

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 2<sup>nd</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

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM KILIFI COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to acknowledge the presence of a delegation visiting us today. Allow me, Hon. Senators to introduce to you a delegation of members of the County Assembly of Kilifi who are seated at the gallery. The delegation is led by the Speaker of the County Assembly, hon. Jimmy Kahindi. As I proceed to introduce the rest, I request that when an Hon. Member is called, he or she should stand up and be acknowledged in the normal tradition of Parliament.

Hon. Adamson Kadenge; hon. Albert Kiraga Hare; hon. Alfonse Mwayaa; hon. Anthony Kenga Mupe; hon. Anthony Ndune Nzaka; hon. Bakari Ali Mwinyi; hon. Boniface Mbkombe Mwango; hon. Cosmas Foleni Kenga; hon. Daniel Chai Chiriba; hon. Daniel James Mangi; hon. Dr. Silas Mzungu Chitibwi; hon. Duncan K. Kaingu; hon. Edward Kazungu Dele; hon. Elina Stephen Mbaru; hon. Emmanuel Kazungu Chai; hon. Getrude Mbeyu Mwanyanje; hon. Hamza Hamisi Hussein; hon. Hassan Muhamed Said; hon. Ibrahim Abdi Athuman; hon. Japhet Katana Chai Nzaro; hon. Jared Kaunda Chokwe Barns; hon. Kahindi Geoffrey Muhambi; hon. Lawrence Kazungu Kilabo; hon. Mwingo Kaingu Boniface; hon. Naphtali Nyae Kombo; hon. Nixon Charo Mramba; hon. Onesmas Gambo Karisa; hon. Pascal T. Jacob; hon. Renson Kambi Karisa; hon. Said Mwachenda; hon. Stanley Karisa Kenga; hon. Stephen Bahati Mlanda; hon. Teddy Ngumbao Mwambire; hon. Theophilus Kalama Fondo; hon. Valentine Matsaki Mwamanga; hon. Gibson Matano Herbert; hon. Christine Fondo; hon. Grace Kwekwe Mwangombe; hon. Anderson Ngombo Kithi; hon. Asha Chiku Wanje; hon. Nashee Nana Mohamed; hon. Elizabeth Muthoka; hon. Sophie Burns Chokwe; hon. Elizabeth Tabu Ngala; hon. Jane Bahati Mwaro; hon. Selina Khadija Salim; hon. Grace Mbodza Chihanga; hon. Priscila

Zawadi Kitsao; hon. Lali Omar Sadi; hon. Esther Dzidza Albert; hon. Tecler Naomi Muye; hon. Arafa Salim Baya; hon. Barka Mohamed.

They are also accompanied by Mr. George Kumbatha; Ms. Patience Pili Kingi; Mr. William Katana Nyanje; Mr. Gideon Karisa; Mr. Joseph Chaka; Mr. Alfred Mumba; Mr. Justin Kiti; Ms. Elizabeth Tatu; Mr. Gideon Mvurya; Ms. Lilian Ngala.

On my own behalf and on behalf of the Senate, I extend a warm welcome to the Members of this delegation from Kilifi County and wish you a happy and fruitful visit that will hopefully translate into better services to the people of Kilifi County and the country at large. Welcome.

Thank you.

*(Applause)*

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

I am sorry; I had not checked my screen. Sen. Karaba or Sen. Murkomen. I saw Sen. Karaba's name on my screen, I call you out and you are looking puzzled. So, I assumed that you may have put the request accidentally.

Yes, Sen. Murkomen?

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir, for that introduction. On behalf of this other side and particularly as the Chair of the Committee on Devolution, I would also like to extend our warm welcome to the MCAs, who are our partners at the county level. You have today made history as the first team to visit this new Senate in our first sitting in this Senate since we moved to this Chamber after renovation. This House stands with the county governments and the county assemblies in particular to ensure that we further the interest of devolution. Do not feel shy when you are visiting us, because this Chamber is your House.

Thank you, Mr. Speaker, Sir.

*(Applause)*

**The Speaker** (Hon. Ethuro): Except that, Sen. Murkomen, the last paragraph of my communication stated:-

“On my own behalf and on behalf of the Senate---”

**Sen. Murkomen:** I am sorry, Mr. Speaker, Sir. I said “on my own behalf and on behalf of the Committee on Devolution.”

**The Speaker** (Hon. Ethuro): And in support of my---

**Sen. Murkomen:** And in support of the Speaker.

**The Speaker** (Hon. Ethuro): That is the only proper way to put it.

*(Laughter)*

Yes, Sen. Madzayo?

**Sen. Madzayo:** Bw. Spika, kitu cha kwanza nataka kukushukuru kwa kukubali ujumbe wa waheshimiwa kutoka Kaunti ya Kilifi kuja hapa katika Seneti. Wako hapa kujifundisha vile mambo yanaendelea katika Bunge hili la Seneti. Jambo la pili ni kuwa ujumbe huu uko hapa kwa muda fulani na wataweza pia kuungana na Kamati tofauti tofauti ili wakirudi nyumbani waweze kujiendeleza katika masuala haya ya ugatuzi ambayo Bunge letu hili la Seneti linazingatia zaidi.

Bw. Spika, pia ningependa kuwashukuru kwa sababu wamekuja kwa wingi na wote wako hapa kujifunza.

*(Applause)*

Jambo hili litatutia sisi watu wa Kilifi nguvu na Kenya kwa ujumla. Kwa hivyo, nataka kuwashukuru sana waheshimiwa wote waliokuja kutoka Kilifi na pia kukushukuru wewe kwa sababu ya kuwakaribisha katika Bunge hili la Seneti.

Asante sana Bw. Spika.

**The Speaker** (Hon. Ethuro): Finally, Sen. Karaba!

**Sen. Karaba:** Thank you very much, Mr. Speaker, Sir. I also extend my congratulations to the team of MCAs from Kilifi. We are grateful that you have come to see where we work from. My Committee of Education, Science and Technology visited Kilifi and we were impressed to see how they are taking devolution trends down to the Early Childhood Development (ECD) level. So, I was there and I had the opportunity to see what we normally do in the Senate.

Welcome!

**The Speaker** (Hon. Ethuro): Next Order!

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### CONCURRENCE OF THE SENATE ON THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2013)

**The Speaker** (Hon. Ethuro): Order, Senators! I have a message from the National Assembly on the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013).

Hon. Senators, I wish to bring to the attention of the Senate that, pursuant to Standing Order 40(3) and (4), the Clerk has delivered to me a message from the National Assembly regarding the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013), which was delivered, pursuant to Standing Order 40(2), on 30<sup>th</sup> June, 2014. It states as follows and I quote:-

“Pursuant to the provisions of Standing Order 41 and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly:-

THAT, the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013), was published in the Kenya Gazette Supplement No. 150 of 1<sup>st</sup> November, 2013, as a Bill originating in the National Assembly and passed by the National Assembly on 19<sup>th</sup> June, 2014, in the form attached hereto;

AND FURTHER THAT the National Assembly now seeks the concurrence of the Senate to the said Bill as passed by the National Assembly.

Hon. Senators, Standing Order No. 148 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 129. The Bill will, therefore, be listed for First Reading once scheduled by the Rules and Business Committee meeting next week.

I thank you.

Hon. Senators, before we take the next Order, I have another communication to make regarding the business of the Senate.

### COMMUNICATION FROM THE CHAIR

#### ABSENCE OF SENATORS FROM THE CHAMBER

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to make the following communication regarding the business of the Senate. As you may have noticed, the House has previously experienced instances when business scheduled in the Order Paper is not disposed of in the sequence in which it appears pursuant to Standing Order No.39 due to absence of Senators to either move or reply after debate has been concluded. At certain times, the House has been forced to adjourn before the designated time due to such absence.

Hon. Senators, I wish to remind all Senators that the Order Paper which shows the business to be transacted is dutifully and routinely published by the Clerk pursuant to Standing Order No.37 and uploaded on the Senate sub-site of the Parliament of Kenya website and hence accessible to Senators wherever they may be, within or outside the country.

Hon. Senators, let me, therefore, take this opportunity, first, to thank those Senators who are always available for the business, but also to draw your attention to those others who sometimes are absent. The Standing Orders, particularly those relating to Motions, particularly Standing Order No.51 is titled “Time for moving Motions” and states as follows:-

“(1) The Rules and Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.

(2) Save for a Special Motion, a Senator who has a Motion standing in his or her name may authorize, in writing, another Senator to move that Motion in the Senator’s stead.

(3) Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.”

The leave of the Speaker is not granted automatically.

Further, Standing Order No. 54 (2) states:-

“At the conclusion of the debate, the Speaker shall put the question.”

Standing Order No. 54(3) gives exception in which the putting of the question may be deferred to a future date after you request or when you do not have the requisite numbers necessary for voting.

Hon. Senators, I therefore wish to take this opportunity to appeal to Senators to keep track of the business before the Senate and to contact the office of the Speaker or that of the Clerk if you have particular difficulties in transacting business before the Senate. Usually, we at the Rules and Business Committee (RBC), take great care to ensure that whatever business is listed in good time for purposes of Senators getting to know the business before the House. This communication is therefore made to notify you that the Chair will have no option but to drop Motions and Bills not moved at the time allotted by the RBC. This will be strictly enforced. I hope that, now, with our new ambience and comfortable sitting arrangements, we want to believe that is something of the past.

I thank you.

*(Applause)*

Sen. Haji, I was particularly concerned with your case and the fact that you have taken advantage of the gadgets.

**Sen. Haji:** Thank you, Mr. Speaker, Sir. We congratulated you yesterday for making it possible for us to use this magnificent Chamber. But I also wish to make this further request on the parliamentary cards or whatever they are called. Many Members are finding it difficult to carry these cards to their homes because when they change their suits, they normally leave them behind.

*(Laughter)*

Therefore, I would like to request if one of the clerk's can be stationed somewhere and as we go out, we can leave the cards with them and pick them in the morning.

**The Speaker** (Hon. Ethuro): That is a fair request. There will be a serjeant-at-arms officer at the entrance. When you leave, you can leave the cards with them. You may also collect them from them as you enter.

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, allow me to comment on something. We have a lot of technology in our country where we have to put in a Personal Identification Number (PIN) or a code. Would I be in order to suggest that the system be revisited by the technologists so that we can enter a number without necessarily carrying the gadget?

**The Speaker** (Hon. Ethuro): Good suggestion. It will be considered.

*(Sen. Karaba stood up in his place  
without putting a request to the Speaker)*

Sen. Karaba, you know you do not just rise from your seat before you have done the needful. But given that this is the second day, we will allow you to say what you need to tell us.

*(Sen. Karaba was unable to log in  
and moved to the Dispatch Box)*

Order, Sen. Karaba! Since your card is supposed to be working, just resume your seat and operate from there, so that we are sure it is working.

*(Sen. Karaba was unable to log in)*

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

**The Speaker** (Hon. Ethuro): What is your point of order, Sen. Murkomen as Sen. Karaba is finding his place?

**Sen. Murkomen:** Mr. Speaker, Sir, is it in order for the Chairperson of the Committee on Education, who has been talking about e-education to be in this situation?

*(Laughter)*

*(Several hon. Senators assisted Sen. Karaba to log in)*

**The Speaker** (Hon. Ethuro): Sen. Karaba, it must be on now.

**Sen. Karaba:** Mr. Speaker, Sir, as you can see, it is not only me who is facing problems. I have been assisted by about five Senators and they were unable to log in!

Mr. Speaker, Sir, these cards have no names. If the card drops out there, nobody will be able to retrieve it. I wish to suggest that, whoever came up with this technology that they inscribe the name on it. Short of that is what was said by Sen. (Eng.) Muriuki that we use our personal identification numbers.

**The Speaker** (Hon. Ethuro): Order, Senators. Interventions to that debate are over. That does not stop you from writing down your suggestions and forwarding them to the Clerks-at-the-Table. We will consider all of them together.

Next Order!

**Sen. Wako:** On a point of order, Mr. Speaker, Sir. I had wanted to welcome the hon. Members of the County Assembly of Kilifi County. I pressed all the buttons, my name was not called out. It shows my name is not there. Right now, everything is in order here, but my name does not appear there. Yesterday, I kept on coming to the Speaker just to check. I know that the officers concerned with this must have done some checking of the system. But can they redo the checking to see that everything is working? They could do this over the weekend. I am very good at these things! But my plea is that over the weekend the technical staff should recheck the system to see that everything is working.

**The Speaker** (Hon. Ethuro): Sen. Wako, we have been checking even yesterday. Your name is now there. During the other Order, your name was not appearing. So, you must have pressed something else.

**Sen. Wako:** That is why, Mr. Speaker---

**The Speaker** (Hon. Ethuro): Order, Sen. Wako! You do not engage the Speaker that way. The Speaker never debates!

*(Sen. Kembi-Gitura's microphone took some time before it was activated)*

**The Speaker** (Hon. Ethuro): Well, there is also a bit of a lag between the time your name is called out and when the microphone comes on.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I just got concerned. You called the next Order, Statements. No statement has been issued and I have two pending statements. I would like your direction on this matter before you call the next Order.

**The Speaker** (Hon. Ethuro): I did call the next Order and I can understand why you want us to go to that Order immediately. But you can also understand why your other colleagues also insist on finding out how to use the technology. Without that capacity, they may not even help you.

Sen. Omondi. Wait for the microphone to come on.

**Sen. Omondi:** Mr. Speaker, Sir, I want to put an intervention. I want to support Sen. Amos Wako. I do not know if we are being reflected on the screen there because yesterday I was among the first to put a request. In fact, there were Senators who came in while I was on, but I was left out. I wonder, am I really being reflected there? It is like I am missing in the system. Right now, I pressed the microphone, I put on "intervention" and I still was locked out. I am worried. Am I reflected in the system?

**The Speaker** (Hon. Ethuro): Sen. Omondi, I can confirm you are reflected in the system, but on the wrong button.

*(Laughter)*

There is a difference between a point of order, when you should do the interventions and when you want to talk. You had wanted to talk and there was no business for you to contribute to.

Hon. Senators, I would like to suggest that once an Order has been passed, because you may have been interested in the earlier Order, then you need to disengage so that we can get fresh requests. Most of you have maintained and they have just called the Order.

Next Order!

## STATEMENTS

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

**Sen. Karaba:** The microphone will come on automatically, it takes time. It has now come!

*(Laughter)*

CANCELLATION OF MARANDA HIGH SCHOOL  
2013 KCSE RESULTS

Mr. Speaker, Sir I have a statement to make regarding cancellation of KCSE Examination Results of Maranda High School. However, I cannot see the person who requested the statement. Do I go on?

**The Speaker** (Hon. Ethuro): Who had requested the statement?

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

**The Speaker** (Hon. Ethuro): Well, she has travelled on official Senate business. So, we cannot use that against her knowing that we are the ones who sent her. You can respond to the statement next week.

*(Statement deferred)*

Sen. Mohamud Abdille.

AWARD OF SECURITY SURVEILLANCE TENDER  
TO SAFARICOM LIMITED

**Sen. Mohamud:** Mr. Speaker, Sir, I would like to seek a statement from the Chairperson of the Standing Committee on Information and Technology. The statement relates to the Government's award to Safaricom of an extra spectrum for the security surveillance tender. In the statement, I would like the chairperson of the Committee to:-

(1) clarify the circumstances under which the Communication Authority of Kenya (CAK) awarded Safaricom the spectrum for the security surveillance tender?

(2) State why the process was not subjected to competitive tendering process?

(3) Explain why the Government is surrendering its CCTV security operations to a private company and state if this will not pose a security risk?

(4) Confirm whether or not the security surveillance contract awarded to Safaricom had already been awarded to another Chinese Company, ZTE?

(5) Provide a list of all private communication companies that the Government has entered into agreement with for the security related contract, if any?

**The Speaker** (Hon. Ethuro): Chairperson of the Committee, Sen. Kagwe.

**Sen. Kagwe:** Mr. Speaker, Sir, I am very much un-analog. I will provide the answer to those questions in two weeks time.

*(Sen. Mohamud put in an intervention)*

**The Speaker** (Hon. Ethuro): Order, Senator. You will get the response in two week's time. It is so directed, we do not need your response.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, there are two outstanding statements that I had sought. One is from the Chairperson of the Committee on Finance, Commerce and Budget on escalating interest rates. This statement has been outstanding for a very long



time. The second one is from the Chairperson of the Committee on Education. It is due today.

**The Speaker** (Hon. Ethuro): Both chairpersons are around. Sen. Billow, you may proceed to the Dispatch Box.

#### ESCALATING BANK INTEREST RATES

**Sen. Billow:** Mr. Speaker, Sir, I want to respond to the statement by the Senator for Murang'a County, Sen. Kembi-Gitura, on the escalating bank interest rates. This is an elaborate statement. I want to give the highlights and then I will probably leave it to the Member to determine.

The Member had sought a number of issues. It is common knowledge that interests charged by commercial banks have been escalating over time as a result of which borrowing has become very expensive.

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir.

**An hon. Senator:** *Yeye ni analog.*

**The Speaker** (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

**Sen. Kembi-Gitura:** I want to assure the Members that I am not analog at all. It is only my hair which is grey.

*(Laughter)*

Sen. Billow has said this is a very comprehensive statement and I appreciate that because I know that he is a very thorough person. But the truth is, I have not seen a copy of the statement. Therefore, if it is as elaborate as I suspect that it is, I think it is incumbent upon him to have given me a copy, I have a look at it, so that I can make intelligent interventions, if I have to.

My point of order is that, if, indeed, we should find it convenient, maybe the best thing to do is to defer the statement, have him give me a copy, then we can have the statement, next Tuesday or when it is next convenient for the Senate, at your order.

**The Speaker** (Hon. Ethuro): I was also checking for the Speaker's copy, it is not there. Sen. Billow, you need to make copies at least for the two of us and then you can respond tomorrow. In any case, you have said the statement is elaborate. You will consider the highlights but the Member will be disadvantaged when you do so without him having a copy.

**Sen. Billow:** I agree, Mr. Speaker, Sir. I will avail copies to the clerks; so that they can make copies for the Senator, then we can do it tomorrow.

*(Statement deferred)*

**The Speaker** (Hon. Ethuro): Chairperson, Committee on Education.

#### REINSTATEMENT OF JOHN MAINA NJORGE BY TSC

**Sen. Karaba:** Mr. Speaker, Sir, I am in receipt of a statement which I will release now, of a certain Mr. Njoroge. It reads as follows:-

The statement of John Njoroge Maina, TSC No.256488; pursuant to Standing Order No.45---

**The Speaker** (Hon. Ethuro): Order, Chairperson! You know you can do better than that.

**Sen. Karaba:** I am sure, yes.

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir. I know where Sen. Karaba is coming from. I had sought a statement from his Committee. The response was supposed to be issued this afternoon. I have just been given a copy by the Clerk. I do not know whether or not Sen. Karaba has seen it before because I am the one who gave him an advance copy that I had just been given. So, what he should be doing is either to read it or to seek time so that he can read it and understand it because it raises some pertinent issues, matters of law.

**The Speaker** (Hon. Ethuro): Order, Chairman! Surely, you cannot be reading the statement to the House at the same time as you are reading it for yourself. We defer it to tomorrow, so that you have enough time to interrogate the statement. This is not just a conveyance belt; you are also supposed to interrogate the statement. You might need to understand it or seek additional information, so that when you come to the House, you are properly seized of the issues. We give you another 24 hours.

**Sen. Haji:** Mr. Speaker, Sir, it is good that you have made the ruling. The clerks should make sure that both the person seeking the Statement and the one answering are given copies because most of the time, the one answering is given a copy and the other one is not given. Yesterday, I had to do the same thing, that is, giving them a copy to read. So, I want to ask the clerks to make sure that they give the copies to both parties.

**The Speaker** (Hon. Ethuro): I understand what you are saying and if somebody does not understand, then let him or her understand it today that both the Chair and the Member must have copies of the Statement. That is just basic.

Any other Statement?

#### MEASURES TO ADDRESS THE POOR PERFORMANCE OF MOBILE PHONE SERVICE PROVIDERS

**Sen. Mositet:** Mr. Speaker, Sir, I stand to request for a Statement from the Chair of the Committee on Information and Technology on the service provision by mobile phone service providers. In the Statement, the Chairperson should:-

(i) explain why services of mobile phone providers especially Safaricom have become poor;

(ii) name counties in Kenya where one can carry out uninterrupted phone calls without disruption and explain what measures are being taken to ensure that there is good network in all counties;

(iii) state the measures that the Communication Authority of Kenya has put in place to benchmark on performance of mobile phone providers;

(iv) explain the measures that the Communication Authority of Kenya has taken against the companies that are operating below expected standards;

(v) state whether the government can use universal funds to improve ICT in Kenya particularly in areas which are not economically viable.

**The Speaker** (Hon. Ethuro): Chair, Information and Technology Committee.

**Sen. Kagwe:** Mr. Speaker, Sir, I propose that you give me two weeks to come up with the answer to that Statement. I also ask that the Clerk sends the Statements to both the relevant Ministry and Chairpersons as soon as possible.

### POINT OF ORDER

#### ADMITTANCE OF CABINET SECRETARIES TO THE SENATE TO RESPOND TO SENATORS' STATEMENTS

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

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

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, you realize that most of the Statements being requested for are very important in terms of policy content; they are very complex and require very detailed information. You did indicate at some point that you may give direction to the Senate that relevant Cabinet Secretaries be availed an opportunity to come and answer Questions in this House and be subjected to interrogation by Members who wish to do so. Many of the answers brought here by Chairpersons, and for no fault of their own, most often fall far short of the expectations of the House and if not, the supplementaries that follow are normally of such a nature that the content of the Statement from the parent Ministry does not help the Chairperson to competently and diligently address those statements.

I have read from the media, although we say that it may not be the source of our authority here, but the Lower House has moved in that direction. Having indicated that you would move in that direction as well, I would like to inquire from the Chair whether this process is in the offing and how soon it can be effective. We ask each other questions here knowing very well that it is in the very nature of Government officers to hide information even when it is not necessary to do so. It would be good if they come here and we interrogate them.

**The Speaker** (Hon. Ethuro): That matter is under active consideration and we are yet to finalize it.

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

**The Speaker** (Hon. Ethuro): On what basis, Sen. Kajwang?

**Sen. Kajwang:** Mr. Speaker, Sir, on that issue. I suspect that it is a constitutional matter which should be considered broadly because the membership of this House is a constitutional issue and those who can speak from this House is constitutionally provided for. In the old Constitution, for the Attorney-General to attend this House, he had to be an *ex-officio* Member. So, it is not a question of the House deciding *ad hoc* who can come here even for the convenience of answering questions. In fact, for the President to come

to Parliament in the old Constitution, it was provided for including where he would sit. I think we can debate it either formally or informally and see whether we can make considerations to allow other people to come and address us. Otherwise, this House may become a place where people just walk in and walk out.

It is not easy to be a Member of this House and we must protect this privilege very jealously. Even for you to preside over this House, we had to do a very rigorous election where you had to be sworn in to become a Senator yourself. These are technical issues which we can deal with so that we can avoid too much inconvenience.

**The Speaker** (Hon. Ethuro): I am happy that I allowed you because that was a very critical intervention. We are basically elaborating the kind of concerns that we are still trying to figure out how to navigate.

I think Sen. Wetangula can now appreciate why we have not been very eager to pursue that route in spite of our intentions.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. Wetangula, you have already made your intervention and we have shared sufficiently enough. We do not have to do it repeatedly. When you communicate once, the Chair understands your interest.

**Sen. Wako:** Mr. Speaker, Sir, I do not think we should spend too much time on this. The point of order that has been raised points at very important constitutional interpretations in view of the clear separation of powers that we now have under our current Constitution which is a bit modeled on the United States of America (USA) Constitution. Therefore, as you consider the grave constitutional implications that this issue raises, also consider whether or not the Committees cannot exercise their powers. Where the answer falls short of expectations in areas to be covered, the Cabinet Secretary should be summoned before the Committee. When a Cabinet Secretary is summoned, you can allow other Members to come and grill that Cabinet Secretary.

I am sure if Cabinet Secretaries are summoned, they will start giving us proper answers but because there is no whip, they do not regard the answers they give to the Senate as of any consequence. They just give us shoddy answers and hope that they can get away with it. I would urge the Committee even now to begin summoning Cabinet Secretaries, where the answer falls short, as we consider the constitutional implications of what we are going to do.

**The Speaker** (Hon. Ethuro): Hon. Senators, I really do not want us to debate this matter. Let me just give a chance to the Minority Leader because he is the one who started before I can make some preliminary remarks.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I fully appreciate the point raised by the distinguished Senator for Homa Bay. What we should probably do, and the Chairperson of Committee should not find this as a measure of inadequacy but it is a measure of doing work, that before they bring answers to this House, they should interrogate Cabinet Secretaries and their officers at the Committee level so that when they come here with Statements--- I do not want to point out any Chairperson but some of them have certainly fallen short of our expectations and we would want to see that things are done properly. So, you may administratively indicate to

the Chairperson to interrogate Cabinet Secretaries and their officers at the Committee level and bring adequate responses to this House so that we get value for our questions and requests.

**The Speaker** (Hon. Ethuro): Sen. Kembi-Gitura, I can see you are being persistent.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, those are two seconds wasted by the microphone. If we complete one session, it is going to be a lot of time lost so I think we need to do something about this system.

I am on record as having spoken about this issue. A very good indicator is the statement you have just deferred to tomorrow from the Chairman of the Committee on Education. It is quite obvious - and I am not blaming him - that the Committee has not seen that answer; which means if you allowed him to go on and give it, he would have done it in exclusion of the Members of his Committee.

It seems the answer was not interrogated and that is very dangerous. We do not blame them because some people have been Cabinet Ministers and some of them Assistant Ministers and they used to answer Questions in the House. Usually, they discuss them in the Ministry before they are answered in the House so when they go to the House, they have sufficient supplementary answers to address supplementary Questions. I do not think that the new Constitution contemplated a situation where we just get answers and get satisfied but we do appreciate what Sen. Kajwang and Sen. Wako have said. The point being made by Sen. Wetangula is of such great importance that we must find a way round this system. My proposal has always been, and I have said this more than five times in this House, that nothing stops this House from constituting itself into a Committee of the Whole and summoning Cabinet Secretaries and having them answer and be interrogated on the responses that they give. For me, it does not matter whether a proper answer comes to me when I am sitting in the Senate as constituted or whether in the Kamukunji or a Committee of the Whole but it must come in such a way that I get an answer that is satisfactory and that I am able to be satisfied.

The Constitution is silent on many things. The Constitution does not say there cannot be Assistant Ministers, for the sake of argument. It says that there shall be a Cabinet Secretary but it does not say there shall not be a deputy or an assistant. So, it depends on whether you want to interpret the Constitution broadly or narrowly, it is your choice.

Regarding the issue of Statements that we seek, we do not seek them for the sake of it. The Statement I have sought from the Committee on Education, for instance, is a question of policy. It is not about a school teacher who makes a young girl pregnant to be interdicted or not---

**The Speaker** (Hon. Ethuro): Order, Sen. Kembi-Gitura, please, finish. The Statement is coming tomorrow.

**Sen. Kembi-Gitura:** Yes, Mr. Speaker, Sir. It is of such great importance that we must now make a decision whether it would be in the Committee or the Committee of the Whole where these statements are answered to the satisfaction of all of because the statement once asked is the property of the House and not only the person who asked it.

**The Speaker** (Hon. Ethuro): Hon. Senators, I want to draw your attention to the relevant articles. If you look at Article 125 – Power to call for evidence. Either House of Parliament and any of its Committees have power to summon any person to appear before it for the purpose of giving evidence or providing information. It talks of either House of Parliament and any of its Committees. That is where Sen. Wetangula and Sen. Kembi-Gitura find some ground of entry.

In Article 153(3), a Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by a Committee and answer any question concerning a matter for which the Cabinet Secretary is responsible. In Article 153(4) (b); the Cabinet Secretary “shall” provide Parliament with full and regular reports concerning matters under their control. The position we have taken, which Sen. Kembi-Gitura, would consider the narrow interpretation is to invoke that one of the Committee. The Committee has powers to summon Cabinet Secretaries, call for the relevant Senators who may be interested in that particular matter and sit in the normal way to interrogate the matter. That is the safest way and it is so far expressly provided for.

When you go to the other issue of presidential kind of arrangement that we have in the Constitution, we have commissioned a study and once we have done a preliminary, we will subject it to our own Kamukunji instead of an open plenary like this so that we can get views from the rest of the membership. I will only confirm to you that I will be very reluctant to do things that may be considered unconstitutional by virtue that we are in the Senate.

Next Order!

## BILL

### *Second Reading*

#### THE STATUTES LAW (MISCELLANEOUS AMENDMENTS) BILL

*(Sen. Wako on 24.6.2014)*

*(Resumption of Debate interrupted on 26.6.2014)*

**The Speaker** (Hon. Ethuro): I think this one is waiting for a vote. Where are the Whips? It is always good to have an indication of what is supposed to happen. Where are the Senate Majority and the Senate Minority Leaders?

Order, hon. Senators! Let us proceed to put the question. However, before we proceed, let me spell out the procedures, given the new apparatus.

## COMMUNICATION FROM THE CHAIR

### PROCEDURE OF VOTING UNDER THE MULTI-MEDIA DIGITAL CONGRESS SYSTEM

You will realise that yesterday, 1<sup>st</sup> July, 2014, we started using the new Chamber and multi-media digital congress system. I hope that satisfies Sen. Karaba. The Multi-Media Digital Congress system allows you to speak or to make a point of order or seek information by use of the card system. You have already made suggestions and we will go about that so that we have PIN numbers. You also want to lodge the cards at the entrance as you enter. I am aware that you have been issued with cards and pin numbers to allow you to use the system. Once you have the card and the pin number, this is the procedure to follow.

Procedure No. 1 – Insert the card into the slot provided on your left of the delegate unit with the arrow of the card facing down.

Procedure No.2 – Enter the PIN Number given to you and press the microphone button to display the word original.

Procedure No.3 – press the microphone button to request to speak once. When your name appears on the Speaker's screen, the microphone button will remain blinking until an opportunity is granted to you by the Speaker to speak.

Procedure No.4 – To move up or raise a point of order or information, you will press the INT which is the intervention button from the Speaker's panel and you will differentiate the points of order and a request to speak.

Procedure No. 5 – For voting exercise – this is important – you will press the “yes”, “no” or “abstain” button on the delegate unit which is just next to the other buttons. You will then press the last button to register your voting option. Voting will be done within the specified period of time given by the Speaker. The attendance of the Senators present will be taken before the voting exercise starts.

We will have a free sitting although the Senate Majority Leader suggested that we delegate seats. That is a proposal that he will bring to you for consideration except, of course, the designated seats for the Senate Majority Leader and the Senate Minority Leader. Apart from the Senate Majority Leader and the Senate Minority Leader, you will be expected to come with a card at every sitting to allow you to speak and to take part in the voting exercise. I hope that will help, especially when it comes to voting.

*(Debate on the Bill resumed)*

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Senator Wetangula, I have just made elaborate procedures. What is it?

**The Senate Majority Leader** (Sen. Wetangula): The reason I stood on a point of order is because you are standing and, therefore, we are supposed to be reading the screen below you.

I have a small point. You have given us guidance. Those who were in the last Parliament knew what you were saying because we were using these gadgets. If our voting here, if you will vote yes, no or abstain, how will the Chair determine who in which delegation is voting, especially for proxy voters? That is very important.

As I said last week, there may be a point where proxy vote should be established and proved so that there is no contention. We may need to prove that one has been delegated as a proxy. So, we need clarity on that as well. Sitting and pressing “yes”, “no” or “abstention” without knowing who is voting for what delegation becomes very difficult.

Secondly, we had a case here where two Senators purported to be proxy voters for one county. That highlighted some issues which were raised on the Floor. So, you should guide us on that as well.

**The Speaker** (Hon. Ethuro): You have picked the dilemma I was in yesterday when I was doing my own induction. I raised that point. Our people need to advise us.

*(The Speaker (Hon. Ethuro)  
consulted the Clerk-at-the-Table)*

I think we have a solution but let us hear your views.

**Sen. Ongoro:** Thank you, Mr. Speaker, Sir. I want to reiterate the point that has been raised which is very pertinent. Under the circumstances, I want to suggest that we use our former voting system until we are sure and have all the letters from the heads of delegations after which we can vote according to what is listed.

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

**Sen. Haji:** On a point of order, Mr. Speaker, Sir. Is it right for someone to interrupt the Speaker while he is on his feet? I would like to seek clarity on that.

**Sen. Chelule:** On a point of order, Mr. Speaker, Sir. My question is the same as Sen. Wetangula’s. What happens to a Member of a delegation who wants to vote on behalf of the leader of a delegation?

**The Speaker** (Hon. Ethuro): Sen. Chelule, I hope you appreciate that our Standing Orders discourage repetitions. When a point has already been made, you are supposed to consume it. I think that is what informed the withdrawal of the sentiments by the Senator from Tana River.

**Sen. Sijeny:** On a point of order, Mr. Speaker, Sir. I want to suggest a way forward. Before we start voting, it is well known that the people who vote on behalf of delegations like today, normally get up and state that they have instructions from their leaders of delegations. The votes are then counted and it is known who is voting for whom. I think after that, we can proceed to vote the electronic way. I think the only discrepancy so far is on Senators who belong to a delegation.

**The Speaker** (Hon. Ethuro): Order, hon. Members. I am afraid that I normally say that I am subject to the will of the House. However, on this one, I will decline. I decline in the sense that there is no better opportunity to start experimenting this process rather than now. So, we cannot just say that we will not continue because we are used to an old system. We are already here.

Yesterday, Sen. Kagwe, the Chairperson of the Committee on Information and Technology said that we should not just enjoy the seats. The new technology should also



be reflected in having a paperless House including having Ipads. I took those sentiments very seriously. So, by the time we call for the voting, we would have had the bell ringing for eight minutes. In those eight minutes, we will know who are responsible for the proxy votes per delegation. The system is such that for now, it is only leaders of delegations who can vote with the cards we have. The proxy ones, once we have confirmed them, we will activate their cards so that they can vote.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, we have to confirm that they have been delegated.

**The Speaker** (Hon. Ethuro): Senators, yes, we have to confirm that they have been delegated on that mandate. That is the way we will go. We will start now and not tomorrow.

Order, hon. Members! I hope that the leadership of the House will help us in terms of the tellers and the proxy votes. If you look at Standing Order No.74 on electronic voting, you will see that it states:

- (1) "Unless the Speaker, for the convenience of the Senate otherwise directs, voting on any division of the Senate shall be by electronic voting.
- (2) When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for not more than 10 minutes and the Senate shall proceed to vote at the expiry of the 10 minutes, or such further time as the Speaker may, for the convenience of the Senate, direct."

I am tempted to reduce that time to five minutes.

"(3) During electronic voting, Senators shall cast their votes by pressing either the "Yes," "No" or "Abstain" button.

(4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be shall announce the results of the division forthwith.

(5) A Senator who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may, before the result of the division is announced and after obtaining the permission of the Speaker have his or her vote recorded verbally by stating whether he or is in favour or against the question."

That covers Senator's Kajwang's situation.

"(6) Where the Presiding Officer has an original vote; the presiding officer shall cast his or her vote from the Chair.

(7) Any Senator present in the Senate but who shall not have voted at the expiry of five minutes or after the announcing of the results, whichever is earlier, shall forfeit their right to vote and shall be deemed to have abstained from voting."

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

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

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. Sen. Haji raised a very important matter with regard to Part XVIII of our Standing Orders. That is about order in the Senate, the whole House and Committees.

You were on your feet and my leader here, the Senate Minority Leader, Sen. Wetangula stood up on a point of order despite the new gadgets that we have. The excuse that he gave was that he thought you would not see your board while standing.

Standing Order No.105 is very clear on this matter. That is the Standing Order that my leader here violated. He stood here and shouted “point of order” when the Speaker was on his feet.

Standing Order No.87 (3) gives us guidelines on how you should handle a point of order raised by Members. Sen. Haji raised a very genuine point of order. I believe that we have to adhere to our rules under Standing Order No.87 (3) which says that you must give a ruling. “The Speaker shall--” We cannot just brush this away.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

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

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, both Sen. Haji and Sen. Khaniri, my distinguished “kid brother” are actually providing comic relief to the House because you have already said from where you are that I was out of order and I bowed and acknowledged that I was and the matter ended there. So, if they want to provide comic relief we can welcome it, but the matter has rested where it fell.

**The Speaker** (Hon. Ethuro): First, I really want to appreciate the Senate Minority Leader for the fact that your “kid brother” as you term it can actually challenge you. It is a very good democratic practice which I personally would wish to encourage.

Secondly, for you also not to appreciate his prowess in promoting and maintaining the Standing Orders, you are the one providing comic relief and not him. Standing Order No.105 does not only talk about when the Speaker or the Chairperson of a Committee is on his feet, but also that you must maintain silence. So, for you to interrupt in an oral manner is even disturbing than silence and your “kid brother” did not even go into that. So, I think you owe it to him, even though the House still recognizes that you are the senior brother.

The most important point in reference to your position, and I would not want to go that way because we do not need to dispose of everything as Sen. Khaniri would wish to, but he is definitely right that every point of order must be disposed of. Since I want to believe that you have already appreciated the point made, we want to believe going forward, we will adhere to Standing Order No.105 and 87(3). I think that will satisfy the House, Sen. Haji and Sen. Khaniri in particular.

**Sen. (Prof.) Lesan:** On a point of order, Mr. Speaker, Sir. I stand under Standing Order No.75 on technical failure, confusion or error occurring with regard to today’s electronic voting which we want to do for the first time. It is possible that there could be confusion or error occurring in today’s voting. I would wish the Chair to tell us what steps you are going to take to mitigate against those failures and errors.

**The Speaker** (Hon. Ethuro): That is anticipating error. Let us cross that bridge once we reach there. I really do not know why we seem to be so pessimistic that this system will not work. Let us try. In any case, Sen. Kajwang is back.

I, therefore, call for the vote. Ring the Bell for five minutes since we have spent a bit of time on the points of order.

*(The Division Bell was rung)*

**DIVISION**

Order Senators! There are some cards that must be on. There is the one at the Clerks-at-the-Table and mine that must be on because we must operate. So, they are also included, but they cannot vote. Now you see why we need to experiment this early. I will give you two minutes to do the voting. Proceed to vote within two minutes.

Hon. Senators, you have to press the button once. If you keep pressing, it will cancel. The cards should remain logged in.

**ROLL CALL VOTING**

*(Question put and the Senate proceeded to vote)*

*(Errors detected)*

Order, Hon. Senators! Maybe Sen. (Prof.) Lesan may have been right, but let us take it as a trial, cancel these results and start afresh.

*(Results cancelled)*

The rules of the game are as follows: All eligible voters must have a card. If you have a card, except one Senator, log in the card. Are we logged in?

**Hon. Senators:** Yes!

**The Speaker** (Hon. Ethuro): Sen. Mutula Kilonzo Jnr. you need to assist Sen. Wako. There is a reason he chose to sit there. Hon. Senators, I really hope that everybody is following instructions so far.

Order, Sen. Amos Wako! Once you have logged in your card and put your PIN, even your neighbour can assist you to vote if you have difficulties. During voting just press once whichever button of the three and do not remove the card or press any other button.

Now, I order that the vote be taken in one minute.

*(The Senators proceeded to vote)*

One minute is gone and we have 25 votes recorded electronically. We will invoke Standing Order No.74 (5) for the Senator for Isiolo.

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

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

**AYES:** Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. G.G. Kariuki, Laikipia County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Kuti, Isiolo County; Sen. (Prof.) Lesan, Bomet County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Wako, Busia County and Sen. Wetangula, Bungoma County.

**NOES:** Nil

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

**The Speaker** (Hon. Ethuro): I am told that I have to wait for the printout before I announce the results of the Division.

Order, Senators! We now have the results of the Division. Even if you have a card and you are not a delegate, it is also shown. The results of the Division are as follows:-

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil.

So, the "Ayes" have it.

*(Question carried by 26 votes to nil)*

*(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

You may now open the door and draw the Bar.

*(The door was opened and the Bar drawn)*

## **BILLS**

### *First Readings*

THE PUBLIC APPOINTMENTS (COUNTY  
ASSEMBLIES APPROVAL) BILL, 2014

THE POTATO PRODUCE AND MARKETING BILL, 2014

THE PARLIAMENTARY SERVICE (AMENDMENT) BILL, 2014

*(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Senate Committees)*

### MOTION

#### RESTRUCTURING AND EXPANDING OF KURA MANDATE TO COVER COUNTY HEADQUARTERS

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

THAT, aware that the Kenya Urban Roads Authority (KURA) is vested with the responsibility of developing roads in cities and former municipalities; noting that a number of county headquarters are located within areas formerly known as county councils and therefore road maintenance within such county headquarters would not be the responsibility of KURA; concerned that this arrangement gives undue advantage to county headquarters located within cities and former municipalities compared to those located within the former county council areas; the Senate calls upon the national Government to restructure KURA and expand its mandate to cover road infrastructure in all the forty-seven county headquarters.

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

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

Mr. Deputy Speaker, Sir, road transport accounts for almost 90 per cent of all the freight and passenger traffic in Kenya. Under the Roads Act of 2007, KURA has been given the responsibility to manage, develop, rehabilitate and maintain all public roads within the cities and municipalities in Kenya, except where those roads are classified as national roads.

Mr. Deputy Speaker, Sir, just to highlight the areas which are currently benefiting from this, we have Nairobi, Mombasa, Kiambu, Kisumu and Nyeri, among others. We have former county councils, like Kajiado which is my county, Tharaka-Nithi, Lamu, Tana River, Baringo, Wajir, Marsabit, Samburu, Narok and others which are not benefiting out of this. I want to remind this House that we are under a new Constitution and the Roads Act of 2007 is still in force. Because of this, quite a number of counties are disadvantaged. Up to now, the former county councils do not benefit from any funds allocated to KURA.

Mr. Deputy Speaker, Sir, in the 2013/2014 Financial Year, KURA was given almost Kshs2.5 billion which was used to do only roads within the cities and former municipalities. There are many areas in my county, like Ngong, Kiserian, Ongata Rongai and Kitengela which really need some assistance. While KURA has been doing roads within Nairobi and Athi River which is a municipality, it leaves out other areas like Kitengela, Ongata Rongai and Ngong, yet almost 90 per cent of the people who live there

work in Nairobi. The population within particularly areas in Kajiado County, which are adjacent to Nairobi, is about 700,000 people. These people contribute to the economy of Nairobi City, but when it comes to the infrastructure, they are not catered for.

That is why I feel that through this Motion, we can develop a policy or direct KURA to make sure that all the county headquarters are taken care of. I am very sure that other counties, including Homa Bay may be also suffering. Therefore, in order to ensure that some areas are not left behind, we need to relook at the Roads Act of 2007 which empowers KURA to only assist the cities and former municipalities.

Mr. Deputy Speaker, Sir, through this Motion, I am requesting that all the county headquarters are taken care of, so that roads can be constructed and maintained by KURA. I believe that in the 2014/2015 Financial Year the same KURA has been given about Kshs3 billion. This money will continue favouring the regions which were favoured in 2013. This Motion, therefore, calls upon the same KURA to ensure that it caters for all regions which are not defined to be within their jurisdiction under the Roads Act, 2007.

Mr. Deputy Speaker, Sir, I beg to move and call upon Sen. Hargura to second.

**Sen. Hargura:** Thank you, Mr. Deputy Speaker, Sir. I rise to second this Motion because I know where my colleague, Sen. Mositet, is coming from.

Mr. Deputy Speaker, Sir, we know very well that after the passing of the new Constitution, roads have been clearly demarcated between the national Government and county governments. But, unfortunately, to date the roads maintenance structure in this country has not changed and realigned to reflect the new Constitution, as indicated in the Fourth Schedule of the Constitution, which clearly indicates that there are national trunk roads, under the national Government and county roads under the county governments. Now that we have that definition which is not being adhered to by the roads maintenance system, there is the issue of some money which was supposed to have gone to the counties, still remaining with KURA and not being shared fairly or equitably among the counties.

Mr. Deputy Speaker, Sir, the roads sector in this country has undergone several developments in terms of maintenance. Initially, we used to just talk of roads construction. Later on, it was felt that we have neglected maintenance and that is why the fuel levy came up under the Kenya Roads Board Act. This Act set up a board to actually manage the fuel levy funds which were supposed to cater for maintenance. Later on, in 2007, we had the Roads Act which created the authorities. Now, we have the new Constitution which actually divides roads into two. We have the national trunk roads, which by definition could be the roads which are under the Kenya National Highways Authority (KeNHA). The rest of the roads are supposed to be under the county governments.

Mr. Deputy Speaker, Sir, as we know, funds are supposed to follow the functions. So, the roads which fall within the counties are supposed to get whatever monies that are supposed to be allocated to them. If you look at the Kenya Roads Board (KRB) Act, KeNHA gets 40 per cent of the fuel levy funds, the Kenya Rural Roads Authority (KeRRA) gets 32 per cent and KURA gets 15 per cent. That could mean that if you go by the current definition, it is basically kind of 50/50 ratio. The national Government gets

about 50 per cent and the county governments get about 50 per cent. This fuel levy fund is not a small amount of money. We are talking about Kshs24 billion, by the last financial year. The counties who we were seated here trying to allocate some money to could have gotten Kshs12 billion of that money. However, that has not been done because the roads sector is not conforming to the new Constitution. Therefore, we, as counties' defenders, are actually not being fair. We need to push for this sector also to be realigned with the new Constitution, so that we can get the fuel levy share of the county governments.

The current situation is not favouring the county governments because even the 32 per cent under rural roads, which goes to the county, we still have not merged it with the county government structure. The KeRRA still has its own structures in the county government. However, the Governor and his County Executive Committee (CEC) still will not be having any role. It is still the Member of Parliament (MP) with his Constituency Roads Committee which comes from the Constituency Development Fund (CDF). This committee used to have four members from the CDF. The Finance Act of 2009 clearly says that those four members will actually produce the Chairperson and Vice Chairperson respectively. So, still, the county government has no say even on the 32 per cent which goes to rural roads, because that is an extension of the national Government.

Mr. Deputy Speaker, Sir, I would like to urge the CEC members in charge of the roads sector to ensure that they move with speed to make sure that the roads sector is realigned to the new Constitution. I know that there have been drafts from as early as September, 2013, which were coming up with proposals putting all the roads under a national Government body and then all that is within the counties is left to the county governments. The funds for roads should be shared between the two; that is, the national and county governments.

Mr. Deputy Speaker, Sir, this Motion is urging us now to focus on the county governments. They have moved to build county government headquarters. Most of these county government headquarters are former district headquarters. We have discussed Motions here asking the national Government to set aside funds for the establishment of county headquarters for some governments. This means the infrastructure is not there, in the first place. They need to put up buildings which will accommodate their headquarters.

If we look at the roads infrastructure, it is even worse. Now, for those county government headquarters to move to a level where it is a representative headquarters, the roads infrastructure also needs to be improved. We have urban roads under a particular authority and it receives a substantial amount of money, say, over Kshs3 billion. It is only fair that before the realignment of the roads sector to the new Constitution, the building or the improvement of infrastructure in the county headquarters must be done in an equitable manner that ensures that KURA assigns that responsibility of improving the infrastructure in all the county headquarters. This is a stopgap measure. Otherwise, the real scenario should have been that the funding for road maintenance in the counties under the national Government trunk roads should be done by the county governments. But as we know very well, they can only do that if the funding follows the function.

Now, we are in a situation where even the function has not been released properly because rural roads are still being handled by the KERRA while KURA is still handling

what should be county roads. So, as a stopgap measure, it is necessary that some of those funds which are supposed to have gone to the county governments and which are still going to the authorities be applied for the priorities of the county governments. This is because each county, like in my county, right now, they are budgeting to upgrade town roads to bitumen standards before they can tarmac them. We know it is very expensive to do proper works, we could be talking of an amount upwards of maybe between Kshs50 million and Kshs100 million, which has to come from the budget of the county governments. However, it is unfair because other counties have their headquarters maintained by KURA in terms of the roads infrastructure while others have to dip into their pockets and use their development money which would have gone into other priority areas to still improve their roads.

Mr. Deputy Speaker, Sir, taking into account the current situation, I support this Motion that until the roads sector is realigned to reflect the new Constitution in terms of responsibilities and funding, then the road infrastructure in all the headquarters will not be improved by KURA. This is where some of the funds which were supposed to have gone to the county governments are going.

Mr. Deputy Speaker, Sir, I beg to second this Motion.

*(Applause)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Hargura.

*(Question proposed)*

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

Order, Sen. Kajwang! I believe you got your card, did you not?

**Sen. Kajwang:** Yes, I did, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): I cannot see your name on the screen.

In the meantime, then, we can have Sen. Mugo. Sen. Mugo, are you requesting for the Floor?

**Sen. Mugo:** No, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Mugo, I propose that you switch off if you are not requesting for the Floor. My screen here is showing that you have requested for the Floor.

I think something is wrong about this system.

Yes, Sen. (Eng.) Karue?

**Sen. (Eng.) Muriuki:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion for which I wish to congratulate Sen. Mositet for bringing it up.

Mr. Deputy Speaker, Sir, the small towns that we still have in this country have started to be left out in terms of development, never mind the fact that some of them have now become county headquarters. Even when the national Budget is being done over the years, the small towns have always been left out. Even when the donors come to support



road programmes in this country, they have come up with programmes called “small towns” which, in my professional capacity, I have taken part in. However, when you look at what they mean by “small towns,” it is Nakuru, Nyeri, and Malindi. These are big cities or municipalities. The real small towns have always been left out.

Mr. Deputy Speaker, Sir, there has also been the Fuel Levy Fund, which the Government had set up many years ago. Traditionally, it was for cities and municipalities until 1999 when the Government came up with the Kenya Roads Board. I think it was the Eighth Parliament that actually forced some funds to come out of the Fuel Levy Fund to go to some roads found in the constituencies. We came up with the District Roads Committees (DRC). I believe that even then, there was so much opposition to any money going to those grassroots areas that some people went to court. In fact, those of us who were there by then had to battle a court case for a whole year just to allow some funds to go to the grassroots level. Luckily, the good judge ruled that there was nothing unconstitutional or wrong, and we went on. It is now what later on translated into KeRRA.

Mr. Deputy Speaker, Sir, the small towns remained and when devolution came into effect last year small towns were also left out. What the Mover of the Motion is asking for, which I think is very reasonable is that KURA should not be confined to municipalities, the big cities or towns. It should bring on board small towns, more so those which have now become county headquarters. As the seconder of the Motion ably pointed, most counties inherited what used to be municipalities, but a number of them ended up in headquarters or towns where there was no municipality. So, there are no tarmacked roads and other essential services.

I am asking the House to see the light and pass this Motion because it is asking that those small towns which are headquarters to counties be taken on board because they have potential of being upgraded to municipal status. The Mover wants all the good intentions extended to all small towns so that they are not left out like it has happened since Independence. For purposes of going forward, because we are now stagnant, places like Nyandarua County where I come from, we are held up in Ol Kalou Town which was a town council. It was not covered under the Local Authorities Transfer Fund (LATF) and whatever little money allocated was only used for administration. It is also not covered under KURA. Therefore, for purposes of starting somewhere, we suggest that the small towns which are headquarters to counties be covered under KURA.

Mr. Deputy Speaker, Sir, as I conclude my few remarks, I would urge the Mover of the Motion, maybe, in conjunction with the relevant Committee in the Senate, to relook at the KRB which finances KURA, so that the law is revisited to officially include small towns. The future of the economy of the nation has to be urban economy. We cannot be rural, rural and rural. We have to move forward. Therefore, for the small towns to be included, we must put it in law. For now, I urge the House to support this Motion.

With those few remarks, I beg to support.

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, first, I really want to support this Motion, but I have a problem whether it is taking us backwards or forward. According to me, KURA should be disbanded so that this levy is shared between the national Government and the county government. Whether the sharing arrangement changes or

not, definitely, this money should go to the county governments. They can decide to do their roads whether in municipalities, towns or markets according to their own priority. The county governments are in the best position to decide what they need and what they do not.

I will give you an example; I went to Sen. Mositet's county in Kitengela, which is by-passed by a major highway all the way to Namanga. Immediately you branch from the highway and go into the town, there is no road. In fact, I got stuck in the mud. It is a shame that you have just come from a superhighway and two metres away you are stuck in a pool of water inside the town. There is very little the town administration can do about it because they do not have funds to do anything. They do not have the money to fix the problem yet they can see that Kitengela is growing quickly into a huge market which requires the infrastructure to be developed accordingly.

The investment which is now happening in Kitengela area is sometimes higher than the investment happening in Kiambu. Everybody is moving to that direction, building beautiful homes, hotels, restaurants and supermarkets. However, there is no money to develop infrastructure. The people who are supposed to do it are called KURA whose definition of urban leaves out towns like Kitengela and Athi River. If you see the roads in Athi River, you will be shocked. When you move from the Mombasa Highway and join the road going to Kenya Meat Commission (KMC), it is in a terrible state. Sometimes there is no money to fix them and yet that is what brings money to grow the town.

Mr. Deputy Speaker, Sir, I have already heard of a suggestion that in addition to the fuel levy which replaced the toll stations that were there previously, we are bringing back the toll stations. For example, Thika Highway is going to have a toll station and some other two or three highways. I do not know where that money will be going because originally we intended to remove this toll station because accountability is a problem and causing unnecessary delay, but we are now going back.

Sometimes, I think our policies are not very consistent with the aspirations of the Kenyan people. The people of Kenya want their money to be given to the county governments to manage the roads and also give money to the national Government what is at the national level. Some operatives at the Ministry of Transport do not want this to go because it is huge money and they want to control it. They want to know who the contractor is and so on. If this House wants to help Kenya, therefore, it should not go backwards and expand KURA which we want to dissolve. It should actually insist that KURA now be dissolved.

We should also pass another Motion to say that this money should be divided in this manner between the national Government and county government. In the meantime, because we have accepted that we do not have power on some of these things, and I do not know why we are accepting it, we can ask KURA to expand its network to include towns and markets. All of us should be able to go to KURA and ask for services.

With those very many remarks, I support.

**Sen. Ongoro:** Mr. Deputy Speaker, Sir, I rise to support this Motion. I will be brief and I would not want to repeat myself. We are now operating under a new system and county governments are under constant scrutiny by the public. We also know that

governors are under pressure to perform. They are largely being judged by the tangible outputs that the public is able to recognize. We know very well that infrastructure is a catalyst to development. Therefore, if we deny some counties the benefits of having the services of KURA, we are going to create a situation where some counties will ask for compensation while making reference to a historical injustice, for example.

We want counties to start on the same level. We are now operating under a new Constitution which addresses historical injustices. However, we cannot support a system that allows counties to start on a platform that is not uniform. When others are having the benefit of being serviced by KURA while leaving out others, it will not augur well. Those left out use their money allocated in areas formerly known as county councils and which do not fall within what was provided for within the operations of KURA. We are not given equal treatment.

I support this Motion.

**Sen. Nobwola:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. KURA is a function of the national Government. We are also aware that there is some classification of roads going on. It is the right time for us to support or urge the national Government to restructure KURA, so that it expands its network within the counties with regard to roads and infrastructure. KURA is a developed agency and quite experienced. In view of that, I think KURA will handle construction of roads within towns and connecting counties.

Some counties do not have equipment to do roads. If KURA is devolved to counties, it will assist to secure the equipment. With its expertise, the county governments will learn and improve on the quality of roads that they come up with.

I, therefore, support this Motion and urge other Senators to do the same.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): The indicator here is not on.

*(Sen. Karaba moved to the Dispatch Box)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Before I allow you to speak from the Dispatch Box, what is wrong with your gadget?

**Sen. Karaba:** I do not know, Mr. Deputy Speaker, Sir. I think we need a superior engineer to do this kind of a job.

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

**Sen. Karaba:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion which is very important in the line of devolution. For any country to be developed, the most important aspect to consider is roads. This is what we call infrastructure. If a country is devoid of infrastructure, it cannot attain development. To sustain development, therefore, we need to act. We have various counties where people have to move from rural areas to the urban areas; thus, the rural-urban migration.

One of the reasons they move is in search of better infrastructure in urban centres. That is what the Motion is seeking to develop. It wants to develop by building more

infrastructural benefits in urban centres. This will require more people to live these centres, hence, the need to develop urban to rural areas.

In this regard, we have the rural-urban connection using feeder roads which are, before this Motion is adopted, owned by the Kenya Rural Roads Authority (KeRRA). The KeRRA has been spending a lot on developing rural roads until now when we should think of how to develop both KeRRA and KURA. The information it seeks is to get the position of the two institutions. The one that deals with urban roads and the other that deals with rural roads. When that happens, we will have no problem with the KeNHA connecting with the rural and urban roads.

If this Motion is passed and implemented, our roads will lead to our rural satellite towns which are in need of development. The satellite towns can only develop through infrastructure. Our roads are very important factors of development. This is the reason we need to seek to develop the roads.

We also need to rethink of how to classify the roads. Most roads leading to rural centres are either in Class “E” or are unclassified. That is the reason the Government failed to develop these roads since they were not captured by the classifications of roads. I also urge the Mover of the Motion to find out whether it is possible to reclassify roads so that KURA and KeRRA can address this and have the roads captured by these institutions.

When this happens, we will have these roads being used as not only a factor for development, but also inertia for industries. We will attract quite a number of industries, particularly in the rural areas. These are the industries that will produce, manufacture and generate products that can feed the rural folks. With that, it will be possible to transfer and to transport raw materials from the productive rural areas to the market centres to the county headquarters.

Most of the 47 county headquarters are devoid of this kind of development. They are devoid in the sense that it is not possible for them to receive raw materials either from the up country, the rural areas or from the important market centres like Nairobi or Mombasa. Getting the products to such areas is a problem. They cannot access the market or the future factories which are located in the county headquarters.

Mr. Deputy Speaker, Sir, development of roads is a mandatory requirement if rural centres are to succeed. So, I support this Motion. The Government should come up with a method of trying to improve the infrastructure so that problems of transporting finished products to markets are addressed. This is an important requirement for any future development of any country.

If you look at the development that we have in China, you will see that every other town has a rail connection. The connectivity between the rural towns with the main urban centres is excellent. That is the only way we can even connect and have this rural towns produce and come up with what we call industrial inertia. That is the reason I am supporting this Motion because it will address these issues and come up with its own structure of development. This will be a step in the right direction because most of our rural towns are very rural. We have very few cities in Kenya. When we develop some of these towns, I am sure we are going to use them as cells or a nucleus for development. They will attract very many rural folks and we reduce rural-urban migration. There will

be urban to rural migration instead of having people moving to cities like Nairobi, Mombasa and Kisumu. The moment we come up with this development starting with the roads, then we will have even development taking place in the entire country.

I support the Motion.

**Sen. Mugo:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion which I support and to congratulate the Mover, Sen. Mositet for his foresight.

We all know the value of infrastructure; good roads are the major deciding factors for economic growth. At the moment, the nation is focusing on poverty reduction so that our people can have better standards of living. A lot of growth is centred in our agricultural centres and those townships, which are not the cities, are the immediate stop and the nearest to our farmers. Therefore, to improve marketing for their produce, it is very important that we put a lot of effort in maintaining those roads. It is true we are at cross roads when things are moving from the national Government and being devolved to counties. Nevertheless, we must not allow a gap where some of the roads become almost impassable.

Mr. Deputy Speaker, Sir, we, therefore, support this move. In the meantime, KURA which is the one that has been maintaining the cities and the municipalities expands even to those other areas where the headquarters of counties have been established. Until such time when the new move to put some roads under counties and major international roads in the national Government so that there is continuity in maintaining roads in those townships which are now becoming major towns because they are county headquarters.

We know that sometimes there has been pulling and pushing between the national Government and the counties as to who is in charge of what roads. That can also be one of the major problems. We urge the counties to move with speed, organize themselves and sit with the Ministry and decide or come up with which roads they are responsible for. The counties will be best placed to really do those roads within their counties. Nevertheless, it is an issue that cannot be left unattended. Many counties are crying that their roads are becoming impassable. That can be detrimental and bad for the economy which we are all trying to grow so that we can have enough for our citizens.

Mr. Deputy Speaker, Sir, we also know that other amenities such as schools are located in those townships. It is important that the teachers and the students get to schools without having to go through mud like we did when we were growing up and got very dirty. You will find that some teachers do not want to be transferred to some areas because those areas do not have passable roads. I have seen that happen, especially in some areas even in the city where some of the teachers living in the Eastlands area were finding it difficult to be posted in areas where they felt that the roads were impassable. To promote equality for all counties we strongly recommend that maintenance of roads is addressed equally and that all roads are made passable.

I support.

**Sen. Chelule:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. First and foremost, I want to thank the Mover, Sen. Mositet. I am saying this because of two reasons. We all know that people in the rural

areas have been suffering because of poor infrastructure. It would be good if the management of funds set aside for roads is known to all of them. There are citizens who are staying in the rural areas and yet they do not know who actually manages the roads funds. At times, they are told that the funds are being managed by the Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KeRRA), the county government or the national Government. It would be good for our Government to come out clearly and tell Kenyans that the national Government is managing the classified roads. The unclassified roads should actually be managed the way it has been stated in this Motion.

We know the *Uwezo* Fund will benefit the youth and the women. We all know that this is a revolving fund. However, the beneficiaries will not be able to repay that money if the roads remain in poor conditions. Seated in this House, we all know that we are representing farmers. Farmers are suffering; they cannot get their farm produce to the markets because of infrastructure. I really support Sen. Mositet for coming up with this Motion. I think that it will be helpful, since there will be one particular department that will manage the roads funds.

Mr. Deputy Speaker, Sir, Sen. Mugo talked about schools. I now want to talk about hospitals. Whenever people who live in rural areas are referred to other hospitals, it is always complicated for them to even travel to those referral hospitals because of poor infrastructure. If this Motion is passed, it will ensure that some rural roads are managed by KURA. Its mandate will be expanded from the national Government to the county governments. In future, I hope that plans will be made so that the county governments will also manage their own roads.

Mr. Deputy Speaker, Sir, I also want to speak about public participation on matters concerning people in the rural areas, especially the roads. Many people are suffering because they are not part and parcel of those who decide which roads are to be done. Therefore, I also encourage public participation in the management of roads, especially in the rural areas.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

**Sen. Kanainza:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to support this Motion. First, I want to congratulate Sen. Mositet for bringing this Motion.

Mr. Deputy Speaker, Sir, when we talk about infrastructure, the first thing that comes to our mind is roads. Good road infrastructure will open up new areas of this country and encourage development. At the same time, we shall be able to attract many investors. I know that many people support the county governments, but the biggest challenge that most of them are facing is lack of a good road network that will open up different areas of those counties. It is important that KURA supports these county governments, so that they can open up many areas. Many rural areas produce a lot of crops, including bananas, potatoes and so on. However, they are unable to get them to the markets because most roads are impassable.

Mr. Deputy Speaker, Sir, citizens do not understand that roads are classified into national trunk roads under the national Government and the county roads are under the county governments. It is important that KURA helps the county governments to build

and manage the roads infrastructure. KURA should really be answerable to the county governments. But if that is not going to happen, it should work together with the county governments, so that people can have better roads. Whenever you visit counties, especially those in the rural areas, you will realize roads have potholes. *Wananchi* will not understand whether a particular road is supposed to be managed by KURA, KeRRA or KeNHA. Most *Wananchi* think that the Governor is irresponsible and not in control of the county government and yet it is not his responsibility. Therefore, I support this Motion that calls upon the national Government to restructure KURA, so that it is can expand its mandate and help the county governments.

Mr. Deputy Speaker, Sir, I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Since I do not have any more requests, I now call upon Sen. Mositet to reply.

**Sen. Mositet:** Mr. Deputy Speaker, Sir, I wish to thank all my colleagues who have contributed to this Motion. I have picked a few issues out of their contributions.

Mr. Deputy Speaker, Sir, first, all Senators are aware that the Constitution is very clear that we were not supposed to have the existing authorities. We were only supposed to have the county roads and national trunk roads. The county roads are supposed to be constructed, managed and rehabilitated by KeRRA and KURA. Through this Motion, we are trying to see if we can expand the mandate of KURA. At least, some policies can be put in place to align the roads subsector with the Constitution.

Mr. Deputy Speaker, Sir, one of the Senators said that we are retrogressing because we will be asking for the disbandment of KURA. But since the Act is still alive, we can make sure that, at least, the monies which have been allocated can be shared, so that the counties whose headquarters are in the rural areas and the infrastructure is quite poor can be improved, for example, Kajiado County. It is even good to note that quite a number of Members of Parliament and other people who work in Nairobi are housed within my county. Whenever it rains, it becomes difficult for them to come out of or get to their homes.

Mr. Deputy Speaker, Sir, it also worth noting that if we are to attract investors to work with and develop the counties, we really need to give those counties a good face, by developing the roads infrastructure. The existing roads authorities have really brought some confusion. For example, there is a road in my county, between Isinya and Kiserian which was done between 2011 and 2012. In 2013, the road was just abandoned. The small tarmac which was there has even been removed. Some areas are totally impassable and the county does not have the funds to do that. Therefore, this Motion will prompt the realignment of these authorities with the other roads subsectors as per the Constitution.

Mr. Deputy Speaker, since this Motion touches on the counties and we do not have a sufficient number of Senators in the House, I would like to draw your attention to Standing Order No.54 (3). I, therefore, request that you nominate another day other than today when you can put the Question.

Mr. Deputy Speaker, Sir, I beg to reply.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Mositet. As you have stated, we do not have the threshold and you would like us to defer the voting or

Division, under Standing Order No.54(3). I direct that the Division on this Motion shall be on Wednesday 9<sup>th</sup> July, 2014, at 2.30 p.m.

Next Order!

*(Putting of the Question on the Motion deferred)*

#### URGENT MEASURES TO MOTIVATE COCONUT FARMERS

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

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 flavours, *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.

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

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

Mr. Temporary Speaker, Sir, today is a very interesting day for me and I believe for all of us who have had occasion to either visit the coastal region or to partake of the many benefits of the tree that has been fondly referred to as the tree of life. Today I present before you and these honorable Senators a Motion in support of the tree of life. Why do we call it the tree of life? This mysterious tree has the potential and ability to produce over 100 varieties of products that can be used locally to the benefit of locals; and it can be packaged for export to earn this country foreign exchange.

Mr. Temporary Speaker, Sir, the last research that was ever done concerning the growing of coconut trees was in 2007. At that time, it was found that we have 4.7 million trees covering a whopping 200,000 hectares of land mainly along the coastal region. The research indicated that the benefits from the products of this tree were valued at that time at Kshs3.2 billion. That is without incentives or support of the Government and without



anything at all. This is the time when this tree is just left at the mercy of poor local farmers who do not have the benefit of Agricultural Extension Officers (AEO). This tree can earn our country a whopping Kshs3.2 billion when the local farmers do not access any funds and are experiencing those harsh conditions. However, it is shocking that this enormous potential has not been protected by successive governments and administrations. In my opinion, coconut farming has been neglected and the coconut industry in Kenya is not being exploited to its full potential. Successive governments have failed to recognize and exploit this massive opportunity.

Mr. Temporary Speaker, Sir, even globally, we know that coconut industry is a mainstay of several countries which have been ranked as the top ten coconut producers. These are Philippines, Indonesia, India, Brazil, Sri Lanka, Thailand, Mexico, Vietnam, Malaysia and even our neighbouring country, Tanzania. It is very interesting to note that our topography and climatic conditions are not far from these countries. I recently visited Philippines. The amount of budgetary allocation to the coconut industry is enormous. They attach a lot of importance to coconut farming because of the revenue it generates to their economy. It has been said that you have to feed the cow that produces the milk. I am shocked that this country, with all the research, with this kind of knowledge, we have been left out because these ten coconut producing countries collectively produce and account for over 54,700 tonnes of coconuts per year. That is approximately 85 per cent of the entire global production. Kenya is not counted amongst them. Why is that the case, you may want to ask? Why we are not ranked amongst them? The blame game must stop. We, as a nation, have failed through successive governments and administrations to come up with clear policy and legal framework to support coconut farming. We need to support the processing of coconut products and their marketing both locally and internationally. We need also to provide civic education to our people so that they can understand the importance of this crop.

Indeed, Mr. Temporary Speaker, Sir, the closest that the Government ever got anywhere near taking coconut farming seriously was when the former Permanent Secretary, one Mr. Romano Kiome, while inaugurating what was referred to as the initial Coconut Development Authority Board (CDAB). Its mandate amongst others was to regulate the industry and offer advice to the Government for planning purposes. This is what he said:-

“The board should immediately come up with a rational budget to be included in the revised 2007/2008 and 2008/2009 financial estimates.”

Mr. Temporary Speaker, Sir, no further action has ever been taken to date. That was as far as the Government implemented its policy on coconut farming. To the best of anybody’s knowledge, the board is as good as dead because there is no authority. There is no board that can operate without adequate funding and support from the Government.

Mr. Temporary Speaker, Sir, while conducting my research in support of this Motion and in support of the tree of life, as I fondly refer to it, I was absolutely shocked that amongst other known uses, coconut milk, which is commonly referred to as *madafu*, has extensive medicinal attributes and values. For example, this drink taken averagely has the ability to kill viruses that cause things like influenza, herpes, *et cetera*. It kills bacteria that cause ulcers, throat infections, urinary tract infections, gum diseases and

cavities, pneumonia and the rest. It also has the ability to kill fungi and yeasts that cause ringworm, foot thrash, *et cetera*. It has the ability to expel or kill ring worms and it provides nutritional supplements for quick recovery to those who are ailing or who are weak. This drink even boosts energy and endurance, enhancing physical performance. All over the shelves in Kenya, we see drinks like *Red Bull*. I do not know which other bull and other energy drinks which cost a lot of money when we have our own natural *madafu*. The only thing we need is support from the Government that can package it, have a marketing strategy to ensure that we end up with *madafu* on the shelves.

We import drinks that have chemical concentrations that are not even good for human consumption. This drink fights baldness by restoring loss of hair. It fights hair loss and you know how much some of us in this country spend trying to give the impression that they still have a lot of hair even when they are losing it. If only we could have a way of making this men and women take *madafu* and ensure structured support from the Government. *Madafu* treats asthma, bronchitis, bruises, burns, colds, constipation, cough, dysentery, ear-ache, fever, flu, regular or painful menstruation, jaundice, kidney stones, nausea, skin infections, scabies, throat infection, tooth ache, tumors, ulcers, stomach upsets, body weakness and wounds. It can even treat syphilis and tuberculosis. The list goes on and on. Can you believe it? It has been used traditionally.

Apart from all these extensive medicinal values that I have listed, other uses include the production of building materials. I just came from the Philippines where we were taken on a tour. One of the major tourist attractions in the Philippines, in the capital city Manila is what they refer to as the Bamboo city. Bamboo city is the official residential palace of the Vice President. They only used the coconut tree from the roofing to all other areas apart from a bit of cement. All the furniture and everything in that compound is from that tree. It is now become a tourist attraction.

Mr. Temporary Speaker, Sir, this tree, therefore, provides raw materials for building. The poles are very tough and you all know about the *makuti* roofing “tiles”. Interestingly, we were also exposed to another factor which I had not known. In the Philippines, they use it as raw material for the textile industry. I actually bought a lot of shirts and some dresses made specifically from the coconut as a raw material just like the way we use sisal as raw material in the textile industry here.

The natural and unpolluted *mnazi* drink is also of value. We see people dying every other time after drinking *kumi kumi*, *tano tano* and so on. But this is a natural drink packaged by God himself in the right concentrations. You simply go up the tree and collect it. It has no additives or preservatives. All we need is a structured way of marketing, packaging and refrigerating it to make sure that the local farmers get value for their money.

Mr. Temporary Speaker, Sir, apart from all these others that I have talked about, we know that one of the bedrocks of our economy is tourism. The tourism industry has only two pillars; the wildlife, our beaches and the coconut tree. I do not even want to create a mental picture of all those hotels without the coconut tree. In fact, the only aesthetic value that we have which makes it different from the hotels in Nairobi or elsewhere is the presence of the beautiful coconut trees. Therefore, the coconut tree is one of the pillars of tourism industry. If it is a pillar of the tourism industry, there is a lot of

money being allocated towards the cleaning of beaches, sustenance of wildlife, but like an orphan, the coconut tree is neglected. By extension, all these things that I have talked about earn this country foreign exchange. So, we must feed the cow that produces the milk.

Mr. Temporary Speaker, Sir, lastly, I know we have had challenges before, but they are not insurmountable. We have to address them and that is why I am asking this House to support this Motion. We have to support this Bill to ensure adequate funding and staffing of the Coconut Development Authority (CDA). We have to support this Motion to support research on the coconut tree so that we have agricultural extension workers advising the farmers on exactly how to produce to the maximum. We have to support this Motion to put in place an intensive and extensive marketing strategy both locally and internationally for the products and by-products. In addition, we have to provide funds specific to the growing of the coconut tree as an incentive to farmers. You can see that the coast region has donated to this country an entire 200,000 hectares because of this tree that earns this country foreign exchange. With civic education to make people aware of the various uses of the coconut plant, I want to urge this House and hon. Senators to support this Motion.

I will call upon Sen. Nobwola to second.

**Sen. Nobwola:** Mr. Temporary Speaker, Sir, I rise to support this Motion by Sen. Ongoro. As the Mover has stated, coconut farming has critical importance on the economy of peasant farmers at the Kenyan Coast some of which include cooking oil. She talked about the medicinal value, the *mnazi* drink, which I normally like to drink whenever I go to the coast. There is also the issue of *makuti* roofing and construction poles among others. I remember when we visited Indonesia, we went to the beaches. Structures there are constructed using bamboo posts and *makuti*. They look very beautiful and attractive for tourism. This can be one of the major attractions for our tourists. However, several challenges such as long maturity periods and lack of incentives prevent people of the coast region to optimally benefit from this significant natural resource.

Mr. Temporary Speaker, Sir, coconut farming also keeps youth occupied since unemployment is a problem which has led to radicalization of the Kenyan youths at the coast. Therefore, I urge the national Government to take coconut farming very seriously because it will keep the youth busy. Vulnerable groups like women and the disabled also make some income from coconut farming. Therefore, the national Government, in conjunction with counties from the coast region should step up their support initiatives towards coconut farming.

This Motion is urging the national Government to provide incentives by specifically doing the following:-

- (i) Initiate mechanisms to document and disseminate local knowledge to coconut farmers;
- (ii) establish networks for the exchange of experiences with regard to farming that help to conserve land, water and coconut resources;
- (iii) come up with strategies for international and regional co-operation in regard to coconut farming by involving world bodies like the World Bank, regional development banks and other institutions involved in rural development;

(iv) support representative organizations of coconut farmers;  
(v) establish programmes for the development and support of coconut farmers;  
(vi) providing adequate legal and social conditions  
(vii) the Government in collaboration with the national research organizations and Non-Governmental Organisations (NGOs) to engage in scientific and technological research to improve coconut farming.

(viii) the national government with the support of the development agencies and scientific organizations should develop a curriculum for agricultural colleges and training institutions to integrate coconut farming into agricultural studies.

I propose and agricultural college at the coast region to train on coconut farming among other issues.

(ix) create the institutional and legal mechanisms to ensure effective services to farmers, especially women. This include legislation, indicating land rights, which is a major problem at the coast, strengthen rural agricultural institutions that would enhance productivity through local managed credit systems, technical assistance, appropriate equipment, distribution facilities and small-scale processing units.

Mr. Temporary Speaker, Sir, we should try to increase access of farmers and in particular women and indigenous groups to agricultural training. Credit and use of improved technology should also be enhanced to ensure food security. We need to encourage decentralised decision-making. This has to be done through devolution and creation and strengthening of local and village organisations that delegate power and responsibility to primary users and producers of coconut products.

Mr. Temporary Speaker, Sir, I also said that the national Government should develop a policy framework that provides incentives and motivation among farmers for sustainable and efficient farming practices. They should also promote pricing mechanisms, trade policies, physical incentives and other policy instruments that positively affect coconut farmers.

The coast region has very attractive beautiful beaches in spite of the insecurity. We hope that the insecurity will come to an end. Coconut farming is among the attractions to tourists. I would like to urge the national Government to take up coconut farming seriously because we are losing in terms of tourism. Coconut farming can boost the economy of this country.

I, therefore, wish to thank the Mover of this Motion for having framed it very well. This Motion looks at job creation for our youth and our mothers who do not have anything that they are doing than sell *mnazi* by the roadsides. Let the Government come in and establish proper mechanisms and factories where all these products can be expended so that we start earning foreign revenue to help our country.

I second the Motion.

*(Question proposed)*

**Sen. (Eng.) Muriuki:** Mr. Temporary Speaker, Sir, I have a few things to say in support of this Motion. Thank you for giving me the opportunity to say so. I start by congratulating Sen. Ongoro for coming up with the Motion. At the moment, our economy

is largely driven by imported goods. There are products which we can easily grow in this country, but we end up importing. These are tendencies that we inherited from the colonial Government and 50 years, half a century later on, we are still there. There are many things that we do with palm oil. I understand that coconut oil can be used to do some much. We use billions of shillings importing this.

The Mover talked about an initiative by the Government which I have not heard about. We have talked about maize and other crops. If there has been an initiative by the Government, then it has not been loud. It has been done softly and, probably, is not a serious effort. While we are at that, it is also good to appreciate, while we support this Motion, to urge the House to see that our economy is very narrow. We saw that this is an agricultural economy. We also say that 80 per cent of our economy is driven by agriculture. However, we have coffee, tea and even maize. The real fight about maize is not about growing it, but importing.

There is no seriousness in the agricultural sector. Growing of coconut, in all the mathematics and as we talk about agriculture has not been felt. I am not sure that *mnazi* is something to emphasise about. This does not have a good name. We hear that people from there get beer easily and that is why they do not work hard. They really do not have to go and buy the beer from the bars. I do not know how true that story is, but that is what it is said where I come from.

We, as a country, need to identify how the national Government and the county governments, wherever they are, can identify new crops. I do not mean exotic crops. I only mean that we have concentrated on traditional crops forgetting other crops which could be just as good in terms of moving the economy and providing family incomes. I have in mind, for instance, sugar cane. We do not always need to grow sugar cane. In some parts of the country, like Nyandarua County, research has shown that if we were to grow sugarcane, then we would have sugar everywhere. Somehow, this has not been done.

I urge the Mover, as she talks about coconut, to also look at other crops. For example, we say that our staple food is maize which we produce in nearly three million tonnes. Another crop like the potatoes is produced in 1.7 million tonnes. The production is not bad. However, since there is no effort from the Government, there is no money that goes into it. There is also no research that has gone into it. The level of effort is very lukewarm.

It is timely that the Mover has started guiding us in the route that this country should go. We should go into every area and identify which crops can do well. If the kind of statistics that the Mover has given are correct – I have no reason to doubt – that means that we can turn around the economy of the coast region and other areas where coconuts grow in a few years. We understand that coconuts take rather long to mature. However, once the trees mature, they produce endlessly.

Mr. Temporary Speaker, Sir, the other issue is that coconut is a subsistence crop. We use it for *mnazi*, building houses and making furniture. This is not very commercial. This is farming the same way we see it. If there is something killing the economy in Africa, it is the subsistence syndrome. We must come out of it and turn into a money economy.

In supporting this Motion, I know that the people who come from where the coconut tree is planted do not do it in order to eat it or brew *mnazi*. They should turn it into a money economy so that if they do not grow maize, they buy it with the money they earn from selling coconut and those who do not tend cows buy milk from the money they get out of the coconut. Unless the Government turns around agriculture from subsistence to market economy, we are doomed. We can get aid from wherever but we shall not move unless we move from subsistence to a market economy.

Mr. Temporary Speaker, Sir, it is admirable to identify the kind of crops to support because besides the coconut being used for *mnazi*, we also get construction materials, cooking flavours and coconut cream. There are many uses of coconut and I think it is good to promote a new crop.

With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. Mositet): I will allow Sen. (Dr.) Zani who has requested to speak because she does not have her card.

*(The Temporary Speaker consulted  
the Clerks-At-the-Table)*

Let us first hear, Sen. Karaba.

**Sen. Karaba:** Thank you very much, Mr. Temporary Speaker, Sir, for allowing me to contribute to this Motion which has been moved by none other than Sen. Ongoro. I am even wondering why it was not moved by somebody from the palm tree growing areas, but given the gravity of the matter, it has come at the right time through somebody who is concerned and shares the same environmental background in the name of coming from the lake region.

Palm tree farming was developed as early as the 18<sup>th</sup> Century when the famous Sultan Said Said moved from Oman occupied Zanzibar and extended his empire to the coastal region of Kenya. That was the tree that would generate a lot of revenue for the Arabs for local consumption and even for export, be they finished or unfinished products. This is a very critical tree which after some research was done, it became possible to grow it at the coastal region and to a very great extent, the 20 mile strip from the Indian Ocean. Over time, this tree has become a permanent feature of the coast because the moment you see a palm tree, you only think of being at the coast. This reminds you of the marine transgression time when there was the marine invasion towards land.

The tree symbolizes the sea invasion or what is called the retreat of the sea to the land or the land retreating from the sea. The moment you site this tree from Mariakani or Voi areas, you get the feeling of being at the coast. So, significantly, it marks the boundary of the coastal region and what you can call upcountry. It also symbolizes the area which is covered by the Swahili speaking people and so it is a cultural tree. It is a cultural symbol of the indigenous people of the coast. Even when Vasco Da Gama arrived there in 1498, he only realized that he was at the coastal region when he saw the palm tree. The palm tree is dominant along the areas bordering the ocean and more so the Indian Ocean. I have been to quite a number of oceans; the Atlantic, Pacific and Indian, but they are dominant in the Indian Ocean for reasons I do not know.

The same tree is grown in Malaysia, Philippines and also along the West African coastal region. The people at the coast have a lot of cultural attachment to these trees. This is an example of a tree which takes time to mature. It can even take 10 to 20 years to mature and that is why the Motion is seeking for intervention from the Government. About 90 per cent of the coastal communities depend on the palm tree. There is therefore need for the Government to supervise the growth of this tree. The minimum period for the palm tree to mature is 12 to 15 years. This should be a concern of every serious country because this is a tree that cannot be found anywhere else apart from where it grows. It is a tree which grows in sandy areas where not many other crops can grow and so it has already selected its environment. Its natural selection is the coast. It cannot grow in Mt. Kenya or Mt. Everest. Since there are very few other crops which can grow here like the cashew nuts, we should recognize that this is a very important crop along the coast. We have heard from the Mover that since the palm tree takes a longer time to mature, the communities in these regions have no other activities to engage in before this crop matures. This is why we are asking for subsidies the way it happens in many other places even before the cotton matures subsidies are given.

In Gezira Cotton Scheme in Sudan, the farmers are given subsidies when the crop is not even mature. But in Kenya, by the time it is determined that there will be a crop failure, people will have died due to overdependence on that crop. We are, therefore, asking the Government to move with speed and save this region, because without it, then there will be no other activity to turn to economically. Even culturally, this is an important tree and there is need to recognize it. It is used to produce traditional brews. It also has very good water. When you go to Mombasa, they give you *madafu*. We have a hotel called Whispering Palms at the North Coast. The tourists come there to see whether there are whispering palms. In the process, they find themselves being accommodated in the same hotel. So, this is a very important economic activity that is practiced only by the coastal people and the Government should, therefore, give them support.

Mr. Temporary Speaker, Sir, Kenya should be one of the top coconut producing countries in the world. But due to the little attention that is given to this crop, Kenya is not ranked among the countries that produce palm products. We have countries like Sri Lanka, Malaysia, India, Ghana, Nigeria and Jamaica which produce more palm products than Kenya, yet Kenya has a vast area that can be used to grow palm. Therefore, this Motion calls for a lot of attention to be given to this crop. Better research should be done on this crop along the coast. We should not even wait until the crop matures. Again, we should not plant just one tree and depend on it. We need to have very many trees.

Mr. Temporary Speaker, Sir, I beg to support the Motion.

**Sen. (Dr.) Zani:** Asante, Bw. Spika wa Muda kwa kunipa nafasi hii muhimu sana ili nichangie Hoja hii ambayo imeletwa na Sen. Ongoro. Kwanza, dada yangu, Sen. Ongoro, ningependa kukupongeza kwa kuleta Hoja hii ambayo inawagusa watu kwa kwetu kule Pwani.

Bw. Spika wa Muda, tumeona mti wa mnazi ukilisha watu, kuwawezesha kuenda shule na kupata chakula. Lakini tukiangalia upande wa ukulima na kuhakikisha kwamba tumekuza mmea huu na njia ambazo tunaweza kuutumia mmea huu na kukuza uchumi,

tumekuwa na shida. Shida hii haijatokea tu kule Pwani bali katika mambo yote ya ukulima.

Bw. Spika wa Muda, ni bahati mbaya sana kwamba mambo ya ukulima yameachiliwa ilhali ni uti wa mgongo wa uchumi wetu. Asilimia 80 ya watu nchini Kenya wanategemea ukulima. Haswa kule Pwani asilimia 90 ya watu wanaategemea mnazi. Kama vile Sen. Karaba alisema, kuna mimea mengine ambayo watu wamejaribu kupanda kule Pwani. Watu wamejaribu kupanda mimea kama mihogo na mahindi lakini haijanawiri kama mnazi.

Bw. Spika wa Muda, mnazi ni mti wetu wa Pwani wa maisha. Ni mti ambao Mungu ametupatia ili tuweze kuutumia. Mtu yeyote ambaye amefika Pwani ameona ile kazi ambayo mnazi umefanya. Mpwani yeyote anapopika chakula, mpaka akitie nazi. Chakula hakisemekani kama ni kitamu mpaka kitiwe nazi.

Bw. Spika wa Muda nyumba nyingi za watu wa Pwani zimewekwa makuti. Hata vile vigogo ambavyo vimewekwa upande wa ukuta, pia vinatoka kwa mti wa mnazi. Makuti hii imetumika hata katika hoteli. Lakini kwa miaka michache iliyopita ni kama biashara hiyo imerudi chini. Kitambo kidogo ungeweza kuona hoteli nyingi kubwa ambazo zimejengwa kwa makuti. Kuna mahali karibu na Serena panapoitwa Makaburini. Miaka 10 iliyopita ungewaona wanawake wa Kigirima wakiuza makuti yao pale. Lakini siku hizi, hatuoni mambo kama haya yakifanyika. Kwa hivyo, huu ni mmea ambao umesahauliwa kabisa. Hii ina maana kwamba watoto ambao wangeweza kusoma hawatasoma. Elimu ni nadra sana upande wa Pwani. Watoto wengi hawaendi shuleni kwa sababu ya ukosefu wa karo. Serikali inajua kwamba mmea huu ni mmea wa maisha haswa kwa Wapwani, lakini machache sana yamefanywa kuhakikisha kwamba mmea huu umekuzwa. Ni kweli kwamba mmea huu huchukua muda kukua, lakini ukiangalia manufaa yake haswa kwa uchumi--- Kuna vitu kama miteka na hata vijiko. Mti huu ni kama baraka kwa watu wa Pwani.

Bw. Spika wa Muda, ingekuwa bora sana kama Serikali ingesimamia ukuzaji wa mnazi. Asilimia kubwa ya watu wa Pwani wanaishi katika hali dhaifu kiuchumi. Hii ni kwa sababu wengi wao hawajapata masomo ya juu. Kwa hivyo, wengi wanaategemea mti huu. Sen. Ongoro ametuelezea manufaa ya mti huu. Tuna kinywaji cha madafu ambacho kiko tayari. Tunafaa kukiua kinywaji hiki hata katika hoteli zetu. Hakufai kuwa na soda za Fanta na Coca Cola tu. Tunafaa kuwa hata na kinywaji cha madafu ambacho kitaonyesha kwamba tunazingatia utamaduni wetu. Lakini utaona kwamba vitu kama hivi haviuzwi katika hoteli. Vinauzwa nje ya hoteli kwa bei ya chini sana ambayo haiwezi kuwasaidia hata wale ambao wanataka kuutumia mti kama huo ili uwe na manufaa kwao. Kwa hivyo, inaonekana kwamba kwa muda mrefu, Serikali pengine hata na wanasiasa wenyewe, hatujatia maanani ule mti vile ambavyo inapaswa.

Ndio maana ninataka kumpongeza dada yangu, Sen. Ongoro, kwa kuleta Hoja hii ambayo inaweza kutuwezesha sisi, Wapwani, kuangalia na kusema kwamba huu ni mti wa maana. Hoja hii imechukua muda mrefu kufika hapa, lakini manufaa yake ni muhimu haswa katika Pwani; na ni vipi tutaweza kuukuza mti huu; ni vipi tutaangalia mbinu tofauti tofauti ambazo huu mti unaweza kukuzwa hata kwa haraka zaidi? Inajulikana sasa kwamba kuna mbegu ya mti huu ambayo sio lazima mti wenyewe ukue mrefu sana; mti wenyewe unakua kwa muda mfupi – karibu miezi sita – halafu unaanza kupata



mazao. Lakini mbegu hii huwa na bei ya juu zaidi. Kwa hivyo, watu wengi huwa hawawezi kuinunua. Lakini kama Serikali inaweza kusaidia ili kuhakikisha kwamba mbegu ile itatumiwa kwa sababu ardhi yetu iko sawa na pia hali ya hewa iko sawa. Hivyo basi, tukiupanda mti huu, tutapata manufaa kwa haraka zaidi na watu pia wataweza kujiendeleza haraka zaidi.

Kwa hivyo, Bw. Spika wa Muda, tukiangalia haswa katika upande wa kuhakikisha kwamba yale mazao yametokezea, yanaweza kupelekwa hata nje ama katika miji yetu, kwa sababu saa nyingine unaenda upande wa Kaloleni ndani au Kwale ndani, unaona kwamba miti imekomaa, lakini yale madafu yamekaa pale muda mrefu sana mpaka yamekuwa nazi, mengine yameanguka yenyewe. Hii ni vibaya kwa sababu uchumi wetu utazoroteka kwa sababu matunda yale yangetumiwa kuinua hali ya uchumi ya watu wale. Kwa hivyo, iwapo Serikali itaweza, ihakikishe kwamba katika upande wa soko, masoko yawe yapo. Kwa upande wa kutafuta vifaa vinavyoweza kutengezwa kutokana na tunda hili – vitu kama vya kuweka maridadi, urembo na mambo kama haya – yanaweza kupelekwa hata nchi za nje.

Kuna watu wengi ambao wakija Pwani, wanafurahia na wangependa kukumbuka Pwani kwa kubeba vitu kama mika na bangili zilizotengenezwa kutokana na mnazi ili waweze kutumia na kukumbuka safari yao Pwani. Jambo hili likifanyika, litasaidia sana kwa kuhakikisha kwamba watoto wetu wanaenda shule na kuhakikisha kwamba mambo haya yanayowekwa yanatolewa.

Bw. Spika wa Muda, ni muhimu pia kuwe na jina lililowekwa katika vile vifaa vilivyotengezwa kutoka kwa mnazi ili watu wajue kwamba hizi ni bidhaa za mnazi kutoka Kenya. Kwa hivyo, ni muhimu kuhakikisha kwamba pesa fulani zimetengwa kwa ajili ya kuendeleza ukuzaji wa mnazi. Sen. Ongoro amesema kwamba ni muhimu kwamba pesa zitengwe ili kuhakikisha kwamba watu wamepata nguvu na motisha ya kuendelea kuukuza mmea huu.

Bw. Spika wa Muda, ningependa kuleta mabadiliko katika Hoja hii. Ukiniruhusu, ningependa nitoe mabadiliko haya kwa njia ya kimombo kwa sababu ya kunukuu, kwa sababu Hoja yenyewe imeandikwa kwa Kimombo. Mabadiliko yenyewe ni haya.

*Mr. Temporary Speaker, Sir, I beg to move that this Motion be amended:-*

*By adding the words “by setting aside a national fund for this purpose” after the word “coconut trees” at the end of the Motion.*

Bw. Spika wa Muda, ni muhimu kwamba Hoja hii imeletwa hapa. Kwa hivyo, yatafikana tusaide kutafuta suluhisho. Ikiwa twaweza kutafuta suluhisho kama hili ambalo litaweza kusaidia katika manufaa haya ambayo yamelezwa hapa; kwamba yaendele zaidi kudumishwa na mambo ambayo yamezungumzwa yajulikane; magonjwa ambayo yanaweza kuponywa kwa kutumia maji ya madafu na mambo kama hayo pia yajulikane. Ni muhimu tukiwa na pesa ambazo zitawekwa kando, baadaye tutaweza kuangalia watapata asili mia ngapi. Lakini kukiwa na mikopo fulani wa kitaifa ambayo itahakikisha kwamba ile minazi ambayo itapandwa sio minazi ambayo itashindwa kukua kwa sababu hakukuwa na pesa; sio minazi ambayo itapandwa halafu isiwe na manufaa kwa sababu watu hawawezi kutumia mazao yanayotoka katika mnazi ule.

Bw. Spika wa Muda, hili ni jambo muhimu sana kwa sababu hapa tunazungumza juu ya maisha ya watu. Ijapokuwa tunazungumza juu ya uchumi, pia tunazungumza juu

ya maisha ya watu na tunasema kwamba kwa sababu ya huu mti, ambao ni mti wa maisha, watu hawa pia wana haki ya kuwa na furaha na kujivunia kwamba wanaishi katika Pwani na wanapata manufaa ya mti huu.

Bw. Spika wa Muda, ningependa kumuita dada yangu, Sen. Kanainza, aniunge mkono au *to second this amendment*.

Asante sana, Bw. Spika wa Muda.

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to support this Motion as amended. First, I want to thank Sen. Ongoro---

**The Temporary Speaker** (Sen. Mositet): Senator, are you supporting or seconding the Motion?

**Sen. Kanainza:** I am seconding.

**The Temporary Speaker** (Sen. Mositet): Then say you are seconding the amendment.

**Sen. Kanainza:** Thank you, Mr. Temporary Speaker, Sir. I want to second the amendment. My fellow Senators have talked so passionately about the importance of this coconut plant. Many people at the coast region depend entirely on this plant. I am aware that many children and some leaders of this country from the coastal region are successful because their parents have been growing the coconut tree to enable them pay school fees for their children. At the same time, it is a source of income to the people of the coastal region.

**Sen. (Eng.) Muriuki:** On a point of order, Mr. Temporary Speaker, Sir. Kindly allow me to confirm whether my request for intervention was on or is it my gadget.

**The Temporary Speaker** (Sen. Mositet): It was on and that is why I had to look at it first before allowing you.

**Sen. (Eng.) Muriuki:** Mr. Temporary Speaker, Sir, mine is a small procedure issue, that once an amendment has been moved, then it is procedural that the House dispose it off.

**The Temporary Speaker** (Sen. Mositet): I just thought she is just seconding the amendment and nothing else. I have not even proposed the question.

**Sen. (Eng.) Muriuki:** What I am saying is that the Senator on the Floor said that she is supporting the Motion as amended. So, where are we?

**The Temporary Speaker** (Sen. Mositet): Sen. (Eng.) Muriuki, I corrected her. She is seconding the amendment and then I will propose the Question.

Please conclude the seconding of the amendment.

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, that is why I am saying that it is important for the national Government to set aside some funds that will boost coconut farming in the coastal region. The national Government should set aside funds so that adequate attention is given to this coconut plant.

With those few remarks, I second the amendment.

*(Question of the amendment proposed)*

**Sen. Karaba:** Mr. Temporary Speaker, Sir, the fact that the Motion has been amended sounds better. I feel that once it is amended and passed---

**The Temporary Speaker** (Sen. Mositet): Sen. Karaba, I have proposed the question of the amendment, so if you want to speak, you will do so on the amendment.

Do you still want to continue?

**Sen. Karaba:** Thank you for the time you have given me to contribute towards this amendment. The amendment is necessary and it is important particularly when we recognize that these people or the farmers along the coast region wait for a long time before coconut or palm trees mature. We have realized that this Fund will also go into alleviating the economic situation of the people living along the coast. This will also give them hope as they wait for the trees to mature. That is very important. We will be considering other areas that require subsidized agriculture, fertilizers and other interventions to increase the crop. In the meantime, these farmers will enjoy the benefits and interventions.

The Fund will go a long way to motivate these people to stay longer as they wait for the trees to grow and have them harvested for sale through export or local markets so as to generate income. Most of these people have issues in paying school fees and their income *per capita* is very low. Before the trees mature after 15 or 20 years, they suffer many economic appraisals. This Fund is of critical significance. It will give these people a source of livelihood.

With that, I support the amendment.

**Sen. (Eng.) Muriuki:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity. I want to say only two things about the Motion. There are many things we are talking about regarding the socio-economic set up. The bottom line is money. We are talking about an individual farmer and land owners investing money so that he has coconut that he and the country at large can benefit from 15 years from now.

The Mover did not tell us how long the coconut tree takes to mature. Nonetheless, it takes a very long time. For us to encourage farmers to wait, some support efforts have to be put in place. We could very well pass this Motion but if no support mechanisms are put in place, nothing will work.

The other issue is the process of setting up the Fund. If we pass a Motion to set up a fund for a particular purpose, there will be need to have a Bill to set it up and in the process, there are a few other issues which will come into play. For example, are there other crops which grow where coconut trees are growing or does it mean that once you plant the trees and you are waiting for it to mature after 12 years, the land does not have any other use? We should bring such issues on board so that the fund is not just limited to the coconut tree farmer. The fund should support other crops which are also grown in the area which may not be doing as well – like one Senator said – but to encourage the farmers.

**Sen. Nobwola:** Mr. Temporary Speaker, Sir, I rise to support the amendment which is urging the national Government to set aside a national fund for the purpose of coconut farming. This is similar to what the Government is doing in the agricultural sector by subsidizing the price of fertilizer for the farmers so that they are able to buy fertilizer at a low cost. This proposal for the Government to set up a fund is similar to what is happening in the other sectors.

I support the amendment.

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, it seems there are no more Senators who want to contribute to the amendment.

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

*(Question of the Motion as amended proposed)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): The Motion will be debated for one hour and 50 minutes when we resume the House tomorrow.

Hon. Senators, it is now time to adjourn the House. The Senate stands adjourned to tomorrow, Thursday, 3<sup>rd</sup> July, at 2.30 p.m.

The Senate rose at 6.30 p.m.