I am most obliged, Mr. Deputy Speaker, Sir. Two weeks is good enough for me. Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Today is 3<sup>rd</sup>; so, that statement will be issued on Thursday 17<sup>th</sup> July, 2014.

Are there any more statements?

I still have Sen. (Dr.) Machage, who was seeking a Statement; as was Sen. James Orengo, but they are not here. Are there any more statements to be issued?

Proceed, Senate Majority Leader.

#### BUSINESS FOR THE WEEK COMMENCING

TUESDAY, 8<sup>TH</sup> JULY, 2014

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Deputy Speaker, Sir. I rise under Standing Order No.44 to give a Statement on the business of the Senate for the week commencing 8<sup>th</sup> July, 2014. On Tuesday 8<sup>th</sup> July, the Rules and Business Committee (RBC) will meet to schedule the business for next week. On the same Tuesday, the Senate will continue with Business that will not be concluded in today's Order Paper and also commence the Second Reading on the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013). On Wednesday, 9<sup>th</sup> July, 2014, the Senate will continue with the business not concluded on Tuesday and consider any other business that will be scheduled by the RBC. The Senate will, in particular, deliberate on the following Motions:

(1) Motion by the Chairperson of the Standing Committee on Information and Technology on the adoption of the Report of the Standing Committee on Education, Information and Technology on the Retreat with County Executive Committee (CEC) members in charge of education and ICT.

(2) Motion by Sen. Henry ole Ndiema on addressing the concerns of medical practitioners in counties.

(3) Motion by Sen. Daniel Karaba on measures to streamline education and training of learners with special needs and disabilities.

(4) Motion by the Chairperson of the *ad hoc* committee on the adoption of the Committee Report on legislation on royalties accruing from exploitation of natural resources in the counties.

(5) Motion by the Chairperson of the Standing Committee on Energy on the adoption of the Report of the Standing Committee on Energy, Roads and Transportation on the benchmarking visit to New Zealand, Australia and the United Arab Emirates.

On Thursday, 10<sup>th</sup> July, 2014, the Senate will continue with the business not concluded on Tuesday and Wednesday, and will consider any other business scheduled by the RBC.

I hereby lay this Statement on the Table of the Senate.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. (Prof.) Kindiki laid the document on the Table)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senate Majority Leader. Are there no more statements?

Next Order!

## BILL

### *Second Reading*

#### THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)

*(Sen. (Dr.) Khalwale on 1.7.2014)*

*(Resumption of Debate interrupted on 1.7.2014)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Senators, we are resuming debate on the Political Parties (Amendment) Bill which was interrupted after being moved, seconded and proposed. So, it is open for debate now.

I cannot see any request from the Floor. Yes, Sen. Murkomen?

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, it appears that most of us were not in the House when the Bill was moved and seconded. Am I in order to request that we skip that Bill, because this is very important business?

**The Deputy Speaker** (Sen. Kembi-Gitura): No, no, no, no! You are either ready to debate the Bill or you are not! I am not going to change the Order Paper because you were not in the House last time. Order No.8 has already been called out. As you can see from the Order Paper, it is a resumption of debate. If you are willing to contribute, Sen. Murkomen, please, go ahead and do so.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Khaniri, do you have a point of order?

Proceed.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I stand under Standing Order No.99(1) to pursue what Sen. Murkomen was doing. Probably he did not know that there is a Standing Order that gives that provision for adjournment of a debate.

*(Applause)*

So, under this Standing Order, Mr. Deputy Speaker, Sir, I wish to move that the debate be now adjourned for the reasons advanced by Sen. Murkomen. This is a very important Bill and most of us were not here when the Bill was moved. I have not personally had a chance to look at the Bill. I have been away on official duty of this Senate and, therefore, we request that the debate on this Bill be adjourned to some other time, maybe next week.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Khaniri. The only problem with proceeding under Standing Order No.99--- We could do it two ways; we could proceed under Standing Order No.99, in which case, then somebody will propose, it will be seconded and maybe debated on whether or not we should adjourn; and then we have to vote. Since we have not dealt with it, Sen. Khaniri, I think we could also proceed under Standing Order No.39(2), where I have the power and authority to reorganize the sequence of the business to be disposed of but nobody has requested me to do that. So, there are things I can do out of my own volition, while there are others I cannot. I appreciate the one you have raised, Sen. Khaniri; it is good we can use that one, but then you will have to debate it.

Yes, Sen. (Prof.) Kindiki?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Deputy Speaker, Sir. In light of the direction you have just given, I rise under Standing Order No.39 to request you to order that discussion or debate on this Bill be reorganized.

Mr. Deputy Speaker, Sir, this is not a very complicated Bill. It is an amendment Bill with two provisions. I am sure that if we can skip it now, maybe it can come later in the afternoon when hon. Senators will have acquainted themselves with the contents and debate can continue.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will not relegate it because it is not complicated. It is a Bill. Is it not? It is an important Bill; maybe that is the only reason I would relegate it, partly because like I think what one of the Senators said, the Speaker is aware of the absence of Sen. (Dr.) Khalwale. The easiest thing would be to relegate it completely; not to set it for discussion later in the day, but relegate it to the bottom of the Order Paper now under the relevant Standing Order so that if it is reached today, it will

be debated, but if it will not be reached, then it will be put again on the Order Paper by the RBC.

It is so ordered.

*(Bill deferred)*

Next Order!

## MOTIONS

### MEASURES TO DEVELOP RESEARCH IN KENYA

THAT, aware that research is a mystified domain which remains a preserve of selected Government agencies, academic institutions of higher learning and a few other organizations; concerned that even in the said institutions of learning, research is usually introduced at post-graduate level; further concerned that research has not been prioritized and very low funding is channeled towards it; the Senate calls upon the National Government to:-

- a) take deliberate measures to cascade research to lower levels of education right from early childhood education level;
- b) inculcate and institutionalize research by introducing it as a compulsory discipline at all levels of education;
- c) develop a clear policy and legal framework to guide the development and sustainability of research at all levels of education; and
- d) increase funding for research by allocating at least one percent of the Gross Domestic Product (GDP) to research.

*(Sen. (Prof.) John Lonyangapuo on 25.6.2014)*

*(Resumption of debate interrupted on 1.7. 2014)*

**The Deputy Speaker** (Sen. Kembi-Gitura): We still have two hours for this Motion. Sen. (Prof.) Lesan, you had completed your contribution to the Motion. Have you requested the Floor, Sen. (Prof.) Lesan?

**Sen. (Prof.) Lesan:** Thank you, Mr. Deputy Speaker, Sir. I concluded my second contribution to this Motion, because there was an amendment. So, I did two contributions as a result of that amendment which was done; but I concluded my contribution.

**The Deputy Speaker** (Sen. Kembi-Gitura): You spoke after the amendment and you concluded. Did you speak on the amendment only? Allow me just one minute.

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

I am told that the amendment was proposed and seconded by Sen. Mong'are and Sen. (Prof.) Lesan contributed to it. So, it appears that what is open now is the debate on the amendment.

Yes, Sen. (Dr.) Zani?

**Sen. (Dr.) Zani:** Thank you, Mr. Deputy Speaker, Sir. Yesterday, when the Motion by Sen. (Prof.) Lonyangapuo was going on, I am the one who moved the amendment and it was seconded. After that, Sen. (Prof.) Lesan made his contribution to the amendment.

**The Deputy Speaker** (Sen. Kembi-Gitura): Yes, that is what I am saying. So, now, the debate is open for the amendment.

**Sen. (Dr.) Zani:** The amendments came from me, Sen. (Dr.) Zani, and not from somebody else, as you said.

**The Deputy Speaker** (Sen. Kembi-Gitura): Yes, and the question was proposed. So, the debate is on now for the amendment.

Yes, Sen. Ongoro?

**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion with the proposed amendments. Learning, as we know, is a process. Therefore, if we are sure that research will be required at some level, it is only reasonable that then we introduce research early to the students in order to inculcate in them a culture of research. There is something called culture---

*(Loud consultations)*

Mr. Deputy Speaker, Sir, can you save me from the loud consultations?

**The Deputy Speaker** (Sen. Kembi-Gitura): Senate Majority Leader, can you consult in lower tones so that Sen. Ongoro can be heard? She should be heard, not in total silence, but if you can consult in lower tones.

**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. As I was stating, I am supporting this Motion because learning is a process; and if learning is a process, if we know that at some higher levels of learning research is required, then it is only reasonable that we introduce it at the early stages of learning to inculcate in our students and the children a culture of research.

Mr. Deputy Speaker, Sir, culture is introduced---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Ongoro! Just for the sake of clarity, the amendment was moved and it was passed. So, now you are debating on the Motion as amended.

Thank you.



**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. I have taken note of that. The amendment has been factored in the Motion, as it appears on the Order Paper.

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

**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. I was just stating that culture is introduced; nobody is born with a culture of research. As such, therefore, we should introduce this culture at an early stage of learning so that students and our young children grow up with the culture. We have known that even in this country, in some regions we are told that people have a culture of saving. It is because they have seen many people saving before them. Some people have a culture of business; some have different cultures and, therefore, if we want to have in this nation a culture of research or to make people appreciate the benefits of research, then we should introduce it early because we all know that practice makes perfect.

I recently travelled to a country where I was shocked to find that one of the top scientists there was a Kenyan. He was so guarded and when I tried to engage him, I could see that those who were assigned to make sure he does not overstate certain points were becoming jittery. He intimated to me that he went through the University of Nairobi (UoN) and he was involved in some research, but he did not access enough funding to sustain his research. He then went abroad, completed his research and his findings are being used extensively by the host country. If a Kenyan can leave this country, he has not added anything to his brains, he had everything contained, all he wanted was that his research be sustained but there was no funding. He went abroad and found solace in a country that was ready to sustain him. His research findings are now being used extensively. That is just a sample case of the brain drain that we suffer as a country because many countries are not able to exhaust their mental capabilities. They are also not able to conclude their research.

Mr. Deputy Speaker, Sir, apart from introducing this Motion, we must have a policy and legal framework to ensure that while we introduce it at the early stages of learning, it should be sustainable and affordable and that no region will suffer the consequences of not being allocated enough money at the expense of other regions or schools that are already established.

Early introduction of research also demystifies the whole idea of research because many people believe that it is only pure scientists who can engage in research. But research can be done in other spheres of life, even on social and environmental issues and other spheres of life that can give us research findings that are very positive and important. Research should be prioritized, encouraged and sustained. We should appreciate the findings. Interestingly, apart from just sustaining research, when you visit our libraries, you find that there is a lot of research that has been done and thesis that have been concluded on very interesting topics, but they have not been taken up. For example, when a Kenyan first attempted a research on the plant aloe vera, the Government did not take it up. Other governments took it up. We now enjoy that drink very expensively from countries that suffer winter and whose climatic conditions cannot

allow the growing of aloe vera. We get surprised when we buy a bottle of aloe vera expensively and yet it just came from Voi. All they do is to come to Kenya, get our researchers, get their research items and ideas, sponsor them and still come back for the raw materials, take them back to their country, repackage them, then bring them back to us at one thousand times the actual price.

This is a very simple process if we could have a culture and structured format of identifying those who are involved in research that brings out positive output. The researchers should also be adequately funded. When they conclude their research findings, we should patent those findings, so that they are not taken up by other countries after spending so much. Sometimes there are just some small missing gaps or loose ends that we need to tighten.

There is this famous tree at the Coast, it is called *Mwarubaini*. It derives its name from the fact that locals have found that it is able to treat over 40 diseases. But to date, nobody has been sponsored or taken up the research on this tree seriously. But I cannot blame scientists or any institutions. I know that they do not have adequate funding. If we could get an institution that could research on this tree called *Mwarubaini*, to give us its exact uses, when and if used, in what quantities and what the doses are. This is so that we do not get an overdose or under dose. Even as we speak, there are people who have already taken up this research. They are coming to our country to get samples for this tree, taking it back to their country and researching on it. In a very short while, we might find this tree extinct in Kenya and now grown elsewhere. We might be forced to buy its products very expensively.

Mr. Deputy Speaker, Sir, if we do not support research, then our very brilliant and intelligent scientists will be left with no choice but to migrate to countries that have policies and structures that are friendly to research. That is costly. It has been said that the most expensive resource on earth is human resource. If human resource is the most expensive, allowing those amongst us with the ability to give us the best of the best of this human resource, to give it and take it elsewhere is the biggest economic crime that we could be meting upon our people.

I want to conclude by stating that Sen. (Prof.) Lonyangapuo has brought this Motion at a very good time. The amendment that was introduced by Sen. (Dr.) Zani is appropriate because allocating at least one per cent of the Gross Domestic Product (GDP) will give our researchers some reasonable amount that is able to sustain their research. Research does not only mean that somebody has the idea and sustains it. At some level, some researchers even require entire laboratories for themselves. They require to employ people who are well paid and who can be attracted to this country as research assistants. In the absence of that, we can have the most brilliant of ideas and research on the best, but if we cannot develop it to conclusion, then it will not bear fruit.

With those few remarks, I beg to support.

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, I want to appreciate Sen. (Prof.) Lonyangapuo for coming up with such a very important Motion. Research must change

from being an event to a culture for those who are inquiring about knowledge. The biggest challenge that our students are facing at the university is in the area of research. The word “research” is introduced to students late in the university days. A student goes through the first and second year, but it is at the third year that they are told there is something called research. This reminds me of when we joined first year at the university, one of my colleagues went to the librarian having read a huge book. When the librarian said: “I am looking for suppra.” Suppra is a mechanism of referencing. When they were reading a book they saw “suppra” mentioned all over, they said: “This must be the most important book at the university.”

It is important this kind of information is given to the students from an early stage as possible. As a former lecturer, I used to have problems dealing with students when we were supervising dissertations because we would start teaching them what is an endnote, a foot note and later in life we taught them how to collect information, digest and be able to have their own ideas from it and when to acknowledge sources. Sen. (Dr.) Zani will agree with me that one of the problems we have at the universities now is that of plagiarism. The students are no longer writing original work or referring to sources correctly. I can confess this because I had one of the students who I supervised. Towards the end, when she was supposed to submit her work, she brought complete work. The last time I saw her, it was a proposal. I wondered why she brought the work. Having referred, read and seen her work, I realized she was doing a dissertation that was written five years earlier in another university. I got to know this because she did not read the dissertation, she just brought it. She made a photocopy. I asked her where the typed copy was. I wanted to know what had happened. There was reference to a Minister who was actually a Minister five years earlier. This means that students are unable to read their work. It is a huge problem.

We have been told that there are scavengers who have started bureaus around universities. They do a proposal and sell it for Kshs10,000. They do a complete job, they sell the report for another Kshs10,000. They sell dissertations to students but they have the ability to sell to the students of about 20 universities. From one dissertation, they make over Kshs300,000. Nowadays, they no longer look for jobs. This culture must come to an end. All over the world, any behaviour of plagiarism is punished heavily. Universities in the world have a proper way of referencing materials to ensure that if somebody---

*(Sen. Billow and Sen. Moi consulted in high tones)*

Mr. Deputy Speaker, Sir, can I get your protection? The consultations around me are too high for my own ears. I am unable to listen to myself.

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

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir. Therefore, I really support Sen. (Prof.) Lonyangapuo when he says that if we had our children from the early childhood education starting to appreciate research and acknowledging where they got information, appreciating that: “This is original work, this is copied work or this is referenced work”, it will become useful in terms of advancing education, so that by the time a student is in high school, they are able to do proper research. It can start simply. Sometimes I get encouraged when my son – and Sen. (Dr.) Zani is noting this because she knows that young man. When he comes to the house and says: “Today, we went to the national park and I saw a giraffe. It looks like this.” That is research! When they start from early childhood education by just seeing then they move slowly to writing what they saw – in fact, I like the way they do it in school. They tell them: “Draw what you saw.” Later, when they are able to write, they tell them: “Write what you saw. Refer in your writing where you saw.” So, they will write: “This is a giraffe which I saw at the national park.” That culture grows step by step. This is not possible without putting the necessary resources to ensure that early childhood education and the schools that are funded by the Government---- Indeed, apart from the national Government performing this responsibility, in the long run, it is important to recognise the role of county governments because they have a responsibility in early childhood education, so that they can also inculcate in their funding for early childhood education, matters of research as a matter of requirement.

Mr. Deputy Speaker, Sir, we must appreciate that research is not only useful for purposes of passing exams. It is important in terms of how we will move the country forward. Sometime back, some news was brought in the television networks of a young man in Naivasha who was trying to put together some kind of a plane. Another one wanted to come up with some mobile camera. Sometimes reports come in that the police have arrested so-and-so because he or she was doing this or that without a licence. Sometimes those people who were attempting to do those things do not even know there is a license. There must be a place where there is information. Even those who dare to engage in such original work must not be discouraged by punishing them by telling them: “You do not know the law. Ignorance of the law is no defence and so forth.” We must find a way of encouraging them by calling them, recognizing them and giving them awards. I saw a young man from Coast Province who was trying to come up with a mobile system where you are able to track your vehicle from very far, from as far as anywhere in the country where there is network. These kinds of research must be encouraged.

The National Commission for Science, Technology and Innovation (NCSTI) must be able to publish and tell the public that: “There is work that has been done in this country. This is the kind of research that has been done this year. Is there any Kenyan who wants to exploit?” They should assist those students to register their information with the Kenya Industrial Property Institute (KIPPI), if it is patent or copyright, so that when it is exploited, they benefit. We are told that some of the best innovations in this

country were by students in the universities. Once they are done with their innovations, somebody comes, exploits it and makes millions of money and then there is no way they are compensated. They are forgotten. Nobody recognizes them anywhere. It is important that, that kind of support is given to young innovators so that they are able to exploit. This is how countries like China, the United States and Japan have developed; by investing in science, technology and research.

We must remind Kenyans that most of the people who invented the greatest things on earth never went to any school. It was by virtue of doing the same thing all the time, and creating and coming up with a different way of doing the same things we know. As a result, they were recognized.

I support this Motion and urge that the Committee on Implementation must ensure that such kinds of Motions do not gather dust somewhere in the shelves of the Senate. This Motion must find its way to the national Government or the necessary agency and department, so that research can make a difference.

Finally, I urge the county governments to ensure that every county has a library because we transferred the functions of education to the counties. You cannot research if you do not have a place to go and access the information. It is important that text book research is promoted by every county by ensuring that there is at least one library in every ward. There must be that policy. They could come up with Vision 2022, so that in ten years, they are able to build a library in every ward, so that our children, students, researchers and our people can have a place to go. In fact, for Elegeyo-Marakwet County, they should start with a sports library because we are reknown the world over. We are the best county when it comes to athletics. It is important that when Kenyans go there they ask themselves: Where do we go and see pictures of the greatest runners in our country? There must be a museum in Iten that when anybody lands there, they will say: “I want to visit the athletics or sports museum of Iten so that I can see who Ben Jipcho, Wilson Kipketer, Ezekiel Kemboi or Moses Kiptanui are. These are people who have broken world records. There must be a place where you go---

**An hon. Senator:** And Wilson Kiprugut!

**Sen. Murkomen:** Yes, Wilson Kiprugut, Edna Kiplagat and so on!

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

*(Sen. Karaba stood up in his place)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, do I get it that your card is not working even now?

**Sen. Karaba:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): I cannot see you on my screen. If your card is not working, I am sorry I cannot see you no matter how many times you stand because I have a record. It is imperative that you have that card work or get somebody to help you make it work. That is important.

**Sen. Karaba:** *(Spoke off the record)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, first of all, I will not allow you to engage me because of a very simple reason; any engagement you have with me is not on HANSARD. Therefore, I have no way of knowing what you have said. So, you either walk to the dispatch table or make sure that your card works. Otherwise, you will find it very difficult to be recognized by anybody.

**Sen. Billow:** Mr. Deputy Speaker, Sir, I rise to support this Motion by Sen. (Prof.) Lonyangapuo. I agree with the Senator that research still remains mystified in this country. We all recall when Prof. Obel came up with some medicine that he researched for the treatment of HIV/AIDs. It was as if he looked ridiculous. Everybody in the country was saying: "You cannot be serious." The reason is simple; it is because research is still mystified. People cannot understand how you can just go and make up something and come up and say: "This is what I believe is the medicine." But in a country where there is a culture of research, then nobody would have been surprised. What other Kenyans would have done then would have been to simply go out and test that product or try and do something to provide support. But we do not support each other when we come up with something. We still find it ridiculous that someone has come up with something. It is also important to note that the mystery is not just in medical sciences. It is even there when somebody comes up with something innovative. When Kenyans, who are creative, come up with some very innovative ideas, for example, a couple of years, there is a gentleman in central Kenyan who came up with an aircraft. He was trying to test his aircraft. To many Kenyans, it looked ridiculous that we are trying to practice those things. But it is the culture that is important, that someone could sit down, think and create an aircraft. That innovativeness and artistic ability to design and think is what is required. That is the culture that research would come with.

Mr. Deputy Speaker, Sir, when we talk of research in this country, Kenyans only think about those institutions that we know, the Kenya Agricultural Research Institute (KARI) which researches on crops. We also talk about the Kenya Medical Research Institute (KEMRI), the Kenya Forestry Research Institute (KEFRI) and the Kenya Institute for Public Policy Research and Analysis (KIPPRA). These are the ones that we know. But research is something that is much wider than that. I like the Motion as drafted by the Member. It looks at research in a wider context, looking at it from the time children are in school at early childhood. It asks that we must develop a clear policy and legal framework to assist in the development and sustainability of research at all levels.

It is important that Kenyans know that research is not just about those institutions, crops, medicine, treatment or drugs. Research is much wider. You can look at it from the point of view of market research, which is very common. Many companies would be interested to know what market is available for a particular product that they make or the preference opinion to particular products. There are many forms of research. You can look at it from the perspective of Synovate and others too. This is an area that is important for the simple reason that it will create innovativeness, creativity and people

will come up with homegrown solutions of the challenges and problems that we have in this country.

The last thing I want to comment on is that in this country we have many institutions of higher learning. We have many institutions at the tertiary level and other institutions of science and technology. The challenge is what is captured in the last part of the Motion; the funding. I like the suggestion that research in this country should be funded to, at least, one per cent of GDP. That is not a lot of money. I think one per cent of the GDP will come to approximately between Kshs30 billion to Kshs40 billion. That is not a lot of money. In countries like the US, if you have a pool of money like that, it becomes very easy for institutions, individuals and even users of research to apply to such organisations that can control transfer of money for research. It then becomes very easy for somebody to go out there to undertake research as an individual or in an institutional capacity. That figure of one per cent is very ideal. It is there in many countries in the world. This is a poor country.

We do not have institutions that donate money for research. Countries that are developed like the US and Europe, it is the industries and businesses and institutions that contribute money. They have built a huge pool of money that is available for research. This money is given to universities, other institutions and individuals. But in a country like this where such opportunity is not available, it becomes imperative that the Government sets aside money. This is not a lot of money to fund research. It is important for the Government to view research, not only from the point of view of existing institutions but also from more innovative ways of getting our people to think more creatively and to come up with homegrown solutions and products that are competitive in the market. These are products which we can sell.

We have a country that relies on commodities and basic raw materials that we produce in our country. We need value addition and change. If you look at the way our products are done in the country, for instance, the way baskets are woven by our women, you will see it is the same way it was done 20 years ago. With a bit of money available for research, we can help a person to produce something that is more creative and modern. That is why manufacturers in the developed countries and developers of gadgets like the mobile sets and so forth, are coming up with new designs. Every year, you will find a new design being launched. That comes from a huge amount of investment that is put into research. I think, therefore, it is important that we finance research. We should encourage research all the way from the ECD to university level so that Kenyans can internalize research and take it as a culture. It is that culture that we need to develop.

With those remarks, I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Lesan, have you spoken to this amendment?

**Sen. (Prof.) Lesan:** Yes, Mr. Speaker, Sir, I spoke to this Motion before and after the amendment.

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

**Sen. Omondi:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to add my voice to this Motion. This is a Motion that, indeed, is very important to this country. Research is something that we all need to embrace and have passion for. If you look at the culture in this country and you weigh the two, the percentage is that the academic part weighs research down. This leaves our academia without knowledge of carrying out research.

In today's world, the ability for each country to compete in the job market depends on the ability of the organization to manage, create and have issues that can add value to each and every commodity in this country.

I want to talk about research in line with issues of disability. If you examine types of disabilities, you will see that there are areas or regions where you will find prominence in a certain number of disabilities especially in Busia. In Busia, we have visually impaired related disability. If research was done to know why it is only in that area that we have visually impaired people, then we would reduce the process that leads to that type of disability. We are failing to get numbers. We are also failing to find a solution to problems, maybe health wise or in production because we do not have that culture of research within our working spaces.

The learning institutions in developed countries have developed a culture of having research done right from the lower classes. This brings out learners who have that culture in their minds. As they progress academically, they grow with the culture within them. Even if they do not attain a high level of education, their low level of education becomes all-inclusive. They can carry out research at that level depending on their level of education. I think it is important for this country to have that culture and to support it by providing funds and making it part of the curriculum starting from the lower classes. This will help us, as a country, to come out of these problems. We have health problems but nobody is coming up with solutions simply because we do not carry out research to come up with resolutions that can help us solve the problems that affect this country.

It is only when we invest in the culture of research that we, as Kenyans, will be productive. We should have the answers with us. We should know where we are starting and where we are ending. With that, we will be more productive. Academically, we will also progress. We will have learners who understand what they are doing in their academic areas. This will reduce the number of learners who have knowledge on paper but practically do not understand what they are doing.

Most of our learners depend on written proposals simply because they are caught up in the middle of their studies and it becomes a problem for them to understand what they are doing. Since they want to proceed with their education, they are forced to buy material that will enable them to pass their examinations. However, when it comes to doing the real work that they are supposed to do, they cannot do it. Those who can perform are denied the opportunity to work and yet they are the ones who wrote the proposals. They are denied job opportunities simply because somebody somewhere



brought the material that enabled him or her to get the job. However, when it comes to delivery, that Kenyan cannot perform. This pulls the country down.

I support this Motion because I know it will improve the performance of this country. It will improve and enable Kenya to have people who can perform to the expectations of other Kenyans. If those who are employed perform according to the knowledge that they have, then we will not have issues of non performance in offices.

I support the Motion.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, thank you for giving me this opportunity. I want to start, from the outset, by saying that I support this Motion. The advantages and benefits that research can bring to our nation cannot be overemphasized. When my brother, Sen. Billow, was contributing, I heard him say that we, as Kenyans, have become wet blankets in discouraging researchers, people who attempt to do things out of the ordinary. He gave the example of a young man somewhere in central Kenya who was attempting to assemble an aircraft in his home. I think there was also another one in Kasarani who was also attempting a similar thing. There was a younger boy in Form three, somewhere in Kitale who attempted to do something and to use the highway as a runway to test. The thing never left the ground. It made a lot of encouraging noises and almost left the ground. However, it did not fly. You should have seen Kenyans drawing cartoons and ridiculing the boy.

I remember that time, I was a university professor. I said that if I were the Minister for Science and Technology, instead of this boy being exposed to ridicule, I would look for him and arrange for him to get a scholarship and go directly to the best technology schools in this country. That is a national asset. That is what countries that have made it in terms of development have done. They have invested in knowledge.

In 1903, when the Wright Brothers made their first aircraft, the Minister for Transport at that time, made very fascinating remarks because the attempt did not work. The equipment left the ground for a few seconds and collapsed and the Minister said that it would never fly. Today, we are aware that by 1917, the first plane had left Europe and crossed the Atlantic. Today, we know that air travel has never been the same.

Show me one country that has made progress and developed and I will show you a country that has invested in research, science and technology. I know very well that we aspire to grow and to advance our economy through international trade. The world is rapidly changing. Today, it does not help you a lot to trade in commodities and unfinished products. Trading in raw materials is an ancient way of trade. That is why today, if you go to the database of the World Trade Organisation (WTO), you will see that the contribution of all Sub Saharan African states to world trade today is less than two per cent of the total global trade. Why is this? It is because we are competing in terms of selling mangoes, flowers and raw materials of whatever kind overseas. We think we will prosper by the sale of such primary products.

It is only in investing in research and technology that we can modernize our economy and make Kenya the prosperous country that we would like to see. The old

adage says that information is power. The information that brings power can only be obtained through research.

This Motion does other several things. One, it requires that research be cascaded downwards to the lowest level. There is nothing as beautiful as starting early.

I support those who have spoken before me, including Sen. Murkomen, by saying that we should not mystify research. It should not be too early to introduce it at certain levels of education. This is about small things like observation. We should teach children to observe the environment around them. Long time ago, before there was KCPE, there used to be a subject called Nature Study which used to be examined at some level until one moved to upper primary. We used to read Mathematics, English and Nature Study. This is about helping children to realise the environment around them. This is about trees, forests and rivers which should be learnt about through observation. I also want to say that this Bill is asking for requirement of research as a compulsory subject. This will go a long way in instilling skills to learners.

The Motion also talks about the need for review of the legal and policy framework on research. Most of the legislation we have today is old fashioned. Look at the Science and Technology Act and probably the Education Act although it may have been modernized recently. However, it did not integrate research. Therefore, we need to review the Basic Education Act and other education laws, the Science and Technology Act and the legislation on Books and Newspapers Act so that we implement this Motion.

Finally, on the issue of funding, if you do not put money into research, then we will not encourage researchers. I want to point out quickly the need to recognize intellectual properties. One of the most demoralising things that we have pursued as a country is that we do not revere thinkers, inventors and innovators. Some of the poorest people in our country today and some of those who are least appreciated or rewarded are great scientists, innovators, thinkers and professionals who have invested time and money to advance their education and skills to serve their nation and to contribute to the socio-economic development of their country.

We have made scholars to be a laughing stock simply because they are paid lowly and nobody appreciates what they do. The few people who have made it as scientists and researchers have made it outside this continent of Africa. Many people like citing Prof. Thomas Odhiambo, the founder of ICIPE, but what they do not tell you is that Prof. Thomas Odhiambo's big break in science and technology before he came to found ICIPE was because of the grants and the funding he got for his research work overseas when he was a student and a post-doctoral student. We cannot aim at advancing or modernizing our economy if we do not reward those who have spent time thinking. We must invest in knowledge and that is why you see that we have Kenyans outside this continent who are doing very well. They are appreciated and paid well. Their research is taken care of, but here in this country you pay a researcher Kshs250,000 and you say that this is a research grant from the National Council of Science and Technology (NCST). What do you do

with Kshs250,000? You cannot even photocopy enough questionnaires to be able to send your students or research assistants to go and do field work.

This Motion is timely and the benchmark internationally for all the countries that have taken research seriously is that they take between one per cent and 1.5 per cent of the entire GDP and put it in research.

With those few remarks, I support and thank you for the time.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, are you still interested to contribute because your name has disappeared from my screen? It appears as Sen. Kajwang and sometimes as Sen. Karaba.

Sen. Abdirahman.

**Sen. Abdirahman:** Thank you. Mr. Deputy Speaker, Sir. I also stand to support this Motion in its amended form as proposed by Sen. (Prof.) Lonyangapuo. I actually want to begin by using his very first few words that we should demystify research as it is believed to be the preserve of selected Government agencies, institutions of higher learning and organizations in some cases. That is the belief of many people. I think as he has suggested, incorporating or bringing many other people into the fold and looking at many other fields will be a very good opportunity for us to benefit as a country. It is also very important for us to know that research will play a crucial role not only in the socio-economic development of this country, but also the political development, an area which many of us have not looked at.

Research and development are said to be inseparable. Many a times, Government institutions may plan for development programmes without actually looking at the component of research. If we really want to achieve results and make some good impact, then we need to actually invest in research so that we are able to tell how much we are able to achieve at the end; the expected outcome. Doing research in the education, health, water and all the other sectors will actually help us achieve good results. It will even improve governance in our country. Looking at education, for instance, we have had the 8-4-4 system of education which many of us now feel it is about time to review it. I am sure there is already a task force that is reviewing and looking at the system of education so that our children can cope with the demands of the 21<sup>st</sup> Century. Countries that have industrialized or achieved significant technological development have invested heavily in research. That is why they have improved their economies over time.

The suggestion by the Motion that we cascade research up to the lower levels will actually be a big boost in terms of improving our learner's capacity even at the ECDE level. We will help our children build capacity, improve their creativity and we will eventually have children who are very innovative at any age. They will help us improve our performance in education.

Mr. Deputy Speaker, Sir, many a times, research is undertaken by academicians without the involvement of other stakeholders. We require a participatory approach to research that our people undertake. So much work has been done in this country but it is just lying on our shelves. I find this a very timely Motion. The Government has not

allocated sufficient funding either to the institutions of higher learning or individuals who undertake research in various fields. It is also very important that this is factored in not only future budgets but even the coming supplementary budget in a few months. It is important that the respective line Ministries consider some adequate funding towards research. Equally, our county governments should embrace the culture of investing in research. They are now at the embryonic stage. The earlier they invested in research so that we produce good results on the ground with regard to the functions that they have been assigned, the better. This will be key in helping us achieve the desired results.

With those remarks, I fully support this Motion in its amended version.

**The Deputy Speaker** (Sen. Kembi-Gitura): Now, Sen. Karaba, my record shows that you contributed to this Motion on 26<sup>th</sup> of June, 2014 at 6.10 p.m.

**Sen. Karaba:** *(Spoke off record).*

**The Deputy Speaker** (Sen. Kembi-Gitura): Let me verify that record, Sen. Karaba.

**Sen. Kajwang:** Thank you very much, Mr. Deputy Speaker, Sir. I want to thank Sen. (Prof.) Lonyangapuo for this very important Motion. In fact, research is mystified because it is to some of us who are not researchers, a complicated thing. There is nothing you can do without some research or relying on somebody's research or your own research. When I was a student in Makerere during the turmoil in Uganda, they were trying to put back together a government or a country without data on anything. They did not even know the arable land that was available or what crops to plant where and how many hoes would be needed. They were in that desperate situation and they had to spend money on the university lecturers at that time to do research on almost every area in order to put together data that would then be used as a foundation of the planning for the development of the country. We cannot grow this economy without planning. We cannot plan without some research. If we do not put money on research, then you are not preparing to grow. In fact, you are preparing to fail.

I want to first of all thank Sen. (Prof.) Kindiki for referring to Prof. Odhiambo who founded ICIPE out of the laboratories in the University of Nairobi but established the first research station in Mbita which has been my constituency for a long time. It was because of the generosity of certain countries while Kenya contributed a little money. It was because of the generosity of some European countries including Switzerland and Norway that made it possible for Prof. Odhiambo and his colleagues to do a lot of research on agriculture, the insects and all those things that affect the growth of crops in that area. It means, therefore, that unless you rely on some foreign money, then you will not do research for your own country and the people who gave you money want to inquire on certain things that this country may not need. They want to inquire on certain things that are of interest to them. That is why they give you money. Unless we put our own money on research, it means that we will never be inquiring on the things that affect us; the things that can take us a step forward. It is in our interest to put our money there.

Mr. Deputy Speaker, Sir, let me give thanks where it is due; that former President Moi put in some thought into research institutions and not only research, but he thought of an industrial research. That is why he called it Numerical Machines Limited. He allocated it land, bought very sophisticated equipment, put a board in place and got very brilliant people in that project and told them to proceed and produce a car. Of course, we laughed at it, but the Nyayo Pioneer is still parked at the railway yards. I saw it recently. It is worth noting that at that time, our university lecturers and students and those who had good ideas could put together a car, although it was never driven for a kilometre. If we put some more effort and enter into collaboration with other people who have succeeded, probably we would be very far by now. We could only do that by putting money and effort in the job that we did, but I think after a while, we suffered a backlash from our donors. They said that if we had so much money to do so much research, then we do not even need donor funding. We then killed a project that would have taken us very far. In fact, I recently went there and talked to the Managing Director who told me that they had entered into collaboration with a Korean company that was the third largest producer of steel in the world to come down and go into a project with them to produce steel in this country.

If we do not produce our own steel, we will not go anywhere in industrialization because that is the backbone of industrialization. However, we must start with research. In fact, the only research that our university lecturers are now doing, because that is the home of research, is the socio-political research to check whether somebody can put an industry here safely without some interference for at least 25 years. Those are the kinds of papers that earn the university lecturers money, but the Government does not put money in our laboratories and our researches. If we made it mandatory that the Government must put at least one per cent of our GDP into research, then we will go somewhere and put the money where we need it most. If we want to collaborate with others in research in medicine, we will go there. If we want to collaborate with others on seed production, we will go there. If we want to collaborate with others on industry, we will go there. But at least there will be money which will be invested in research. There is nothing you can get for free. We cannot assume that we will have agricultural products coming out of our soil if we do not even study the soil and even apply the necessary research into what it is that we need to add into that soil to produce the kind of seed that we are looking for.

Mr. Deputy Speaker, Sir, the professor has taken it a bit too far; up to early childhood. It seems like we will have some curriculum which will teach our children who are five years something about research. I hope they will be creative enough to have inquisitive minds of our children even as they grow so that by the time they are in Standard Eight, they can talk boldly of their research findings of how many goats are in their villages because they do not even know. I was a Member of Parliament for Mbita for a long time, but I can tell you that I did not even know how many men and women are in Mbita and the rate at which we are dying and what is killing us. It is very important to

know some of these things and you cannot do them without putting some money in it and inquiring about it and then you plan and invest accordingly.

The European Union (EU) puts a lot of money on research. In fact, I think in every country, the EU contributes a certain percentage of its GDP to research and that money is competed for by researchers themselves. You write a proposal, take it to the EU and if they are satisfied that your research can take them far, then they will put money in your research. That is how they have been able to be ahead of the rest of the world in research. I think any other country that has ever made strides even in the Tigers region, has put a lot of effort and money on research and that is how they have gone another mile.

I want to thank Sen. (Prof.) Lonyangapuo for bringing this Motion and I hope that when we make this resolution, we can introduce a Bill that will then make it possible for the Government to invest one per cent of our GDP into research. I can tell you that we will grow.

I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, you contributed to the debate and if you refer to Standing Order No.95, you are not entitled to speak again on this matter. You spoke on the main Motion and you could have spoken to the amendment, but you did not. So, you cannot again speak to the Motion as amended, if you refer to Standing Order No.95. It says:-

“Where an amendment has been moved and, if necessary, seconded, any Senator who has already spoken to the main question may speak to the amendment and, any Senator who has not spoken to the main question but speaks to the amendment, does not thereby forfeit the right to speak to the main question.”

So, you finished contributing to the main Motion. You could speak to the amendment, but not to the main Motion again. I hope that you agree because that is the legal position.

**Sen. Karaba:** I agree, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much.

**Sen. Njoroge:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Research is the foundation of any successful project. From experience, I think that if proper research was done from the early 1970s by the Government, the number of persons with disability in Kenya would decrease by almost 70 per cent. Due to lack of proper research, time and again, issues regarding people with disability have not been handled well. It is only vaccination against polio which has been given some attention. The other types of disability have never been attended to in terms of research. That is why some of us have gone out of our way to look for even developed countries and form an alliance which can help our country in coming with proper research, so that we can find ways of reducing the number of persons with disability.

Mr. Deputy Speaker, Sir, without proper research, there will be no excellent results from projects which are started. Implementation of any project actually becomes an issue. I, therefore, support this Motion and say that research is the key to excellent results of any projects started.

I beg to support.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and thank the Mover, Sen. (Prof.) Lonyangapuo.

This Motion is extremely timely for many reasons. Research in Kenya is associated with professors and doctors only. Education and research in our country have been separated. I am afraid that although people might say that they are educated, a lot of the population that we have is ignorant because of lack of research. Most of the people who are going to school do not go beyond the ordinary course. Most of the teachings that we have do not go beyond the examinable subjects. You will agree with me that even in our legal field, there are many students who are graduating after four years of university, but when you ask them a simple question about the history of law, they will not be able to tell you beyond what they were being examined.

Recently, I had the privilege of travelling to Malaysia. It was amazing to find that the Malaysians are growing food on terraces and all they are using is water. This sort of research ought to have been done in a country like Kenya where we rely on agriculture and claim that it is also the backbone of our economy. There is somebody in Machakos County who is growing barley and wheat using Global Positioning System (GPS). There is not even a single person who is on his 4,000 acres of land on which he grows barley and wheat, yet in that county people have been told that they cannot grow anything on clay soil. This gentleman, who comes all the way from Australia is doing this sort of agriculture. The East African Breweries Limited purchases his crop even before he harvests it. Even the harvesting is done using technology.

Mr. Deputy Speaker, Sir, the Chairman of the Committee on Information and Technology will confirm that in our trip to Berlin, we found that those people have gone beyond what we know as research. Nanobatteries have now become very small; you can now print them on paper. The German Government has put so much money in research that these people have gone beyond the call of duty. They have even put it in their policy and call it Industrial Revolution. It is part of Government policy to do research on food and technology. They are now using a system which will possibly come to Kenya in a few years called Nano System. They have moved ahead.

Mr. Deputy Speaker, Sir, what are we doing ourselves? We have reduced educational institutions to conveyor belts of degrees. We do not have technical institutes where people are doing research. The children that we are educating only go to google search to retrieve very mundane things. We do not even have budgets for libraries. As we are debating this Motion, somebody must ask the question: How many libraries do we have for research? How are going to do this research that we are asking the national Government to take deliberate efforts to do? Who is interested in buying books? We are

getting into a situation where we are going to have an educated but ignorant population. We are going to have people who do not know anything other than what is beyond their village, yet the things that are happening in the world are things that we should know. There is no reason whatsoever we should reinvent the wheel and start afresh things that have already been done by other people.

Once again, I thank Prof. Lonyangapuo for bringing this Motion. Maybe it is because of his training and professorship that he has come up with such an elaborate Motion, where research is taken to the lowest point possible. If you go to our primary schools today, it is an eyesore. If you go to our secondary schools, particularly in our counties, research has really been left to the people who can afford. This is because the priority is to pass examinations and improve our statistics on the number of people who are going to our universities. Even today, the President has been requested to convert one of the State lodges into a university. It is because we have lost complete focus on what we should be doing. If somebody had requested the President to convert that State lodge into a library and put books there, it would have been more useful than requesting for a university, where we are just using it as a conveyor belt to churn out graduates with degrees. They are only educated but ignorant on many issues. There is need for research not only in medicine but also technology, law and many other aspects.

Mr. Deputy Speaker, Sir, as Sen. Kajwang has stated, maybe legislation or a deliberate policy should follow. We should go beyond this Motion, so that this Senate can help our counties to develop technology centres. Once the Konza City in Makueni County starts, we want to invite all counties to bring technology to that city, so that people can benefit from it and things that are happening outside the world. We should go beyond asking the national Government. We should, in fact, give incentives to universities and technical institutes abroad.

*(Sen. Kagwe withdrew from the Chamber)*

Mr. Deputy Speaker, Sir, Sen. Mutahi Kagwe is walking out, but he would confirm that, in fact, we, as Members of the Senate Committee on Information and Technology, watched as a doctor in Berlin removed a gallstone from a patient. There was no cutting or operation; they just did it using endoscopy. Why do we not have these things here? It is because nobody is bothering to go beyond the ordinary operations that we have been doing since time immemorial. All that we need to do is to invest in technology and do some little research. By so doing, we will stop people from travelling all the way to India and Europe and spending billions of shillings to do such simple and ordinary things that took ten minutes in the City of Berlin, as the Senate Committee watched. Sen. Karaba can also confirm that because he was with us.

*(Sen. Karaba nodded)*



This Motion is timely and we should go beyond asking the national Government. We should ask the national Government to, in fact, give incentives to people and universities. The professor who was actually supervising this operation was working in Mombasa and other cities in Kenya. He was very glad to receive us. But the point is that we do not have that technology here, because our doctors are only trained to cut, open and stitch.

Mr. Deputy Speaker, Sir, on those grounds, I beg to support.

**Sen. Hargura:** Mr. Deputy Speaker, Sir, I rise to contribute to this Motion. From the outset, I support this Motion and would like to thank Sen. (Prof.) Lonyangapuo for moving it.

We, as a nation, have been talking about Vision 2030, where we intend to be a middle income developed nation. But we understand that for us to develop, we must first understand our potential and know how to use what we have to develop. Without researching, we will not even know what our potential is and how we can use what we have to improve productivity and do value addition to our potential, so that we can generate the necessary capital to move to the next level. But one of the most important capitals is the human capital. Without human capital, we will just be a nation which will be a net importer of everything and exporter of raw materials. This is because we will not have even known how to improve the value of whatever we have.

Mr. Deputy Speaker, Sir, currently, even in the technical sector, like roads, you will find that we are using standards which we have borrowed from other countries. Maybe some even just change the cover to show that it is a Kenyan standard. That way, we will not even be using the necessary technology in developing ourselves. For example, in the roads sector, other countries are coming up with standards for roads construction using the appropriate technology, which is applicable to their traffic conditions. They use the materials that they have to cheaply construct sustainable infrastructure.

I know that the current standards that we have are as old as the 1980s. Thirty years down the line, we are still using those standards, when other regions even in Africa have moved on. This is as a result of not doing any research. We are just complacent with whatever we have. Therefore, we should not expect to develop.

I support the way that the Motion has been set out, because it talks about making research part of our learning process. Research is adopted from a French word which means to go about seeking something. If we institute that from early childhood and develop the capacity to do research and understand things from first principles, then we will have a nation of critical thinkers who will always be asking questions. We do not have to reinvent the wheel, but we have to do things in the manner that is suitable to our conditions, without necessarily going through the costly processes.

Mr. Deputy Speaker, Sir, the other aspect is making research compulsory. If everybody goes through it, they will have the skill of critical thinking. As we move along, then we will have the right people who will move this country to the next level. Also, we

need to have the necessary infrastructure for this. The other Senators have talked about conversion of technical institutions to universities all over the place. Right now, we have very few graduates at the tertiary level, that is, the technicians. Actually, nations are built by technicians and not engineers or professors, because they are the ones who actually do the real work. That is what we are missing. I do not think that we can achieve our vision of being industrialized and expect to build our nation at this rate, if we cut out the actual builders.

Mr. Deputy Speaker, Sir, for this research culture to be entrenched, there must be a clear policy and legal framework. That is what the Motion is also addressing. I like the way the Mover has set out, step by step, how we can progress to establish this culture among our people. It is necessary to have a clear policy. Even in our education system, there should be curriculum change towards research. That should be part of our culture, unlike currently when we have graduates who, as we were told by some Senators, have been lecturers, do not even understand the thesis that they submitted. This is because they just bought it from somewhere, thinking that what is required is just a document which will not form part of that person's knowledge. After that person has left college, he or she will not stand up to whatever level of education that he or she will have claimed to have attained.

All these cannot be attained without having financial support. I support the Motion because it is very clear and the Mover is setting some guidelines. At least, one per cent of our Gross Domestic Product (GDP) should be committed to research. We have been told that, that is a huge amount, about Kshs300 billion. That will go a long way in institutionalizing research in our schools and work force.

As I support this Motion, I hope that after passing it, we will go a step further and introduce a Bill which if enacted, will be implementable.

I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): It appears there is no one else interested in contributing. This is not a Motion affecting counties so it is not going to be a vote by delegations. I will, therefore, put the question.

*(Question of the Motion as amended, put and agreed to)*

*Resolved accordingly:-*

THAT, aware that research is a mystified domain which remains a preserve of selected Government agencies, academic institutions of higher learning and a few other organizations; concerned that even in the said institutions of learning, research is usually introduced at post-graduate level; further concerned that research has not been prioritized and very low funding is channeled towards it; the Senate calls upon the National Government to:-

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(a) take deliberate measures to cascade research to lower levels of education right from early childhood education level;

(b) inculcate and institutionalize research by introducing it as a compulsory discipline at all levels of education;

(c) develop a clear policy and legal framework to guide the development and sustainability of research at all levels of education; and,

(d) increase funding for research by allocating at least 1 per cent of the gross domestic product to research.

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

#### URGENT MEASURES TO MOTIVATE COCONUT FARMERS

THAT, aware of the critical role played by the Agricultural sector in Kenya's economy; cognizant of the fact that coconut farming is largely practiced in the coastal region; aware that coconut farming has been largely neglected and its potential not fully exploited for maximum benefits; appreciating that the crop has multiple benefits including the natural 'mnazi' drink which has medicinal value, coconut cooking oil, coconut cream, cooking flavors, 'makuti' roofing materials, construction poles and brooms; cognizant of the fact that it takes a very long period for the coconut tree to mature for all these benefits to be realized, occasioning delayed revenue generation to the farmer; further aware that modern farming and exploitation techniques of this crop can lead to higher yields resulting in job creation and improved economy; appreciating that the National Government is taking various measures to develop the agricultural sector in the Country; the Senate urges the National Government to take measures aimed at giving incentives to coconut farmers during the long maturity period of the crop so as to motivate and encourage farmers to plant more coconut trees by setting aside a national fund for this purpose.

*(Sen. Ongoro on 2.7.2014)*

*(Resumption of Debate interrupted on 2.7.2014)*

**Sen. Kisasa:** Bwana Naibu Spika, asante kwa kunipa nafasi hii. Kwanza, ningependa kumpongeza dada yangu, Sen. Ongoro, kwa Hoja hii. Kwanza, mimi kama mama na kiongozi kutoka pwani imenipatia changamoto na hata kuona haya kwa sababu Hoja kama hii nilitarajia itoke kwa watu wa pwani kama sisi lakini hii imedhihirisha wazi

kwamba sisi ni Wakenya na hatuna ukabila. Kwa hivyo, nataka kusema asante kwa Sen. Ongoro kwa sababu ya Hoja hii ambayo itawasaidia watu wa pwani.

Bw. Naibu Spika, kuna wakati kitambo kidogo, Mbunge wa zamani aliyejulikana kama Dr. Tshibule alijaribu kuleta Hoja kama hii Bunge lakini haukueleweka wakati huo na ulichangia kupigwa vita kwa Dr. Tshibule kwa sababu wengi walidhania kwamba alikuwa akitetea pombe ya mnazi lakini yeye alikuwa anatetea mnazi *as a whole*. Nimefurahi kwa Sen. Ongoro kuleta Hoja hii wakati ambapo watu wamechanuka na fahamu zimepanuka. Kwa hivyo, wengi wanaelewa umuhimu wa mti wa mnazi.

Bw. Naibu Spika, mti wa mnazi una manufaa makubwa sana kwa watu wa pwani. Inasikitisha kuona kwamba katika supermarket zetu tunapata tui ama kwa kimombo *coconut milk* kutoka Thailand na nchi zinginezo wakati tuna mnazi pwani. Mnazi huu ungefanyiwa utafiti, mnazi ungehamasishwa ama kutiliwa maanani, leo watu wa pwani wasingekuwa maskini. Kama mnazi ungetiliwa maanani katika ukulima leo, watu kama Sen. Emma tungekuwa tumesoma vizuri kwa sababu tegemeo la mwanamke wa pwani ni mnazi.

Bw. Naibu Spika, mnazi unatupatia vipuli, zulia, makuti ya kuelekea nyumba, mbao na mambo mengi sana. Leo hii kama Wizara ya Kilimo ingekuwa imetilia maanani mti huu hata hatungekuwa na chipuko la watu kama Mombasa Republican Council (MRC) au *Al Shabaab* pwani. Vijana hawa wote wangekuwa wanapata ajira kutokana na mnazi huu mmoja.

Nimeshuhudia visa vya watu kunywa pombe haramu ya kumi kumi na wengine wakipofuka macho. Laiti kama Serikali ingetilia maanani pombe ya mnazi ambayo ni pombe iliyoletwa na Mwenyezi Mungu, leo kama Serikali ingetilia maanani, ikafanyiwa utafiti na kusafishwa, hii ni pombe ambayo ingeuzwa kama Tusker ama vileo vinginevyo. Nina hakika katika Bunge zote, watu wakitoka hapa jioni wengi huingia kwenye bar wakajivinjari na vyote wanavyokunywa ni vileo. Kwa hivyo, sijaona haramu ya pombe ya mnazi. Ikiwa pombe hii itaruhusiwa, basi huenda visa vya watu kunywa kumi kumi na kupofuka macho kwa sababu mimi naamini pombe ya mnazi vitapungua. Ni pombe ambayo ni rahisi na mwananchi yeyote anaweza kununua kwa sababu chupa moja inapatikana kwa shilingi ishirini. Isiwe ni matajiri peke yao ambao wataruhusiwa kunywa, wakanywa Amarula, Tusker na vileo vingine. Kwa hivyo, ikiwa pombe ya mnazi itahalalishwa, hata wale wananchi wa chini watapata pombe ya Ksh 20 ambayo ni halali, Mungu mwenyewe alileta.

Bw. Naibu Spika, njia mojawapo ya kufanya mnazi kurudi, kwa sababu wakati huu ukifika pwani minazi ni kama ilikatwa. Kwa sababu mnazi haukutiliwa maanani sisi wenyewe Wapwani pia tuliudharau na tukaacha hata kuupanda. Ikiwa Wizara ya Afya itahusishwa katika mti huu wa mnazi--- Nakumbuka sisi, Wamijikenda, ilikuwa mama akizaa kitovu cha mtoto hakitupwi. Ilikuwa ni kwamba mama akifika nyumbani kitovu kikikatwa, mama anapatiwa mche wa mnazi anapanda na kitovu cha mtoto na tuliona minazi ilikuwa mingi kwa sababu ikiwa kutazaliwa watoto 10,000 basi tutapanda minazi elfu kumi. Kwa hivyo, Wizara ya Afya ikihusishwa katika ukulima wa mnazi na miche

iwekwe katika maternity ya kwamba mtoto akizaliwa mama akitoka anapewa mche. Pia, yafaa Wizara ya Mazingira ihusishwe. Tukifanya hivyo, miti ya minazi itarudi kwa wingi. Licha ya mnazi, miti mingi pwani ikitiliwa maanani uchumi utarudi. Kuna miti kama mikoroshu, mipera, zambarau na maembe. Serikali ikitilia maanani miti hii, uchumi wetu utarudi na vijana watapata kazi na hata hizi rabsha rabsha za pwani zinazotokea huenda zingapungua kwa sababu yote ni kwa sababu ya kukosa ajira. Tuna njia nyingi sana za kuleta ajira kama Serikali itatilia maanani miti yetu ya pwani.

Ninaomba, vile watu walivyotilia maanani kahawa na majani, huu mti wa mnazi ambao ndio chumo kubwa la watu wa pwani pia uzingatiwe na kutiliwa maanani. Mimi nashangazwa na kitu kimoja; wakati wa maonyesho ya kilimo kule Mombasa, utapata maofisa wa kilimo wamepanda kabeji imepandwa huko juu ya mawe; sijui wanatumia utafiti gani. Kwa hivyo nashindwa kwa nini watu wale wasije pwani wakatumasisha tukaona hii minazi pia ikimea kwa wingi. Kama nilivyotaja, mikoroshu yetu pia irudi. Isiwe tu ni wakati wa maonyesho ndipo Wizara ya Kilimo inahamasisha watu kuhusu ukulima. Hii yafaa iwe ni kila wakati.

Tuna miti mingi sana kule pwani kama vile Sen. Ongoro alivyotaja. Kuna miti ya mwarubaini ambayo ni dawa. Huu ni mti ambao yafaa Serikali izingitie na kutilia maanani ili watu wa pwani wafaidike.

Bw. Naibu Spika, kwa sababu hizi nilizozitoa, napenda kuunga Hoja hii na pia kusisitiza kwamba wakati pesa zinapogawa katika ukulima, naomba zaidi ya pesa nyingi katika Kenya ziingie katika ukulima wa mnazi.

Asante.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I want to thank Sen. Ongoro for this Motion because it is not only timely but it is fair that we say the coconut tree is misconceived in the concept in which the people of the County of Mombasa, Kwale or Kilifi understand. The benefits of the coconut tree has been misunderstood and the irony is that the people of the coastal region are poor yet this coconut tree grows naturally. It does not need a lot of water, it has got medicinal value, does not require any capital input yet the land in the coast region lies idle, no coconuts are planted. There is no employment, there is drug abuse yet if the Government had even bothered to give incentives and educate the people of Kwale, Kilifi and other regions of the benefits of coconut, there would be nobody taking drugs or asking for employment because coconut is enough to create an economy for the people of coast region.

Why am I saying that Sen. Ongoro has done something that we should have done a long time ago? In other countries where the economy is centred around palm oil like Malaysia, 70 per cent of their land is covered in palm. That is the reason why the country enjoys a lot of rain. There is a benefit of having coconut which includes good weather and good rain. So, it does not only create employment but it is also an incentive to improve the weather and have more rain in the counties where coconut is grown.

There is a company in Nairobi that has purchased L'Oreal for a sum of Kshs3.5 billion. What does this company do? This company is famous for manufacturing Nice

and Lovely lotions used by all the ladies. The raw material for this lotion is coconut and I suspect that this raw material is not collected from the counties of Mombasa, Kwale or Kilifi. This goes to show that if the incentives were given and the people are educated on the importance of growing coconut, we are also in a position to create wealth and empowerment for our people who are looking upon us to create employment for them yet it is staring at them.

The people of coast region for waiting for mnazi to fall yet we can give them something else to do by creating an economy for them. Once again, like I said, during the debate on Sen. (Prof.) Lonyangapuo's Motion, a little more research needs to be done when we want to educate the population about the benefits of having coconut growing in places like Mombasa, Kilifi, Kwale, Taita and surrounding counties so that these people can make money, create employment and at the same time, improve the environment. In fact, instead of people coming to see our beaches, they can even come to see the beauty of coconut farming.

Therefore, this Motion is timely and I support it.

**Sen. Sen. Mwakulegwa:** Bw. Naibu Spika, asante sana kwa kunipa nafasi hii ili niweze kutoa maoni yangu pia kuhusiana na Hoja hii iliyoletwa na dada yetu, Sen. Ongoro.

Jambo la kwanza ni kumshukuru sana kwa kuleta Hoja hii. Hoja hii ingekuwa imekuja hapo awali lakini pia vile vile na kuchelewa kwake watu husema, afadhali uchelewe lakini ufike. Jambo la muhimu sana na kuzingatia ni kwamba ni kitu cha kusikitisha kwamba tangu uhuru upatikane mpaka hivi sasa, mnazi ambao umekuwa ni kama ni kimbilio la mtu wa pwani ili aweze kujiokoa kimaisha umeachwa nyuma. Kipaumbele kilipewa zaidi mimea mingine kama kahawa na chai lakini utafiki ambao ungekuwa umefanywa hapo awali kwa mambo ya mnazi haukupewa kipaumbele. Pia, vile vile kuna wazee wetu wa zamani, kama mheshimiwa kama Karisa Maitha, alijaribu sana kuhamasisha watu wa pwani mambo ambayo yanahusiana na mnazi. Lakini kwa vile, hakupata support ya kutosha na vile ambavyo wakati huo ilikuwa hairuhusiwi watu kunywa pombe ya mnazi kiholela, hakuweza kuendelea zaidi. Wakati umefika sasa ya kwamba Wakenya kwa ujumla, haswa watu wa pwani na Serikali lazima izingatie mti wa mnazi.

Ukienda kwenye *supermarkets*, utakuta watu wengi wanachukua vyakula ambavyo vimetengenezwa na mnazi. Tunaona kwamba pombe ya mnazi ni kama *wine*. *It is one of the best wines we have in the country or in the world* kwa sababu haina madhara ya aina yoyote. Kwa hivyo mimi ningependelea zaidi badala ya watu kununua kitu kama *Baileys* ama *Amarula*, akina mama wetu wanunue mnazi. Pia, ningependa kusema kwamba Wizara ya Kilimo iweke kipaumbele mnazi. Kama vile dada yangu alivyosema, tukienda kwa maonyesho ya kilimo tunaona mimea mingi sana inapewa kipaumbele lakini upande wa mnazi utafiki umewachiwa Coast Development Authority (CDA) ama Coconut Authority. Serikali yafaa ijiingize kikamilifu kuona kwamba ime support huu mnazi.

Mheshimiwa Sen. Kilonzo Jnr. alizungumza kuhusu Malaysia, nchi ambayo hata mimi nimeshatembelea. Asilimia 70 ya uchumi wao unatoka kwa mnazi. Kwa hivyo, lazima Serikali yetu itie maanani mambo ya mnazi. Ingawa Hoja hii ni nzuri na inaeleza vizuri vile tunatakiwa kufanya, ingekuwa jambo nzuri kama tungetilia mkazo sehemu inayosema “Serikali inafaa kuzingatia mambo ya mnazi.”

Wakulima wa pwani wanafaa kupewa nafasi ya kuzifikia zile pesa katika benki ama katika mkopo fulani ili waweze kujinufaisha na pesa za mkopo. Tukisema Serikali inafaa kuweka mbele mambo ya mnazi, tunafaa kusema kwamba wakulima wanaolima mnazi wanafaa kupewa njia ambazo wanaweza kufikia pesa katika benki kama vile wakulima wa kahawa, pareto na wale wote ambao wanaweza kuzifikia pesa hizi.

Mnazi una umuhimu kwa sababu matumizi yake huwapa watoto wetu na jamii zetu kazi za kufanya. Badala ya kuketi ndani ya nyumba ama kwa baraza, watu wetu wanafaa kujihusisha na kutengeneza bidhaa kama magunia, makuti na vitu vya mbao ili hali ya uchumi iendelee sehemu ya pwani. Ni kwa sababu ya ukosefu wa utafiti kama huu ndio wakulima wa mnazi hawafanyi vizuri. Vijana wetu wakikosa kazi wanafikiria kufanya mabaya. Watu wanajiingiza katika tabia mbaya ya kuvuta sigara na kumeza madawa ya kulevya. Hili si jambo nzuri. Kuna umuhimu wa kufanya utafiti kuhusu mnazi. Ningependa kumshukuru dada yangu Sen. Ongoro kwa kuileta Hoja hii.

Ninaunga mkono.

**Sen. Kagwe:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and to thank Sen. Ongoro for leading us in discussing such an important matter which I believe is crucial to the growth of some areas of our nation. For the last 50 years of our agricultural reliance in Kenya, we have largely relied on specific and very few agricultural crops and products in developing our nation, including earning foreign exchange. One of the reasons I think this is an important Motion to support is the diversification of the agricultural products we rely on as a nation.

You will recall that a while back, sisal was an important crop in Kenya. Sisal fizzled away in Thika, Kiambu and Ukambani. Most of those areas relied on sisal. Sisal disappeared. However, it is now coming back because the synthetic products they were using are now going out of fashion. Sisal will be a good product. We should invest some money in sisal, coconut and in cashew nuts production so that we diversify. Coffee and tea are the only cash crops that Kenya relies on to some comfortable degree.

When something happens to the tea and coffee market in Sri Lanka and elsewhere, you will find that Kenya tends to suffer. So, we should grow a wide range of products that are very important for this country. We should, therefore, engage and practice scientific research in the area of coconut growth. I believe that coconut can grow over and above the areas that Sen. Ongoro has pointed out here. However, there has not been research going on in that area and we have not focused on what a coconut tree can do for us.

The coconut tree was a survival tree. It is one tree that made people survive even when they were in tiny minute islands. They would eat and drink *mnazi*. I do not even

know what they did with the cover, probably, something else. This is one crop that is used in totality. I believe that there is medicinal value in some of the products of the coconut tree. Therefore, if we were to conduct research to find out what else can be done to it, I believe we would discover that there is more. When you discover what else it can do, then you will spend a little amount of money to invest in the products of the coconut tree and create jobs at the coast. The coastal region should not only rely on tourism which is now not benefiting them to a large extent.

I believe that we can come up with factories to produce oils, creams and different flavours. If you come to Nyeri County, you will see some of the *makuti* structures we have. The *makuti* structures can be made better because I believe there are ways and means of ensuring that they can last longer if we put a bit of money in that area. I want to urge the polytechnics in the coastal region to also create departments dealing with the production of coconut trees.

If you go to Wambugu Farmers Training Centre in Nyeri County, you will find that this college teaches animal husbandry; how to take care of livestock and agriculture. The institution focuses on those products and knows agricultural crops that grow in that area. It, therefore, makes sense for us to think about the institutions at the coast focusing on the human capacity to use the coconut tree as a resource. It is not good enough for us to continue using it the way we have. It is not enough that we continue to grow it the way we have been growing it for the last many years.

Sen. Ongoro has rightly pointed out that these trees take a long time to mature. Years back, we thought that maize should take eight months to grow. However, maize now takes three months to mature. So, there is every possibility that even the coconut tree, with proper research, may not take as long as it is currently taking. We should find out whether there are other ways of growing these crops, so that it takes a shorter time than it is currently doing so that it becomes beneficial to those it is benefiting. The only way this can be done is by educating those who are taking care of the crop. They need to have wisdom and knowledge on how they can better the crop.

Mr. Deputy Speaker, Sir, in addition, Sen. Ongoro has rightly pointed out that we need incentives for these people. If you look at those who grow trees - I am a tree farmer - you will find that there are incentives they are given in growing trees. These days, you can get carbon credits for growing trees. I have an old lady who is a neighbour who has about 500 eucalyptus trees. She earns some money, at the end of every month for growing eucalyptus and gravellier trees. If we look at it from that perspective, in another ten years, we should know how many coconut trees we will need. If we want those people to have a certain number of trees in another ten years, then we must invest in a farmer who is ready to wait, so that in the next ten years, they start earning money that they will get from the trees.

Therefore, my proposal is that in passing this Motion, we should have a scientific determination of the length of time it takes to plant, husband and produce coconuts from a tree so that we determine the kind of incentives and length of time that it will take a



person to harvest, take the trees to the factories and earn money. Part of the exercise that we should carry out is to find out who the investors coming into Kenya are because of the quantity of harvests that we expect. Therefore, if we were to double or triple the number of coconut trees that we are planting and the products that we are producing, I believe there will be those who would want to invest in Kenya, especially in factories at the coast so that they produce, not only for domestic consumption, but also for export. If we start exporting, then we also start earning the necessary foreign exchange.

I believe that this is a very timely Motion. I congratulate Sen. Ongoro and support it.

**The Deputy Speaker** (Sen. Kembi-Gitura): What is it Sen. Orengo? I have not seen any request by way of card. If you want to contribute, just go on.

**Sen. Orengo:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion even if I had not carried my card. Having heard the distinguished Senator for Kilifi, Sen. Madzayo and the Senator for Nyeri, hon. Kagwe, probably, I do not have much to add. There is a case to be put forward for advancing the importance of this Motion.

Listening to these two distinguished Senators, a case is already made; a very concrete one. I want to congratulate Sen. Ongoro for bringing this Motion. I want to correct Sen. Madzayo. I know that hon. Maitha had a lot to do with advocacy and campaigns on coconut growing and *mnazi*. Before him, there was another distinguished Member from the coast known as Dr. Chibule wa Tsuma. He constantly made sure that at every session of Parliament, he brought a Motion related to *mnazi*. His focus was the legalization of *mnazi* as a drink. However, I think what Sen. Ongoro has brought before the House is a more comprehensive Motion. In fact, I did not know that the coconut tree really has a lot of benefits. One of the benefits which is not included in the Motion which she reminded me is just the aesthetic value of the coconut tree. The beauty of that tree gives character to many towns all over the world. If you go to towns in northern Africa, the Mediterranean and the Middle East, you will see the beauty of that tree. This is seen in all the tropical countries. For those who have ever lived marine life, while you are out at sea, just seeing a coconut tree as Sen. Kagwe has said, was a sign that real life was just around the corner. Here we are not just talking about sitting under a coconut tree, although some people were talking about it adversely. However, if you go to every hotel in the coast, just sitting under a coconut tree has got a therapeutic value. My favourite meal is coconut rice and I love it very much.

Mr. Deputy Speaker, Sir, more importantly is that when we are talking about even alcoholic drinks and drugs, I have never heard of anybody who drunk *mnazi* and got into the consequences that we hear about when people drink *kumi kumi* and other illicit drinks. So, probably, the other way of dealing with this *kumi kumi* and other illegal drinks is to start a campaign that there is an alcoholic drink with medicinal value. If we expand the growth of the coconut tree, we can prevail upon *wabara* people to drink *mnazi*. So, there is a lot of room for the growth and expansion of this particular crop focusing on the

whole idea of afforestation. There is no single tree I can think of that you can use as building material, roofing material, food, drink, flavour and medicine than this. Therefore, having a coconut tree is like having many things together at once in the same place.

Mr. Deputy Speaker, Sir, I want to congratulate the distinguished Sen. Ongoro because initially when I came, I want to confess that I had not looked at this Motion properly. However, just reading through it, I found that it would be a mistake for me not to say something about it. I hope that the areas that are covered by the distinguished Senator for Nyeri in the field of research and trying to find out what better expanded ways of using this particular tree would be of great benefit, not just to the people at the coast, but the entire nation. As you travel, you can see varieties of the coconut tree and so you can find varieties that can grow in Nyeri and along the lakeshore.

Mr. Deputy Speaker, Sir, I want to rest my case by saying that we do not just pass this Motion, but, indeed, it must find the light of the day and money be set aside to make sure that coconut tree growing is a national project rather than a project meant for the people at the coast. In the meantime, we should have a campaign particularly in the former Central and Nyanza provinces for people just to drink *mnazi*. There is a drink we share with the distinguished Senator for Nyeri, a little bit better than *mnazi*, but *mnazi* can equally be good. I think that campaign can also help to make sure that this crop has what it takes to give people a better life at the coast, not as partakers of its products, but as people who do coconut farming as a commercial activity and for internal consumption and for export.

I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Ongoro, it is now time for you to reply.

**Sen. Ongoro:** Thank you, Mr. Deputy Speaker, Sir. Today is a wonderful day for all the people who come from the coast region and Kenyans at large. I want to take this opportunity to thank fellow Senators who have eloquently given very positive points in support of the coconut tree which is fondly referred to as the *mnazi* tree and elsewhere is referred to as the tree of life.

Mr. Deputy Speaker, Sir, all contributions dwelt on the good attributes of the coconut tree and not even one Senator gave any indication of anything negative about this tree. Apart from the attributes, several Senators pointed out the resilience of this tree and the fact that it could actually be used to afforest our nation. We know that Kenya is about 70 per cent Arid and Semi Arid (ASAL). If it is 70 per cent ASAL and we have this tree already growing in Kenya, with a bit of research and modification, we could afforest the 70 per cent of our country without much effort. From this wonder tree which is also called the tree of life, nothing goes to waste. It is a mysterious, beautiful, really nice tree that has been neglected like an orphan by successive administrations and governments. While we look for means of earning foreign exchange, we neglect a big potential within us which is richer in many products. Research which was done in 1997 shows that from

the main products alone, the coconut tree is able to earn this country a whopping Kshs25 billion per year. So, one wonders why we should be globetrotting looking for investors and other revenue earners for this country when all we need to do is to support that which has been given to us by God himself.

Mr. Deputy Speaker, Sir, with a little research as has been noted by almost every speaker, we could end up with better varieties and higher yields and go the way of the Philippines and other high production countries whose main economy is revolving around this tree. The Swahili, especially the Mijikenda community have sacrificed a lot. Yesterday I gave statistics here that over 200,000 hectares of land along the coastal region has been given to coconut farming. It is now a crime to cut down any tree and, therefore, these people find themselves between a rock and a hard place. They are not supposed to cut down a tree which is not being supported by the Government. If you cut down even one single tree, you will be prosecuted. They are not allowed to plant anything else on this land. They cannot do anything else on their land yet other people from other regions brand them lazy lots or laid back people and yet they are doing a lot of sacrifice to this country by giving their land to the growth of a tree that gives us rain and many other things that benefit this country.

As I mentioned, the Mijikenda and the Swahili people have all evolved their livelihoods and culture around the *mnazi* tree which is referred to as the coconut tree. The entire population of the former Coast Province depends on this tree for their survival. If you have that reasonable percentage of people depending on this tree, does it not make sense that the Government should, therefore, by extension, take good care of this substantial number of its citizens by supporting the tree that supports the welfare of the coastal people? Coconut farming has unlimited growth potential with the ability to generate a lot of revenue, not just locally, but even foreign exchange.

Mr. Deputy Speaker, Sir, I will not waste a lot of time. Yesterday I spoke very passionately and gave a lot of statistics. All I want to do now is to plead with this House and fellow Senators to unanimously support this Motion. As I said yesterday, this is a tree that has medicinal value. It can be used in the textile industry like the Philippines are doing using its raw fibre. It can also give us building materials, artifacts, cooking oils and creams. This is a tree that has got such aesthetic value that you only have to look at it and all the stress is gone. That is why most of us from upcountry go to the coast for holidays. Sometimes the attraction is not the hotels, but that aesthetic value. This is a tree that has nutritional qualities. *Madafu* contains elements that bring a lot of nutrition. It can even be used in hospitals by those who are ailing.

Mr. Deputy Speaker, Sir, this is a tree that can be used for afforestation; a tree which is one of the pillars of tourism. Tourism has got only three pillars; wildlife, beaches and the coconut tree. Tourists do not come here for your hotels because they have fantastic hotels back home. What they come for here is the aesthetic ambience created by the coconut tree which gives them a lot of therapeutic value all the time. Therefore, if we spend so much money supporting tourism and allocate so much money

to support wildlife and clean our beaches, why do we isolate the coconut tree like an orphan amongst the three that has been neglected over the years without support?

I beg this House and fellow Senators to support this Motion. Thank you.

*(Question of the Motion as amended, put and agreed to)*

*Resolved accordingly:*

THAT, aware of the critical role played by the Agricultural sector in Kenya's economy; cognizant of the fact that coconut farming is largely practiced in the coastal region; aware that coconut farming has been largely neglected and its potential not fully exploited for maximum benefits; appreciating that the crop has multiple benefits including the natural '*mnazi*' drink which has medicinal value, coconut cooking oil, coconut cream, cooking flavors, '*makuti*' roofing materials, construction poles and brooms; cognizant of the fact that it takes a very long period for the coconut tree to mature for all these benefits to be realized, occasioning delayed revenue generation to the farmer; further aware that modern farming and exploitation techniques of this crop can lead to higher yields resulting in job creation and improved economy; appreciating that the National Government is taking various measures to develop the agricultural sector in the Country; the Senate urges the National Government to take measures aimed at giving incentives to coconut farmers during the long maturity period of the crop so as to motivate and encourage farmers to plant more coconut trees by setting aside a national fund for this purpose.

ADOPTION OF REPORT OF THE *Ad Hoc* COMMITTEE  
ON LEGISLATION ON ROYALTIES ACCRUING FROM  
EXPLOITATION OF RESOURCES IN COUNTIES

**Sen. (Dr.) Zani:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the *Ad hoc* Committee on legislation on royalties accruing from exploitation of natural resources in the counties laid on the Table of the Senate on Wednesday, 16th April, 2014.

Mr. Deputy Speaker, Sir, this is a Committee that was established by a Senate resolution on 26<sup>th</sup> June, 2013. We had a very clear mandate as a Committee. The first mandate was that we ascertain criteria for payment of royalties by investors. The second one was on the utilization of revenue by counties and the country in general and thirdly, to deal with any other issue that may arise with regard to existing legislation.

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Mr. Deputy Speaker, Sir, the Committee's intention and output was to come up with a methodology on the realization that in every county across the country, there is richness in natural resources. For a long time, communities and the country at large have not directly benefited from these natural resources. Therefore, from the work of this Committee, the idea was to find a methodology of ensuring that whatever income is accrued from natural resources at the county, it is remitted at the national, county and community level, hopefully targeting specific social development areas including, education, health and agriculture. But that was going to be for members of these communities to then decide on how exactly to go about it. Our work was, therefore, cut out.

Mr. Deputy Speaker, Sir, this Committee had a membership of 17. From the outset, let me thank these 17 Members for the work that they did in this Committee. Indeed, they were very devoted and always punctual. We were able to do a lot of work in this Committee. We visited up to nine counties. Right from the outset, we needed to collect quite a lot of data so that we would be able to contextualize and map things clearly. We decided that the best way to do it was that across each of the counties, we would have discussions and conversations with the county governments, communities and investors. To ensure that we do not impose legislation, we were to get the information from the counties themselves.

Mr. Deputy Speaker, Sir, apart from that, we also wanted to have a feel and variation of the natural resources. We decided to go to quite a number of counties so that we would be able to really see what was happening and ascertain where exploitation had been done without remitting these resources back. Where communities felt, for example, that they had been disadvantaged, we wanted them to tell us what they felt about the natural resources within their counties, and whether, indeed, they were keen for such legislation to be put in place. We wanted to find out whether something could be remitted back to the community, at the end of the day.

Mr. Deputy Speaker, Sir, we started off by finding ways of mapping these resources. Right from the beginning, we engaged consultants and did a lot of research on the spread of the natural resources across the various counties. For example, in Kakamega County, where there is gold, ornamental stones and clay. Tana River and Kwale counties are rich in gypsum, rare earth, titanium, iron ore and copper. There is iron ore and copper as well in Meru County. We wanted to be as vast as possible.

We also realized that a lot of work was still pending in terms of actually looking at the mapping of resources and having this sort of research. This afternoon we have been talking about the importance of research in anything that is done. This is one area where the research that we came up with was so critical. We were able to identify exactly what minerals are available across the various counties and regions.

Mr. Deputy Speaker, Sir, we decided that it was also important to have technical input. On 29<sup>th</sup> July, we had a meeting at Boma Hotel. We wanted to get to know from the experts what policy already exists. We wanted to find out whether or not there is a policy

gap. What is the connection with the mother Ministry? We also wanted to find mechanisms of encouraging the various communities to engage in utilization of their natural resources. So, right from the outset, we did not want to come up with a know-it-all mentality, but got quite a bit of insight from the key experts.

Mr. Deputy Speaker, Sir, with that we went then to verify whether what was really being asserted theoretically was actually what was happening practically. We were able to visit various counties, but I will not go into the details because they are in the Report. However, just to capture the mood in the various counties that we visited and what they told us, for example, in Machakos County, we started off with sand harvesting and saw depleted rivers. We talked to the community that waited for us up to 7.00 p.m., so that they could actually give us an insight about how they felt. They complained and told us that, right from the outset, they felt that they were not being compensated. The beneficiary of sand harvesting is Nairobi County which has not remitted anything back to Machakos County.

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

*[The Temporary Speaker (Sen. Ongoro) took the Chair]*

Madam Temporary Speaker, in Kajiado County, we were able to talk to the East African Portland Cement Company, Tata Chemicals and passed through a quarry in Ngong. In many of the areas in Kajiado County when we compare the communities and the county government, the investors were not as forthcoming as we expected them to be. Many of them were trying to find out exactly what we wanted to get out of them. Therefore, we were able to give them our mandate. We tried as much as possible to get as much information. We also felt that if, at the end of the day, the investors do not cooperate with the communities, those communities feel that there is something really that is being taken away and nothing given back to them. We were probably not building good relationships across the various counties.

Madam Temporary Speaker, in Narok County, we were able to see the Mara and look at the wildlife-human beings conflicts and the issues that came up as a result. In Kiambu County, we went to Ngethu Water Treatment Plant. We also visited the Fourteen Falls. This is where the highlight of this Committee was, when we got a chance also for massive media coverage, because we found pollution. This is exactly what the Committee was talking about.

Madam Temporary Speaker, in Nakuru County, we went to the geothermal site and saw the extraction of geothermal energy. In Taita-Taveta, we went to Kasigau and saw the mining, especially at small-scale level. In Kwale County, we were able to go to Mrima Hills. We also saw titanium. In Turkana County, we were able to see the oil reserves and wells at Ngamia I. In Elgeyo-Marakwet, we were able to see fluorspar.

I have gone through this to give the vast variation of the natural resources because we knew that when we come up with a Bill, we do not want people to feel that we have not stretched, as a Committee, to make consideration for the various natural resources that existed. We, as a Committee, also wanted to have a very good understanding and insight of the dynamics of the management and mechanisms of the various natural resources found in this particular country.

Madam Temporary Speaker, right from the beginning, we were cognizant of the fact that if we are to come up with a proper Bill, it would be very important to contextualize this in a policy paper. Let me acknowledge the role of very devoted consultants who helped us in this field. They are Dr. Rono, Mr. Kitenga and Dr. Ichangi, who together with the Committee were able to come up with a very good background policy paper.

If I may just indicate, in this particular Report that we have laid on the Table of this House, we have both the Bill and policy paper. The policy paper was very important for us to draft the Bill from, because we realized, right from the beginning, that the sectoral interests and differences would be very varied. We wanted to come up with a Bill that will not have contradictions across the various natural resources. For example, we learnt as the Committee's work went on, that we already have various legislations that are already in place that covers specific fields. We thought that if, for example, there is legislation on mining, and that is already being enacted, then when it comes to the mining sector, we follow that legislation, but come up with a body that will help to continue regulating.

Madam Temporary Speaker, if we are talking about forestry, there is the Forests Conservation and Management Bill, 2013 that is already managing forests. There is also the Energy Bill, 2013. So, whereas initially we thought as a Committee that we would really be able to make legislation across the various natural resources this became very difficult within the time of the Committee which was about three months. That would have meant that we had to go back to the legislation and engage more stakeholders. We realized that it was not going to be possible for us to do so. Therefore, we decided that, at the national level, we come up with a benefit sharing authority. These monies and kitties that are collected at the various levels should also be collected and put into this kitty. Therefore, our Bill is a redistributive one rather than an enactment of how the resources will come into the kitty. From there, this particular Committee, through the Bill, will find ways of redistributing that resource among the various counties and communities at the community level after they have decided what exactly they want to do.

Madam Temporary Speaker, it is very important also to note that one of the mandates of this Committee was to ensure that communities are very clear about exactly what they want to do with the funds. We did not want funds that will go back to the county and get mixed up with the other county government funds. We want this to be very specific that it goes in a particular kitty and that every community sits and agrees exactly what they want to do with that money. For example, I remember when we were

in Turkana County there was a debate about what is more important between education and security. We decided that, that was healthy engagement and discourse. Finally, communities will decide and prioritize for themselves, but what was important for us was for people to be able to identify and say that because of this particular resource, the elderly have been taken care of, there is no child who is not going into a nursery and we have a particular road that has been built.

Indeed, this is a concept that has also worked in various countries, including Zambia, as a result of having taken care of their nature, especially the gorillas. It will ensure that even the community, at any one time takes care of those gorillas. This is because they will know that from those gorillas they have been able to have their roads built.

Madam Temporary Speaker, we had various engagements with stakeholders at various times. The first major engagement was during the induction process. After we went to the counties, immediately we had the first draft Bill. We decided that it was important to share this with the stakeholders so that they could actually give us an input. We got stakeholders from the various sectors. From the first draft Bill that we had at that time, on 29<sup>th</sup> November, 2013, we were able to have participation directly from those stakeholders. They gave us written submissions and feedback on where they felt that there were gaps in that particular draft Bill. They gave us various gaps that are covered in the Report. However, I will be very brief and just highlight some of the key areas that they thought were very important.

Madam Temporary Speaker, there was the issue of institutions and governance framework that really helped us to streamline our thought system within the Committee. We decided that we were going to have a national county and committee cascaded approach into getting the individual at the community level. They also talked of the fiscal content and the idea of the classification because we realized initially when we were talking about royalties across the board, for example, in certain sectors they do not talk about royalties like in the water sector. They talk about fees. So, this fiscal content is very critical for the Bill so that we do not miss out on any revenue because of the terminology that we were using. At that time, our terminology was only royalties and we decided to move towards benefit sharing. That is why we are not talking about royalty sharing in the Bill, but benefit sharing so that whatever is coming from the natural resource be it in the form of money, education initiatives, roads being built, employment being created or whatever, it is must be turned around in such a way that the communities can actually benefit.

Madam Temporary Speaker, they also talked about the payment and collection system. In the proposed Bill, we talk about the Kenya Revenue Authority (KRA). This is already a body that is operational and can help these kitties and then we put them all together in a particular place. The revenue redistribution mechanism is where we anchored most of the work of the committee. We also realized that we needed some sort of vertical and horizontal revenue sharing so that we have it trickling downwards both



vertically and horizontally across specific sectors. We would not only have a vertical distribution.

We have also found it very important that at one point or another we would have to come up with a very structured way of making sure that the whole project is well monitored and well evaluated over time. Indeed, we have also come up with a mechanism for those who will not comply so that we find ways of creating fines or solving disputes for a natural resource that is at the border of two counties.

Madam Temporary Speaker, right from the beginning, for the work of the benefit sharing authority, they would want to come up with a system of ascertaining who has the right over a particular natural resource. So, through a system of ensuring that, at the end of the day, any disputes are sorted out in good time and in an amicable way that will make it possible for both the counties and the communities to reap.

We wanted to make sure that all these issues are discussed. The highlight of this committee is the redistributive formula and various proposals were made. One of the questions that we asked in each of the communities that we visited, including the governors and the Members of the County Assembly (MCAs), was the proposal of the percentage that should be paid in terms of revenue and how it should be redistributed. From the various counties, various proposals were given in terms of percentages and we took that on board. As you might appreciate, there were lots of variations. Some felt that it should be 60 per cent and others preferred 40 per cent, while others went as low as 20 per cent. Sometimes, it was really difficult because some of these percentages would be given arbitrarily. Therefore, we needed to bring in experts so that we can come up with a model that will help. The model that we have is where we start with 100 per cent of the total royalty that is collected. The proposal that was given was that we have 30 per cent going to a sovereign fund and 70 per cent royalty goes for distribution. The idea of having a sovereign fund is very important in most nations and industries where natural resources have been found. People are not only thinking of the present, but also the future generation. This resource is held, so to speak, on behalf of generations to come. Even after the proposals, the Committee met and adjustments were made. All that information is in the report.

Finally, I will now give what the Committee decided. The Committee decided that out of 100 per cent of the total royalty or funds that will be collected, 40 per cent will go into a sovereign fund while 60 per cent will be redistribution. What will go into the sovereign fund, 40 per cent will go into a natural resource fund that may enable more research and give more money in terms of incentives of taking care of the natural resources.

Madam Temporary Speaker, we must appreciate that if nothing is done to our resources like those disappearing into rivers in Machakos County, to correct depletion and minimize exploitation, then we are moving to a point where we will end up with more poverty. These populations rely on these resources wholesomely. As I said, 60 per cent will go to redistribution and take care of the future generations. This will be

allocated to the national Government. The remaining 40 per cent will go to the source county where that natural resource has been identified. If it is a shared resource, then the mechanisms of dividing the 40 per cent between those two or three counties will be put in place. Of the 40 per cent which will go to the source county, 40 per cent will trickle down to the community which will specify exactly how they want to use it. Therefore, the 60 per cent left will be used at the level of the community, again, in terms of them deciding for a specific project that will need to be done.

We decided this will be a complex process and for it to be very effective there should be a three-tier governance structure at the national level, the county level and the community level. At the county level, there is a proposal for a benefit sharing authority which will be the overall authority. In the proposed Bill, the responsibilities of that authority have been stipulated. We are then proposing to have the County Benefits Sharing Committee at the county level and at a lower level we have the Local Community Benefit Sharing Forum that will draw members at the community level. For this particular committee we have ensured and tried to make it bottom-heavy so that we have real members within the community who know the specific needs and who can come and articulate issues or mobilize the whole community in terms of making a decision that has to be pushed forward.

Madam Temporary Speaker, the report, therefore, contains the policy. I would like to plead with Members to read through the policy even as they read through the Bill because the policy was actually the basis of the Bill. As we continue to debate this report, we should continue to look broadly at any policy area, management of resources, key definitions and clarity that we might need so that we continue to enrich it. We also have a Bill which is almost through with publication. We hope that soon we will be bringing it to the House.

As I come towards the end of my presentation, I would like to thank the Speaker and the Senate in general for the support that we got as a Committee. We were well facilitated and well supported. Any time we had a query or a need including hiring of a consultant through SUNY-Kenya, we were given a lot of support. That tremendous support kept the Committee moving as we proceeded in our day today work. We were happy finally that we reached the end of our term, therefore, the end of the *ad hoc* Committee with the production of the Report, the policy paper and the Bill.

With those few remarks, I beg to move and call upon Sen. Chelule to second.

**Sen. Chelule:** Madam Temporary Speaker, thank you for giving me this chance. First and foremost, I want to thank Sen. (Dr.) Zani for working hard throughout the processes of this Report. I was a Member of the Committee during the time of visiting various counties. I am so happy that we were able to visit about nine counties. The reason I am here to support this Motion is because of some two issues which make me happy.

First, the public was engaged in everything that we were doing in each and every county. She talked about what we discussed in each and every county. Some of the recommendations in this Report were drawn from the citizens. It was so good for us to

move around, meet people and create awareness about the natural resources in each respective county. They were so happy to have been engaged and we are also happy to have held meetings with investors. At some point, some investors were not willing to talk about it for fear of the citizens knowing what is happening in the mining sector. I am so proud today that members of the public were given time to air their views, especially on the issue of sharing resources between the three structures, that is, the national Government, the county government and the community.

Madam Temporary Speaker, you will wonder why there are certain resources in certain counties, but the citizens are very poor. It is because they do not know how much is supposed to remain at the community level. When we went round, we created awareness and each and every person came to know what percentage should be allocated between the national Government, the county government and the community level.

I do not want to talk much about this because the Mover of this Motion captured virtually everything. I was just coming to second the Motion. Sen. (Dr.) Zani has talked in detail about the Report and I hope my fellow Senators will have time to look at it. I know it will come to the Floor of the House and be debated. I hope it will add value to the lives of the communities involved. I hope that the Bill will be implemented to the letter to reduce poverty in the communities and uplift the livelihood of our people.

I want to thank Sen. (Dr.) Zani, because she is so passionate about this process despite it being tedious. I also want to thank the Government for enabling us to go round all these counties and making sure that the process went through all the stages. I also want to thank all the Members of the Committee and the Mover of this Motion.

With those few remarks, I beg to second.

*(Question proposed)*

**Sen. Mutula Kilonzo Jnr:** Thank you, Madam Temporary Speaker. I want to start by saying that I support the Report and to make a disclosure here that, in fact, I had requested the Legal Office to draft a similar Bill for me. I am pleasantly surprised that a Bill of this nature has already been prepared by the Committee led by Sen. (Dr.) Zani. So, the issue is as close to my heart as it can be.

The proposals laid by the able Committee led by Sen. (Dr.) Zani are anchored squarely in Article 66(2) of the Constitution which states that Parliament shall enact legislation ensuring investments in property benefit local communities and their economies. I am a little disappointed when I go to Makueni. The issue of sand in Makueni and Machakos counties directly affects the lives of these people and yet they are very poor. The Senator from Machakos and I, were discussing about what we feel whenever we see trucks transporting sand. All the sand used in construction in Nairobi comes from Machakos and Makueni counties and yet the people from those areas remain poor. They have not benefited at all from the mineral called sand.

I had the benefit of travelling to Tanzania. The interesting thing about the parks in Tanzania is that they do not have fences. I wanted to know why the parks in Tanzania do not have fences and this was the answer given to me. The communities in Tanzania, particularly the Maasais have been empowered to the extent that they benefit directly from the income made from the parks. Therefore, they have an interest in ensuring that they protect the wildlife in the parks in Tanzania. Unknown to us and it is fair that this has now come to our attention, if we do not adopt a similar policy like that adopted by the Republic of Tanzania in terms of protecting its parks, the wildlife that we are so proud of in Kenya will become history.

Madam Temporary Speaker, you have not heard of poaching in Tanzania. The reason is simple and as contained in this Report by Sen. (Dr.) Zani that if we involve our communities around the parks and ensure that they benefit from the income generated from the parks, they will have an interest in protecting the wildlife. Maasai Mara is making so much money and yet Maasais around Maasai Mara are the poorest. The parks around Tsavo where Makueni and Taita Taveta counties border benefit nobody. The parks around Kyulu Hills benefit nobody and yet the people around those parks are supposed to protect the animals.

The Government is paying lip service to poaching. It is not possible that our elephants are being killed on a daily basis. I remember that Sen. Mwakulegwa had to leave the Senate at some point last week because of poaching and yet the Government is paying lip service to this. The communities around these parks do not see the reason they should protect elephants. The communities around our national parks do not see the reason they should protect rhinos. The reasons are simple; these rhinos and elephants are entertainment for them and are a source of benefit to the Kenya Wildlife Services (KWS) and the Government of Kenya.

Madam Temporary Speaker, the Government of Kenya and the KWS do not put anything back to the community for the benefit of the money that they collect from the parks. They do not even disclose the amount of money they collect from our parks. All they hear is that this is a source of income for the Republic of Kenya.

Why do we have quarrels around Tullow and where there is exploitation of titanium in Kwale? This is because we do not have legislation to govern the benefits to the people of Kwale from titanium mining. Somebody may be investing billions of shillings in Kwale to buy a piece of land and taking for granted the community around Kwale where the titanium is mined. The story goes on and on all over the Republic. We have an avenue to ensure that we create employment, empowerment and education. I used the example of Tanzania because in the criteria of dividing the income 60 to 40 per cent ratio, the Government of Tanzania receives 40 per cent and the community receives 60 per cent. This is the reverse of what Sen. (Dr.) Zani has proposed here.

The benefit is that if you go to Manyara, Terangire, Ngorongoro and Serengeti, you will see that they have created universities out of this. The Maasais in Tanzania have removed their *shukas* and are now going to schools. Some have become

businessmen. This is something that we can do. In supporting this Report and the proposal that there should be an element of benefit to the community, it is fair that as we invite investors to this Republic, for example, to build the Standard Gauge Railway (SGR), they make sure communities where the railway line will pass benefit. It will be a pity to see communities around the railway line left poor and desolate after completion of that railway line.

Madam Temporary Speaker, dams are also built within communities. However, for some strange coincidence, like it happens in Masinga Dam, those people around it neither have water nor electricity. If you go to places where there are large investments, you will find that these are the same areas with the highest levels of poverty. This has come at the right time. It has come at the right time because it is time that the Senate used its legislative power under Article 66 of the Constitution to assist counties not only to get money from sharable revenue, but to also get an income from the resource that comes from those counties. Our country is rich with minerals and other things that can benefit the community without them sitting proverbially for *manna* to come from heaven.

I support the Report and the recommendations made here to the extent that in the Public Private Partnership Agreements that counties are getting themselves into, the proposals in this Bill will be included in their contract. The investor coming to this country to invest in electricity should know in advance and from the contract signed with the counties, that there must be a benefit to the communities where that investment will be started. As they bring in money, we want them to educate our children. We want them to provide employment. We want them to build infrastructure so that if a person will put in billions of shillings, instead of counties bearing the burden of putting up infrastructure for investors, the investors are told to put up a factory, sink a borehole, construct a road, built a road and build a hospital. As a result of being employed, children will be born and will need to go to school. They will need a primary school with a playground. They will need a hospital and a dispensary. These are things we can include in this Bill. The benefits we are looking for are not necessarily about shillings and cents. The benefits to these communities should also come in kind. Therefore, we give value to the investments that these people are making. We should also value the investments into the formulas provided by Sen. (Dr.) Zani and her team in this Bill.

When this comes to pass, the people who are drawing sand from our rivers in Machakos and Makueni counties will be required to pay a license. Apart from that, they will be required to do environmental impact assessment. This means that other than carrying sand, they must also plant trees, educate and do something that will help that community.

As I said, by the time a lorry comes to Nairobi and sand is sold for Kshs50,000, the people who loaded that sand into the truck are left with Kshs500. This is something we should not encourage. In terms of Vision 2030, instead of making policies during every election and saying that we will create a million jobs and employ 1,000 people, let us put this into law. We should, first of all, employ people in our counties. We should

stop this rural urban migration and remove the people who are walking around the City of Nairobi doing nothing so that they can go back to the counties. This is the only way we can reverse the trend of rural urban migration to urban rural migration so that people can go and work in the counties because they know that, once the investment is put in the counties, will benefit them. In the end, we can do a case study and say that instead of what we have put in our legislation as Equalization Fund. We can equalize communities because they are poor. We will, in fact, remove that equalization and say that we want to equalize communities because they now have wealth. Therefore, we can share that wealth amongst the communities.

Allow me to humbly support this Motion and thank Sen. (Dr.) Zani for saving me the work of having to draft this legislation. I will ask the Legal Department of the Senate not to draft the Bill that I was working on because of my experience that I had in Tanzania where the national parks in the Republic of Tanzania do not have fences.

Thank you.

**Sen. Kagwe:** Thank you very much, Madam Temporary Speaker. I want to support the Motion. If this Motion were to be brought here as a Bill, the heading should actually be how to translate natural resources in our nation into health and social development. By the end of the day, what we are talking about is how to utilize our natural resources in a more effective manner that has been the experience in our continent. Whenever in our nations we hear that gold has been discovered within the African continent, we are not sure whether we are talking about a benefit or a curse. Most of the experience we have had in our countries has actually been the negative. The forces of social ill have benefited more than the forces of good when it comes to the exploitation of our natural resources within our continent.

Madam Temporary Speaker, we should look at the experience of some of the countries like Nigeria and Sudan, since they discovered their oil, they have never had peace. The Democratic Republic of Congo (DRC) and other countries have minerals. However, they do not benefit from those minerals. If you watch the movies that have been made about the abuse, exploitation and killing of our own people in Africa as a result of the discovery of good natural resources that elsewhere in the world are used for the development of those nations. When you look at those experiences, you can then appreciate that the ad hoc committee that was proposed by Sen. (Dr.) Zani and the work that they have done can go a long way to ensuring that as we exploit our resources that is not the experience that our nation, our beloved Kenya will go through. It is important that the result of this inquiry as a result of the work that they have done will ensure that we protect our minerals and exploitation of the same and other resources not through the good will of an individual, but the proper building of an institutional framework that will ensure sharing of wealth at the national level down to the county level. Indeed, sharing of this wealth all the way to the ward level and community level will be important. Once we get to the county level, it is important to cascade those resources downwards so that it is communities that will physically benefit.

Those benefits must not only be heard to be there, but must be seen to be there because it is the only way that we can support those communities in such a manner that we do not start the kind of thing that happened with Shell in Nigeria where a revolution took root as a result of the fact that the communities felt that they were not sufficiently compensated for their own wealth. By the end of the day, it is their wealth. You cannot say that coal in Kitui belongs to Nyeri because it does not. We would like to think that Nyeri is part of Kenya. Therefore, it can benefit a little bit from the coal in Kieni just like the coffee in Nyeri should benefit the people of Kitui. But by and large, those resources actually belong to those places.

Madam Temporary Speaker, the other day we went to Kwale and we had opportunity to visit the polytechnic that is very close to the titanium mineral exploitation area. We were very clear that on behalf of the Senate, they must train engineers from there. We would like to see a plane load of people from Kwale going to the Jomo Kenyatta International Airport (JKIA) on their way to overseas to become mining experts. They should be trained as engineers who will understand how those minerals are used. In fact, when it comes to signing these agreements we should insist on knowing how many of our people are involved. If a company is working in Kwale and is mining titanium, we want to know how many of the people from that county are in England and Belgium where that mineral is sold. How many of our young women and men are sitting there watching how it is done? How many of them are involved at every level of the chain of sale of those minerals so that in another ten years, we have got experts from Kwale who can advise the Government on what exactly happens? That is the only way generations to come can benefit from these minerals.

I am told that King Mswati of Swaziland actually refused some companies to exploit minerals in his country. He said that some of the minerals in his country shall not be exploited until the citizens of that country are able to utilize it and participate in exploitation in such a manner that the largest beneficiary of those resources will be the Swazi people. It should be the case with us so that the largest beneficiaries are our own people who own those resources.

Madam Temporary Speaker, if you look at the global experience, again, that we can quote, you will notice that there are some countries that we can benchmark with. Of particular note is Chile, Botswana, Malaysia and Norway. These are some of the countries that have utilized their resources in such a manner that they have transformed their societies, impacted social development and education in those communities. If you look at how they have done it, they have basically utilized a system that engages the political establishment, so that it is not just a technical matter that we are talking about. There is a strong link between inclusive political and economic institutions and development. "Inclusive" is the key word here. It has to be exploited in such a manner that there is inclusion at all levels.

When we talk about inclusion, it is good to be careful. This is because it is possible to say "inclusion of Kenyans." However, you have one big tycoon, who then

becomes the partner of these people. They can then say that we have got Kenyans and, in fact, they own 40 per cent. What they meant by “Kenyans own 40 per cent” is that yours truly or somebody else might own the 40 per cent. That cannot transform the societies in developmental terms, the way that we are trying to define and the way that I believe that *Ad hoc* Committee that was selected in this respect wants us to do.

Madam Temporary Speaker, we have co-operative societies around the country that are working with external people. If you look at fish production, for example, in Kisumu or even Mombasa or vegetable growth in Nyeri County, it is all individual based. So, the middle men in Nyeri are the ones who are benefiting more than the people who actually own those cabbages. Likewise, the middlemen in Kisumu benefit more than the fishermen who actually go to fish in the early morning. The reason this is the case is that we have not brought these people sufficiently to negotiate. You cannot say that there is a fish co-operative society that can negotiate with an investor from overseas or vegetable co-operative society that can negotiate with people from outside. I would like Sen. (Dr.) Zani to really listen to this, because as they do the Report, they should realize that one of the problems is that internally we are not sufficiently organized to exploit and be in partnership with those companies. For example, if you went to Kwale County, you should have asked which community will work with titanium. At least, now we can do it with the County Government of Kwale. However, prior to that, which institution would you have engaged legally with the titanium, so that the Kwale community could benefit?

When we talk about institutional capacity and building, we must go to the extent of asking ourselves: Do we have a community co-operative that, for example, takes care of Aberdares Forest, so that that community can come together with an investor and be a partner in that business? Even as we were talking about the coconut tree earlier, it is a natural resource, but do we have a co-operative amongst the coconut tree growers? If an investor comes, it is that co-operative that they can go into partnership with. You will find that nine out of ten times, it is individuals who are actually dealt with. So, we are lucky and these are some of the benefits of devolution.

Madam Temporary Speaker, we can see here very clearly that it is now possible for the Kwale County Government or Kitui County Government to be the institution through which the people can go into partnership with external investors. I was talking about Norway as one of the countries where we can benchmark ourselves with. In Norway, they established what is called the Norway Oil Fund as far back as 1990. It was supposed to underpin the long-term considerations, as petroleum revenues began to flow into the Norwegian economy. The fund was created specifically to ensure that some of the funds went to the communities and into health.

Madam Temporary Speaker, I am using titanium because it is a well known thing. Coal will be even worse because there are very many health issues related to the exploitation of resources. Coal has a very serious health impact in society. If you look at the United Kingdom (UK) and other places where there is serious coaling, you will find that there are serious health hazards. It is quite feasible, especially in our country, unless



we put our foot down, that a coal miner can start an exercise in Kitui County and yet, not think about a health facility. The company itself should also have health measures. We have seen places like Turkey where people were buried in a coal mine, even after the Prime Minister had been told by his engineers that, that coal mine was going to collapse. He refused to accept it and only after it collapsed did he then start trying to buy time and giving reasons.

Madam Temporary Speaker, it is important that organizations like the National Environment Management Authority (NEMA) are strengthened to the effect that they can give credible advice when it comes to exploitation of our natural resources. From an engineering and health perspective, unless we have institutions that can give some serious considerations and advice to the county governments at that point, the exploitation will go beyond the fact that you are sharing the wealth. You could be sharing the wealth, but whatever you are getting in financial terms by far will be outweighed by what you lose in health terms. So, the cost-benefit analysis that we do must not stop at this. This is how much we will get from this mineral and this is how much we will give the county governments and the national Government. We must ask ourselves some other very serious questions regarding the impact in our society. By the end of the day, we exploit minerals, sell coffee and make roads, not so much because of the intrinsic issue itself, but the benefit to our society.

I support and urge that this matter be brought to us, as a Bill, so that we can really interrogate it and make the necessary amendments.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Madam Temporary Speaker, for allowing me an opportunity to contribute to the adoption of this Report. I am sorry that I have come in a bit late. We have been out there preparing ourselves for the big event on Monday which I invite the Senator for Nyeri to attend.

When Sen. (Dr.) Zani brought the Motion to this House, we all supported it on the understanding and basis that we either get it right now or do not. This is because we have seen countries with enormous natural resources either take the right stand and benefit their people or take the wrong turn and the resources become a curse forever. Examples are a myriad. If you look at Africa today, a country like Nigeria has enormous natural resources that have become a curse. The country is now breaking apart. Angola is now the largest oil producer in Africa, with the first family being ranked as producing three of the richest people on this continent. We know very well that they have not worked for it.

unlimited access to healthcare, education and good life. That is the Kenya we want. That is the Kenya we must have. That is the Kenya we dream to have.

**The Temporary Speaker** (Sen. Ongoro): Order, Senator! You still have a balance of 43 minutes. As the Senate Minority Leader, you are still entitled to one hour as you contribute to Bills or Committee reports. This, as you are aware, is limitless. You can debate it for as long as Senators want to speak to it. So, every Senator who has not got a chance will get a chance next week.

**ADJOURMENT**

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, it is now time to adjourn the House. The Senate stands adjourned until Tuesday, 8<sup>th</sup> July, 2014 at 2.30 pm.

The Senate rose at 6.30 p.m.