

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 26<sup>th</sup> September, 2018

*(Convened via Kenya Gazette Notice  
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*The House met at Uasin Gishu County Assembly  
Chamber, Eldoret, at 2.30 p.m.*

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM MARIA  
SOTI GIRLS HIGH SCHOOL

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery, this afternoon, of visiting students and teachers from Maria Soti Girls High School, Elgeyo-Marakwet County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

VISITING DELEGATION FROM ST. JOSEPHINE  
BAKHITA KIBOROM SCHOOL

**The Speaker** (Hon. Lusaka): Hon. Senators, I would also like to acknowledge the presence in the Public Gallery, this afternoon, of visiting students and teachers from St. Josephine Bakhita Kiborom School, Uasin Gishu County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I thank you for this opportunity to join you in welcoming the two schools from this county and my county. Maria Soti Girls High School is one of the best schools in my county. It is a very beautiful school, just as you can see the uniform is beautiful. It is among the top four performing schools in Elgeyo-Marakwet. When there was ranking of schools, Elgeyo-Marakwet was always in top two position, both in primarily and secondary school categories.

I thank them for coming and congratulate the school administration for the great performance. I thank you for inviting them to this House. I hope that the next Senator for Elgeyo-Marakwet is sitting there getting inspired, so that we can hand over to that generation.

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

## STATEMENTS

### IMPLICATION OF LAPSSET CORRIDOR ON ISIOLO COUNTY AND ITS RESIDENTS

**Sen. Dullo:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48 to seek a Statement from the Standing Committee on Energy, Roads and Transportation regarding the implication of the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor on Isiolo County and its residents.

In the Statement the Committee should-

(1) Explain and disclose the proposed route of the LAPSSET Corridor, indication the development plans and whether the proposed route traverses Isiolo County.

(2) Further explain the benefits that will accrue as a result to LAPSSET Corridor to Isiolo County and its residents, enumerating the steps that the Government is taking to ensure that persons and communities in Isiolo County, whose properties will be adversely affected by the LAPSSET project, will be compensated.

I thank you.

**Sen. M. Kajwang’:** Mr. Speaker, Sir, I wish to ride on that Statement because there is something fundamental that would benefit this House. I did not hear the Senator for Isiolo ask for a statement on the budgetary allocation for this project. It will be very useful for this House, even as we consider the impact of LAPSSET on Isiolo and its environs.

If possible, the Chairperson of the Committee should also tell this House whether LAPSSET has been given an adequate budget to achieve its objectives.

**The Speaker** (Hon. Lusaka): Thank you. Since I do not see any other rider, the Statement is committed to the Committee on Energy, Roads and Transportation.

Proceed, Sen. Mary Seneta.

RECURRING INVASION BY ARMY WORMS IN THE  
GRAIN GROWING REGIONS OF KENYA

**Sen. Seneta:** Mr. Speaker, Sir, pursuant to Standing Order No.48, I rise to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the recurring invasion by army worms in the grain growing regions of Kenya, namely, Trans-Nzoia, Nandi, Bomet, Kitale and Central Kenya.

In the Statement, the Committee should explain the interventions being rendered by the national Government to the county governments in a bid to control and mitigate the invasion by the worms in Trans-Nzoia, Nandi, Bomet and other parts of the country.

**Sen. M. Kajwang':** On a point of order, Mr. Speaker, Sir. The issue of fall army worms is not only restricted to the regions that Sen. Seneta has listed. With her indulgence, I urge that she expands this, so that we have a national analysis of the implication of fall army worms because, even in Homa Bay County, we find these army worms and they are affecting our harvests and crops.

I sit in the Committee on Agriculture, Livestock and Fisheries and believe that if we expand its scope to a national assessment, it will be possible for the Ministry of Agriculture to brief this House. Agriculture is devolved and it is our duty, as the Senate, to defend and protect the farmers of this Republic. It is time that we got a solution to this problem that has caused so much poverty in Kenya.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Yes, Sen. Farhiya.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to ride on this Statement because these worms are in Wajir too. They are depleting animal pasture fields and affect all farmers keeping cows, goats, sheep and camels. I agree that it should be looked at as a national problem that is not just limited to those counties.

Thank you, Mr. Speaker, Sir.

**Sen. Seneta:** Mr. Speaker, Sir, I will amend the Statement.

**The Speaker** (Hon. Lusaka): Okay, the Statement is committed to the Committee on Agriculture.

Next Statement by Sen. Seneta.

MANAGEMENT OF KENYA MEAT COMMISSION

**Sen. Seneta:** Mr. Speaker, Sir, pursuant to Standing Order 48, I rise to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the management of Kenya Meat Commission (KMC).

In the Statement, the Committee should explain-

(1) The interventions being undertaken by the national Government to facilitate the Kenya Meat Commission to pay farmers their pending bills amounting to Ksh490,675,336.

(2) State when the national Government intends to release the money that was allocated for the rehabilitation of Athi River Meat Factory and Kibarani, Mombasa in the last financial year 2017/2018.

(3) Explain why the Kenya Meat Commission was not factored in the Strategic Food Reserve Fund.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): This Statement is committed to the Committee on Agriculture, Livestock and Fisheries.

**Sen. Olekina:** Mr. Speaker, Sir, I would like to ride on that Statement, if it is okay.

I would like to also get more information. I think the Standing Committee to which this Statement will be committed needs to look at how county governments can work. This is because many farmers depend on livestock. When they sell their livestock, they are not paid, and this kills the economy. This is an economic issue that does not affect only the Maasai people, but the entire pastoralists, who take their livestock to the Kenya Meat Commission.

There is no reason a state corporation should be going down like that. It is proper that the Statement should contain details about the management and how they are managing the Commission's resources, since that meat is not stocked there but sold.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker** (Hon. Lusaka): Sen. (Rev.) Waqo.

**Sen. (Rev) Waqo:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to echo this very important Statement and also congratulate Sen. Seneta for bringing it to the attention of this House.

We are aware that the KMC exists to serve the entire nation and, especially, the pastoralist communities. Many Kenyans supply their livestock to KMC, but are left to suffer in silence. I know of someone who made supplies to a tune of Ksh200 million and has not been paid to date. There are many Kenyans who are suffering in the hands of the KMC.

The Statement is coming to my Committee and it is my prayer that we will take proper action on what needs to be done. I think there is some corruption in there and serious attention needs to be given to this Statement.

**The Speaker** (Hon. Lusaka): Sen. Pareno.

**Sen. Pareno:** Thank you, Mr. Speaker, Sir. I rise to make a comment on this Statement and also thank my sister, Sen. Seneta, for bringing this up.

If there is a major processing plant in Kajiado, it is the Kenya Meat Commission. The Government, sometime back, indicated that it was reviving this Commission. However, at the moment, it does not look like it is being revived. It is on its deathbed.

Once, we were told that the Republic of Rwanda picked the blueprint of the Kenya Meat Commission. At the moment, they have a leading meat industry having implemented that blueprint. We have very good plans, but nothing is implemented. If nothing is done, this is one very great institution that will go under. It is important that

this Statement goes to the relevant Committee and we look at how the KMC can be revived.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Poghisio.

**Sen. Poghisio:** Thank you, Mr. Speaker, Sir. For a moment, I thought there was not enough lighting on this side but---

*(Laughter)*

I want to ride on this Statement. I am a direct stakeholder in the Kenya Meat Commission and it is a matter that needs a detailed examination. This is because, if you look at the debt that has been discussed, the petitioner should tell us how far back those dates are from.

It is a long-term perennial problem, which means that this issue should not be glossed over. The Committee should get to the bottom of this because we want to see the Kenya Meat Commission transformed into a strategic food reserve.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. (Eng.) Maina.

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I rise to add my voice to this Statement. Frustrating pastoralists is an inhuman act. These people go through hardships and it would be expected that a situation that we are being informed about should not even arise. I want to point out that we have a bigger issue; the issue is not just the payment.

During the colonial days, the Kenya Meat Commission was a very successful corporation. It was taken over, but continued being successful. Somewhere along the line, the rain started beating us, and this particular industry has never picked.

In the recent years, money was allocated to the KMC, but it is like giving money to somebody who is bankrupt. You pay his debts and he continues to borrow more money, making him go back into debts.

I would wish that this Committee actually looks into this matter in a holistic way. Delayed payment of farmers is inhuman as far as I am concerned. These people sell their livestock at a throwaway price, compared with Botswana, which is making a lot of foreign exchange out of open pasture, just like we do here. Somehow, we cannot organize ourselves.

Therefore, I want this Committee to go deeper into the matter. First of all, the payment to farmers should not wait. If there is a road being built in Kajiado, it would rather be stopped, so that farmers are paid. This is inhuman and farmers should not continue to suffer anywhere in the whole Republic.

We would want to see as a solution. In this country today, the sugar industry in Western Kenya is gone. We are here today, which is part of the grain store of Kenya, right from Kitale, Nandi and all surrounding regions, and farmers are very frustrated. I have seen old ladies who have not been paid almost shedding tears, but we are still importing maize.

In the former Central Province, the coffee we are producing is only 15 per cent of what we used to produce in the 1970s. Coffee used to be the major foreign exchange earner, but not anymore. Something needs to be done in this country.

This is an agricultural country. God gave us good soils, enough rain and sunshine all the year round. You can grow any fruits and vegetables four times a year. Therefore, this is an important thing for the country. Unfortunately, we do not have the answers, but we used to have. We had the expertise.

This issue points to a very serious and deeper problem, which we must solve if Kenya has to start walking the path of development.

Mr. Speaker, Sir, I thank you.

**The Speaker** (Hon. Lusaka): Let us now have Sen. Mwaura.

**Sen. Cheruiyot:** On a point of order, Mr. Speaker, Sir. I apologise to Sen. Mwaura. It was not my intention to interrupt him, but I want to register a protest. In the Motion that brought back Statements to this House after the break we had, because of riding on them, it was very clear in your indication that we shall not have this kind of atmosphere, where after a statement is brought before the House, Members make general comments, and before we know it, it is 4.00 p.m.

I seek your indulgence that you guide this House appropriately, so that we may abide by the decisions that we made.

I thank you.

**The Speaker** (Hon. Lusaka): I have just given some leeway because this is our first sitting outside Nairobi. I have used that latitude just for today.

**Sen. Mwaura:** Mr. Speaker, Sir, Standing Order No.1 gives discretion to the Speaker, based on traditions; that he may allow people to speak.

I stand to support this Statement. Indeed, the KMC would be a great income earner if it was well managed. This is because 89 per cent of this Country is Arid and Semi-Arid Land (ASAL). That means that many people depend on livestock. So, it is a disservice to see the kind of deaths and lack of proper management of the institution, with regard to the holding back of the facility.

I think Mr. Learamo, who is the current Chief Executive Officer (CEO), has the capacity to transform it. However, no CEO or management in this country can do that when there are debts and no proper marketing plan. This country is importing canned meat from other economies, some of which are arid places, just because we have poor management.

It is important that this matter be looked at by the Committee on Agriculture, Livestock and Fisheries because the people of this Republic have proved that they have more confidence in the Senate. Those who are saying that the Senate should be scrapped need to know that this House has the capacity to interrogate this matter. In any case, it is the National Assembly that needs to be scrapped because they received Kshs10,000 in toilets.

Yesterday, they were doing investigations on how people were being bribed in the toilets. That is why we are here in *mashinani* to listen to the people. We do not receive money in other---

**The Speaker** (Hon. Lusaka): Remain relevant! You are now veering to discuss another House. You are out of order!

**Sen. Mwaura:** Mr. Speaker, Sir, this is a dignified House and its value is very high. I believe that with expertise and focus, we will deal with this Petition.

I beg to support.

**The Speaker** (Hon. Lusaka): The Statement is committed to the Committee on Agriculture, Livestock and Fisheries.

Let us revisit Statement (a).

AWARD OF SCHOLARSHIPS BY THE MINISTRY  
OF EDUCATION

Is Sen. Haji here? If he is not here, I will defer the Statement.

*(Statement deferred)*

Let us go to the next Order.

**Sen. (Eng.) Maina:** On a point of order, Mr. Speaker, Sir. This is a weighty matter affecting the citizens of this country. As I said, it is not just about what you called “range ranching.” I am a victim because I have to sell cows to some butcheries---

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

**Sen. (Eng.) Maina:** Is it in order to suggest that an *ad hoc* committee be formed to look into this matter?

**The Speaker** (Hon. Lusaka): We are trying to minimize *ad hoc* committees. I think the Committee on Agriculture, Livestock and Fisheries has the capacity to deal with the matter.

Hon. Senators, pursuant to Standing Order No.40, I wish to rearrange the Order Paper. Instead of going to Order No.8, we will go to Order No.17 for the convenience of the House.

**MOTION**

COMMENDATION OF ELIUD KIPCHOGE FOR  
BREAKING THE MARATHON WORLD RECORD

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move the following Motion-

COGNIZANT THAT Eliud Kipchoge broke the world marathon record held by a fellow Kenyan athlete Dennis Kimetto during the 2018 Berlin Marathon held on Sunday, 16<sup>th</sup> September, 2018;

AWARE THAT Kenya has earned international respect in athletics over the years courtesy of such hard work and stellar performance by our athletes in both on and off the field events which has

brought us together as a country and encouraged cohesion in line with our National Anthem;

FURTHER AWARE THAT athletics has created significant economic opportunities and infrastructure in the Rift Valley creating thousands of jobs for many would-be jobless youth, thus engaging them in a productive and meaningful manner for purposes of nation building;

FURTHER AWARE THAT the youth are a critical component of the Big Four agenda by the government and that development of athletics will lead to more productivity by a significant population of the youth who constitute a formidable part of the demographic structure of the country;

COGNIZANT THAT more support from the Government is needed to fight the doping menace that has bedeviled our athletes and to encourage and motivate young and upcoming athletes to strive for excellence untainted by the vice;

NOTING THAT performances by our sportsmen and women are indeed commendable and deserve special recognition, the Senate now commends Mr. Eliud Kipchoge for his excellent performance in the Marathon and specifically for breaking the world marathon record and urges the national Government to-

- (a) Set aside additional funds to improve sports facilities;
- (b) Establish a conducive environment in the country by giving incentives to investors in the sports sector;
- (c) Provide psychosocial support to active and former athletes including a pension scheme; and
- (d) Create a fund to cushion athletes who are forced to early retirement due to illness, injury or other circumstances.

Mr. Speaker, Sir, this is a very important subject, particularly because we are in this region. Athletics is the backbone of this region, particularly the three counties.

Today, we were in Elgeyo-Marakwet County in the company of the Senate Minority Leader, Sen. Orenge, the Deputy Senate Majority Leader, Sen. Dullo and Commissioner, Sen. Cheruiyot. You will realise that Iten is nothing without athletics. Elgeyo-Marakwet is known more because of athletics. When these three counties were trying to brand themselves, they were fighting over championship. That is why Elgeyo-Marakwet County is called "The Home of Champions" and Uasin Gishu County is referred to as "The City of Champions." When you go to Nandi County, they call themselves "The Source of Champions." There was no better branding. Basically, this is the region of champions because sports are important.

Over 12 years ago, when I was in the United States of America (USA) for my studies, somebody asked me whether I knew Paul Tergat and I said: "Yes." He asked whether I had ever met him and I said: "I have even greeted him." He greeted me and said: "I will not wash my hands today." I greeted Paul Tergat a long time ago.

We take our athletes and world records for granted. In other countries in the world, whenever one of their own wins a Bronze Medal, they organize national



celebrations. We take our athletics for granted because we are getting that which we do not invest in as a Government or country. The budget that we set aside for sports and sports facilities, and for purposes of athletics, does not reflect the recognition that we get from the sports fraternity.

Today, we are using Eliud Kipchoge as an example. The day he broke the world record in the Berlin Marathon was such a uniting event. It was on a Sunday and many people even forfeited church service just to watch him. It was beautiful. However, these men are just humble people. Two days ago, we were with him in Nandi during a function organized by the Governor for Nandi, Gov. Sang, for his recognition, including other issues. He is still very humble. He was asked to talk, which he did for three minutes and sat down.

Mr. Speaker, Sir, these people have made our country great. Kenya is a home to five world records. The best world record we have held for a long time is by a Kenyan from Elgeyo-Marakwet County called Mr. Komen. Mr. Komen broke the 3,000 metres world record in 1996; it is yet to be broken. This was almost 22 years ago and that record is still standing. David Rudisha broke the world record in 800 metres in the Beijing Olympics.

**Hon. Senators:** It was London!

**The Senate Majority Leader** (Sen. Murkomen): Yes, it was actually the London Olympics; I stand corrected. I thank Sen. Wetangula because, most likely, he was there.

Mr. Speaker, Sir, David Rudisha broke the world record. Now Eliud Kipchoge has broken the world record. There are other records that may not be for 25 or 30 metres mark when running the marathon mark. Sports has made this country great. At St. Patrick's High School, Iten, where I schooled, my classmates were athletes. My deskmate, William Chirchir actually beat Hicham El Guerrouj in the 800 metres Youth Championships. I think it was in Paris, while we were still in the same school. At the same time, Japhet Kimutai won the World Championship in the 800 metres. There are many others.

The history of this country cannot be written without referring to great world champions; people like Kipchoge Keino, Paul Ereng and Moses Kiptanui, who ran and won the Boston Marathon. He is an investor and businessman in this town. Moses Kiptanui, the winner of the 3,000 metres steeplechase now coaches Ezekiel Kemboi. Both of them are investors in this town. We have so many other athletes, including Brimin Kipruto.

In the ladies sector we have Mary Keitany, winner of multiple world marathons. We also have Gladys Cheron, who recently won not just the Berlin Marathon, but many other marathons in cities across Europe. In addition, we have Vivian Cheruiyot, the lady who won both 5,000metres and 10,000metres in the world championship. We also have Catherine Ndereba who, for a long time, was also a winner in the world marathon.

We have Tegla Lorupe and many women trailblazers; people who have conquered the world, including Lonah Kiplagat, who was a world record holder for half marathon for a long period of time. She is an investor in Iten, Elgeyo-Marakwet County, who has

built a very beautiful stadium. I always ask why we cannot invest in our facilities, yet these people have done a great job.

Mr. Speaker, Sir, Conseslus Kipruto is now our star after Ezekiel Kemboi. We have many of them. There is also my neighbour at home, Evans Rutto, who won the London Marathon in 2004 and held the London Marathon record for a long period of time. The other one is Joseph Chebet. I know these athletes personally. This is so nostalgic for me because I represent them and know their concerns and interests. Asbel Kiprop has shone for this country for a long time.

The problem in this nation is that we reap where we have not sown. The athletes work very hard and train alone in very deplorable conditions. On the issue of the Kamariny Stadium, I want to thank the national Government because the stadium is under renovation. This is a stadium that has existed since the colonial times and it has taken many years for it to be constructed. Even the pace of construction is slow. I urge the Sports Stadium Management Authority (SSMA) to ensure that they expedite that process, because we cannot have our athletes training in the conditions they are doing, and we are here to celebrate the glory.

Mr. Speaker, Sir, when we talk about marketing Kenya, who is a better marketer for this Republic than these athletes? When I saw His Excellency the President in New York launching the direct flights from Nairobi to New York, I expected him to go with a few New York marathon winners because they are more recognized there than all of us who are sitting here combined. Those are the people who must be used by this country.

Today, we are only talking about athletics, but there is more we can say about sports in this country. We can talk a lot about football, where my greater interest is, despite the fact that I have grown up with athletes. This is also one area that we are not investing in enough.

Mr. Speaker, Sir, talk about Mariga, his brother, Victor, Oliech and Mike Okoth, whose son now is playing for Liverpool and Belgium. The way to change and unite this country more is through sports. When we watch sports in this nation, we never think about the tribe of the athlete, football player or rugby player.

Humphrey Kayange, the brother, Collins Injera, and all the other rugby players have made this country great. In fact, it was so discouraging to see the other day Brand Kenya playing around with them in terms of their sponsorship, when they were going for the Rugby Sevens Series. It is time we woke up.

This Senate needs to push for the things we have enumerated here, starting with proper facilities. We need to have proper facilities so that, when we demand that we want to see success in the sports sector, we must have invested in sports facilities. Sports facilities do not have to be constructed by the Government. Stadia all over the world are now privately owned. We just need to create a conducive environment for private investors to come and invest in building stadia and give them the incentives. This will ensure that young footballers and athletes prosper. Their interests, as investors, will be covered, but at the same time, we will get the best interest for our country.

Mr. Speaker, Sir, we also need to provide support to these athletes. It is a shame to see people laughing at many former athletes and current athletes in this region.

Sometimes people laugh at them and say: “You see, so-and-so is drunk and broke. He used to be rich the other day. He won Kshs100 million in this sport.” We are laughing at the same people who have brought pride to this country. I was saddened recently when the whole nation, instead of supporting Asbel Kiprop, when he had a personal challenge, turned around to become Judas Iscariot; to betray the same people that we have always said brought honour and glory to our country.

Mr. Speaker, Sir, where did we go wrong? Why do we not give these people social support? Why do we not reach out to them? Do you know how a player or an athlete feels when they have an injury or are told that they have to terminate their training and competition because of it? As a country, what support do we give to them? Instead of reaching out to them, we mock and insult them on social media like *Twitter* and *Facebook*. We, as a nation, must be our brother’s keeper. We must get concerned about the welfare of the people that bring us the great glory. We should not wait until they have personal challenges and then laugh at them.

We must also provide for them a plan. Unfortunately, some of the athletes that I have interacted with did not even finish Form Four, because of orientation or financial challenges that they had in their families. Those who finish Form Four may not have any other higher education. I see some people laughing at athletes because they cannot pronounce well English or Kiswahili words. We laugh at our athletes, but do not laugh at Germans when they struggle to pronounce English, French or Polish words. We must not be ashamed of them.

I have always told our athletes to speak in Kiswahili language when they are interviewed. It is the business of the organisers of the tournament to make sure that there is an interpreter. For example, whenever Russians speak during competitions, they do so in their language. It is the business of those who interpret to do so to a language that is understood by other people in the world.

I do not want our athletes to feel enslaved by struggling to communicate in a foreign language. If they have to speak Kalenjin, Kikuyu or Luo language, let them do so without feeling ashamed. Let the organisers of the race avail interpreters for them. In any case, that is a language understood by a section of the people in the world. We should not make it look like it is only by speaking a particular language that you become educated.

Education is more than going to school. Where they need that education, it is the duty of the State to prepare a conducive environment to expose them to education. By doing so, they can still pursue that education if they need it. They can use it after they retire from athletics and be better managers of their lives and resources.

Some of these athletes go to a race, like Eliud Kipchoge did--- Let me not even use him because he is an established and experienced athlete. Some of the athletes go for their first competition, like the Diamond League, and win a lot of money. Do you remember a lady called Pamela Jelimo? She won the Diamond League jackpot and some issues came up about her family affairs and other personal issues. Kenyans just continued to discuss those petty issues. Nobody even thought that this was a young girl, barely 23 or

24 years old. Nobody sought to find out how best she could be helped to manage what she won. Maybe she did not even have the skills to invest over Kshs100 million.

It should be the duty of Athletics Kenya and the Ministry of Sports, Culture and the Arts to always reach out and offer support to athletes and give them a few skills about investment. The athletes must also be protected from the exploitative acts of sports agents. Some of the sports agents take advantage of the fact that these athletes may not have the ability to read their contracts, analyse and negotiate.

Again, Athletics Kenya and the Ministry must create a department where sports contracts can be negotiated on behalf of the athletes and ensure that they are protected from exploitation by private investors. We do not want to see a situation where someone wins after working so hard, but he is exploited. I have stayed with these people. They do not have enough sleep. Someone wake up at 5.00 a.m. to run around Iten, which is a very cold town. They run around in mist to prepare and train; they deny themselves comfort.

No wonder Paul, the Apostle, used athletes as an example when he said that if you want to go to heaven, you must prepare and deny yourself many things like an athlete. They deny themselves so many things and prepare so hard, only for them to earn Kshs10 million, but come home with Kshs1 million or Kshs2 million. The exploiters; the agents or middlemen between them and their resources make sure that they become richer than the athletes themselves.

Mr. Speaker, Sir, we must also interrogate the tax regime. This is because some of our athletes are taxed in the country. They run and when they come home, they are taxed. Again, a more specific policy must be put in place to ensure that our athletes, who are also our investors, are given that opportunity to bring resources and invest in the country. We would rather tax the proceeds of---

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

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I am willing to be informed.

**The Speaker** (Hon. Lusaka): What is your point of information, Sen. Farhiya?

**Sen. Farhiya:** Mr. Speaker Sir, when any Kenyan is taxed in another country, whatever tax he pays in this country is normally deducted. That is what I want to inform him about because that is provided for in the Taxation Act.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I totally agree with the Senator. However, the complaints that come from the athletes are that the Act is not followed to the letter and there are situations where they are taxed twice.

I once handled a case for Ms. Lorna Kiplagat who had bought equipment that she wanted to invest in the sports stadium that they have built in Iten. It took many months for them to even be given tax breaks for that investment. Tax is a complex area of practice. Sen. Orenge will tell you that tax matters are complex areas of practice both for the tax people and those involved in tax law.

Without the support to the athletes, some of them feel that even the declaration forms that they have to fill are extremely tedious. They end up facing double taxation, instead of them benefiting from the resources that they have earned.

The second last thing is the pension scheme. We must think through how persons, who are not formally employed in Government and earning the amount of money that athletes and sports people earn, will be assisted to have a pension, to enable them earn something for the rest of their lives. We should not be rigid to the legal regimes that are already in place. We should not just be traditional in the manner in which we deal with investments related to pension. We, as a country, can create a product that targets our sports people, because their timespan in terms of their active period in sports is short. It is about 10 years.

**An. hon. Senator:** Their shelf life.

**The Senate Majority Leader** (Sen. Murkomen): It is not shelf life. I do not want to use the words “shelf life” because they have more issues to contribute. I just meant that the active period they have as athletes is at most 40 years.

In fact, Mr. Eliud Kipchoge was being celebrated all over the world because he was on top of the world at an age no one expected he would break the world record. I remember *The New York Times* reported that Kipchoge was on top of the world. *The Washington Post*, *The Telegram* and all those international newspapers were hailing him. We need to think through how we can create a special pension product; that all those athletes who have won world records and championships and Diamond League, can be assisted to invest in that pension scheme. Later on in life, they will have the opportunity to earn from the investments that they will have put there.

I know this is a very popular Motion. I do not want to speak much, so as to allow others to make their contributions. The athletes who are forced to retire due to illness, injury or any other circumstance need to be considered as a special section of society. To all my former and current athlete friends, it is important for them to agitate for their rights together. One athlete told me that it is time that we formalised the trade union of the athletes. This is because, unfortunately, all sports associations are cartels. From the international to local levels, they are a serious cartels system.

For example, in the football sector, there are more serious cartels than the maize sector. We can easily find out about the cartels in the maize sector from the National Cereals and Produce Board (NCPB), in terms of who supplied whatever amount of maize. However, the cartels in sports have an arrangement from Geneva to Nairobi.

Mr. Speaker, Sir, our Constitution provides for labour rights, including for these athletes and sports people. Why can we not create a conducive environment and legal framework that will enable athletes to form their trade union and raise their issues, and those issues be taken seriously? Although we are members of international associations, like I have said earlier, nothing stops us, under our law, from customizing our law to fit the issues we are going to address. This is so that we can take care of sports – football and athletics – and all the other sectors that are very important.

Mr. Speaker, Sir, I conclude by, once again, congratulating Mr. Eliud Kipchoge – a gentleman par excellence – for breaking the world record and joining Daniel Komen and David Rudisha, among other trailblazers who have held the world record in different fields and made a difference in this great Republic.

Mr. Speaker, Sir, I beg to move and request the Senate Minority Leader to second.

Thank you, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Orengo): Thank you very much, Mr. Speaker, Sir. I will be very brief. I beg to second this very important Motion.

Mr. Speaker, Sir, earlier on, I accompanied the Senate Majority Leader to Elgeyo-Marakwet. We had a conversation with the Governor in his office, who told me that one of the greatest sources of investment in that county is athletes. They are thinking of ways and means of encouraging them to invest more in the county.

Having said that, I am generally a great follower of sports, from tennis to athletics, football, Formula One; name them all. Sometimes I do not leave the house when there is a major event, including American Football and any other sport, such as cricket and rugby. I enjoy watching sports a lot.

Mr. Speaker, Sir, just the other day, a lady by the name Naomi Osaka from Japan beat Serena Williams in the US Open Tennis Tournament in New York; and one could see the joy in Japan. In fact, it was as if there was a national holiday there, because the Prime Minister sent congratulations and they even prepared to meet her when she went back to Japan.

I am saying this because during the Berlin Marathon, where Eliud Kipchoge did a fantastic job, somebody asked me before it came to an end: "Have you counted the number of times Kenya has been mentioned on CNN, BBC, Al Jazeera and all the news channels? I do not even think the word "Kenya" is mentioned as many times when the President of the Republic of Kenya addresses the United Nations General Assembly (UNGA), as when a Kenyan is out there in some of these very important athletic events.

Instead of being rewarded nationally because of what they are doing for marketing the country, leave alone the athletics feat, many times their rewards are not commensurate to the wonderful work they have done for the country. Therefore, we have failed a bit in terms of celebrating our athletes, even though they have been consistent; this is not something that is happening suddenly.

Mr. Speaker, Sir, before the age of Kipchoge Keino and Jipcho, there were people like Arere Anentia, Seraphino Antao and Nyandika Maiyoro who put Kenya on the world map when we were still a colony. That became consistent up to the age of Kipchoge Keino, Jipcho, and now, we have countless athletes who, every other day, month or year, bring honour and prestige to this country.

In some countries iconic kinds of celebration are given to athletes, including monuments erected in their honour, in their home towns and cities. However, here in Kenya, we probably only hear of Kipchoge Keino in Eldoret in terms of monuments. You do not find any national monuments of our athletes in a city like Nairobi. Whenever we think about erecting a statue, it must be of some politician, yet athletes bring honour to their country even more than politicians. We Politicians are, sometimes, a disgraced race.

Mr. Speaker, Sir, somebody was talking about politicians being paid in the toilets-

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*(Laughter)*

When we went to meet farmers, some farmer out there told me: “*Hapa Kenya wanaume wanaiba mpaka jikoni.*” Therefore, we are a disgraced race, but that is not so that we should not try to do our best for the country.

Mr. Speaker, Sir, the Coca-Cola Company wanted to refurbish Nyayo National Stadium and build it anew, just before the World Cup passed through this country on its way to South Africa. In fact, they wanted it to be called “Coca-Cola Stadium.” They wanted to put in a lot of money and maintain it for a period of 20 years, but there was resistance, The issue even went to the Cabinet and because of the name “Nyayo,” they said that if the stadium was going to be refurbished, it had to still be called “Nyayo Stadium.”

We wondered about that because what we were going to get was more important than the name. “Nyayo”, as a name, means nothing; what is important is the Moi International Sports Centre, Kasarani. However, in relation to what they were going to do in that stadium, losing that name was not as important as sending away Coca-Cola Company, which was willing to refurbish it.

Mr. Speaker, Sir, let me not take away the point that we are not sufficiently celebrating our athletes, more so because of the constant honour and fame they are bringing to this country. I do not think most of them do it just for the money; the money comes as a consequence. When you see them holding the Kenyan flag after winning a race and doing a lap of honour, you feel patriotic, as if Kenya is among the superpowers in the community of nations.

Mr. Speaker, Sir, now that we are in this city of champions, the resolutions in this Motion are good and positive. However, we must do something better for our athletes, so that the world out there will know that we are supporting our sportsmen and women.

Mr. Speaker, Sir, before I sit down, I wish to point out that sports is becoming so professional in every sector, that even the search for talents is done when people are four or five years old. Even in Formula One, people are spotted at a very young age before they can even get a license to drive. Most athletes who dominate sports for several years had that talent spotted early enough, for enhancement and proper training. That is even more important in football and it requires resources to be spent. You will not miss the point that this is a football loving nation.

We are very good in athletics and there is nothing to show for it. In the last Olympics in Rio de Janeiro, Brazil, when Kipchoge Keino was being celebrated and world leaders were there, it was a spectacle that went on for nearly 30 minutes. I felt great and honoured as a Kenyan, that this single Kenyan at a world stage should be celebrated, not because of being a leader or politician, but just because of what he had achieved in athletics.

I hope that our Government will try a little bit harder to put our sportsmen and women in front when we do our planning in the field of sports and management of public affairs. I just remembered, when the Senate Majority Leader was talking, about the cartels in sports; the Athletics Kenya and others. Even in football, the work of these cartels is made possible by what happens in Government; by their relations with Government. You would find Government officials fighting very hard to retain certain

officials in sports organizations. That is why sometimes they stay there almost for many years.

Mr. Speaker, Sir, football is professional because it is left to the people who know how best to run it. In athletics, you will find people like Coe, who was a great athlete in the United Kingdom (UK), heading sports and is now at the highest level of leadership in sports in the world. The Government needs to play a minimal role, and when it comes to athletics or sports organizations, we need to get the best people to lead them, so that we, together with the athletes, can get the best from the resources that we put in sports and athletics.

With those remarks, I beg to second.

*(Question proposed)*

**Sen. Wetangula:** Thank you Mr. Speaker, Sir, for giving me an opportunity to contribute to this Motion. When Eliud Kipchoge broke this record in Berlin, I was having breakfast with the former President of Ghana, John Kufuor and with him were former Ministers of his Government. You would have thought that I was the one who had broken the record. I was hugged, greeted and cheered. I felt very proud to be a Kenyan.

Mr. Speaker, Sir, our young athletes have done this country proud. Immediately we celebrated Eliud Kipchoge, Gladys Cherono was on heels to win the Berlin Marathon as well. I like the confidence of Eliud Kipchoge. When he left Kenya he said that he would attempt to break the world record in Berlin. He ended up breaking the world record by shaving off more than a minute; a period that may take the next ten years to break by any other Kenyan, perhaps by himself if he tries next year, and he promised to do so.

As we put things into perspective, once in a while, I sit in the club in this town with *Mzee* Kipchoge Keino, who is a good friend. When you listen to him, you will realize that he is an encyclopedia of our athletics. In the string of all he says, are endless frustrations of athletics from everybody including the State.

Even in Berlin, when Eliud Kipchoge broke the world record, he was draped in a BMW flag and not the Kenyan flag. The Kenyan Ambassador and staff of our Embassy were there. What was so difficult about going there carrying a Kenyan flag, even if he did not break the world record? The fact that he was participating, was enough to market the country with our flag. These are some of the things that we need to address to support our athletes.

When Pamela Jelimo, the first woman in Kenya at the age of 19, won the Golden Circuit, I honoured her by calling her to my office at the Ministry of Foreign Affairs. She was brought by Hon. Hellen Sambili and I gave her a diplomatic passport; the first athlete to spot a diplomatic passport.

*(Applause)*



I did that so that anywhere she goes, she is recognized as a Kenyan diplomat, hence, marketing and giving a good image of the country.

Mr. Speaker, Sir, we have had other greats, including my namesake and good friend, Moses Kiptanui, who was also the first Kenyan man to win the Golden Circuit and walked home with a million dollars, and has done very well. There are a few who have done very well, but there are others, like the great Henry Rono, who fell by the wayside.

I agree fully with Sen. Murkomen that we need to find a way of honouring and supporting these athletes in their sunset years. If we are now able as country to set up social safety net funds for old people, some of whom have never done anything for this country, we should be able to set up a non-contributory pensions scheme by the Government to honour these athletes in their sunset days.

Mr. Speaker, Sir, when some of them end up with either injuries or run into alcohol and other things, they become quite miserable and people laugh at them, without remembering that when their flame was burning, it was bright enough for everyone to see.

The stock of athletes in this country was captured by one young man called Peter Rono in the Seoul Olympics. After he won a gold medal in 5,000 metres, he was asked to make a comment and he said that it is easier to win an Olympic gold medal than to qualify in Kenya to go to the Olympics because of talent in this country.

If we are to nurture these talents, it would be a major foreign exchange earner. When I was in the Ministry of Foreign Affairs, I included Kenyan athletes as one of the major pillars of our foreign policy. I even instructed the protocol department that every time our athletes go to marathons and other places, they must be accompanied by a Government protocol officer. It is the Government protocol officer who would help them to talk to the media before and after any event, especially when there is victory. This has not happened.

I want to urge that the issues that are in the prayers of this Motion be looked at very carefully and implemented to the letter. There is a young man and friend of mine called Cherono, who went to some country in the Middle East. In desperation to earn a living, he changed his religion and name and became Saaeed Shaheen. Eventually, he was found taking beer and was chased away. He came back to Kenya after they had exhausted his energy to run.

We can help our athletes by setting up high altitude training centres. In Bungoma County, together with you, we have set up a High Altitude Training Centre in Mt. Elgon, where great athletes like Hellen Masai, Benjamin Jipcho and others come from. Our High Altitude Training Centre is almost complete and will compete with Lorna Kiplagat's High Altitude Training Centre in Iten.

In the counties where we produce athletes like Kericho, Nandi, Elgeyo-Marakwet, Uasin Gishu and Trans Nzoia, I would want to see such training centres built. I want to tell my tycoon friend from Nyeri that we have had very good athletes from Nyeri and he has the capacity to set up one to help the young athletes. We have had great runners like John Ngugi, Wanjiru and others from Mt. Kenya region. However, we lack facilities, the

will, Government support and a tracking system where these young people can be helped to develop and nurture their talent.

I want to leave others to contribute, but I stand here as a very proud Kenyan. I want to inform my friend, Eliud Kipchoge, that while I was in Ghana, I enjoyed his limelight on his behalf.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Linturi.

*(Loud consultations)*

**Sen. Linturi:** Mr. Speaker, Sir, the Senators who are complaining must appreciate that there are very few Senators here who are senior than me in terms of service to this nation as a Member of Parliament. For that reason, it is important for Sen. Malalah to respect age.

*(Laughter)*

Allow me to join the Mover of this Motion, the Senate Majority Leader, the Deputy Minority Leader and Senior, Sen. Wetangula, in appreciating the good performance by this great Kenyan, Eliud Kipchoge, for breaking the world record. It is not easy that such a great Kenyan, who comes from this county of champions, would excel and put Kenya in the world map, to the extent that Sen. Wetangula was cheered and appreciated for the win, as he was having breakfast with the former President, John Kufuor.

How I long for a time when our own country will appreciate---

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

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

**Sen. Dullo:** I am sorry, Sen. Linturi. I am not stopping you.

Mr. Speaker, Sir, pursuant to Standing Order 106, in the interest of time and the number of Members who want to speak to this particular Motion, I request that the time for debate be reduced to five minutes for each Member.

**The Speaker** (Hon. Lusaka): Granted.

**Sen. Linturi:** Mr. Speaker, Sir, I long for a time when our national leaders and everybody else will demonstrate the appreciation that they attach to these great Kenyans when they do us proud. How often do we find athletes, who have won international medals or recognition, being decorated by the Head of State of this Republic? Will he do it come this December when he will be giving honours to people? It may look as if that is something small, but it is not. It is a great thing. Athletics and sports play a critical role in bringing national integration and cohesion.

I support the aspect that we must set aside funds to create more facilities for people to train. I get disturbed when I hear that there is there is no pension fund or money

that can be availed by the Ministry of Sports, Culture and the Arts and other departments to these sportsmen and women once they get to retirement age.

As we think about this, we should know that a sportsman is a serious candidate for arthritis. This is because they wear out their muscles and bones as they train, yet this happens as they strive to make Kenya appear great in the international arena. Other than pension, we must also think of how we can provide them with a medical scheme because they will require constant attention and medication as they age.

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

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

Mr. Deputy Speaker, Sir, I am happy to contribute to this Motion in this great County of Uasin Gishu. The time has come for us to seriously think of how we can bring policies or decisions that can assist people who do not have the opportunity to argue their case, especially when it comes to agencies that are required to make them comfortable or help them have a retirement that befits their status in the society. When we do so, we will be recognising what they did when they were young.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Could we hear from Sen. (Prof.) Onger? Keep it brief.

**Sen. (Prof.) Onger:** Thank you, Mr. Deputy Speaker, Sir. I stand to give testimony to the history of athletics in this country. Very few of you would know that I was a sports administrator, a member of the medical commission, International Amateur Athletics Association Medical Commission, the Vice Chairman of Athletics Kenya and later took over as the Chairman of athletics in this country.

The story of Kenyan athletes started at the time when Naftali Temu won the 10,000 metres in Mexico in 1968, heralding in the first ever gold medal that was brought to this country. Nyayo Stadium used to be a path for snakes and all the hooligans in Nairobi. That field belonged to the late Derrick Ashkan and when I took over as the Chairman of Athletics Kenya, we wanted to put up that Stadium to the current status.

It is instructive that we missed the 1976 Olympics in Montreal because we boycotted those games. We also missed the 1980 games that were going to be held in Moscow. It took the Championship at Bukhungu Stadium, Kakamega, for us to make the request to President Moi to allow us to use the money that we missed going to Moscow, to develop the Stadium which is today called Nyayo Stadium. That was the first time that we got a decent facility. Putting up the perimeter fence that you see on Nyayo Stadium cost Kshs2.5 million. If you try to put one today, it will cost you billions. We took a private architect to develop that area.

Secondly, Mr. Deputy Speaker, Sir, one of the things that I want to come out very well is that I was nearly thrown out of the International Athletic Medical Commission in Rome when we were talking about doping in our countries. I saw the danger. One of the biggest dangers that have been cited in this Motion today, through the efforts of Eliud Kipchoge, is that one of the main contentions was that the so called sports agents took

our athletes and wanted to give them some doping agents. We objected that, that was not the right thing to do. I am glad that we won that war.

I would like this House to appreciate that the change of amateur athletics to professional athletics started because we realised that our athletes were being misused. They ran for peanuts, whereas at the time, in football, they had brought in professionalism, so that they could earn money.

Mr. Deputy Speaker, Sir, today, Kenyan athletes earn a lot of money. In that case, they have the potential to invest heavily. One of the counties that used to be very forward looking was Kisii. We went down, but we are not down yet. We will be up again because one of the things that we have done is to cheer up the young men and women. We took Henry Motego, who used to be the best footballer, to be in charge of the sports in the county. That is the way we can improve the sports fraternity.

When I was the Minister for Education, we realised that being able to pursue education through the vertical academic line was not possible because the talents were different in various groups of the Kenyan people. Some excelled in boxing and others in athletics. We did educational reform. The former Attorney General, Sen. Amos Wako, will remember that when we brought in the late Sen. Mutula Kilonzo to the Cabinet, we brought in amendments to education reforms. We created talent academies.

That is where the Government must invest heavily. They should build the infrastructure of sports in every county, because this nation has the potential to raise wonderful athletes like Eliud Kipchoge. Even if we take all the medals in the world, that is our right.

Mr. Deputy Speaker, Sir, my time is up. I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, hon. Senators. I have been approached by Sen. Ledama Olekina with a suggestion. If the House will agree, I will further recommend the reduction of time to three minutes, to allow as many Senators as possible to speak on this Motion.

*(Loud consultations)*

Order! To avoid points of order, the Chair is acting under Standing Order No.1 because, as you know, Standing Order No.106 has its own criteria. Is that the mood of the House? Three minutes?

**Hon. Senators:** Yes!

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Three minutes for every speaker from now. To make it easier, when one side speaks, there is no need for Senators from that side to stand again because the chance will go to the other side and vice versa.

Proceed, Sen. (Dr.) Milgo.

*(Loud consultations)*

**Sen. (Dr.) Milgo:** Mr. Deputy Speaker, Sir, protect me from the noise in this Chamber.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senators. Order, Sen. (Prof.) Onger! You have just had your chance.

**Sen. (Dr.) Milgo:** Mr. Deputy Speaker, Sir, first of all, allow me to take this chance because I have not had any chance to speak, to thank our Speaker, Hon. Kenneth Lusaka and my colleague Senators, for the brotherly and sisterly love they showed me recently when I had a fire tragedy in my family. I can never adequately express the happiness for the care and concern they showed me. Further, Sen. Naomi Shiyonga and Sen. Farhiya visited me at my home. That was, indeed, a lot of blessings to me. I can never thank you enough. May God bless you.

Mr. Deputy Speaker, Sir, let me add my voice to today's Motion. I thank the Mover. Sport is Kenya's pride. I also commend Eliud Kipchoge for what he did recently. I would have wished that more ladies were mentioned here because there are of them who have also broken records. Yesterday, we were advised on how to go about it, so that we also recognise ladies.

We are in the county of champions. Sportsmen and women have taken the lead in terms of investments in this particular county. In my county of Bomet, the first high-rise building was built by an athlete. The building is named Boston Marathon because that is where the athlete achieved the medal.

Secondly, recently, Bomet County was in frenzy because of two athletes; Beatrice Chepkoech and Kipng'etich Ng'eno, who won in the just concluded marathon. One sub-county in Konoin Constituency prides itself as the home of champions because of those two athletes. Mark you, they were not even position one; they were position two. We were so excited.

I wish to support the idea of putting in place a proper policy, so that athletes are assisted in managing the finances they get out of this. In addition, their pension will assist them in future, so that they do not languish in poverty, like we have seen in most cases.

Recently, I had a chance to lead a delegation to Australia. The greatest challenge was resources, especially sports attire and shoes. We can still remember a scenario where sports uniform was stolen. When the Commonwealth Games were being opened in Australia, we were very ashamed because other countries came in very colourful attire. However, our athletes managed to shine.

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

**Sen. (Dr.) Milgo:** You should have seen how I danced in celebration. Thank you, Mr. Deputy Speaker, Sir.

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

*(Loud consultations)*

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I am glad that seniority is working here.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator! Other than seniority, we are also looking at so many other factors, including regional diversity, gender and political parties.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, there is not much I can say in three minutes, but let me thank you for the opportunity. I thank the Mover for bringing this very important Motion, so that we can record our thanks and kudos to our great athlete. I wish to add my voice.

On behalf of the people of Vihiga and my own behalf, I congratulate Eliud Kipchoge for the achievement that he made for himself and this country. It was not a mean feat; he did us proud. He has put Kenyans on the global map. We are forgetting that he broke a record that was set by another Kenyan. So, that looks like our domain.

While I was the Assistant Minister for Tourism and Wildlife, I led a delegation to Europe, Canada and USA to market this country. I thought that our biggest forte would be wildlife and the safaris, only to learn on reaching there, that we are more known in terms of athletics than even those other things that we have invested so much money and our hopes in.

Therefore, I join those who have spoken before me in saying that it is high time that we invest more in this. If India was able to come up with what we call medical tourism after realizing that, that is their strong point, we should emulate them and see if we can come up with sports tourism as a country.

I fully support the Motion and the prayers that have been put across by the Mover and urge all of us to support. We must make sure that it does not end just at the Motion level, but brought back as a Bill in future, to make sure that this is implemented.

Thank you, Mr. Speaker, Sir.

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

Sen. Sakaja.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. First, I would like a few more minutes, as the Chairman of the Committee that deals with sports, because it is doing a lot on this issue. However, I will leave that to your direction.

I am very proud to have grown up in a family of athletes. My late mother, Mrs. Emily Ayoti Kubasu, as she was known, was one of the last Kenyans to win medals in short distance races in this county.

*(Applause)*

That was in the days of Ms. Alice Adala, Ms. Jenny Makena and many other great Kenyans. In fact, my parents met at a sporting event. We have had a long running joke, as a family, that there was the newspaper cutting of their wedding day saying: “Star athlete marries tyre dealer”. Those days my dad was a marketing manager at Firestone Company. I have heard Senators asking what happened to me. I also got into sports, but fell in love with rugby when I was in high school.

We are proud that we have such great athletes in our country and more needs to be done. Let me go straight to the point. Today, we have had interactions with the County Assembly Committee on Youth and Sports in Uasin Gishu County. It is a role that county governments must be part of in developing the facilities. They must make sure

there is adequate budget to build stadia. This is the only way we can nurture our sports people.

It is sad that, nowadays, schools are being approved without playing grounds. In the past, it was unheard of that a school could be approved without a playground. We want to make sure that, that is implemented.

I support many teams in this country. As you may well know, I am the patron of AFC Leopards and the Kenya Professional Boxing Commission, among other sports. I have seen how our athletes and star sportsmen and women are suffering. This House will share in my embarrassment due to the fact that I had to buy shoes, from my pocket, for the Kenya Rugby World Cup team to participate in the World Cup qualifier. They did not earn a single shilling as salary. They were only given Kshs2,000 as allowances, yet it is one sport that has made us shine in this world.

More needs to be done. As a Committee, we have invited unions of the players and federations to understand what they need. We have also invited ministries and the County Executive Committee (CECs) Members dealing with sports, so that we can have a solution.

In the Gallery, you can see young people. Not all of them will excel in academics. Some of them have talents in sports. Our young people, as the trustees of this country's posterity, must be allowed to nurture their talents in sports.

In addition to that, this House will be embarrassed to know that many of our boxers, including some that I support, like Ms. Fatuma Zarika, who is a World Boxing Council (WBC) champion, Super Bantam Weight, still ride in *matatus* and struggle to pay rent. I have even been supporting her family. It is a shame! Look at what happened to Ms. Conjestina Achieng'. Mr. Morris Okolla, who is a Kenya Heavy Weight boxing champion, is a struggling policeman who cannot even get housing facilities within the police force. A lot must be done by this House regarding all the sports. It does not take that much amount of money to be set aside.

We, as a Committee, will be coming back to this House with proposals and an update. These summons have been issued for the next one or two months. We hope that other Senators can join in supporting sports in this county. I see many Senators supporting sports, although the ones in NASA only attend when "Tinga" goes to watch AFC Leopards.

*(Laughter)*

**Mr. Deputy Speaker** (Sen. (Prof.) Kindiki): Order!

**Sen. Moi:** Thank you very much. *Kongoi*, Speaker. I would like to take this opportunity to---

**Mr. Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator! What did you just say?

**Sen. Moi:** I said: "Thank you, Mr. Speaker, Sir."

**Mr. Deputy Speaker** (Sen. (Prof.) Kindiki): Okay.

(Laughter)

**Sen. Moi:** Mr. Deputy Speaker, Sir, I would like to support this Motion. In fact, I would like to say a huge thanks to Mr. Eluid Kipchoge. He made us, as a country, all proud by breaking the record, which one of my villagers from Baringo County, Mr. Paul Tergat, held.

Due to limited time, many speakers have said and hit the point; that we need to do more for our heroes for their exemplary performance. However, how do we fund it? We should do what the western world, especially the United Kingdom (UK), does with their sportsmen and women. We should set up a lottery. We could be getting a slice from the lottery and pump millions and hundreds of millions of shillings to nurture sports and pay for insurance for our heroes.

We should make sure that it not only goes to the athletics, but all sports in general. We have heard about boxing, rugby, among others. We also need to nurture cricket. One of the champions of cricket going forward, will be none other than yours truly. I believe that we have massive talent all over in the counties that can nurture cricket and, of course, also polo.

I would like to congratulate all the previous athletes who have made us proud, especially from Uasin Gishu, the home of Sen. (Prof.) Kamar. They say Nandi County is the home or source of champions. They are the greatest, but Baringo athletes are the latest.

I will not be here with you tomorrow, because I will be attending peace meetings in Baringo County. One of the things that we should be doing is showing our youth that there are other talents, apart from destructive ways and means, and sports is one of them.

Thank you very much.

**Mr. Deputy Speaker** (Sen. (Prof.) Kindiki): Very well, Sen. (Rev.) Waqo.

**Sen. (Rev.) Waqo:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion and congratulate Mr. Kipchoge who made us proud. He is our son. We are proud of him together with others. We have many Kenyans who have similar talents, but have not been nurtured. My request to all counties is to invest in sports, so that our young people can bring out their talents, compete with others and make us proud.

As a nation, we need to set aside a day to celebrate our athletes. They have always made us proud. I believe that the only thing that unites Kenyans or makes us one is sports. Whenever we see one of our sons or daughters doing us proud by winning, we all get excited. That is the time we realize that we are true Kenyans.

Finally, we are also concerned by the rate at which we are losing our young athletes. Recently, we lost two athletes in road accidents. I believe they are busy like us politicians. I think about the Bill that will be proposed to provide for them to have permanent drivers. They should not drive themselves. They die at prime age and leave behind widows and children who are left in a very poor state.

It has also been suggested, under (c), that we provide psychosocial support to active and former athletes including---

**Mr. Deputy Speaker** (Sen. (Prof.) Kindiki): Summarize and wind up.



**Sen. (Rev.) Waqo:** Yes. There is the pension scheme being proposed here. I want to suggest that even the wives of athletes or their spouses be considered in the scheme because we do not want them to suffer.

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

Sen. Olekina.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to support this Motion. It is imperative that we promote and nurture talent. I grew up in the USA and when I went to college---

*(Sen. Moi consulted loudly)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Moi! You have had your chance.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I when I was in college, I used to play basketball. It is because of sports that I got a scholarship.

In this country, we seem to be punishing our athletes. I am saying this because the Senate exists to defend the interests of counties. County governments should take a key role in supporting the athletes. We have the likes of Eliud Kipchoge, whom I congratulate and commend for having done us proud. We also have people like Elijah Manangoi and young men like Kinyamal from Trans-Mara who run 800 metres.

We went to the Gold Coast to learn how to improve sports in our country. It behooves us, as leaders, to come up with legislation that will mandate county governments to improve sports facilities and the welfare of these young men and women. This is because there is no point as to why young men like Kinyamal or Elijah Manangoi would leave Narok and go to Eldoret, so as to get a place to train because there are no fields. Another sporting activity is boxing.

There is a lot of idleness in this country because of lack of employment. Once we have the sports facilities and developed camps, it will help our youth and give them an opportunity to change their lives. One of the things that worry me is that these young men and women do not even have financial management skills. If you are making a lot of money, you should be taught how to manage those resources. Athletics should not be like betting, where somebody wins US\$1 million and afterwards we read that they are using a *matatu*. They have to be taught and the only way to ensure responsibility is by developing a legislation that supports the athletes.

We need to tax them and, by doing so, we will be developing a pensions scheme for them. It is a bit hypocritical when we talk of developing a pension scheme, yet they make money and use it without saving for the future. We have the same problem worldwide when it comes to the issue of our military. We use them to protect us, but when they retire, we do not support them.

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

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Let us now have Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to join my colleagues and the Mover in congratulating Mr. Eliud Kipchoge. I thank the Senator for Elgeyo-Marakwet for moving this Motion because what happened in Berlin was interesting. It was a competition between Nandi, Elgeyo-Marakwet and Uasin Gishu counties.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator! Are you sure there were counties competing in Berlin?

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, I honour the Senator for Elgeyo-Marakwet County because he brought out some things that all of us have been thinking about for a very long time. As I congratulate Mr. Eliud Kipchoge, I would also like to congratulate three others who did not break the world record, but also brought medals to this country. These are Ms. Gladys Cheron, Mr. Wilson Kipsang and Mr. Amos Kipruto. All the three were leading stars in the Berlin Marathon.

I agree with the two recommendations; that we strongly need to improve sports facilities in this country. The four who brought medals, and many others who have brought gold medals in this country, used to train on their own; running round the fields in schools, which were not even marked. They used to run from home to school. We need to prepare strategically because we can harvest more and have more students getting scholarships abroad.

*(The amber light on the timer was switched on)*

Mr. Deputy Speaker, Sir, I hope you will give me two more minutes because this was---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Why?

**Sen. (Prof.) Kamar:** I did not know that I was talking to the sky.

Mr. Deputy Speaker, Sir, I agree that the Government should take the responsibility of building facilities. We also encourage the private sector to invest, but the kind of people that we are dealing with cannot even pay Kshs1, 000 per month to be in a camp because they are young.

There are also nice opportunities in Uasin Gishu County such as scholarship for athletes. We have helped them, but the best way is to have Government-sponsored facilities. If we do that, we will have created a new line of scholarship for the Kenyan youth.

We know that we have the talent and Kenyans are respected for that. We even have universities coming to look for students to be offered athletics scholarships. It is true that we have the opportunity and potential, but we must organise ourselves so that our youth can practise in an organised way and have the opportunities that we did not have, or some of our colleagues whose parents were athletes, did not have.

I agree that there is need to encourage them to save. They do not need pension from anybody else but themselves. We need to help, train and organise them, so that they have an athletics organization, where they can do their savings for the future. It is true that they have invested heavily in this town, but we need them to organise themselves.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Prof.) Kamar, your time is up. I will allow Sen. Wako to have the Floor.

**Sen. Wako:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity. I thank the Mover of the Motion, who is the Senate Majority Leader.

When I visited the USA for the first time in 1979, I was surprised that the only persons that people in the USA knew from Kenya at that time were not my President or anybody else, but Kipchoge Keino and Naftali Temu. That is when I knew that athletics is important. As a nation, we have not invested properly and heavily in sports. We have benefited a lot but, have not invested properly.

This country ought to take seriously the issue of talent academies. Everywhere in the world where somebody has excelled, you will find that the talent was identified when that person was barely five or six years old, and they went to an academy and trained in that sport. For most of the people who win gold medals in swimming or tennis, like Serena Williams, you will find that their talents were identified early, when they were still young. Even whoever beat Serena Williams the other day in Japan is talented. Her talent was identified when she was very young. She was sent to the academies and excelled. Therefore, this is an area where we need to invest in very heavily.

We, as a nation, have to learn a lot from the athletes. First, the athletes unite us. When Kipchoge won, Sen. Moses Wetangula, who is a Luhya, felt like he was the one who won. They evoke in us the spirit of the Kenyan nation and we should learn from that.

Secondly, we, as politicians, should learn to have our competitions in a transparent, fair and open manner. Even if athletes come from one area, we gladly accept that because the competition is open and transparent. That cannot happen in politics, because the competition is not open or transparent. Therefore, let us also learn from the athletes.

Let me also add that the A, B, C, D and E should be national honours. There is no need for Chairpersons of Committees or Cabinet Secretaries to be automatically given awards like the Elder of the Golden Heart (EGH), Elder of the Burning Spear (EBS), Order of the Grand Warrior (OGW) and so on. What have they done to win those awards, except win elections, which might not be free and fair---

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

**Sen. Wako:** These leaders will, therefore, get some national honours.

Thank you, Mr. Deputy Speaker, Sir.

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

Proceed, Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. I want to join the rest of my colleagues in celebrating this great Kenyan, Eliud Kipchoge, for the momentous feat that he has achieved.

The highlight of the day for me was when *The New York Times* sent out a tweet with the title, ‘*Move over Usain Bolt, here comes Eliud Kipchoge.*’ That was a great feat because for those of us who are fans of sports and athletics, we know that Usain Bolt is a giant. For other people – not even ourselves, as Kenyans – to claim that the stature that

Eliud has achieved is way above that of Usain Bolt, it was a great moment for us, as Kenyans.

Mr. Deputy Speaker, Sir, I also want to join the rest of my colleagues in calling upon ourselves, as leaders, to pay keen attention to how we manage sports in this country. If you look at the budget that was passed by the National Assembly, the Ministry of Sports and Heritage had the least allocation. This stems from the kind of attitude that we got while growing up, for those of us that went to public schools.

Many are the times that the teacher would walk in and say that if it is time for physical education, you do not necessarily have to participate in it. Unfortunately, we have carried on that kind of attitude even in the management of our resources, as public leaders. We treat sports matters very casually. We do so without realizing that this is an industry that can employ so many of our young people, who we continue to give praise and honour.

In conclusion, Mr. Deputy Speaker, Sir, it is incumbent upon us to remember that--

*(Sen. Wako consulted loudly)*

**The Deputy Speaker** (Sen. (Prof) Kindiki): Order, Sen. Wako! There is a creeping habit that after you have had a chance to speak and finish, you disrupt others.

Sen. Cheruiyot, you have one-and-a-half minutes to conclude your contribution.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. I will use that half a minute to pass a message that I have in my heart this afternoon.

In conclusion, even if we do not honour our athletes, they will continue to be recognized, at least internationally.

Mr. Deputy Speaker, Sir, I want to bring to the attention of this House that in 2012, the then Minister for Sports had to pose as a personal assistant to one of the sports legends of this country to access the hallowed Olympic Halls in London. This was because they could not be allowed in there. You know the way we carry ourselves here, as politicians; we imagine that we are very big people.

The Minister went to the Olympics with his delegation and was asked who he was. He replied that he was the Minister for Sports in Kenya, and was told: "Those are very small people; we do not recognize them here." He, therefore, had to pose as the personal secretary of Paul Tergat for his team to be allowed into the hall. Therefore, the message is that even if we do not honour our athletes, other people will honour them.

Finally, Mr. Deputy Speaker, Sir, I said that I have a message in my heavy heart and must bring it to the attention of this House. There are tribal clashes that are going on in Narok and Nakuru counties. Unfortunately, the words of one of our colleague, who is seated with us here this afternoon, continue to pinch my heart---

**The Deputy Speaker** (Sen. (Prof) Kindiki): Order! Order, Senator! You cannot discuss---

*(Sen. Olekina spoke off record)*

**Sen. Cheruiyot:** You see, the guilty are always afraid!

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

*(Sen. Olekina spoke off record)*

Order, everybody! Order, Sen. Cheruiyot! Order, Sen. Olekina! Sen. Cheruiyot, you are now doing your second term in this House. You cannot discuss the conduct of a colleague Senator, unless you introduce a substantive Motion. I, therefore, advise you to wind up your remarks and abstain from discussing any Senator in or outside this Chamber. You cannot discuss a Member of this House without a substantive Motion.

**Sen. Cheruiyot:** Mr. Deputy Speaker, Sir, I will just conclude by saying that may the Government arrest all warmongers.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Olekina spoke off record)*

**The Deputy Speaker** (Sen. (Prof) Kindiki): Sen. Olekina, have you heard the direction which the Chair has given?

**Sen. Olekina:** Yes, I have heard.

**The Deputy Speaker** (Sen. (Prof) Kindiki): I am, therefore, sure that you do not want to interfere with what has already been decided.

Proceed, Sen. Shiyonga.

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I would like to start by thanking the Senate Majority Leader, who is the Mover of this Motion. This is the best time for us to honour our sportsmen and women in this country.

Mr. Deputy Speaker, Sir, Kenya is losing many of our young brilliant athletes to other countries of this continent. Our young athletes, who we look up to when we consider the Big Four Agenda, are not being taken care of the way they should. Athletics has raised the name and glory of Kenya highly internationally because of the high standards, good performance and best records that are recognized internationally. It is high time that Kenya, as a country, changes its focus on how we look at our young athletes in the country, in terms of moral support and management.

Mr. Deputy Speaker, Sir, poor infrastructure affects the performance standards of any competitor. It is unfortunate---

**The Deputy Speaker** (Sen. (Prof) Kindiki): Conclude, Senator.

**Sen. Shiyonga:** Mr. Deputy Speaker, Sir, I am concluding. It is high time that the country improves our standard in terms of investing a lot in the athletics.

Thank you, Mr. Deputy Speaker, Sir. I would have spoken a lot---

**The Deputy Speaker** (Sen. (Prof) Kindiki): Very well; you will speak at another time.

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

*(Laughter)*

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

Proceed, Sen. (Prof.) Ekal.

**Sen. (Prof.) Ekal:** Thank you, Mr. Deputy Speaker, Sir. I was going to---

**The Deputy Speaker** (Sen. (Prof) Kindiki): You are not on record, Senator.

**Sen. (Prof.) Ekal:** Mr. Deputy Speaker, Sir, I was going to complain if you had chosen honourable---

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

**Sen. (Prof.) Ekal:** I would have complained if you had chosen the honourable Doctor, because he is younger than me and takes up---

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

**Sen. (Prof.) Ekal:** Thank you, Mr. Deputy Speaker, Sir, for picking me.

I beg to support this Motion. I would like to thank the Senate Majority Leader for bringing this Motion. I think we are growing up as a nation. Kenya has grown, as a nation, because we finally came to our senses to say that we need to start honouring our athletes. We also said that we need to start building athletics institutions, where our youngsters can go and train before competing in the world to bring glory to Kenya. I like this very much.

Mr. Deputy Speaker, Sir, when I was a young man in high school and college, the people that I admired a lot included Kipchoge Keino, Jipcho, Kiprono and so on. I was surprised when I went to study in the US. Even though I had an Honours Degree in Physics, when I got out there, they asked me: "Did you come here as an athlete? What kind of a race do you run?" They asked me all sorts of questions, even though I had nothing to do with athletics; I was actually just going to school. They then asked me whether I knew Wilson Waigwa. I said: "I know him, but I have not seen him."

It turned out that people over there, put more importance on athletics than academics. It is, therefore, true that those athletes market Kenya more than any of us. It is for that reason that we need to put some money in building institutions that will give our youngsters the time and opportunity to train and be the best in the world.

Mr. Deputy Speaker, Sir, I know that my University of Texas at El Paso has Paul Ereng as their Coach. You will remember Paul Ereng as 'that Olympian', and he comes to this country every year to recruit. We should, therefore, put a lot of emphasis in training our youngsters---

**The Deputy Speaker** (Sen. (Prof) Kindiki): Summarize.

**Sen. (Prof.) Ekal:** Thank you, Mr. Deputy Speaker, Sir.

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

*(Sen. Malalah walked to the Dispatch Box)*

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. You started walking before you were called out.

*(Laughter)*

Proceed.

**Sen. Malalah:** Thank you, Mr. Deputy Speaker, Sir. In the absence of Senior Counsel, Sen. James Orenge, I am the acting Senate Minority Leader. Therefore, I had enough confidence that you would select me.

I stand to join my distinguished colleagues in congratulating and commending Eliud Kipchoge for breaking the World Marathon record. I think the issue of sports can be used as a platform for cohesion and integration in this country. We have had communities clashing and differences between regions in this country. We had issues of political intolerance and sports is the only platform that we can use, as legislators and the leadership of this country. I encourage every leader here to use sports as an instrument of bringing Kenya together. The Chairperson of the Building Bridges Initiative, Sen. Haji, is here. I would like him to adopt that as a method of bringing this country together.

I join my colleagues in emphasizing the fact that we need to celebrate the people who have won such accolades even at earlier stages. Recently, this town of Eldoret hosted the Kenya Secondary Schools Term Two Games, where Kakamega High School won the football championship. Upper Hill High School also participated and won. We need to start celebrating these young talents as early as when they are participating in the secondary schools games.

Mr. Deputy Speaker, Sir, I challenge each Senator here that when we go back to our respective counties, we need to ensure that we use the sports platform to bring your people together. In Kakamega County, from 6<sup>th</sup> October, 2018, we will have an initiative that I came up with called ‘Super Senator Cup’, which is the Kakamega County version. This is a tournament that will bring together almost 20,000 youth of Kakamega County between the month of October and December.

We need to find ways to encourage and give back to the youth of this country in a good way. For example, I am sad that the Kenya Premier League (KPL) can be played for eight months, only for a team to win Kshs2 million. In the tournament that I will host in Kakamega County, the winning team will go home with Kshs1 million. I encourage all leaders to prioritise sports in their mandate.

We need to challenge the current establishment in their commitment in terms of investing in sports. In 2013, the Jubilee Government went round this country pledging that they will build five stadiums in 100 days. Up to now, we do not have a single stadium in Kenya that has been out of their commitment and pledge during the 2013 elections.

I challenge the current administration to be serious with executing matters sports. I challenge the Cabinet Secretary (CS) for Sports, Culture and the Arts, my brother and friend, Rashid Echesa, to concentrate on the issues of developing sports and not matters that do not help the development of sports.

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, let me also add my voice in supporting this Motion, to commend Eliud Kipchoge for doing a wonderful job in the World Marathon.

This country is well known by others through our athletes. I happen to have served in the Ministry of Foreign Affairs as an ambassador and met many outsiders. They will tell you that Kenyans run. In fact, the brand of Kenya in many nations is that we run. Those sportsmen and women have developed on their own. Sometimes you will think that Kenyans do well when left on their own.

When it comes to organising sports like football, although it is very popular in Kenya, very few Kenyan teams have made it to the international arena. However, our sportsmen and women have done us proud and it is time they are supported. In fact, as the Mover of the Motion said, their spotlight is very short because, after 10 years, they get tired. They move into this field of sports and make money. It is important that they are organised and trained, so that they can safeguard the resources that they gain.

It is important that talents in Kenya are harnessed and supported. In fact, the stadia in this country need improvement to help organise sports. As a country, we should not just ride on the back of those sportsmen. Rather, we should help them to go to those international arenas, so that as they win, they raise the flag of Kenya.

With those few remarks, I support the Motion.

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

**Sen. Mwaura:** Thank you, Mr. Deputy Speaker, Sir. First of all, let me correct my good brother, Sen. Malalah, that there is only one “Super Senator”, Sen. Sakaja, in this House.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order. There is no super Senator in this House.

**Sen. Mwaura:** Mr. Deputy Speaker Sir, at the same time, I recognise a very brilliant lady from Uasin Gishu, Margaret Sawe, who appeared before the Committee on Budget and Finance. She went through interviews and now represents the Senate in the Salaries and Remunerations Commission (SRC).

I think it is good to recognise the great talents that we have here. Sometime back, I read the profile of one George Bush Jr., and was surprised to read that Paul Tergat was his role model. I was surprised because in terms of the hierarchy of power, you would want to imagine that the President of the United States of America (USA) is possibly the most powerful person on earth, politically. Contrary to that, his own role model was one of our own, Paul Tergat, whom very few Kenyans would actually identify if he walked on the streets of Nairobi County. That underscores the way in which, as a country, we have not been able to recognise the potential that we have in this country.

When we talk about celebration, we should not just limit it to a party with pomp and colour. We are known for that, and after that, everybody goes home feeling very happy. The next time, we will be trolling and ridiculing those who fall into abject poverty. This is the same journey that politicians walk. You give yourself to public service, but eventually when things are not working, you are relegated to the periphery.



Mr. Deputy Speaker, Sir, there is no lack of laws to ensure that we take care of our athletes. In the first instance, in the Eleventh Parliament, we passed the Heroes Act, which recognises that sports and athletics is one of the grounds through which we can identify heroes and heroines and honour them.

As Sen. Wako said, if they were to be given national honours, it would also serve to sanctify this practice that people may have lost confidence in. It is a question of ensuring that we do not just glorify certain aspects of our communal prosperity and leave others that make us very strong.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Summarise.

**Sen. Mwaura:** Mr. Deputy Speaker, Sir, as I conclude, when most of us go out there, people ask whether we can run – even if we are big and unable to walk – simply because we come from Kenya. It is time we harnessed these great talents that we have, not just by word, but by implementing the Heroes Act and honouring our athletes.

**Sen. (Eng.) Maina:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. Mr. Eliud Kipchoge is a great gentleman. Besides that, I reiterate the sentiments made that our country is talented as far as the issue of sports is concerned. However, we should ask ourselves how we have handled these talents. To me, we have behaved like the elephant that carries its tusks without knowing its value. We do not seem to recognize the value of these young men and women.

Mr. Deputy Speaker, Sir, we should do more by starting with the counties right here. Counties should nurture talent. Besides issues of stadiums, there are other issues that concern the personal suffering of some of these people. This takes up very little resources. Counties should try and see what they can do about this. The national Government should come up with something encompassing the whole country. The issue of athletes is not a simple thing.

I remember at one time there was a boxing match just before the Second World War got very serious. One boxer was an American and the other a German. The American boxer was called by President Roosevelt to the White House to encourage him. The German boxer was also called by his President. This is because they were seeing it as morale to the people of America and Germany.

I do not think there is any other country in the world where its sports men and women have ever won number one to three in a sporting event, but Kenya has done it not once, but a couple of times.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please, summarise, Sen. (Eng.) Maina.

**Sen. (Eng.) Maina:** It just seems to go with the wind. In South Africa, when their sportsman won gold, he was met at the airport by the President. It is high time we woke up and did something for our athletes.

I support.

**Sen. Zawadi:** Asante sana Bw. Naibu Spika kwa kunipa nafasi hii nchangie mdahalo huu. Nampongeza Eliud Kipchoge kwa kuvunja rekodi. Najua si yeye pekee bali kuna wengine ambao walitangulia.

Mdahalo huu umekuja wakati mzuri. Kuna jambo moja nzito sana hasa kwetu watu wa Mombasa. Michezo kwetu haijatilwa mkazo sana. Serikali za Kitaifa na zile za Ugatuzi kwa jumla hazijatilia mkazo sana mambo ya michezo. Tuna changamoto kubwa ya ukosefu wa kazi. Michezo ingekuwa imetiliwa mkazo, watu wengi wangepaidika.

Kule kwetu kuna mihadarati na mambo mengi ambayo yameharibu watoto. Igekuwa michezo imetiliwa mkazo vile ambavyo inatakiwa, watoto wengi wangepuwa wameepukana na mihadarati ambayo iko kule. Vile vile, napendekeza kama wenzangu walivotangulia, kwamba kama kuna haja ya kitengo fulani ambacho wanamichezo wangepuwa wanaagaliwa. Jana tukiwa kwenye Kamati ya Barabara na Usafiri, kuna mama mmoja aliwafananisha wanaume na ndege ambao wana miti mingi. Kwa hivyo “miti mingi” ya wanaume kama ingepungua, nina hakika ufisadi ungepunguka hapa Kenya.

Nasema hivyo kwa sababu wanaume wengi ndio wanashikilia nyadhfa kubwa kubwa. Kwa hivyo, hiyo “miti” yao, kama wangepuwa kuikatakata ama kuipunguza, nina uhakika ufisadi ungepungua, mambo mengi yangefanyika na pesa ingefika mashinani na kwa vile vitengo inavyotakiwa.

Bw. Naibu Spika, naupongeza sana mjadala huu. Umeletwa kwa wakati unaofaa.

Asante sana.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Let us have Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also comment on---

*(Loud consultations)*

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

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speaker, Sir, for protecting me from these noise makers. Many of us have spoken differently but I want to make a brief contribution on this.

Sen. Olekina mentioned something I wanted to mention concerning issues of investments by these athletes and their social lives. As a country, we must think of coming up with a sports institute that will be able to identify these talents at very young levels. Kipchoge Keino, for example, was identified at a very high level when he had matured. However, when he was in primary and secondary school, this talent had not been discovered effectively.

Mr. Deputy Speaker, Sir, if we can get a national sports institute, it will also be able to fight cartels. In sports there are many cartels. We come from the regions where the athletes come from. There are many challenges that the young people face in the training camps. They end up being cheated and frustrated. Therefore, if we can get a sports institute, it will help us identify these talents at a very young age.

Secondly, it will train the sports men and women on professionalism. Thirdly, it will train them on how to invest. Sometimes they get culture shock when they get a lot of money that they were not having. They then engage in terrible activities and end up

suffering. I encourage that our Government identifies and comes up with a sports institute that will do all the things I have mentioned.

Mr. Deputy Speaker, Sir, I join Sen. Cheruiyot in condemning warmongers in our country. We know that right now, people are fighting where we come from in Bomet and Nakuru counties. We condemn this because the Senate is a peace loving institution and all of us should stand together to condemn this.

I thank you, Mr. Deputy Speaker, Sir.

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

**Sen. Pareno:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and congratulate Eliud Kipchoge. There is no better place to celebrate such athletes other than in this very Chamber and this town of Eldoret, dubbed as the home of these athletes.

The concern is how much we have invested in our athletes. What academies do we have? Do we even have sports academies that are accessible to these people for training? What facilities do we have? I keep referring to the example we have just next door, in the Republic of Rwanda. The Minister of Sports there is stationed and located in the main national stadium. The Department of Sports does not sit outside with the rest of the Ministers.

The offices are in the national Stadium for the Minister to be able to run sports. If one goes to the regions and districts, they have district stadiums where the Department of Sports sits. Their business is basically sports. We need to copy simple things that are good examples, even from our neighbouring partner states.

Mr. Deputy Speaker, Sir, sometime back we had a delegation to the Commonwealth Games. There was this celebration as people were getting in. People were dressed in their national colours and good attire that reflected and showed the countries they came from. I remember we were so concerned and we had a discussion and a dinner with the delegation that was led by Paul Tergat himself, and we asked them what happened because we did not even notice that Kenya was passing. We asked them what the problem was and they told us that they had designed a sports gear that shows where they came from, that celebrates Kenya. They told us that they were unable to showcase Kenya because of the cartels.

Mr. Deputy Speaker, Sir, we met what they call the “YouTube athlete” there, and I kept wondering whether we have to wait for our youths to go to YouTube to access some training. You remember this YouTube athlete was saying that he learnt how to throw javelin through YouTube. How many other athletes that we have that can access YouTube? We need to reach out to the youths out there, many of whom are unemployed. We need to reach out and fish out for talent, we do not do that. We wait until they are taken advantage of by the agencies until they are exploited...

**The Deputy Speaker Sen. (Prof.) Kindiki:** Conclude, Senator!

**Sen. Pareno:** The best we hear of Kenya is how our officials can go out of the country with their families. Last time, we saw them with oversized shirts and track suits that belonged to the athletes. We do not want to hear of Kenya in that manner, we should hear of Kenya in brighter colours, in patriotic colours and we should encourage this particular sport.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Eng. Hargura!

**Sen. (Eng.) Hargura:** Thank you, Mr. Deputy Speaker, Sir, I would like to join the Senate Majority Leader in commending Eliud Kipchoge for breaking the world marathon record on 16<sup>th</sup> of September in Berlin 2018.

Mr. Speaker, as it has been said by the other Members, Kenya is known internationally as a sporting nation but the sad thing is that all those athletes right from Independence have all been struggling on their own. It is something which we could say is organic, it is not organizational; we did not contribute to it, it is them using their talents to earn a living and as a country.

Over 50 years after Independence, we are still asking ourselves what we can do to improve or market this country through what we are known for. It is because, as leaders, we have not concentrated on what we can do to improve or to facilitate our youth to realize their talents.

That is why we are now talking of athletes who have represented this country and after their active years are over, you do not even know where they are. As a country, we have not invested in them. That is why the Majority Leader felt that we have to do something as a country. We have to develop the facilities, the stadia and sports academies so that where we know there are talents, they can be tapped early and that requires financial commitment. As it has been said, sadly, the sports department is of those which receive the least amount of funding in our budget. That shows how much we care about it.

Mr. Deputy Speaker, Sir, also, we have seen how it can be used. For example, one such athlete; Tegla Lorupe, has used sports to address the issue of insecurity by bringing *morans* from warring communities together to participate in sports. That shows it is a cohesion factor, we can use it that way but unfortunately we are so shortsighted. As leaders, we only get interested where we can make money as individuals and not where we can improve the welfare of these other Kenyans. That is why we need to invest in coming up with enabling environments for the sports sector and we also need to take care of our athletes---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Conclude, Sen. Hargura!

**Sen. (Eng.) Hargura:** Thank you, Mr. Deputy Speaker, Sir. I support and I think we need to move a step further and make sure that we develop the infrastructure to assist the youth of this country to establish their talents.

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

**Sen. Faki:** Asante, Bw. Naibu Spika, kwa kunipa fursa hii kuchangia Hoja hii ya kumpongeza Bw. Eliud Kipchoge kwa kuvunja rekodi ya ulimwengu ya marathon. Bw. Eliud Kipchoge alifanya jambo la ajabu katika wakati huu kwa sababu, licha ya majaribio kadhaa, alivunja rekodi tarehe 16 Septemba kwa zaidi ya dakika moja.

Bw. Naibu Spika, jambo la kusikitisha ni kwamba katika nchi yetu ya Kenya wanamichezo wengi wanajitahidi kibinafsi. Hakuna mchango wowote unatolewa na Serikali Kuu ama hata serikali za kaunti kuhakikisha kwamba wanamichezo wale wanasaidika kwa njia mbali mbali. Kwa mfano, tukianza katika ukanda wa pwani,

zamani ukanda wa pwani, yaani kaunti za Taita Taveta, Mombasa, Kwale, Kilifi, Lamu na Tana River hakuna uwanja wowote wanaweza kufanyiai mazoezi na kuendeleza michezo ya kimataifa. Aid mchezo wa kandanda, riadha, rugby, magongo ama chochote kile hakiwezi kufanyika kwa sababu hatuna uwanja ambao wanatumia kufanya mazoezi.

Tunaelewa kuwa michezo na mambo ya vijana yamegatuliwa kwa serikali za kaunti. Hii ni fursa nzuri kwa serikali za ugatuzi kutenga kiwango fulani cha bajeti zao kwa ajili ya kukeza katika viwanja vya michezo na mambo mengine ili kuinua michezo katika kila kaunti.

Juzi, nilifurahi wakati tulipokuwa katika michezo ya KICOSCA kule Kisii nilimwona mchezaji wa zamani wa Shabana, Bw. Henry Motego, ameteuliwa kama afisa wa michezo katika Serikali ya Kaunti ya Kisii. Hiyo ni jambo nzuri kwa sababu tunajaribu kutambua talanta ambazo wako nazo wanamichezo wa zamani.

Bw. Naibu Spika, michezo ni fedha hivi sasa kwa sababu tukiangalia wanamichezo wengi ambao wamefaulu katika mbio tofauti tofauti hapa Eldoret na kwingineko, ni watu ambao wamepata fedha nyingi na wanaekeza katika sehemu wanazotoka. Kwa hivyo, ni lazima serikali za kaunti zihakikishe kwamba zimetengeneza sehemu ambazo vijana wataweza kufundishwa michezo ili kuendeleza talanta zao katika michezo mbalimbali.

Mwisho, Bw. Naibu Spika, michezo inaweza kusaidia nchi kuleta uwiano. Hivi sasa, kwa mfano, Joe Kadenge akitembea katika barabara za Mombasa, kila mtu anajua kwamba huyu ni Joe Kadenge, hawajali kwamba anatoka sehemu gani lakini wanakumbuka kwamba alikuwa mwanamichezo, alikuwa mwanakandanda mzuri. Kwa hivyo, tunaweza kutumia michezo yetu kuleta uwiano. Hasa maeno ambapo kuna mapigano ya kikabila. Inafaa michezo ipelekwe kule ili watu washindane kwa njia ya sawa sawa.

Mwisho Mheshimiwa Spika, ningependa kumkumbusha Seneta Zawadi kwamba siku hizi hata kina dada wanamatawi, sio wanaume pekee ambao wanamatawi, hata kina dada pia wanamatawi.

Asante, Bw. Naibu Spika.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Haya. Hata akina dada wana matawi. Could we hear from the Senator for Nakuru County, Sen. Kihika?

**Sen. Kihika:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion and congratulate Mr. Eliud Kipchoge for breaking the world record.

*(Sen. Murkomen consulted Sen. Kihika)*

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

**Sen. Kihika:** Protect me, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): From the Senate Majority Leader?

**Sen. Kihika:** Mr. Deputy Speaker, Sir, it was such an exciting event to watch and we should see more of this. We encourage our sportsmen to go ahead and record more of such achievements which put our country on the world map.

It is important for the Government to support these athletes by building well equipped facilities that would help the upcoming athletes to achieve the level of Mr. Eliud Kipchoge. We have many athletes in places such as Kuresoi, Nakuru County, and other parts of the country who are eager to be at par with the great athletes, so long as we build them facilities.

Beyond winning, it also helps to bring the county together. Whenever I have a positive post congratulating an athlete on my social media pages, I feel encouraged. Sports make our people more patriotic. However, we cannot achieve it unless we have the necessary resources set aside. We must make sure that we encourage our upcoming athletes by providing them with incentives and necessary facilities.

This Motion is timely now that we are in Uasin Gishu County. This morning, we visited Nandi County. We were told that it is the source of champions. There is also a home of champions and the City of Champions. Therefore, this is an exciting time for us.

My time is almost up, but I would like to take this opportunity to condemn in the strongest terms possible, the on-going clashes in Narok and Nakuru counties. It is a pity that we have some leaders who are inciting Kenyans. Kenyans are peaceful people. They have lived together, side by side, for many years. It is wrong to have leaders who incite people to an extent that their incitement leads to violence and conflict between communities. A leader should not do so. Since they are known, they should be arrested and be made to face the full force of the law.

We cannot allow our country, specifically our counties, to end up being war zones because some leaders want to incite people for their own personal interests. I condemn those acts in the strongest terms possible. I urge the communities involved to come together and embrace peace. They should stop the fighting for we are all Kenyans. We have lived together as brothers and sisters for many years.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Kihika. Could we hear from Sen. Nyamunga?

**Sen. Nyamunga:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to congratulate one of our very own who excelled in the world marathon. This is not the first in this area. We have had many firsts. We have had great talented sportsmen coming from this area.

I want to let you know that Kenya is full of many young talented people. The only problem we, as a nation, have is that we never give opportunities to our children. Our education system is examination driven. We urge our children to excel academically. It is sad we do not very much encourage them to engage in sports. We, as a nation, should identify talents and develop them at a very early age so as to benefit many children.

I want to reiterate what my colleague has said. When we went to Nandi County, we were told that it is the source of the champions. This county is the home of champions. That is why this place is more developed than Nandi County because all the money that has been earned by the champions is brought here. Therefore, we need to decongest it because it took us so long to get here due to the traffic jam.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Nyamunga, I hope that you do not engage in economic incitement.

**Sen. Nyamunga:** Mr. Deputy Speaker, Sir, I am not inciting, but only saying what we saw. It is very important that we decongest this town. We want to decongest Nairobi, Kisumu, Mombasa and Eldoret. If the source of champions is in Nandi County, let them stay there and develop it.

Lastly, I would like to condemn the violence that we are experiencing in Narok County. We know that after the handshake, Kenya has been---

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Nyamunga, would you like to be informed by Sen. Kinyua?

**Sen. Nyamunga:** Mr. Deputy Speaker, Sir, I do not need information.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The information is declined.

**Sen. Kinyua:** Mr. Deputy Speaker, Sir, I was with her so I can inform her.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Information has been declined. When it has been declined, it is final. You have 30 seconds, Sen. Nyamunga.

**Sen. Nyamunga:** Thank you, Mr. Deputy Speaker, Sir. The handshake has given Kenya an opportunity to move forward. There is a lot of harmony. Therefore, we do not want to hear of violence from any part of this country because we had political conflict which ended with the handshake. Therefore, we do not want conflict or incitement coming from anybody. I am not saying anybody incited anybody. There was no incitement, but there was a lot of animosity which has now been corrected from the day that we had the handshake---

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

**Sen. Nyamunga:** The red light has not---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Could we hear from Sen. Kinyua? You have three minutes for your information.

**Sen. Kinyua:** Asante sana, Bw. Naibu Spika, kwa kunipa fursa hii. Kwanza kabisa, nataka kumpongeza Bw. Eliud Kipchoge kwa kuweza kuvunja rekodi ya dunia na kutuweka katika ramani ya dunia mzima.

*(Loud Consultations)*

Bw. Naibu Spika, kuna jambo ninalosema ambalo ni la maana sana lakini wezangu wanawasiliana kwa sauti ya juu sana.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senators! Could you consult in low tones? Sen. Madzayo seems to be the leader of the team.

**Sen. Kinyua:** Asante sana, Bw. Naibu Spika. Jambo ambalo limeonekana katika nchi yetu ya Kenya ni ya kwamba ijapokuwa wanariadha wetu wanabobea sana katika mbio za nyika na nyinginezo, viwanja na vifaa vingine ni za duni sana.

Ukitembelea Kaunti ya Laikipia, hasa Nyahururu, mahali hawa wanariadha wote wanaenda kufanya mazoezi, unapata ya kwamba hakuna uwanja wa kisasa wa kufanyanyia mazoezi yao. Nyahururu kuna hewa safi na iko katika nyanja za juu ambazo zinahitajika kwa ukimbiaji. Ni kama hapa Uasin Gishu. Kwa hivyo, ningomba ya kwamba wakati ambapo tunajadili, na hasa Serikali inapoangalia mambo yake, ikifanya

mpangilio, tusiwe tukifurahia wakati wanariadha wanafanya vizuri lakini hatuwakifikirii wanapokuja hapa nyumbani.

Nimesikia viongozi wenzangu wakisema ya kwamba tuwe na vyo ambapo watakuwa wakifunzwa vile ambavyo watakuwa wakitumia pesa zao. Hata wanasiasa wanapaswa waonyeshwe jinsi ya kutumia pesa zao kwa sababu wasipochaguliwa tena na wananchi, huwa wanakuwa katika shida na umaskini wa kupindukia.

Ningependa kumwambia mwenzangu kwamba nimesikia akisema ya kwamba hapa ndiko nyumbani kwa wakimbiaji, lakini wametoka Kaunti ya Nandi. Na wana mashamba makubwa na mifugo huko nyumbani kwao. Ningependa kumuarifu ya kwamba si majengo peke yake ambayo yanaonyesha ya kwamba mtu amejikimu kimaisha. Unaeza kuwa na shamba kubwa na ng'ombe wengi---

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I know that it has been a long day, but what starts well ends well.

I could not miss the opportunity---

*(Power went off)*

*(There was a technical hitch)*

**Sen. Cherargei:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity. These are the real challenges that are facing devolution. I hope after the Senate *Mashinani*, we will address and fix it.

From the onset, I thank the Senate Majority Leader, my good friend and teacher, lecturer of law, Sen. Onesimus Kipchumba Murkomen for bringing this Motion.

First, I congratulate my village mate and neighbour, Eliud Kipchoge who has gone into the annals of history for breaking the world record at the Berlin Marathon. I hope that colleague Senators are aware that there are five prime and best marathons across the world. The Berlin Marathon is one of them.

Secondly, I congratulate compatriots Kipruto and Wilson Kipsang; both come from Nandi County. It is the source of champions. Uasin Gishu is the city of champions while Elgeyo-Marakwet is the home of champions. Apparently, the one, two, three come from those regions. Equally, I congratulate Gladys Cherono for leading the women. This should be the inspiration to many other women to seize that opportunity and participate.

Thirdly, we celebrate all legends. I hope the Government is taking note such that when we are giving national honours, it is given to them and not to particular individuals who have done nothing for this country. A person like Eliud Kipchoge and other legends should be honoured. This is an important thing for us in Nandi County. We are very proud of Eliud. He is a humble and hardworking gentleman. He is an inspiration to many young people in Nandi County. The Committee on Labour and Social Welfare, will on Friday, have an opportunity to visit the home of champions, Elgeyo-Marakwet, talk to athletes appreciate their challenges and ensure that we put in place legislative and policy measures.



Finally, I implore the Government of Kenya, that in the spirit of what Eliud Kipchoge has done to brand this country; he has worked hard and ensured that he put the map of Kenya in the global stage as opposed to what Brand Kenya is doing, there is need to review the issue of taxation on our athletes. We also need to protect our athletes from the foreign managers who destroy their careers because of doping or ill advice.

We are proud but we equally condemn what is happening in Narok and other parts of the country. If any leader, at any given point incites the public, we challenge the National Cohesion and Integration Commission (NCIC), the Directorate of Criminal Investigations (DCI) and the Directorate of Public Prosecutions (DPP) to move with speed, arrest them and ensure that they face the full force of the law. I challenge my Senate colleagues. Let us be agents of peace. The Bible says in Mathew 5:9 'Blessed are the peace makers because they shall be called the children of God.'

I thank you, Mr. Speaker, Sir.

**Sen. Dullo:** Mr. Deputy Speaker, Sir, I wish to contribute to this Motion by the Senate Majority Leader. This is a very important Motion because sports is one of the areas we need to nurture as a country and make sure that we create employment for our youth. Having come to the home of champions, we have seen what sports has done for the Rift Valley. It is high time that some of the counties that have not developed sports should emulate the same and make sure that we have sports carried out in most of our counties.

I come from a pastoral community but unfortunately we do not have stadiums or fields where our people can practice sports and progress well. Today I went to Elgeyo-Marakwet and I was told most of the athletes go there. There is an important field where everyone comes to train. Unfortunately, Elgeyo-Marakwet is very far for us. There are very good recommendations that have been made by several speakers in this debate which I believe the Senate Majority Leader should put in action, run with them and ensure that we have amended the various legislations that are available and make recommendations to various ministries that are concerned with sports.

Sports has been used severally in our counties as peace building activities where communities come together to establish relationships, nurture peace and live together in harmony. This is a very important tool. We should start as early as possible, especially, in counties where we have many communities living together. We always have conflict; cattle rustling, boundary disputes and so on. If we take sports seriously, even as a curriculum in primary and secondary school level, we will empower our youth in this country and make sure that we have used sports as one of the careers that can build our country and market it as well.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. We are almost coming to the end of this Motion.

Proceed, Sen. Abshiro Halake.

**Sen. Halake:** Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to also congratulate my fellow citizen and the Senate Majority Leader for bringing this very important Motion. We are very proud of Eliud, of course, for shattering the world

record but we honour all the Kenyan athletes. I am happy we are using this record breaking to honour them and ensure that we do something to develop our sports.

I would like to speak about women and sports, especially, women in athletics. A few months ago, the IAAF had proposed some rules that were supposed to do away with the requirement of testing testosterone levels in women. I do not know if it is possible to add prayers onto Motions but as this Senate, we can request that those rules are looked at. They are punitive to women. Women do not choose the level of testosterone in their bodies, and therefore, they should not be discriminated against just because they have a certain level of biological advantage. I do not even believe that is an advantage, it looks to me like one of the ways in which women may be locked out of athletics.

The other issue is women in sports leadership. We have spoken about the sports industry not doing well because of lack of leadership. We have also spoken of sports perhaps not being resourced adequately and sports decisions that are not very conducive. The answer to that is to have enough women in sports leadership. In the structure of our sports leadership, there is loud absence of women.

We have talked about two-thirds gender concerns both in the political space but we need to look at two-thirds gender concerns in every aspect of leadership, including, sports. Therefore, I request the Senate Majority Leader who has special interests and has done great in bringing this Motion, to also include, in his proposal, the two-thirds gender in sports leadership. That way, we will take care of that.

I have noticed, especially, in athletics, that use of banned substances is affecting women more. I do not know why. Is it that they are just duped into these things? Maybe, that calls for special attention that, we as legislators, need to pay, especially, as women legislators to check why is it affecting women more than men yet we know, in terms of integrity, women are not wanting. So, why is that the case in athletics?

I take this opportunity to invite ---

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

**Sen. Halake:** Mr. Deputy Speaker, Sir, give me one second. Just one last one.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have 30 seconds, not one.

**Sen. Halake:** Isiolo County will host a wheelchair race. Therefore, I would like to invite Senators and the athletics fraternity. That is how we can use niche areas to develop sports which are not mainstream sports.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Let us now have the Mover to reply.

Before the Mover, we will have Sen. Madzayo. Sorry for that, I had not seen your interest to contribute.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, first and foremost, I congratulate Mr. Eliud Kipchoge for winning the Marathon. That provided pride for all Kenyans.

When I was the Chairman of the Committee on Labour and Social Welfare during the previous Parliament, we went to watch the Olympics. When you see a Kenyan running, you imagine that you are the one running in that field. Even before the race is over, during the last lap, that is when you stand up and are proud to be a Kenyan because

you know that a Kenyan is winning the race. I praise Mr. Eliud Kipchoge for winning the Berlin Marathon.

Secondly, it is unfortunate that after the athletes have brought glamour and pride to this country, nobody cares about them once they retire from athletics. I plead with the Government that our sportsmen and women should not be left to suffer even here in the “City of Champions.”

There are athletes who brought honour and glory to this country but today they are languishing in poverty. I have read stories of some of them. I urge the Government that at least there should be some element of honouring those people who brought glory to this country and giving them retirement benefits or any kind of arrangement. Once somebody has brought glory to this country and retires, something should be done for them so that we do not see them languishing in the streets as if they never brought glory to this country.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I now request the Mover to reply in less than five minutes so that we also attend to the other items on today’s Order Paper.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, indeed, I will use the shortest time possible. First, I thank hon. Senators for supporting this important Motion. In fact, from their eloquent presentations, insights and knowledge, I have come to the conclusion that I will pursue the issues raised after perusing the HANSARD. Based on the contributions of hon. Senators, I believe that we are able and capable of coming up with legislative interventions on areas that we have debated.

I promise the Senate that I will work together with the Office of the Clerk to look at all the suggestions they have given and find a way of taking them further. In fact, I hope to organise a session between the Ministry of Sports, Culture and the Arts, various sports associations and the Senate, so that the issues we have said here can be taken further. It should not just be a talk show because we are the institution that looks into issues that affect the local people.

The time was not enough to mention great men and women in athletics such as Billy Konchellah, Ben Jipcho and the rest who have made this country great. They include the late Samuel Wanjiru and the late Nicholas Bett who unfortunately died the other day in a road accident. We also have many others who have brought great honour to this nation.

During the Berlin Marathon, it was not just Eliud Kipchoge alone. We had Gladys Cherono who took gold in the Women Marathon. Amos Kipruto from this county was number two in same marathon. Wilson Kipsang who comes from Iten in my county – a man who has won many marathons – was number three. This time round, he was hoping to challenge Eliud Kipchoge in breaking the world record in marathon. You never know. In the near future, he might do something special.

All these great men and women deserve our full attention. Can you imagine if these three counties; Elgeyo-Marakwet, Uasin Gishu and Nandi spent time to engage the athletes from a perspective of investors and marketing the counties and so forth? If that was the case, we would get amazing returns for our people because they are capable and

disciplined. We also have people like Silas Kiplagat who is my neighbour back home and many others.

I thank you, Mr. Deputy Speaker, Sir. I also wish to thank the Senate for continuously supporting initiatives that bring peace such as sports. Unfortunately, we have one or two elements among us. I have seen leaders, including one in this House, incite members of the public to fight. They spoke about a particular community in a derogatory manner.

I would like to urge the Senator for Narok, my friend Ledama Olekina, that as Senators---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senate Majority Leader! Standing Order No.96(4) does not allow you to impute improper motive or otherwise discuss the conduct of a particular Senator until you bring a substantive Motion.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, there is no need of bringing a substantive Motion. I actually saw Sen. Pareno and Sen. Naomi getting agitated. I am sure they are because women were being insulted. Insulting women for giving birth and belonging to a particular community is terrible.

As I said, I will not discuss the conduct of my friend but I will invite him to a discussion. As leaders, we need to discuss about the unity of this country. Let us pursue the interest of this nation with respect to the unity of this country because if we do not do so, we will be pretending by saying that we are the Senate that is loved by the people or an embodiment of discipline and advice when we---

**Sen. Malalah:** On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Murkomen in order to derail and start debating things that are not within the content of the Motion that he moved? I think he is out of order and you need to rule so.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Senate Majority Leader, the rules on relevance apply.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I am so relevant. I have never been more relevant than this because we are discussion sports. The Motion is very clear that athletics and sports have brought us together. It is actually Sen. Orenge who said here that in most cases, it is we politicians who bring shame to the nation yet the athletes are doing so well to build a brand for this nation.

When Billy Konchellah from Narok won 800 metres, he gave a lot of hope. That is the reason why David Rudisha broke the world record because of the precedent that was set by great men. By the way, if you go to Iten, I know you have visited Elgeyo-Marakwet as much, Rudisha schooled in a very small school in a place past Iten. He lives in Eldoret but trains in Iten yet he is someone who was born and brought up in Narok. His coach is Brother Colm O'Connell, a former teacher at St. Patrick's High School. That is the spirit of sportsmanship that brings people together. These are the things that we should emphasise as a Senate if we want to build good

Mr. Deputy Speaker, Sir, I also want to use this opportunity, finding the relevance that you may find in your own wisdom to also thank Hon. Senators and the people of Kenya who prayed for our colleague Sen. Mutula Kilonzo Jnr., who had a small issue; a choke - when he was taking food. It is always good to make things transparent

because there was a rumour that was being peddled around that he choked when they had gone to address the County Assembly of Nandi.

I can tell you the good news is that, he was given first aid---

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

**The Senate Majority Leader** (Sen. Murkomen): Yeah, I will allow the senior to inform me immediately after this and---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senators. Senate Leader of Majority, please, conclude, because we need to get this sorted out.

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, can I allow the senior doctor to inform you because he is the only one who went straight---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I am the one who should be asking you that question.

**The Senate Majority Leader** (Sen. Murkomen): Sorry, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Would you want to be informed by Sen. (Prof.) Onger?

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Prof.) Onger!

**Sen. (Prof.) Onger:** Thank you, Mr. Deputy Speaker, Sir. We went to Moi Teaching and Referral Hospital and they were out there, and in my usual professional manner, I went to the theatre and he is out of danger; he has already been wheeled to his centre.

I think the kind of rumours that are doing the rounds in the social media should stop. It is a simple basic technical operation that was professionally done, and I take pride that the people who did it were once my students and I want to tell you that he is in safe hands.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I wanted to say; as Senate, we should also take greater pride in the fact that he received first aid in a public hospital in Kapsabet and was treated in a public hospital called Moi Teaching and Referral Hospital, where any ordinary citizen can get medical care.

Dr. Aruasa, the CEO was able even to tell us that they have the latest equipment. They were exchanging technical terms with Sen. (Prof.) Onger about the latest equipment that they have and that they are able to do the procedure that they did while they were doing the endoscopy. I really want to say that as a country, this is the direction we should go; that we must continue building and investing in our universal healthcare, and that we are very proud that our colleague was treated in a public hospital to give confidence to the people of Kenya that this country is making great strides.

Mr. Deputy Speaker, Sir, thank you for allowing me to digress. I beg to move and promise the House that all the issues you have raised on the sports fraternity will be taken care of.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senate Leader of Majority. I applied Standing Order No.1 which I could not apply on the other issue because this is an issue concerning the health of one of us.

Hon. Senators, pursuant to Standing Order No.79, I am supposed to determine whether a Motion concerns counties or not before voting takes place and I determine that this Motion does not concern counties and, therefore, the voting will be by way of Ayes and Noes.

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Next Order; we will go back to Order No.8.

## BILL

*Second reading*

THE PETROLEUM BILL (NATIONAL ASSEMBLY  
BILLS NO.48 OF 2017)

*(Sen. Murkomen on 25.9.2018)*

*(Resumption of Debate interrupted on 25.9.2018)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Who was on the Floor last time?

This is continuation of debate. Sen. Farhiya, you had three minutes left, and the rule established yesterday was five minutes per speaker. I also understand that you were interrupted in your one or two minutes. So, I will grant you five minutes.

**Sen. Farhiya:** Thank you so much, Mr. Deputy Speaker, Sir. I will try and finish as fast as I can so that I even take less time if I am able.

As I had mentioned yesterday, people from the County of Turkana where I happened to work in my life, have a lot of challenges in terms of poverty levels. I again request the House not to throw away this Bill but amend it so that it is appropriate.

In my mother tongue, there is a saying that goes: "Do not eat a dead body because you are hungry". In that context, what I mean is that despite the fact that we know that this Bill has a lot of challenges, we need a proper Bill. We should amend this Bill in such a way that it is better for all Kenyans.

Mr. Deputy Speaker, Sir, Clause 10 (1) (g) states:-

"The Cabinet Secretary-

Shall, upon recommendation of the Advisory Committee and the Authority, suspend, revoke, or terminate a petroleum agreement or recall the security contained in a petroleum agreement on behalf of the national government and in accordance with this Act---".

My comment is that, unless it is stipulated - reference is not made in this Clause - we need to know what that security entails; what the value of that security is, so that ambiguity in terms of that security that is described in this Bill is cleared.

Mr. Deputy Speaker, Sir, in Clause 12, for the establishment of committee members to the National Upstream Petroleum Advisory Committee, my recommendation would be to amend it so that instead of everybody, they should be nine of them out of which, only one person should be from the County.

I recommend that we have three people nominated by the Council of Governors (CoG), because since the petroleum is in counties, the three can be accommodated in the decision making of that Board.

Mr. Deputy Speaker, Sir, Clause 13(2) says-

“Where the Cabinet Secretary rejects any advice given under this section, the reason for the rejection shall be communicated in writing to the Advisory Committee within fourteen days.”

However, if the decision that is communicated by the CS is not plausible to the Committee members, the Bill does not give us what action they can take in terms of also communicating back. This, therefore, comes back to what was being discussed yesterday, about the CS having absolute powers.

Mr. Deputy Speaker, Sir, Clause 58(5) says-

“Parliament shall review the percentages under this Section within 10 years.”

I do not have a problem with Parliament reviewing these percentages within ten years, but I wish that we can include a clause that protects the existing one that is approved in this. That way, if Parliament reviewed the percentage to the communities, it can only improve.

Mr. Deputy Speaker, Sir, once again coming back to the absolute powers of the CS, we know that the CS does licensing of oil exploration and all that. However, in Clause 96, the same CS who is at the other end of supply is given more powers-

“The Cabinet Secretary may undertake in whole or in part, the provision of financing, procurement, storage, maintenance, management of petroleum strategic stocks.”

As a finance person, I see a loophole in that process. You are in both ends; where is the transparency and governance in that process to ensure that the first level of transaction is independent from the next level of transaction?

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

**Sen. Farhiya**: Mr. Deputy Speaker, Sir, just give me one more minute to add something.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Those will be too many minutes. Senator, you should organise your thoughts and ensure that you say the most important things.

Okay, you have one minute.

**Sen. Farhiya**: Thank you, Mr. Deputy Speaker, Sir. There is one other thing – I do not know whether it can be amended in this Act or where else we can put it – but

Kenya is trying to industrialise. We have seen the first stock of petroleum products being exported to be refined, yet Kenya has a refinery in Mombasa, which probably needs repairs. We should have repaired it so that it creates more jobs.

Similarly, because industrialisation is one of the flagship projects of Jubilee, the Government needs to consider that, especially if there are enough economic reasons why we should do that. The other thing is that we need to enter into partnership with Uganda and build a refinery in Kenya. That way, we shall save funds that are needed in this country to refine oil within East Africa. That opportunity needs to be explored.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Were:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to the Petroleum Bill. Reading the Bill, it continues to affirm the fact we have been stating here in the recent past on the importance of the Senate to protect counties.

Mr. Deputy Speaker, Sir, this Bill gives a lot of power to the CS. Every time you read through the Bill, you will find that the CS will appoint this; he will give licence, regulate and determine the membership to the Petroleum Fund. Therefore, there is a lot of power being drawn to the centre and very little to the counties. Therefore, without this Senate, then our communities, counties and people will be doomed. I, therefore, thank you because this Bill has come to this House.

Mr. Deputy Speaker, Sir, public participation on this Bill was done by the Senate and other stakeholders. It is important that we include the views that we picked from the public participation exercise and include them in this Bill before we pass it. Otherwise, what would be the use of including public participation in the Constitution? There is also a certain expectation that has been put on public participation. We should meet this expectation by including some of the views – if not most of the views – that we have picked from the public.

Mr. Deputy Speaker, Sir, this Bill seems to only focus on Turkana, as the place where we have petroleum. However, there are also other natural resources like gas for which we also need to establish a law, even within this petroleum Bill. There are other counties, like Baringo, which have also discovered oil. Are we going to set up another law that will be addressing Baringo and, therefore, for all other counties that will discover oil? Because of the oil coming down from the Middle East to Africa, we are going to continue getting this oil in all other counties.

Mr. Deputy Speaker, Sir, it is also important to note that 70 per cent of Kenya is Arid and Semi-Arid Lands (ASALs). We will, therefore, continue to get oil deposits in the country. We should set up a law that is not just dealing with questions and issues that are in Turkana County; as much as we want to use Turkana County as an example, it is because that is where we have first discovered oil.

That also goes back to the issue we raised earlier about the Kenya Meat Commission (KMC). Kenya, being 70 per cent ASAL and, therefore, the capacity to discover or exploit oil is high at 70 per cent. We practice livestock keeping more and, therefore, we need to continue setting up, for example, industries, that respond to our environment. We also need to set up laws that continue to respond to our environment or the climate that we live in.



With that, Mr. Deputy Speaker, Sir, I beg to support my colleagues who said that, for example, Uganda discovered oil sometime back, but they have not commercialised it--

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Conclude.

**Sen. Were:** I, therefore, ask that we link up with other East African countries and set up a refinery here – considering that we are the “big brother” – so that oil from the other countries can also be refined here.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Thank you, Sen. Were.

Proceed, Sen. (Prof.) Ekal,

**Sen. (Prof.) Ekal:** Thank you, Mr. Deputy Speaker, Sir, for giving me the chance to say something on this Bill. Yesterday, I was involved in other issues in Turkana and several people were asking me where I was yesterday; but here I am today.

I am glad that you went through this Bill and you found some things that you do not like; like the powers of the CS. That is good. Anything else that you have found that is not right in this Bill can be amended. We cannot pass it when it has issues that we are not happy about. With that, making amendments is the way to go because the people of Turkana County are waiting for this Bill. The Bill that is going to be replaced by this is archaic and does not take into account issues that are important to Turkana. I hope that instead of throwing it away, we are going to make amendments.

Mr. Deputy Speaker, Sir, I have gone through the Bill and I saw that issue about the powers of the CS. However, it is the way that our Government is structured; where most things are decided by the national Government and there is nothing else there that is called perfect. There is always something that is wrong in everything. Therefore, however imperfect this Bill is, it has some good points to it.

For example, there is the point about community representation. The Turkana are the kind of people who want to be asked or included in whatever decision that you will make about the oil that is found in their county. Therefore, as a Turkana, I feel that the Turkana people are not well represented in the issues of this oil. This will be an issue later.

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

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

As you said, oil will be in other places in Kenya. The people of those communities will require that they be represented as a result of the oil found in their localities. The same applies to Turkana where they feel unrepresented on the issues of the oil that has been found there. I would like us to take that into account. We should, in the amendments to this Bill, amend the fact that the people of Turkana should be represented so that they have an advantage to what is available in their locality.

Madam Temporary Speaker, there is also the issue of revenue sharing. It is a good idea because somebody mentioned here that Turkana has many challenges. We have

lagged behind for many years. Now that this oil has been found, we would like the people of Turkana to move up to the level of most other Kenyans. That too requires us to look into.

While we decided on five per cent for the community, 20 per cent for the county and 75 per cent for the Government, this is something we need to look at very seriously. Will you be happy with such percentages if oil is found in your locality? Turkana being now at experiment stage, is going through this decision that we will have five per cent for the community, 20 per cent for the county and 75 per cent for the national Government. However, whatever amount of money that we get, we should use it diligently to reduce poverty levels.

*(Sen. (Prof.) Ekal's microphone went off)*

**The Temporary Speaker** (Sen. Nyamunga): Your time is up.

**Sen. (Prof.) Ekal:** My time is up and this gadget keeps on going off. As a result of that, could I have more time? The time that I have spoken has been wasted because this gadget went on and off.

**The Temporary Speaker** (Sen. Nyamunga): You have one minute please.

**Sen. (Prof.) Ekal:** Another important issue is on the environment. I am asking my colleagues to look at it. There are complaints in Turkana about dumping by Tullow Oil in which case---

*(Sen. (Prof.) Ekal's microphone went off again)*

You see it went off again.

Madam Temporary Speaker, another one minute for me, right?

*(Laughter)*

There are complaints in Turkana County about the dumping that is being done by Tullow Oil. Many people are complaining about animals dying and people getting sick. It is one other issue that I am asking the Senate Committee on Health to pay attention to. They should also go to Lokichar and see how things are being done. I know there is international law that says that the waste from such oil drilling should be disposed of in a good way and not just be poured everywhere there because people will get sick.

**The Temporary Speaker** (Sen. Nyamunga): Your time is up. We have given you extra time.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker.

**Sen. Shiyonga:** Thank you Madam Temporary Speaker, for giving me this time to contribute to this Bill.

*(Loud consultations)*

Madam Temporary Speaker, please protect me from the noise that is coming from my colleagues.

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, please consult in low tones.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for protecting me. The Petroleum Bill is very important for this Senate and the country as a whole. It is very good for us to recognize and appreciate that the Bill is in the House to be discussed so that we can do the needful amendments to it. This Bill will be useful to Kenyans.

Madam Temporary Speaker, on the issues that will be discussed in this Bill, it is important that the issues be resolved before the Bill is voted on. I am saying this because this Bill touches on land which belongs to the community from where most of the conflicts occur.

It is important for us to look at it and internalise what we are talking about. We need to decentralise all the powers that are contemplated in this Bill from the central level where the Cabinet Secretaries and all those managerial levels are mentioned, to the common citizen who has the land in the community and is able to utilise what is in his or her land.

It is not just about oil in Turkana. There are many minerals that we will discover in this country. It is high time that the Kenyan Senate makes appropriate resolutions on this Bill and on any other resource that will be discovered so that both the community and the nation can benefit.

Thank you, Madam Temporary Speaker.

**Sen. (Dr.) Milgo:** Thank you, Madam Temporary Speaker. I also rise to contribute to this Bill. From the onset, this is a good Bill because petroleum being a natural resource, it has gone a long way in improving the economies of the countries where it has been found. However, we have got to have a critical look at this Bill.

I concur with my colleagues in having to look at this Bill clause by clause so that we can amend it such that oil will not become a curse instead of a blessing.

Looking at the management in terms of issues of upstream, mainstream and even downstream, it is indicated that in most of the cases, the CS has a lot of powers, maybe only using advisory Committees which are under the CS. That means that the major power is under that CS. This means that there are bound to be a lot of challenges when it comes to management. It is my concern that if this is not amended, in future we shall have a problem when it comes to looking at issues of transparency.

Madam Temporary Speaker, Secondly I support the Bill particularly under Clause 58 where it is majorly talking about how the environment shall be managed. This is because yesterday we received a lot of information and petitions. For example, from Nandi County we got the issue of the Karebe Goldmine. In other areas we are getting issues on quarries that are affecting the environment.

This Bill has dealt well on the issues of managing the environment. I think with very little amendments, the Bill will really assist us. In addition, I have also noted that it has clauses that are looking at the issue of human resources. We, in the Committee on Labour and Social Welfare, I being a Vice Chairperson, are getting petitions particularly

from the industries on how employees are mistreated in terms of remuneration, work years and separation from the company. At the end of it all we realise that any worker after being separated from those organisations ends up becoming ill and cannot afford to access any treatment because of poor remuneration.

Madam Temporary Speaker, I have seen under Clause 69, the Bill has provided for waste management which, in this case, has also affected humans and wildlife. If we amend a few clauses, petroleum and any other natural resources can be extracted without any challenges.

Madam Temporary Speaker, Clause 58 on sharing of revenue between National, County and Local Communities is very critical in this Bill. However, I feel 25 per cent set aside for the local community is very little. Here it is proposed that the county government will get 20 per cent while the local community gets 5 per cent. To me, this needs to be reconsidered. Recently, we witnessed a lot of conflict between the Tullow Oil Company and the local community in Turkana County. The locals blocked the trucks that were ferrying crude oil because they could not see its benefits to them. We need to critically look at the percentage set aside for the local community and see how we can increase it.

Madam Temporary Speaker, with those few points, I wish to really commend the people who came up with this particular Bill. It will assist us manage our local resources in various counties. It is unfortunate this Bill is only focusing on oil in Turkana County. It is likely that in other counties, particularly Bomet County, we might discover oil or other resources. For example, I heard some gas was discovered in Kajiado County.

As my colleagues said, this Bill should also address the issue of land in various counties. That is community land versus individual or private land. We do not want to hear of conflicts between the community, the national Government and the investors.

**Sen. (Rev.) Waqo:** Thank you, Madam Speaker for allowing me to add my voice to this very important Bill. From the onset, I support the Bill, but with some amendments. As we have all observed, the Bill does not cover the entire nation. It is important for it to cover the entire nation and put into consideration any other area that may fall under this. Currently, there are a lot of discoveries going on, including at the village where I come from in Marsabit. For example, in one of our areas; some years ago, we were told that they were able to discover some oil. I propose that this Bill covers every area and be relevant even for the future discoveries. This will help all of us.

Secondly, we know very well that petroleum is the most abundant energy resource in the world. Unfortunately in some African countries, the citizens have suffered. However, looking at the entire world, there are many areas that have benefitted from it, especially the Arab world. They have really benefitted. Every citizen has earned the benefit of the discovery of petroleum. It has improved their lives in one way or the other and even the economy of their countries.

It is my prayer that Kenya will not suffer, but we will always count the blessing that God has given us. I am sure this honourable House will not support or approve anything that will have negative effects on the common citizen. I am supporting this Bill because I know it will safeguard the lives of the poor people at the grassroots level and

improve their lives. It is through such Bills that we can express what we want to have in future.

I have not seen anything that touches on where we are coming from and where we are headed in this Bill. It is important for us to touch on that also so that it can give good guidance to the nation. Why am saying that? This is because most of the time we have records in place, but we do not refer to them. So, it is important for us to also refer to them and see how best we can improve.

The other thing is that; the drilling of petroleum endangers the environment and its ecosystem. Let us improve this Bill so that proper measures are put in place. I want to know how the communities living around there will be protected from the negative effects of the petrol.

The other thing is about transportation. It also has its own effects. It can spill over and cause dangers. Therefore, it is our role to see how our environment can be protected and what we can do to make sure we reduce the risk that goes with it. I would also want to know the provision on how the Government can deal with the risk that can be caused by this entire thing.

As I finish, Kenya Vision 2030 and the Second Medium Plan 2013-2017 identifies energy as one of the infrastructure enablers for our expected transformation into a middle level income country. It is the desire of every Kenyan to see how the Bill can progressively lead the nation into that. This is because if we do not plan well for the future, then Kenyans will suffer.

I support.

**Sen. Kihika:** Thank you, Madam Temporary Speaker. I also rise to support the Petroleum Bill (National Assembly Bills No.48 of 2017). I do so, as the member of the standing Committee on Energy. Having listened to a lot of the contributions by my colleague Senators from yesterday and today, I am convinced we may need to have a few amendments as we go along. However, I am also pleading with the Senators that let us not throw the baby away with the bath water. I am sure that we can make improvements on the Bill from what the Senators are maybe finding to be a bit unacceptable.

Madam Temporary Speaker, this Bill offers a very comprehensive legal framework on the exploration, development and production of petroleum in this country. Currently, we have a quite outdated framework. Since it was enacted, the country has discovered and explored oil, specifically in Turkana County.

I have heard many of my colleagues saying this Bill focuses more on Turkana County. I would like to inform the House that it is because it is the only county where oil has been successfully drilled in this country. The laws set out here are not specific to Turkana County. However, they will apply to other counties as oil, gases and other resources are discovered.

Madam Temporary Speaker, the framework that sets out the local content and training, is of great importance. In the Bill, for example, there is a requirement that the contractors and sub-contractors must use services and goods that are locally manufactured if they meet the specifications. This is really important and cannot be overstated. Given that one of the Big Four Agenda is manufacturing, I believe that this

would also help strengthen the manufacturing sector which will create employment opportunities for many of our youth and other people in the country.

In addition to that, there is a requirement that there be employment of Kenyans as this is happening. We, as a Senate, have talked a lot about what is happening with China with regard to the construction of the SGR. We have seen them bringing their workers to do menial jobs instead of engaging Kenyans.

There is a requirement in this Bill that a lot of the employment opportunities be reserved for Kenyans. There is also a requirement for a training fund. Kenyans will be trained in upstream petroleum operations.

That will go a long way towards making sure that the local content includes a lot of Kenyans in employment, henceforth, we will not have a sector that benefits foreigners at the expense of Kenyans in general.

From the contributions of my colleagues, the other issue that is contentious is the sharing of revenue amongst the national Government, counties, as well as the communities. In the Bill, 20 per cent would go to the counties and 5 per cent would go to the local communities. I know that this is a House whose purpose is to defend and protect the counties. Therefore, I understand when Senators feel that this amount may not be sufficient.

However, I would like to point out that we are not necessarily limited to that. It is also important to note that the President of the Republic of Kenya sat down with the leadership of the Turkana community and this was the agreement. They agreed that 20 per cent is to go to the counties and 5 per cent should go to the local communities. As a starting point, I believe that this is an amount that is sufficient, though it can be amended as more production is done or more oil is discovered and successfully drilled.

*(The red light on the timer was switched on)*

Can I have one more minute? I will conclude.

A framework on compliance with environment, health and safety standards has been spelt out well in this law. I believe that, this is extremely important because there are areas where extractions occurred, yet the land was left in a way that is dangerous to the people. We have also seen improper waste management disposal. This law will go a long way to make sure that there is compliance with these standards as well as disaster management in the event of a tragedy.

Therefore, I urge my colleagues to be sober so as not to scare away investors as much as we must defend our counties and our local communities. Let us also have the big picture in mind. I am sure that we are a reasonable House and we shall come up with acceptable amendments if that is what it takes, but we should not throw away the baby with the bath water.

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, that brings us to the end of the debate on that Bill. I would now like to ask the Senate Majority Leader to reply. I do not know how much time you would want to take.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Madam Temporary Speaker. I want to thank you for giving me this opportunity to reply to this Bill. We are on the Second Reading and I want to say something that I have always emphasized in this Senate. All the issues that have been raised are important and welcome but we must vote and pass the Bill in the Second Reading. Otherwise, all the concerns that you have raised will be useless if we do not pass the Bill in the Second Reading.

I want to challenge Senators to interrogate the procedure of the Standing Orders. If you do not pass the Bill in the Second Reading, all the things that we have said here will only be good for the books because the Bill will then go straight to mediation and that means that it will only be decided by four people yet we will have to pass it.

However, if we pass it at the Second Reading, for it to go to the Committee Stage, we can accommodate the changes that we are all trying to propose. That is a critical thing and I wish that most of the Senators would listen to this. Unless the Bill is passed at the Second Reading stage, all that we have said will be beautiful things. However, if it passes the Second Reading, we will all go to the Committee Stage. We should pass it just the way we agreed to pass all the Bills on roads, physical planning and the Bills that are related to ownership. I have no doubt in my mind that this Bill will pass in the Second Reading for it is the only way to facilitate an interrogation of the Bill at the Committee Stage.

Secondly, there are things that are good to express, converse and even wish for. I have heard some people say that 40 per cent or 50 per cent should go to the counties, but it is not possible. I like being frank. The national Government did not want to go beyond 10 per cent and they will be happy if we return that section for negotiation for they will perhaps find a way of taking it back to the figures that they were looking for.

We must also appreciate that we are the Senate. We are not just speaking for purposes of going on record. We are speaking because this Bill makes the oil sector better managed than the existing legal framework. There are some people who will be happy for this Bill to ultimately fail so as to have the confused legal regime that exists at the moment continue, yet there are issues that we are trying to resolve. There was this feeling that if we fail this Bill, we will punish the majority side or somebody will learn from us. This is intricate for it is based on the Procedures and Standing Orders. If it happens, we fall back to zero.

What is our solution, going forward? Any person who has issues should draft it and give it to the Committee. The working of the Senate Committee Stage is so detailed that if everybody is to bring the amendments independently, we will be confused in the process for everything goes into a Division. Lobbying to get the 24 delegation for every amendment will become difficult when one person brings one amendment and the other person also does the same.

The neater way of going about it is for any person who has spoken on the Floor of the House, who is not necessarily a Member of the Committee; for they did not have an opportunity to submit the concerns that they have, is to prepare those amendments and take them to the Committee for processing purposes. In a situation where we will have

two, three or four cases where the Committee fails to adopt a certain amendment; we can then have an opportunity to say that, ‘so and so, have your amendment’.

I want to speak frankly because from the benefit of experience, it is difficult to individually pass an amendment here. This is because people will be asking; “What is that?” You know how we operate and we all know that it is difficult to get the 24 delegations unless we come back to Eldoret where we will definitely get the 24 delegates at any time. That is why I love “Senate *Mashinani*” because there are always numbers in the House, enough to even change the Constitution. If we go back to Nairobi and operate in the same way we have been operating, we may have challenges.

I tend to agree with people who are saying that the law as it is puts a lot of power in the office of the Cabinet Secretary. He is allowed to make decisions on various issues. Those are things that we can sift through at the Committee Stage and tweak a little bit so as to make it institutional.

I also agree with those who are saying that we may need to add one more representative from the counties so as to have the representation of the counties weighted *vis-a-vis* the national Government institutions. That will mean that the Council of Governors can always nominate people at any given time. We can even say that the nomination of the person who is going to sit in that place must have consideration of counties where oil production is being done or transported. That is something that we can consider when we are drafting, such that it will not be too confined, but it will be wide enough to allow more people to serve in that Committee of the Council of Governors. It will also not be too wide to allow any Tom, Dick and Harry to sit in that Committee.

These are things that we must work on because neither the Chairperson of the Committee nor myself would be happy for the Senate to just rubber stamp legislation yet we have the brains that can contribute for the betterment of the country. We have no other country to call Sen. Murkomen’s country, the majority’s country or the minority’s country. This is our country. You can be in the majority today and be in the minority tomorrow. That is why this is a House of equity.

I agree with everybody who has said that we need to look at the powers of the Cabinet Secretary *vis-a-vis* the authority and the representation of the authority *vis-a-vis* the county governments. It is a foregone conclusion that we will not agree but there is one thing that we must all agree on as a Senate. We need the law. That is rule number one because where we come from is worse than where we are going in terms of the law. Of course, we do not want to say, *bora sheria*. We must also say *sheria bora*. We should not say it must be just law but it must be good law so that then the contributions we make become very valid in facilitating the way forward.

Madam Temporary Speaker, the last thing is our contributions to law making. We have made significant changes to the legal regime via the eyes that the people of Kenya gave us; which are devolution eyes. Sen. Madzayo and other Senators who were with us in the last term, know that the struggle was to get the Bills come to us before being signed into law. We always fought about Bills being signed into law without passing through the Senate.



Sometimes we just watched in the news the President signing a Bill into law, and you could ask yourself, does this Bill not concern counties? There are many laws out there, that if truly, they were to be challenged in court, they could be challenged for lacking constitutional status by virtue of bypassing either the Senate as a House or the Speaker of the Senate giving the concurrence whether or not it concerns counties.

However, we are slowly winning that debate. The next debate is to ensure that once the Bills come here we expedite properly. The other day and sadly so, my colleagues were saying, the Senate is delaying Bills. This House does not delay Bills. In fact, I looked at all the Bills including, the Petroleum Bill. The National Assembly had them in October 2017. It came to the Senate after seven or eight months, and then, they quickly ran to the press and argued that the Senate is delaying Bills yet the Bill had been in the Senate barely for two months.

I told the Executive that I am not prepared to expedite Bills for the sake of it. In any case, even if I expedite, they will fail because the Senate wants to interrogate; through their committees and on the Floor of the House to make sure that when they go home and tell people, we stood for your interest, they know exactly that it is true. We are not rubber stamps as Sen. Madzayo is shouting, although out of order.

I thank the Senator for Turkana profusely. He knows what they went through to ensure that 20 and 25 per cent of oil revenue goes to counties. Being the pioneer county on matters oil, he and I have the greatest legitimacy in this House. If it was about interest on the discussion on oil, we have the greatest legitimacy to make a case on the percentage that goes to our county. These percentages were negotiated by Turkana County leadership.

I had the privilege of being invited to one of the negotiations which was difficult. These people can be very difficult but difficulty is good. I studied negotiations. It is important to make sure that you put your issues at a position, stick to them and strike at the right time. The time was right because the Executive had interest to ensure that we move together in a certain direction.

Madam Temporary Speaker, I doubt if the negotiations were done now, whether they could have achieved the figures that we are talking about in the Bill. It is good to make hay while it is still shining because at the time, we had elections, interests and so on. The people of Turkana County led us and did a fantastic job in the negotiation of the figures. That is why I told my governor today that one of the things that I would like to happen is oil discovery in Kerio Valley. It might be better than Turkana. So, you can start talking to me because we will be one of the OPECs.

Already Turkana is an OPEC. When I say OPEC, I mean Oil Producing and Exporting Counties. It is referred to as OPEC by the locals. We hope that we will be one of the OPECs. I suspect that Kisumu, Homa Bay or Siaya and the coastal part might have good deposits of oil. If that is the case, we will bridge the resource gap in our counties.

I was surprised today. My Governor said that as the years go by, the recurrent expenditure is eating into the development expenditure. He said that if things remain constant, by 2021, in Elgeyo-Marakwet, there will be no money for development. That is a challenge for us to continue pushing for more money to go to the counties.

Madam Temporary Speaker, let me address the issue of the Division of Revenue Bill being amended so that Kshs9 billion goes to the counties. With due respect to the National Assembly and the national Government, unfortunately, there is no constitutional framework or the Public Finance Management (PFM) Act provision which allows any House of Parliament to reverse division of revenue because it is not subject to a supplementary budget.

A supplementary budget is a conversation that happens either in the national Government through the National Assembly or counties through county assemblies. If anybody brings to us an amendment to the Division of Revenue Bill, we cannot even prosecute it because it is unconstitutional. We even have no constitutional mechanism to handle it because there is a reason to that.

I was in the task force that was looking into issues of devolved government. I have to check the Clock so that---

**The Temporary Speaker** (Sen. Nyamunga): You still have time.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I was in the task force that was looking into issues of devolved government. I was involved in the drafting of the PFM Act. There is a reason why division of revenue is done in April before the Budget is read in June. I need the Attorney-General to explain to me. I do not know how they ended up imagining that you can do a supplementary budget to reduce money that goes to the counties. It is not possible because the preplanning of the counties has already been done.

I am glad that the Supplementary Budget never succeeded in the National Assembly so that some of us can have time because we did not even know that we can render our free legal advice. We do not charge anything but do it out of the good interest of the country. We do not even need to have a conversation about the Kshs9 billion because it is not possible. By the way, even if you wanted to add money to the counties through the Division of Revenue Bill, it is not possible. Either way it is not possible. The only money you can add to counties any time of the year is when you come up with conditional grants. You can wake up anytime of the year and prepare a conditional grant to go to counties to perform certain functions. This can happen sometimes because there is drought or calamity or any disaster. It is important to deal with emergency issues.

We are the Senate and nobody should get worried about what we need to do with this law. The only thing we need to do is to prepare ourselves. When the Chair here and my Office calls you for breakfast, like we called you for the other Bills, you should be prepared to come with various amendments so that they are harmonized before being taken to the Committee. We will make sure that the Committee prosecutes them in the manner we would have agreed, so that it does not become untidy because we will be dealing with a very important Bill.

I believe that with the explanation I have given about passing the Second Reading, then we should put it for Division in the next period. When it comes to Division, Members know that even if we pass it for the Second Reading, it does not mean that we have passed the Bill. That is just to enable us amend it. As I have said and I want

to emphasise, if we do not pass it in the Second Reading, then it goes straight to mediation. That means that our interventions will not be useful.

Madam Temporary Speaker, I beg to move. Pursuant to Standing Order No.61(3), I request that you defer putting of the question to a later date. I thank you.

**The Temporary Speaker** (Sen. Nyamunga): That is granted. The question will be put at a later date when it is listed.

*(Putting of the question on the Bill deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, it is now 6.30p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until tomorrow, Thursday, 27<sup>th</sup> September, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.