

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 9<sup>th</sup> April, 2019

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM LAIKIPIA COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting members and staff of the Speaker's Panel from Laikipia County Assembly.

I request the members and officers to stand when called out so that they may be acknowledged in the Senate tradition.

- |     |                        |   |                  |
|-----|------------------------|---|------------------|
| (1) | Hon. Daniel Nyausi     | - | Deputy Speaker   |
| (2) | Hon. Peter Matunge     | - | Vice Chairperson |
| (3) | Hon. Cathryn Nyawira   | - | Member           |
| (4) | Hon. John Mutahi       | - | Member           |
| (5) | Hon. Veronicah Ikunyua | - | Member           |
| (6) | Martha Wambui          | - | Committee clerk  |
| (7) | Caroline Irungu        | - | Secretariat      |

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

I thank you.

*(Applause)*

*(Sen. Orengo consulted Sen. Madzayo  
while standing at the Bar)*

Order, Sen. Orengo! I have indulged you to proceed to your seats. You can proceed with the greetings and salutations later.

*(Sen. Orengo and Sen. Madzayo took their seats)*

Hon. Senators, I have a second Communication to make.

VISITING DELEGATION FROM STAREHE  
BOYS CENTRE

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of students from Starehe Boys Centre who are undertaking a two weeks Voluntary Service Scheme in the Senate.

I request the students to stand when called out so that they may be acknowledged in the Senate tradition.

(1)	Kelvin Nyoteyo	-	Form 3B
(2)	Bashir Shiunzi	-	Form 3E
(3)	Victor Kibet	-	Form 3E
(4)	Everson Onderi	-	Form 2B
(5)	Anthony Ochieng'	-	Form 2B
(6)	Daniel Maosa	-	Form 2C
(7)	Amos Maroko	-	Form 2C

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

I thank you.

*(Applause)*

VISITING DELEGATION FROM ST. ANGELA'S  
PRIMARY SCHOOL, KISII COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Angela's Primary School in Kisii 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 OGANDE GIRLS  
SECONDARY SCHOOL, HOMA BAY COUNTY

Hon. Senators, last but not least, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Ogande Girls Secondary School in Homa Bay 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)*

What is it Sen. Wamatangi?

**Sen. Wamatangi:** Mr. Deputy Speaker, Sir, I wish to join you in welcoming our visitors today. On behalf of my colleague from Laikipia County, who is not present and with whom we come from the same belt, I take the opportunity to welcome the Members of the County Assembly (MCAs) of Laikipia County, acknowledging that this is a prime time. It is a good time for the MCAs to come to this House; a time when we have received reports from the Auditor-General that show the performance of counties across this country.

Laikipia is one of the counties that has been scheduled to appear before this House through the County Public Accounts and Investments Committee (CPAIC) to show what they have done with public accounts. Therefore, it is a good thing when the MCAs, who are our counterparts in the business of oversight of public funds allocated to counties, are here.

Before I sit down, Mr. Deputy Speaker, Sir, allow me to also acknowledge and welcome the students of Starehe Boys Centre. That is one of the institutions in this country that has had a stellar performance, and which produces outstanding young people. I would like to wish them well in the work that they are doing here.

Mr. Deputy Speaker, Sir, I also welcome all the other schools; the school from Kisii, where my good friend, Sen. (Prof.) Ongeru, comes from; as well as Ogade Girls Secondary School. I hope that they enjoy being in the Senate.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Wamatangi. Kindly keep it brief.

Proceed, Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Mr. Deputy Speaker, Sir, I take this pleasant moment to welcome the students from Homa Bay and Nyamira Counties, where my colleague and neighbour, Sen. Omogeni, comes from; the students from Starehe Boys Centre as well as our colleagues from Laikipia County.

Mr. Deputy Speaker, Sir, it is always a pleasure for me to see students coming to Parliament to see what the future pertains for them. Having been a Minister for Education and realising the impetus and the desire that the young people have in ensuring that their future is secure, I hope that they will take the earliest opportunity to learn today how the Senate operates in the process of legislation; on other matters affecting the counties and the nation as a whole. I wish them a good stay this afternoon.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Prof.) Ongeru for being brief.

Proceed, Sen. Ochillo-Ayacko.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to welcome the delegation from Laikipia County, Starehe, Nyamira and also from Ogande Girls Secondary School in Homa Bay County.

On behalf of Sen. Kajwang, who is not in the country, I welcome Ogande Girls Secondary School. He travelled with another delegation to Malaysia. I would like to specifically tell the students that debate is a healthy thing because it is important to look at things from divergent perspectives. However, it is very good to do it peacefully and by way of persuasion so as to ensure that, at the end of it all, you value peace and unity.

I welcome them and wish them an enjoyable visit to the Senate.

**Sen. Kasanga:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to welcome, especially the young students here today. Boys and girls, this House should inspire you; that anybody can fit in this House, regardless of whatever walk of life you are from. Therefore, from today henceforth, you should be inspired into leadership. As you can see, we are all male and female here; so nobody is exempted. You can all be part of representation from wherever you come from.

Mr. Deputy Speaker, Sir, I would like to encourage them that the future is in their hands, especially for the girls, because we are looking for more women in leadership. Therefore, please be brave enough to offer yourself for leadership whenever the opportunity comes. The young men should remember to support the girls, because they are your counterparts and your equals. The girls should be supported into leadership positions.

Thank you.

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. The Chairperson of the Committee on Devolution and Intergovernmental Relations and the Senator for Laikipia County has travelled with another delegation out of the country. I, therefore, welcome the MCAs and staff members from Laikipia County on his behalf. The MCAs are the primary source of oversight in our counties, and I hope they will learn a lot. One of the things that this House has been debating and considering is the County Wards Development Equalisation Bill, 2018, to ensure that the MCAs have the ability to do their oversight and prioritize the development agenda at the county level. I, therefore, hope that they will find time to learn about that Bill as well as to give their insights, because we will be considering amendments to that Bill.

Finally, I welcome all students from various schools that you mentioned in your Communication. I wish them fruitful discussions and learning. We look up to them to be part of the leadership in this country in future.

Thank you, Mr. Deputy Speaker, Sir.

**The Senate Minority Leader (Sen. Orengo):** Mr. Deputy Speaker, Sir, let me also join you and my colleagues in welcoming the various visitors and guests that we have in the Senate today. More particularly, if I start in the order in which you welcomed the various teams that are in the Senate today, I have special recognition for Laikipia County Assembly. This is because in the last Senate, Laikipia County Assembly was one of the first assemblies that I visited with the then Standing Committee on Implementation.

They were pioneers in the sense that they had customized Standing Orders and other instruments that are used in the county assembly. They were not depending on the

general Standing Orders and other instruments that had been supplied by the authorities. They were very well organized, and I want to recognize that.

I also wish to welcome the students' delegations from the three counties, with a special mention of Starehe Boys Centre. I mention Starehe Boys Centre because my late kid brother schooled there. Probably without the Starehe Boys Centre arrangement, he would have never gone to school and achieved what he achieved in life. I also have very fond memories when I was at Alliance High School. There were so many debates that I was involved in with students from Starehe Boys School, including with Senior Counsel, Fred Ojiambo.

Mr. Deputy Speaker, Sir, allow me also to commend Ogande Girls High School, a pioneer school in Nyanza and St. Angela from Nyamira County. The Senate is an instrument of the people; it is an organ of the State for the people. Constantly, when people come to see how the Senate works, they are also participating by being part of those who are watching all of us, because they are sovereign.

Thank you, Mr. Deputy Speaker, Sir.

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

### PAPERS LAID

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday 9<sup>th</sup> April, 2019:-

#### STATE OF THE NATION ADDRESS BY H.E. THE PRESIDENT

State of the Nation Address by H.E. the President delivered on Thursday, 4<sup>th</sup> April, 2019 at a Joint Sitting of Parliament.

#### SIXTH ANNUAL REPORT ON REALIZATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

THE SIXTH Annual Report on measures taken and progress achieved in the realization of national values and principles of governance.

#### SIXTH ANNUAL REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS

The Sixth Annual Report on progress made in fulfilling the international obligations of the Republic of Kenya

#### SIXTH ANNUAL REPORT ON STATE OF NATIONAL SECURITY

The Sixth Annual report to Parliament on the state of national security

REPORT ON THE FINANCIAL STATEMENT OF THIKA  
WATER AND SEWERAGE COMPANY

Report of the Auditor General on the Financial Statement of Thika Water and Sewerage Company Limited for the Year ended 30<sup>th</sup> June, 2018.

REPORT OF THE CRA ON THE RECURRENT  
EXPENDITURE CEILINGS FOR COUNTIES

Report of the Commission on Revenue Allocation (CRA) on its recommendations on the recurrent expenditure ceilings for counties in the 2019/2010 Financial Year.

*(Sen. Murkomen laid the documents on the Table)*

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

**NOTICES OF MOTIONS**

THANKS FOR THE PRESIDENTIAL ADDRESS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to give notice of following Motion:-

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 4<sup>th</sup> April, 2019, and further, the Senate notes the following Reports submitted by His Excellency the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 9<sup>th</sup> April, 2019 -

(i) 6<sup>th</sup> Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;

(ii) 6<sup>th</sup> Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya; and

(iii) 6<sup>th</sup> Annual Report to Parliament on the State of National Security.

Thank you, Mr. Deputy Speaker, Sir.

ESTABLISHMENT OF THE INFRASTRUCTURE NEEDS OF  
SELECTED COUNTY GOVERNMENTS

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

AWARE that the Senate, on 16th July 2015, resolved to establish an *ad hoc* Committee to inquire into the status of county headquarters and identify the needs of each of the forty-seven Counties, which would form the basis for possible assistance to the identified counties;

RECALLING THAT the *ad hoc* Committee on County Headquarters tabled its Report in the Senate on 3<sup>rd</sup> December 2015 in which it recommended that 11 Counties be supported, as follows:-

(1) Those in dire need and requiring immediate assistance ('AA' category): Isiolo, Lamu, Nyandarua, Tana River and Tharaka-Nithi Counties; and,

(2) Those requiring assistance to help them develop their Headquarters ('A' category): Bomet, Kitui, Marsabit, Nyamira, Siaya and Taita Taveta Counties.

FURTHER RECALLING THAT with regard to the five Counties classified under the AA category, the Committee recommended that each be allocated a sum of Kshs800 million as conditional grants, and that the six counties classified under the A category be each allocated a sum of Kshs300 million as conditional grants;

AWARE THAT the Senate, on 1<sup>st</sup> March 2016, adopted the Report of the *ad hoc* Committee on County Headquarters;

COGNIZANT THAT following the said resolution of the Senate, conditional grants have been advanced to the five Counties classified under the AA category, during the financial years 2017/2018, 2018/2019 and further allocations have been budgeted for the financial year 2019/2020;

CONCERNED THAT to date, no allocations have been made by way of conditional grants to the six counties identified as requiring assistance under the category A, and that those Counties continue to experience grave challenges in terms of infrastructure that have hampered their operations;

AWARE THAT the said Counties are at various stages of putting up the infrastructure required to make them fully operational, and that some may have already been completed;

ACKNOWLEDGING THAT the Senate is mandated to protect the interests of counties and their governments, which include ensuring that the county governments are fully operational;

NOW, THEREFORE, the Senate resolves that the Standing Committee on Devolution and Intergovernmental Relations undertakes an assessment of the status of county government facilities in the following counties, and to report to the Senate within three months-

(1) Under Category AA: Isiolo, Lamu, Nyandarua, Tana River and Tharaka-Nithi Counties; and,

(2) Under Category A: Bomet, Kitui, Marsabit, Nyamira, Siaya and Taita-Taveta Counties.

Thank you, Mr. Deputy Speaker, Sir.

ESTABLISHMENT OF NATION-WIDE CENTRES AND  
SATELLITE CLINICS FOR SICKLE CELL DISEASE

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order No. 55(1), I beg to give notice of the following Motion-

THAT, AWARE THAT Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

NOTING THAT, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

ACKNOWLEDGING THAT sickle cell disease, a severe hereditary form of anaemia in which a mutated form of haemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

FURTHER ACKNOWLEDGING the lack of comprehensive information and care programs for sickle cell disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

CONCERNED by the lack of national screening programmes for sickle cell disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

NOW, THEREFORE, the Senate urges the National and County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

IMPROVING ALLOCATION OF RESEARCH FUNDS TO  
INSTITUTIONS OF HIGHER LEARNING

**Sen. Kasanga:** Thank you, Mr. Deputy Speaker, Sir. I beg to give notice of the following Motion on improving allocation of research funds towards higher learning-

AWARE THAT, early childhood education and village polytechnics are a function of the County Governments. Secondary schools, Universities, Tertiary institutions and other institutions of research are a function of the National Government under the Fourth Schedule of the Constitution;

FURTHER AWARE THAT, institutions of higher learning have two basic functions; teaching and conducting research;



CONCERNED THAT, such institutions largely concentrate on “teaching” rather than “research”, as a method of enhancing and imparting the practical application of skills, attitude and knowledge by learners;

NOTING THAT, funds allocated towards community and development oriented academic research are neither sustainable nor adequate;

ACKNOWLEDGING THAT, various national policies on research and innovation are available, but fragmentation in the sector has short-changed the vision of a progressive national research agenda, thereby emboldening low science culture among the population, low global competitiveness ranking, inadequate funding, and poor linkages between academic research and commercial industry;

NOW THEREFORE, the Senate urgently calls upon the Ministry of Education, Science and Technology:-

(i) To provide a comprehensive report from all institutions of higher learning on the status and performance of Research & Innovation Programs in the Country;

(ii) Re-assess Sector Policies, and Develop new work-plans towards:-

a. Improving allocation of funds for Academic as well as Sustainable Community Based Research to public institutions of higher learning.

b. Providing subsidies, and frameworks for partnerships between public & private institutions of higher learning to enable collaboration and better organization in research and innovations for community/county development Projects.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Sen. Kasanga. Please clarify that you are giving notice of Motion and not moving a Motion.

**Sen. Kasanga:** Mr. Deputy Speaker, Sir, I said that ‘I beg to give notice of Motion’.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What did you say?

**Sen. Kasanga:** Mr. Deputy Speaker, Sir, I cannot remember what I said at the beginning. However, the intention was to give notice of Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What was your intention?

**Sen. Kasanga:** Mr. Deputy Speaker, Sir, the intention is to give notice of motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please proceed accordingly. So, it is clarified that Sen. Sylvia Kasanga has given notice of the Motion and not moved it.

We move on to the next Order.

## STATEMENTS

RISING CASES OF SUICIDE AND MURDER  
IN THE COUNTRY

**Sen. (Dr.) Milgo:** Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order No. 47(1), I rise to make a Statement on a matter of national concern, namely; the rising cases of suicide and murder in the country.

Mr. Deputy Speaker, Sir, as you are aware, human life is supposed to be sacred and this has never been in doubt. However, in Kenya, this seems to be no more a guarantee. Several people in different parts of our country have been murdered in cold blood while many more, especially young people are taking their own lives.

Mr. Deputy Speaker, Sir, these needless deaths are taking place all over the country. For instance, recently, in Chepalungu in Bomet County, a man killed his three children and attempted suicide, reportedly because of disputes with his wife. In Kilingili Market, Vihiga County, six security guards were murdered in cold blood. In Siaya County, a man killed his sister-in-law due to disagreement over marriage plans.

In Rongo, Migori County, villagers took matters into their hands and killed five members of a family by burning them to death on suspicions of indulging in witchcraft. In Kuresoi Constituency, Nakuru County a 19 year old boy hacked his girlfriend to death before committing suicide. In Litein, Kericho County, a 16 year old boy stabbed a man to death for alleging that he had a relationship with his widowed mother. Elsewhere, a 19 year old polytechnic student allegedly filmed herself committing suicide and posted on social media after a misunderstanding with her boyfriend.

Mr. Deputy Speaker, Sir, the list is endless! According to a report, last year alone, 12 students took their lives and the number could be higher.

Mr. Deputy Speaker, Sir, my concerns, therefore, are:-

- (1)What could be the cause of these rising cases?
- (2)What measures shall be put in place to help curb this?
- (3)What can be done to bring back the family values?
- (4)What are the police doing to stop these killings?
- (5)What must we do as a society to arrest this tragic trend in our country?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Dr.) Milgo. Chairperson of the Committee, you need to do the needful. You may consult with the Senator in case of further work around that issue.

**Sen. Sakaja:** On a point of order, Mr. Deputy Speaker, Sir. If I have heard you right, you have directed the Chair to take note of the Statement and liaise with the Member. However, this is a statement under Standing Order No.47(1). I seek clear direction because that is a general Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I agree with you, Sen. Sakaja. Ordinarily, that would have been the case if it was under Standing Order No.48(1). Thank you for being alert.

We will now go to Statements under Standing Order No.48(1). Let us begin with Sen. Ochillo-Ayacko.

LOSS OF FINANCIAL AND PROCUREMENT RECORDS OF  
MIGORI COUNTY GOVERNMENT EXECUTIVE

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to seek a statement from the Standing Committee on Finance and Budget regarding the loss of financial and procurement records of Migori County Government Executive. In the Statement, the Committee should-

(1) Explain the circumstances under which the 2017/2018 financial and procurement records belonging to Migori County Government Executive were lost and therefore unavailable to the Auditor-General, the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) and other citizens for oversight or any other use.

(2) Explain the disciplinary actions that have been taken against the officers responsible for the loss of the records.

(3) Explain the actions being taken to reconstruct the records and when the process will be concluded, so that institutions and other interested parties can make use of the records.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I hope the Chairperson has noted that request.

Let us go to the next Statement by Sen. Wetangula.

IMMINENT BAN ON THE USE OF MANURE  
IN CROP FARMING

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, pursuant to Standing Order No.47(1), I rise to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the imminent ban, by the Government, on the use of animal manure in crop farming. In the Statement, the Committee should-

(1) Explain why the Government, through the proposed Food Crops Regulations made pursuant to Crops Act, 2013, intends to ban farmers from using animal manure in the production of food crops and state the rationale behind the move.

(2) Explain what scientific study informs this decision.

(3) State what measures have been deployed by the Government to ensure free agricultural extension services to farmers.

(4) State whether the proposed ban is at the behest of big multinationals keen to force Kenyans to buy their products or is geared towards benefiting cartels importing fertiliser into the country.

(5) Explain how the proposed ban sits with the organic farming which is known to be a safe practice and is now being encouraged the world over.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Wetangula. Next is the request for Statement by Sen. (Dr.) Milgo.

## DESTRUCTION OF FORESTS BY FIRES

**Sen. (Dr.) Milgo:** Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on the destruction of forests by fires, both accidental and deliberate. In the Statement, the Committee should-

(1) State the cause of the fire that has completely destroyed 80,000 hectares of forest in Mt. Kenya.

(2) Clarify if the Committee is aware of the recent destruction of Oloolua Forest in Kajiado County and if so, confirm whether a Chinese company was responsible for the destruction.

(3) Indicate whether there are any ongoing patrols by the Kenya Forest Service (KFS) officers and if so, state why they have failed to make any arrests in connection to the destructions.

(4) Explain the level of preparedness by the KFS to handle fires generally and specifically enumerate the response equipment and other sources that the service uses to combat fires.

(5) State the measures that will be taken in the long run to make sure our forests are protected from fires and all other forms of destruction.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The next Statement is by Sen. Seneta.

What is it, Sen. Shiyonga? Are you on a point of order?

**Sen. Shiyonga:** Mr. Deputy Speaker, Sir, there is unnecessary noise coming from the rooftop. I do not know what is happening. I think there are some bats.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): That is noted. The Serjeant-at-Arms will do the needful.

Proceed, Sen. Seneta.

STATUS OF EMALI HOLDING GROUND IN  
KAJIADO COUNTY

**Sen. Seneta:** Mr. Deputy Speaker, Sir, pursuant to Standing Order No.48(1), I rise to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the current status of Emali Holding Ground in Kajiado County. In the Statement, the Committee should-

(1) Explain the current status of Emali Holding Ground in Kajiado County which was curved from Puka Scheme, for the national Government Livestock Marketing Development (LMD) Project for breeding purposes.

(2) State the reasons why the Tana and Athi River Development Authority (TARDA) is still occupying the Emali Holding Ground Farm even after their lease came to an end and explain how the national Government and the County Government of Kajiado are dealing with the matter.

(3) Explain the impact of the LMD Project indicating how communities in Kajiado County have benefited from it.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Last but not least, we will have Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, I appreciate the opportunity you have given me to request for the Statement. I rise to request for a statement on the effects of the ongoing construction of the Kibos Sugar Factory---

**Sen. Seneta:** Point of order!

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

Sen. Seneta, there is a disconnect between what you are saying orally and what you are doing electronically. Electronically, you want to contribute but orally you are saying "point of order."

**Sen. Seneta:** I am on a point of order.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You must do the right thing. What is it?

**Sen. Seneta:** Mr. Deputy Speaker, Sir, there are two statements; the one by Sen. Wetangula which touches on a very important issue pertaining livestock farmers like myself and others and my statement which pertains to livestock but you have not directed them to the Committee on Agriculture, Livestock and Fisheries and I cannot see the Chairperson.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You do not have to see the Chairperson. The Chair does not have to direct the Committee but the Committee is obliged by Standing Order No.48(2) and (3) to take up the matter with you and exercise the things that are described there.

**Sen. Wetangula:** Point of order!

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Wetangula?

**Sen. Wetangula:** On a point of order, Mr. Deputy Speaker, Sir. While you are right that you do not have to direct the Committee but the tradition and practice is that the intervention of the Speaker at that level gives the timeline within which the response to the Statement has to be brought to the House. I believe that is what necessitated the distinguished Senator raising this matter. It is important that while Committee Chairpersons would ordinarily, without prompting, take up the issue, the Chair has a duty in addition to that, to give them direction on timing.

**Sen. Seneta:** That is what I wanted to say.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Seneta! Very well. If that was your intention, then that is what you should have said.

Now, I direct the Chairpersons of the committees responsible for the two Statements for which interventions have been made to liaise with the Senators who have requested for the Statements, address the matters comprehensively and respond to the Senators and produce a report in two weeks' time. This is because the issues of banning usage of manure and other issues around what is happening in Emali are matters touching our people in counties, generally. So, I direct the Chairpersons responsible to act accordingly. So, ordered.

Sen. (Dr.) Musuruve, you can now complete your Statement.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Olekina entered the Chamber)*

Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Education on the effect of the operations and direction of the Kibos Sugar Factory near Kibos School for the Blind ---

**Sen. Kasanga:** Sorry, Mr. Deputy Speaker, Sir. I would have spoken after her. There was a Statement raised on 47(1) which we were hoping that maybe we would be allowed to contribute to.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It has been overtaken by events. You did not create the conditions to make the Chair allow any observations.

**Sen. Kasanga:** Mr. Deputy Speaker, Sir, I did not shout. My buzzer and his were on.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The Senate waits for no man, woman or Senator.

**Sen. Kasanga:** Mr. Deputy Speaker, Sir, if it is possible ---

**Sen. Sakaja:** On a point of order, Mr. Deputy Speaker, Sir. This is a House of rules and precedence, as Sen. Wetangula said. I have risen on this Standing Order and I think I will do it as many times as is necessary for you to implement it.

Standing Order No.112(2) says:

“No Senator shall pass between the Chair and any Senator who is speaking ---”

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Who is the culprit this time?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, these provisions are in the Standing Orders for a reason and not just to fill the Orders.

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

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, my good friend from Narok County, Sen. Olekina, has sauntered in between yourself and Sen. Musuruve.

**An hon. Senator:** Yes.

**Sen. Olekina:** No.

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

**Sen. Sakaja:** In fact, Mr. Deputy Speaker, Sir, please, implement it. He needs to go back and bow to the Chair---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Olekina, did you saunter in, in the manner described by the Senator for Nairobi City County?

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I waited until you finished talking. After that, I bowed, then I ---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It has nothing to do with the Chair talking. It has to do with a Senator who is on the Floor and the Chair. No Senator should come in between.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I walked very fast before the distinguished Senator rose on her feet.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You did not saunter?

**Sen. Olekina:** No, Mr. Deputy Speaker, Sir. I did not.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Members! Standing Orders are there for a purpose. Sen. Olekina might survive because the Chair did not see what he did. We request that we respect our Standing Orders because they are made for a purpose.

**Sen. (Prof.) Onger:** On a point of order, Mr. Deputy Speaker, Sir. I am a bit concerned, and I need your guidance. There are some Statements and concerns that have been raised on the Floor of the House particularly, the issue of the organic manure that is required for use by our farmers. The relevant Ministry has issued rather disturbing caveats on the use of organic manure. I would seek your indulgence; that, if we were to at least dilate and give our concerns on this matter before the relevant Committee looks at it. This is because this is an issue that is currently engaging the farmers and they are very concerned about the manner in which this matter is being handled.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The Standing Order under which that Statement has been requested does not allow us to do what you are saying.

*(Loud consultations)*

I know there are people who are specialists in riding. However, at the point when you would have exercised that tradition of riding, you did not catch the Chair's eye. For that reason, that opportunity is lost for today.

Nevertheless, the point made by Sen. (Prof.) Onger is important. Nothing prevents you approaching the Committee directly to have that matter addressed more substantively. I entirely agree that this is a matter that is touching on almost every household in the countryside because 80 per cent of our people are farmers and they rely on organic fertiliser for various reasons, including environmental and also issues of cost and affordability. In any case, the whole world is going organic. So, it is a contradiction of sorts.

In fact, if I were the Chairperson of the Committee on Agriculture, Livestock and Fisheries, I would not have waited for this Statement to be requested for. You should be proactive and all committees should be proactive. Should a matter that concerns us or our counties arise, get seized of the matter. That way, we will be able to intervene as we should, on behalf of our people.

**Sen. Ochillo-Ayacko:** On a point of order, Mr. Deputy Speaker, Sir. I am not trying to altercate with the Chair. However, I tried desperately to catch your eye and I was unable to do so.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It is because my eyes were elsewhere. The House is big.

**Sen. Ochillo-Ayacko:** Mr. Deputy Speaker, Sir, your eyes were with the Clerk-at-the Table whom you were consulting.

Most of us grew up in houses that were plastered using cow dung – animal waste. We are wondering what is going on. We wanted to say one or two things about this so that everybody else should know that right now there is panic all over the place in Maasailand, all the pastoral communities and in Migori County about what is going on

with manure because this thing has never been poisonous. In fact, the best food now is that which is grown using organic manure.

If you look at this Standing Order under which it was brought, I believe you have discretion and you could allow Members to ventilate on this.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will do something in between.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I think Sen. Ochillo-Ayacko has alluded to what I just wanted to bring to your attention. In the last Senate, we used to have the practice of riding on somebody's request for a Statement. I believe that is what informed the amendment of that particular Standing Order to provide for you, the Chair – at your discretion – to allow 15 minutes of comments on the same. It is actually not riding. It is provided for under the same Standing Order No.48(3)(a). You have the discretion to allow some comments.

I was going to propose and I think you may be thinking in that line because I heard you say that you will provide something. There are a number of Statements that have been requested under that particular Standing Order. If you can allow maybe 20 minutes so whoever wants to comment on whatever Statement, because they are about four of them. I think that should suffice. It is just a proposal.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let Sen. (Dr.) Musuruve first complete her statement request, and then, we will see what we can do.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, I thank you. Just allow me to start the statement afresh for the purpose of continuity because there have been a lot of interruptions.

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

#### EFFECTS OF THE ONGOING CONSTRUCTION OF KIBOS SUGAR FACTORY

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, pursuant to Standing Order 48 (1), I rise to seek a Statement from the Standing Committee on Education on the effect of the ongoing construction of the Kibos Sugar Factory, near Kibos Schools for the Blind. In the statement the Committee should-

(1) Explain the reasons that informed the construction of the Kibos Sugar Factory near Kibos Schools for the Blind and why the same was approved;

(2) State whether due diligence was carried out prior to the decision to construct the Kibos Sugar Factory near the school;

(3) Explain the mechanisms put in place to ensure that the education, health and security of the visually-impaired learners will not be affected by their proximity to the factory; and

(4) Explain the reasons for the freezing of the Kshs2.3 million capitation that had been provided for the schools' infrastructure development and the mechanisms put in place by the Ministry of Education to ensure that the visually-impaired learners are not disadvantaged by the freeze.

This statement comes at a time when Persons with Disabilities (PwDs) are hurting, in the sense that this school for the blind was established ---



**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! You are requesting for a statement. You are not debating a Motion.

*(Laughter)*

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, thank you, but I just wanted to give a brief comment if I am allowed.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, I am sure the relevant Chairpersons heard you. You work with the Chairpersons and if you need the intervention of the Speaker to further work with the Committee, the rules allow you. So, we leave it at that.

As a result of the interventions by Sen. Wetangula, Sen. Khaniri, Sen. Ochillo-Ayacko and Sen. (Prof.) Ongeru, I am inclined to allow a few observations on any of the statements, including, the statement around the use of animal manure. Once again, I plead with Committees to, sometimes, help us by taking some of these things which are in the public domain even before they come to the House.

Secondly, even when a matter like this is raised by a Member, it is up to the Committee to look at the sensitivity of the matter and deal with it in an appropriate way even without the prompting of the Speaker. I was surprised the other day to hear that, for example, there are proposals to ban farmers from selling milk to their neighbours, which is a tradition in this country for many years. If you have cows, you can supply milk to the teachers who teach in the local primary school and they pay at the end of the month; sometimes you share for free. I am told now there are regulations to make it illegal to sell milk to your neighbour. I am wondering whether the Wanjiku in the village will be able to sell milk to multinationals and big milk processing companies only.

So, I will allow a few comments. There are so many requests. We have 15 minutes according to the Standing Orders. Therefore, I will give three minutes each to the first five speakers who will be lucky. I will try to be as fair as possible.

Proceed, Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, thank you. I will try to utilise the three minutes because I will only concentrate on one statement from Sen. Wetangula, basically because I studied agriculture in my Bachelor of Science (BSc.).

We were shocked to learn that there is somebody in this age and time, who is looking for synthetic fertiliser instead of organic fertiliser; and that, a policy is coming out to ban organic fertiliser while we know that in most parts of the developed world, you buy products that have been nurtured organically at a premium price.

You have asked the Committee to look into this statement, and I would like it to question the quality of the policy makers. It is possible that we have a mixed grill of policy makers currently yet devolution was supposed to direct people who have expertise, right from the Cabinet Secretaries (CSs), Principal Secretaries (PSs) and below so that this country is run by experts. This is the reason we all supported the fact that we did not want elected people to be CSs. It is for the same reason that we needed more expertise so that people deal with things professionally.

So, it was shocking that somebody can oppose organic manure yet the world over; we are being told that synthetic fertiliser is supposed to be eliminated, because of the

additives in them. When you apply most of the synthetic fertilisers, they remain in the food system; so, we consume some of the binders of the nutrients that are required in the soil. Therefore, organic fertiliser is the way to go. It has been here from time immemorial and we do not expect anybody to go against it.

Mr. Deputy Speaker, Sir, as you have mentioned, there is a proposed milk policy which is ridiculous – that you cannot sell milk – I was shocked. I met a very clever farmer and he told me, “I would be able to give them the data they want. If they do not want me to sell milk to my neighbour, I will donate it to my neighbour. And when I donate milk to my neighbour, I know my neighbour will donate some money to me.” They are finding the policies to be ridiculous.

They are pleading with us. They say: “Why are we worried about this? We are realising that nobody cares about the farmer, so, because there is no care for the farmer, we will make sure that we donate to everybody who wants the milk and we will sign off the donations, and if we are given donations of money, nobody should follow us.” It is good that as the Committee looks at this, we look at who is making these policies.

Finally, when such policies come out, has anybody done any public participation? The reason we wanted public participation is because we found that there are a lot of reasonable contributions that should come from the communities and the public, that will tone down some of the things that are being done without any reasonable calculations. Was there any public participation in all of these policies; so that you can broadcast and say the Ministry has done it.

Mr. Deputy Speaker, Sir, with those remarks, I thank you.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I thank you. I rise to make comments on the statement sought by my elder brother, the Senator for Bungoma, Sen. Moses Masika Wetangula.

I have served in Parliament for the last six terms consecutively. I have seen crazy Government policies but this is the most bizarre and ridiculous policy that I have heard of, for the period that I have been here. That somebody can even imagine banning use of organic fertiliser, what we normally call manure – that is what we all grew up knowing as the fertiliser. In fact, I believe that some of the new diseases that are prevalent now are caused by these other fertilisers that we introduced. So, the whole world is encouraging and going organic. Why should we be the exception?

I would like to propose to Sen. Wetangula, so that we close any loopholes for anybody trying to think along these lines, he can sponsor – and I can help him to co-sponsor a piece of legislation to entrench the use of organic fertiliser so that we close any loopholes of anybody trying to come up with a policy because, then, legislation will take precedence over any policy statement by anybody or any Government.

We protest over the planned enforcement of this policy and issue a stern warning because 80 per cent of the population in this country are farmers. Out of that 80 per cent, over 75 per cent use organic fertilisers. Not all farmers can afford the fertilisers that are bought in shops. This is a policy that is being pushed by cartels who import fertilisers. We must stop them and ensure that this does not take off.

I thank Sen. Wetangula for this Statement. We support it and I want to urge the Committee that is concerned to move with a lot of speed for this not to take place.

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

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

**Sen. Kasanga:** Thank you, Madam Temporary Speaker. One would want to laugh when some of these issues come up in the press. It is ridiculous to imagine Kenyans not using organic manure because we use them every day and that includes the urban dwellers. I cannot imagine someone waking up in the morning and passing such a policy unless they are telling us that they are ‘trying to bring us another product’. Thank you, Sen. Khaniri, because we have to keep our eyes open. Clearly, there is something cooking somewhere, just like they always do.

I also want to speak on the Statement raised by Sen. (Dr.) Milgo. That Statement did not raise the attention that it required. The issues of suicide and murder amongst our youth are a national disaster. This House needs to interrogate these issues in depth because our youths are affected by them and they are beyond a single task force or organisation. They are actually a global phenomenon and require every citizen to pitch in for it goes beyond educating or dealing with the effects.

It goes as far as sensitising our population on how to deal with their mental wellness right from a very young age. I am happy that we have some youth in the House because they are the ones we are speaking to. They need to watch out on their mental wellness for them not to be victims of unmet expectations that lead to suicide and murder of their colleagues.

I would have been happy if that Statement received more attention. However, I am sponsoring the Mental Health (Amendment) Bill and these are issues that we need to look at. We need to reach out to our population regarding mental health and mental wellness. There is a surge in suicide cases because the economy has become tight. A huge number of those people who are committing suicide are the youth but we also have older people committing suicide. It is a sad situation and it is almost a national disaster.

Thank you, Sen. (Dr.) Milgo, for bringing up that Statement. It is important for us to raise these issues. This House should be seen to be interrogating issues of depression and mental illness that many people do not want to speak about for it is stigmatised.

**The Temporary Speaker (Sen. (Prof.) Kamar):** Thank you, Sen. Kasanga. There was a promise to only allow five people to contribute. If we agree to each use one minute, we may take three more Senators. I do have the two Senators who we had been promised.

**Sen. (Prof.) Ongeri:** Thank you, Madam Temporary Speaker. Anything organic is the way to go and any other decision is a board room decision. If you call it academic, then I do not belong to that group of academicians because it is wrong for the Ministry to put aside the organic use of the manure. From my professional angle, as a doctor, we know that the non-communicable diseases like cancer that we are seeing today are a product of the chemicals and the denatured type of soils and the foods that we eat. Therefore, when the debate will be on the Floor of this House, I will speak in depth on this and discuss what we ought to do.

Regarding suicide, more than 90 per cent of Kenyans are depressed and some of them commit suicide depending on the degree of depression. We should look at the issues that are pushing Kenyans to the periphery. Life has become expensive and difficult.

People do not know when to wake up, when to sleep and how to behave and manage themselves. We, therefore, need to look at their welfare and be able to deal with this situation squarely. I do thank Sen. (Dr.) Milgo for bringing up this issue.

**Sen. Wamatangi:** Thank you, Madam Temporary Speaker. If somebody wants to sell imported processed milk for babies, we will not be surprised to hear that there is a ban on breastfeeding. It is a shame.

If you go to any supermarket in this country, the highest and biggest selling cliché is ‘natural products’. Everything is labelled natural and that is how people buy the products. The most basic science that we learnt when we were young was how the natural ecosystem works. We were told that a plant rots then turns into manure. From this, it is the weakest in the society, the farmers, who are targeted.

Madam Temporary Speaker, you chaired the Committee on maize the other day and you know that farmers have been robbed. The cries and wails of farmers in the coffee and tea industry can no longer be louder. Therefore, we must condemn and go the way suggested---

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Could we hear from Sen. (Prof.) Imana Malachy Charles Ekai. You will have one minute.

**Sen. (Prof.) Ekai:** Thank you, Madam Temporary Speaker. Allow me to make a correction. The name is Ekai and not Ekai. Those are two distinct names. Professor, you need to learn my name. It is Ekai and if you cannot pronounce that, just call me Imana.

The idea that the manure is a bad thing to use when growing crops surprises me. My camels, goats and cows drop manure every day and that manure has never been known to be a bad thing from as far as I can remember. In fact, manure or cow dung is a source of energy. In some parts of Turkana, where there is no firewood, they use cow dung to light fire and cook food. This is because cow dung contains grass, leaves and branches. It is misguided for somebody to say that they are bad. They should present to us the science that says that manure is bad.

**Sen. Seneta:** Madam Temporary Speaker, I also want to add my voice on this important Statement. We need be careful about those people who amend laws, which are going to affect the lives of Kenyans, from the back door. Manure is a natural resource and it is a source of money. Being in a country where the Government may not be able to supply fertiliser for everyone in the village, we need to encourage our farmers to use this manure instead of banning it. I tend to think this is economic sabotage to some farmers and, therefore we need to be on the look-out regarding this law.

**Sen. Faki:** Asante Bi. Spika wa Muda, kwa kunipa fursa hii kuchangia Arifa ya Sen. (Dr.) Milgo kuhusiana na maswala ya watu kujitua roho kwa sababu ya matatizo ya maisha. Hili ni jambo la kusikitisha kwa sababu tunaona ya kwamba Wakenya wengi wanaendelea kupoteza maisha kwa sababu ya taabu za kidunia ambazo zinawakumba.

Serikali inafaa kuangalia kwa makini chanzo cha watu kujiua kwa sababu wengi wanaojiua ni watu ambao wana akili timamu. Ni jambo la kusikitisha kwamba tunapoteza watu katika hali kama hizo. Tunafaa tuangalie kama miundo msingi ya nchi yetu

inapotea. Mmomonyoko wa maadili na mambo mengine kama hayo yana sababisha watu waone kwamba ni rahisi kuchukua maisha yao kuliko kuendelea kuishi maisha yao.

Bi. Spika wa Muda, nachukua fursa hii kuchangia Hoja ya mbolea ya samadi ambayo ni rahisi kupatikana katika kila sehemu ya nchi. Wengi wetu tuna mifugo kama kuku, mbuzi, ng'ombe, kondoo, ngamia---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Faki, your time is up.

Proceed, Sen. Shiyonga. You have one minute.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker. I support the Statement and appreciate Sen. Wetangula, for it. Those individuals who think that they can fluster the Government or the citizens of Kenya by banning this animal manure in crop farming, are misled.

Manure is a cheap fertilizer that is readily available. Those people who think that they can cheat Kenyans including legislators here that they will import this fertilizer, even if they collude with the Kenya Bureau of Standards (KEBS) to bring dried manure and claim that it is imported manure, we will check to ascertain the authenticity of the product.

Madam Temporary Speaker, these corrupt individuals are the ones who are letting down the Government of Kenya and the country in terms of taxation.

I support Sen. Wetangula who came up with this Statement. Being a Member of the Committee on Agriculture, Livestock and Fisheries, we will---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Shiyonga, your time is up.

Proceed, Sen. Ochillo-Ayacko.

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. Manure is very important. In fact, where I come from, we use manure even as food. There is a particular food that is called *Ochuri* which is actually manure; you can use it to eat meat. There is something called *Ochak* which you can apply some manure to disinfect the gourd where you keep the milk.

When we hear Government officials advocating for the banning of manure, they should bear in mind that this is something we have consumed for many years. We live in houses that are plastered using manure. We also use manure to discourage snakes from invading our homes.

I therefore, find this kind of proposition preposterous. I suggest that the Committee that is looking into this matter should name these pseudo-scientists who came up with this promulgation so that we shame them or have them removed from Public Service because this is the most ridiculous proposition that has ever been made in our time.

Thank you, Madam Temporary Speaker.

**Sen. Olekina:** Thank you, Madam Temporary Speaker, for this one minute. I come from a very dry place. If it was not for organic manure - which the distinguished Senator from Kisii County can attest to because I supplied a lot of manure to him - I would not have been able to turn my little home into an oasis. It was a complete desert.

I would like to invite all these Senators here; when you come to Narok County during the Madaraka Day celebrations - and I will be happy to host lunch - you will see what organic manure can do to this county which is completely dry.

When I hear anyone talking against manure, I remember the time when people said that the Blue Gum Tree was very bad for the environment yet the rich people were the only ones who were planting them. I have no doubt in my mind that this is a cartel movement run by people who want to take advantage of the poor by supplying them with these other fertilizers which are imported,

Madam Temporary Speaker, It is time that we audit these Government policies and compare with the legislations which are there.

I was asking about the Agricultural Act and because it has been amended so many times, I am sure the original one had issues to deal with manure or the traditional organic manure was part and parcel of the original Act. This is a terrible policy that should not be allowed in this country.

**The Temporary Speaker** (Sen. (Prof.) Kamar): That brings us to the end of that Order.

Next Order.

## BILL

### *First Reading*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILLS NO. 11 OF 2019)

*(Order for First Reading read - read the First Time and  
Ordered to be referred to the relevant Senate Committee.)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Next order.

## MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

**The Temporary Speaker** (Sen. (Prof.) Kamar): Let us have the Senate Majority Leader who is the Mover.

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

THAT, pursuant to Standing Order No. 24(6) the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President delivered on Thursday, 4<sup>th</sup> April, 2019, and further, the Senate notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Tuesday, 9<sup>th</sup> April, 2019-

(i) 6<sup>th</sup> Annual Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;

- (ii) 6<sup>th</sup> Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya; and,
- (iii) 6<sup>th</sup> Annual Report to Parliament on the State of National Security.

Madam Temporary Speaker, the Speech by the President was a summary of the three very important Reports. It is my suggestion that the relevant Committees handle the various issues. The Report on National Values and Principles of Governance should be handled by the Committee on Justice, Legal Affairs and Human Rights; the Report on Progress Made in Fulfilling International Obligations of the Republic of Kenya and the Report on the State of National Security be handled by the Committee on National Security, Defence and Foreign Relations.

However, they should spend more time studying and analysing the Reports. The Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance, has 307 pages.

This House, therefore, should critically analyse the issues contained in this report. It is our responsibility to critically oversight the national Government and State officers, including the President and discharge of his duties.

I suggest that unlike the last five reports, this House should use its Committees to analyse the report in detail. In future, it should find ways of taking action on the various areas that have been pointed out by His Excellency the President. If we do so, we will effectively assist the people we represent in this House. We will also assist the President and the national Government in preparation for the seventh report of the next year. When he comes to give a similar address to the House, we will have the capacity and ability to inform and guide the future of these reports.

Madam Temporary Speaker, many people say there were areas which the President did not address in his speech despite the fact that it took him one hour and ten minutes to do so. To me, it is not true because most of the issues which are of great to concern to the people of Kenya are captured in the three detailed reports. In fact, I would like to congratulate him for delivering in summary a very powerful speech that generally captured various areas of concern to the country. I know there are people who may have wanted to hear him addressed in detail the issue of food security, particularly at a time when we are facing drought. Again, as I said, those are some of the things that have been captured by the report he submitted. .

Madam Temporary Speaker, in this report, His Excellency the President started with the question of national values. As you know, matters of national values as captured in Article 10 of the Constitution are personal in the sense that it is expected that every citizen of this Republic will take individual responsibility. It is important for Kenyans to appreciate that patriotism, values and principles of governance are expected, not just of public offices but also of citizens of this Republic.

In most cases, we usually criticize officials of national Government and county governments for failing the test of integrity. However, it takes two to tango. For example, for a policeman to be bribed, there must be someone who has carried 15 persons in a 14-seater *matatu* which occasions a situation that facilitates and provide reasons for a bribe.

Madam Temporary Speaker, in situations that are related to bribery over contracts and tenders of big nature, you will realise that there is a willing contractor who is ready to provide a bribe to get a short cut for particular contracts and tenders. It is for that reason,

therefore, that the President said that we must individually pay heed to the values and principles of governance in our own personal conduct and engagements as citizens of this great Republic.

His Excellency the President also noted that it is because of the spirit of patriotism and nationhood that has been burning in the citizens of Kenya that some Kenyans have achieved a lot globally. He noted Mr. Eliud Kipchoge, teacher Tabichi who won \$1 million in Dubai and Roy Allela who garnered global accolades for investing in smart gloves that convert sign language movement into audio speech. All these were noted by him as some of the examples of Kenyans who are succeeding, not just in our country, but in the world.

We know that many Kenyan professors are teaching in universities abroad and have evolved inventions. Students that leave our high school to pursue education in universities in Canada, North America, United States of America (USA), South Africa, United Kingdom (UK) and Europe do so well because they carry with them the principles and values of hard work and commitment.

Madam Temporary Speaker, the President also noted the importance of devolution which is something that is important for this House. He captured the fact that in the last six years, the national Government and this House have transferred up to Kshs1.7 trillion to counties. Initially, we started with Kshs200 billion, and now we are at Kshs300 billion. An average of Kshs300 billion or 270 billion is Kshs1.7 trillion in six years.

Madam Temporary Speaker, in his speech, the President has rightly captured what we have been discussing in this Chamber that there will be no turning back on devolution and its importance in national development and its concept on principles of governance that ensures that resources are taken closer to the people.

Madam Temporary Speaker, he captured the issue that counties should focus on service delivery and prioritize development expenditure. This is because many counties have too much recurrent expenditure.

There was unwavering commitment on integrity and anti-corruption in our counties. If there was a strict commitment for value of money in procurement in our counties, devolution would transform this nation greatly. We deal with Bills that are related to these issues in the House and also oversight counties. So, we are aware of many counties that are only focused on recurrent expenditure. That is why many of our governors and county governments are lamenting that they need more money because they are investing more in recurrent expenditure. That is one of the reasons why the recurrent expenditure is more than development expenditure.

Currently, we are not achieving the minimum legal requirement of 30 per cent of development expenditure because some of these recurrent expenditures are occasioned by maladministration and bad practices in our counties. You will hear counties complain that there is a lot of recurrent expenditure. However, they will continue to hire goons as law enforcement officers and people whose business is to carry a sit for a governor or organize themselves to fight competitors of county governors.

Madam Temporary Speaker, this House must continue to provide leadership on how to streamline counties. One of the national conversations that we must have is how to streamline human resource in the counties. We should ensure that the only people who



are in county's payroll are those who give essential services. We should not have an exaggerated number of persons or reward individuals in terms of employment at the expense of development.

One of the messages that we must pass to the citizens of this country is that they should not put pressure on county governments to employ people from different corners. If there is any pressure that citizens of Kenya must put in national Government and county governments is to create conducive environment for investors to come and invest in our counties so that they can hire the young people who needs jobs. We need more people to be employed by the private sector. However, if we push for more people to be employed in the public sector, we will actually eat into the same resources that would have been used to attract more investors which would lead to hiring more people.

Madam Temporary Speaker, there is a culture in this nation that I do not know how we will deal with it. Everybody believes that if you have to be employed, it has to be by the Government. All over the world, the role of a government is to create more employment opportunities to its people through the private sector. Sadly, that is the same mentality of even colleagues who were Senators here, but they are no longer with us.

Many people face similar pressure of being asked how many people they employed from a certain village when they were governors. That is a disease that we must deal with because due to pressure, a governor may create some job opportunities here and there. As I said, governors are being put under pressure because it is linked to votes and the only language that people can hear is when you go to their locality and tell them that so and so has been employed. That is an issue that we must address.

We are likely to have the same situation in the current audited reports. Sen. Olekina and other Members of the County Public Accounts and Investments Committee (CPAIC) are here and can attest to that. If you check, you will find that most of the audited reports by the Auditor-General for Financial Year 2017/2018 are about the number of staff that were employed for a short period of time because governors wanted to get votes. Therefore, they employed people for six months. Thus, the money that would have gone to roads, hospitals and other developments was wasted. The President talked about the state of our devolution and that we must deal with the issue of human resource.

Secondly, we must deal with corruption. That is an issue that we have been debating about since the establishment of this Senate. We know there is mismanagement and pilferage of resources in our counties. You may find a county government allocating money on a road that was built by the Kenya Rural Roads Authority (KeRRA) or money by the National Government Constituencies Development Fund (NG-CDF). We all know that there is duplication of duties to facilitate stealing of our money by county officials.

I am not the kind of person who believes in knowing how a person becomes rich quickly. My concern is that you can find a road built by the national Government for Kshs5 million and another one built by the county government at Kshs10 million which is worse than the one where Kshs5 million was used. Those are the things that irk Members of this House. We must assist our people to fight corruption that is thriving in the counties.

There are also issues related to procurement in the counties which this House must deal with. If we deal with some of these issues, by and large, our counties will be centres of growth and development.

The President also talked about the importance of Parliament and the number of Bills we have passed in a short period of time that we have been in session. We have passed 22 Bills since the beginning of the Twelfth Parliament. He also encouraged us to complete some of the Bills that are in mediation; including the Land Value Index Bill, the Physical Planning Bill, the Irrigation Bill, the Warehouse Receipt System Bill and the Kenya Roads Bill. These five Bills are currently under mediation. We have asked the persons who have been appointed to the mediation committees to work expeditiously so that these Bills are concluded.

The President also appreciated Parliament for passing the National Housing Policy and the National Policy on Climate Financing were approved by Parliament. However, I must admit that I have not seen the two policies. It is possible that the National Assembly approved them without being brought to the Senate. If that is the case, I have asked the clerks to assist me find out the exact situation of these policies, so that they are brought to this House. Housing or climate related policies cannot be passed without the involvement of the Senate.

We, as a House, still suffer the problems related to Article 110 of the Constitution about the movement of Bills from the National Assembly to the Senate. Senators here know that there are many Bills that have been passed that are related to the issues of wildlife. All the amendments in the Statute Law (Miscellaneous Amendments) Bill were passed by the National Assembly without resorting to the Senate.

Madam Temporary Speaker, I will be seeking the support of the Senate Minority Leader for us to engage the leadership of the National Assembly. It is also important to correct that anomaly by ensuring that sections of law that were passed without appreciation and involvement of the Senate are declared unconstitutional and a proper process begins to be initiated to ensure the right procedure is followed. Those laws must be brought to this House.

We must gather the courage that was there in the first Senate; the courage that led us to the Supreme Court to get an advisory opinion that made it possible for this House to get the number of Bills that we are debating at the moment. Had we not become courageous enough, the National Assembly would have wound up this House. Since the courage of founding fathers and brothers led us to where we are and some of us are still here, if we can surmount another level of courage even if it is small like the size of mustard seed, we will correct the problems we face with the National Assembly, particularly when it comes to the Statute Law (Miscellaneous Amendments) Bill.

This is an omnibus Bill which is used to carry so many amendments that are related to devolution and hiding behind two or three amendments that are not necessarily brought to the Senate. In any case, the Constitution is very clear that there must be concurrence of the Speaker of the Senate. I can say authoritatively that there was no concurrence of the Speaker of the Senate. That is something that we must deal with.

On the economy, His Excellency the President said that our economy has grown at an average of 5.6 per cent in the past five years. He added that it has been driven mostly by retail trade, real estate, information and communication technology and

tourism. He also said that despite the growth, we have challenges. It is expected that in 2019, the economy will grow by 6.3 per cent.

It was also captured that in the same period, the Kenya shilling stabilized against the United States dollar. It stabilized at an average of Kshs101 against USA\$1. That stabilization has assisted in economic growth.

In terms of ease of doing business in the country, we have also improved from a ranking of position 80 in the past one year to position 61, which is an improvement of 19 positions. In the past, I have heard the President congratulate the Cabinet Secretary, Hon. Aden, for the commitment and passion in dealing with the issue, which led to improvement in the position by 19 positions. One would expect Hon. Munya, who is now the new Cabinet Secretary to do even better and make sure that the country improves far much better.

As we know, these are the economic indicators. However, what we politicians who lead masses are interested in is, not just the growth nationally, but the distribution of the national cake and how it is felt in Turkana, Taita-Taveta, Elgeyo-Marakwet, Homa Bay, Nyeri, and Tharaka-Nithi counties. These are things that most Kenyans would like to feel. That is an area that we, as a nation, must continue having greater conversation. We should ask ourselves how economic growth should be reflected in the common *mwananchi*'s life in terms of resources.

For those of us who come from villages, we still feel that everywhere you go, people cannot afford healthcare, education and food and drought is still a challenge in our country. If we are growing constantly at this percentage, we must now think about how we can distribute this growth to benefit every citizen of this Republic.

Madam Temporary Speaker, the President also noted that we are still focused on implementing Vision 2030 and, in the short term, the Big Four Agenda, whose flagship are four programmes. One of them is manufacturing, and the President captured it rightly that some of the successes in this intervening period was witnessing the Peugeot and Volkswagen assembly lines coming back to the country. Gladly, it is noted that 627 motor vehicles have been assembled up to now since the two assembly plants came back to the country. It is expected that this number will rise to 1,500 in the next one year. This is important for job creation. We hope that it can progress to other areas of manufacturing.

Madam Temporary Speaker, what is important for us, when we talk about manufacturing, is that it should not be such a huge, difficult thing which looks like it is far removed from common *mwananchi*. Manufacturing can be cottage industries in the local areas; it can be processing plants for tea, tomatoes, carrots and all kind of agricultural products.

It can be value addition for fruits in the form of a mango factory that has been built by the Kerio Valley Development Authority (KVDA) in Tot, in my county, amongst others. We have also seen what Makueni County is doing with tomatoes, processing and packaging of milk, amongst others. These are some of the programmes that we must continue encouraging as a nation if we are going to create employment and, at the same time, spur economic growth.

Secondly, Madam Temporary Speaker, the President captured the question of universal healthcare which is a very important part of the Big Four Agenda. He

particularly alluded to the fact that a pilot programme is ongoing in Isiolo, Machakos, Nyeri and Kisumu counties. We have seen in some counties are not waiting for this pilot programme to end. County governments are becoming more proactive. This is evident in Kitui, Nandi, Kajiado, among other counties in terms of pushing for universal healthcare coverage.

Madam Temporary Speaker, the issue of food security has been captured in the Big Four Agenda. Its objective is to ensure that we become a food sustainable county. We should ensure that this is achieved through proper investments.

*(The yellow light on the timer went off)*

Madam Temporary Speaker, I want to be sure how much time I have. I had assumed that it is---

**The Temporary Speaker** (Sen. (Prof.) Kamar): You have five minutes.

**The Senate Majority Leader** (Sen. Murkomen): That is out of 30 minutes?

**The Temporary Speaker** (Sen. (Prof.) Kamar): Yes.

**The Senate Majority Leader** (Sen. Murkomen): Okay. These are some of the very important programmes that have been captured.

Madam Temporary Speaker, I had the misconception that I had one hour; I wish I had been advised accordingly before. I would have skipped some of the things so that I capture others that I thought could be important to highlighting for the purpose of this House.

Madam Temporary Speaker, there are two things I want to mention that the President noted. One of them is sustainable development, which is very important in terms of ensuring that we have development that is taking care of concerns of this period, as a country, but also those of the future. If we borrow, we, as a country, must be able to account; not just for the present generation, but for future ones also. That sustainable development argument is important even in conservation; that we must be able to protect our forests. The President captured the important programme of ensuring that by the year 2020, this country should have 10 per cent forest cover across the nation.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Murkomen, for the fact that you may not have been informed, I will add you another five minutes.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Madam Temporary Speaker. I will faithfully stick to those five minutes.

The President also captured the very important issue of education; that there is no turning back on the commitment to ensure that every child is going to school. That is something that the President emphasized. The National Government Constituency Development Fund (NG-CDF) is not a fund for a Member of Parliament (MP), but for the national Government. He tried to give guidance; that it is important that most of the resources that come from NG-CDF are invested in education infrastructure.

There should be no reason why we should do harambee in any school. I had a conversation with my four MPs, that there is no need for us to fundraise to build a classroom, dormitory, a laboratory and all that when we have Kshs100 million allocated to one constituency. It is important that actually 90 per cent of that money should go to education infrastructure. This is because if you talk about roads, that has already been left

to county governments. The only other money that should be divided from the NG-CDF should go to bursaries, which is still in education. If most of these resources were put on education, we should not have this problem of Kenyans studying under a tree. That is something that needs to be emphasized.

Madam Temporary Speaker, this Government has also emphasized on the need to have vocational training institutes. Most Technical Training Institutes (TTIs) are now operating across the country. This is giving hope to many young people, some of whom did not progress beyond Standard Eight or Form Four, but they are now getting necessary skills. Those technical skills are the ones now driving our economy.

Something else that was captured by the President is engagement on the international front. We must give credit to President Uhuru Kenyatta; I do not think there is any other President who, in a short period of time, has had this level of diplomacy. He has been marketing Kenya and signing agreements that are related to investments in this country; getting support from the international community and opening markets for our country in places like Ethiopia, Namibia and Uganda. I was part of his delegation when the President visited the United States of America (USA). He has also visited Canada, France, China, and the United Kingdom (UK), among others. Building of these relationships has helped a great deal to ensure that our country prospers even on the international front.

Madam Temporary Speaker, there are two things that I also want to point out. The President emphasized the importance of the Building Bridges Initiative (BBI). This initiative is good for sanitizing the politics of our country and ensuring that people are able to work together to achieve national development. This is a very noble task that the President embarked on together with the leader of Opposition, and all of us who are involved in this process. This is something that we must laud the President for.

Madam Temporary Speaker, I have known President Uhuru Kenyatta from when he started with the Deputy President in 2012. They wanted to unite this country and they have remained on that course. Many people have criticized them, saying that “They are lying to Kenyans and that they just want to survive from the International Criminal Court (ICC).” However, the President and the Deputy President have stuck together all through. Now, as a culmination of that process of uniting the country, His Excellency the President came together with the former Prime Minister, Right Hon. Raila Odinga, to ensure that they have a relationship that builds the country to move forward.

Madam Temporary Speaker, what we have been speaking against when it comes to the BBI is the hypocrisy. This unity that we are pursuing in this country must be for everybody. We cannot have our colleagues saying that, “We will work with the President, but we will impeach the Deputy President.” Or, “We will work with the President, but we will remove an MP for working with the Deputy President.” Or, “We will work with the President, but we do not like the people who work with him.” There is no way that you can cherry-pick and say that you will work with this person and not this other person. Yet the President said that this BBI is supposed to bring everybody to the table of conversation so that our country can move forward.

Madam Temporary Speaker, secondly, it is the question of corruption. The President captured well; that there is no turning back on matters of corruption. As I have said earlier, corruption is taking our country back. Even when we make an argument of

intergenerational equity, our children and the children of our children will never get anything, except to pay debts if we do not use the money that we borrow wisely. This can be to build infrastructure, just like the Standard Gauge Railway (SGR), the port that has been expanded and airports that have been built. The people who built the Jomo Kenyatta International Airport (JKIA) are not here. However, many of us are now benefiting from that infrastructure.

It is important for us to unite as a country in the fight against corruption. When we say we want to fight corruption, we should not cherry pick and say, we will fight it in this region and not the other.

I would like to encourage my colleagues in this House that all governors should be treated in a similar manner in the fight against corruption. It does not matter whether one is from ODM or Jubilee. When we say we want to fight corruption in our counties, we must put that effort. We must also fight corruption ferociously at the national level, so that we ensure that the resources in this country make a difference in our homes.

Madam Temporary Speaker, some of us who believe in the fight against corruption also believe that it must be waged using the right tools and process. The President could not have put it better because he said that we do not want to apply what is called “vigilante justice.”

There are many things that we do not agree on with Sen. Orengo. However, I agreed with him in his submissions before the High Court, when he properly said, together with Sen. Omogeni, that it is important that when we are fighting corruption, we do not use that process to malign other people or soil their names. If Sen. Orengo remained focused on what he said in court and says it in Ugenya and in this House, that would be the way to go. We must avoid what the President called pitchfork protest and vigilante justice.

If that consistency is maintained, this country will achieve sustainable fight against corruption. If we do not do so, as a nation, we will be a country that will be dependent on the person who is in office. It will mean that if I am elected to office I will use that process of fighting corruption to attack my enemies. However, if that process requires investigations that are above board and focused on everybody and everything; and that will not pick this one and leave the other one, then we will achieve a country that has consistency and respect the rule of law.

There are so many things that the President captured in this report. I have no time and opportunity to go through all of them. However, this is just a summary. I still insist that all these reports should be submitted to our Committees. They should thoroughly study them and come back to this House even if it is in the form of Motions for us to interrogate all that is in them.

Madam Temporary Speaker, in the spirit of the “handshake” that has been captured by His Excellency the President in this report and considering the recent events that have occurred in this country, I am magnanimous enough to invite the Senate Minority Leader, Sen. James Orengo to second this very important Motion.

*(Interruption of debate on Motion)*

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM KENYORO PRIMARY  
SCHOOL, NYAMIRA COUNTY

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, before the seconding is done, I have a communication to make. It is on the visiting students and teachers from Kenyoro Primary School, Nyamira County.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Kenyoro Primary School in Nyamira 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, wish them a fruitful visit.

I thank you.

*(Applause)*

There is an intervention from Sen Omogeni, the Senator for Nyamira County. I will give you one minute only because we do not want to interrupt the debaters on the Floor.

**Sen. Omogeni:** Madam Temporary Speaker, thank you. First, I take this opportunity to welcome the teachers and students of Kenyoro Primary School from Itibo Ward, North Mugirango Constituency in Nyamira County. This is one of the best public primary schools that we have in Nyamira County. They excel in academics and extra curriculum activities. They are very good in sports and drama. I commend their head teacher, Mr. Ombwogo who has steered this school well.

I encourage that as many students as possible should visit the Senate, so that they see what we, as the representatives of their parents and teachers, do. I welcome them and hope that they will have a very fruitful visit to the Senate.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. I take it that is on behalf of everybody so that other Members can touch on it when making their contributions on the Motion.

Proceed, Seconder.

*(Resumption of debate on Motion)*

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, I rise to second the Motion. However, before I do so, let me also join you and Senior Counsel, the distinguished Senator for Nyamira, in welcoming Kenyoro Primary School from Nyamira County. Nyamira is a great county. It has given us great people in this country who have contributed to the development of this nation. We have had very good parliamentarians from Nyamira and the Kisii region generally.

One would not have any doubt knowing that your representative here in the Senate – he is a colleague of mine, distinguished Senator and a Senior Counsel, Sen.

Okong'o Omogeni. Sen. Okong'o Omogeni, you must make sure you take us to the school so that we return the visit that they have made to us today.

Having said that, I now come to this Motion. I join the Senate Majority Leader in saying that some of the reports which the President is required to table in Parliament in accordance with Article 132 of the Constitution; is not a ritual. The fact that those reports are tabled in Parliament rather than any other organ of Government is critical. I support him fully in suggesting that these reports should go to the relevant Committees of Parliament, so that they are interrogated such that next time the President is tabling reports, there should be an input from Parliament, and more particularly, the Senate because they concern areas of importance that should be interrogated by Parliament.

There are other reports that are similarly required to be laid in Parliament, for example, the reports of independent offices and commissions. They are required yearly to table reports in Parliament – both the National Assembly and the Senate. I would follow the Senate Majority Leader in similarly making it a requirement, if not in the Standing Orders, but by convention; that these reports are interrogated by various Committees of Parliament. If need be thereafter, discussed through a Motion formally moved in the Senate.

Madam Temporary Speaker, I also appreciate the fact that the President commended Parliament for what it has done. It is not often that Parliament is commended. Sometimes when you go out there, Parliament is normally an object of criticism, if not ridicule. However, this time the President recognised the work of Parliament in various responsibilities and mandates. That is not just in regard to our legislative functions, but in approval and ratification of reports and protocols which was something that is unprecedented. I have been in this House for quite a bit of time, but I do not remember a Presidential Speech where there was an appreciation of this nature of the work being done or has been done by Parliament.

I noted that some of the Bills that have gone through this House, including the Petroleum Act, the Energy Act and the other legislations which are pending because of mediation undertaken by both Houses of Parliament - this again, shows the appreciation of what Parliament and the Senate has done.

In relation to what the Senate Majority Leader said, the President has to know that he has a unifying function when presiding over the three arms of Government; he has to protect the sovereignty of the nation and protect the Constitution. In fact, one of the roles of the President is to defend and protect the Constitution. When the President speaks as the Head of State, he can take issue with Parliament and the Judiciary and when he is making a statement as Head of Government, he can be criticised and he has to be very conscious of his responsibilities as Head of Government.

Madam Temporary Speaker, I would plead that instead of us going to the Supreme Court, he should take a second look at the advisory opinion given by the Supreme Court. He should look at Article 110 and what the court said. If he has to assent to a Bill, he should find out if the Senate played its role on that Bill. The role of the Senate is not just considering the Bill and passing it, it could be a peripheral role which the Speaker of the Senate plays on behalf of the Senate by giving concurrence if the Bill concerns counties or otherwise. If that is not possible, then each arm of Government must always fight to keep its territory.



If the Senate is inclined towards taking action like the one taken by the last Senate, then count me in because we are protecting the authority and mandate of the Senate. It is not about us. A100 years from now, people will realise that there were Senators who fought hard to make sure that the Senate plays its primary role. I remember a case in England between the Speaker of the House of Commons and the Monarch, who had powers and authority as head of government and legislature. There was a time when he wanted two Members of the House of Commons to be arrested. He went to the House of Commons and demanded that the two Members of Parliament be handed over to him. If those Members were handed over to the king, they would have ended up in the Tower of London and would have been executed.

However, the Speaker stood his ground and said that he had not seen the gentlemen that the king was asking for. He said that; 'I do not see them' though they were in the House. Sen. Sakaja once raised a point of order that no person should be between a Senator who is contributing and the Speaker and that point or order may have emanated from those times. The Speaker needs to know what is happening in the Chamber. He should know if the Members feel safe when working in the Senate Chamber or in the precincts of Parliament.

There are other areas that the President spoke about at length and I may not have time to go through them all. He spent a lot of time telling us about the state of the nation. He talked of security, economy and other sectors. The image of what is happening in the country was painted in a very positive manner and I want to take issue with the economy. Whereas he did show that there is growth at the rate of 6.1 per cent and that the economy is expected to grow at a higher rate in the coming years, most people do not agree with that.

Many people in the country, be it farmers, business people or transport operators, cannot say that the economy is growing at the rate of 6.1 per cent. Most of them take that to be mere statistics. The growth may be artificial or artificial measure of growth. That picture does not exist in reality if you talk to people in the villages or those in the streets of Nairobi and Mombasa.

Many people are feeling a lot of pain and that needs to be addressed. The best measure of an economy that is growing is the feel good factor and the people realising the fruits of that growth. Dictatorship system of government gives similar figures of growth and so on but the question is; who is benefiting from that growth? It is important for us to ask that question and also use other indicators so as to know the state of affairs of our economy in relation to the common man in the village or in the streets. From where I stand, the picture is a little gloomier than what the President painted and we need to look into that issue together.

Wole Soyinka once talked of President Shagari, who was a very good man; he was polite and civil, and used to talk about Nigeria in laudatory terms. Wole Soyinka said that President Shagari was talking about Nigeria, but the problem was that it seemed as if President Shagari was not living in Nigeria because he was painting a different picture from what was happening in Nigeria. That is not to say that the situation in Kenya is similar to that of Nigeria at that time.

I am just pointing out that the state of the economy may look what it is in the statistics books. However, when you go down to the common people, that picture does

not emerge. In fact, if that was true, then the Government would have been able to deal with the emergencies in the arid areas of the country like Turkana and West Pokot. Our people would not have suffered.

I also want to follow the footsteps of the Senate Majority Leader in relation to the issue of corruption. I want to confirm to him that I agree that we have to follow the rule of law and that we should not apply different standards when it comes to dealing with corruption. My perception on that has never changed. In fact, if somebody examines my speeches and my arguments in court, they will realise that I have been consistent. The fight against corruption cannot be effective if we are to use law of the jungle. It has never succeeded in any part of the world.

We are proposing effective measures and the use of law. This is because law that is used properly can be very effective. These institutions should do their work properly in investigations and prosecutions. Of course, the courts will have the final say. If their work will depend on the evidence that is laid before the court, we can deal effectively with the issue of corruption.

Madam Temporary Speaker, I have suggested something and people have mistaken me all the time out there. Sometimes the media report what they want people to believe we are saying. However, we are saying that the war on corruption is not just about arresting people, investigating cases or taking them to court. The Constitution gives us so many other tools to deal with criminality, corruption or issues of leadership and integrity, as set out in the Constitution.

I challenge Parliament; that is the National Assembly and the Senate because we have the tools to deal with integrity and leadership issues without necessarily surrendering that role to other arms of Government, including the investigative agencies. For example, under the Constitution, it is the National Assembly together with the Senate that have the ownership of the purse. That can be used to deal with rogue departments in the Government by denying them funds. That works in some jurisdictions. For example, in Kenya, there are departments that consistently have been shown to run amok. That tool can be used. It can also be used to deal with Cabinet Secretaries.

The President, during his Speech said that many people were expecting him to sack Cabinet Secretaries. He said that his hands are tied; that he can only do so after they have been charged. Even after being charged, he has to force them to step aside. However, Parliament can bring a Motion for the removal of a Cabinet Secretary if that need be. That is a tool that we are not prepared to use.

Madam Temporary Speaker, I talked about the question of impeachment in regard to having a constitutional tool which can be used. It is just as the people of Kenya also have certain tools for dealing with Parliament. If a Member of Parliament is not doing his or her work up to the expectations of the people, there is an innovative tool that is found in the Constitution, by way of a right of the mechanism of recall. That is the people directly exercising their sovereignty; they do not have to wait for another election. This can be seen in the United States of America and Japan, where Parliament has used these tools.

Sometimes we hear the Directorate of Public Prosecutions (DPP) or Directorate of Criminal Investigations (DCI) saying that they are overworked; they do not have personnel and tools. Probably, the National Assembly or Senate would be at a better

place to deal with some of these issues. Since my distinguished Chairperson of the Committee on Justice, Legal Affairs and Human Rights is here, I will talk to him so that we find out whether there are more innovative tools to apply in dealing with corruption.

Parliament may be more even-handed than some of the constitutional organs. This is because there have been complaints that some of the arrests and prosecutions are not based on evidence or the law, but are mere cases of witch-hunt. I want it to be understood properly in that regard.

Madam Temporary Speaker, the President spoke on the BBI and the 'handshake'. I commend him for being firm on this initiative. There are people who were beginning to lose hope on what to expect out of the 'handshake' and the BBI. However, his statement to the National Assembly and Senate in the Joint Sitting was very strong. There are expectations that what he said will find favour at the end of the day when the report is circulated by the Committee making recommendations. In fact, in Paragraph 122, the President spoke without any contradiction or missing a word. He said:-

“The Building Bridges Initiative is engaging Kenyans across the entire country and soon we will have the opportunity to comment on its findings and recommendations.”

He went on to say that those recommendations will be followed to the letter, depending on what the comments will be.

My only problem with the process is that it may come out too late in the day, if there are measures that will be undertaken either by Parliament or some organs of Government, such as what people have been talking about - a referendum. If these will be done in anticipation of the next election, then time is not on our side. If they will end up making legislative enactments, again, time will not be on our side.

Madam Temporary Speaker, everybody is out there waiting for the results of this initiative. I think they have about four or five months to go. I for one have no doubt that what they will bring to the country in terms of recommendations will be well received. Our part is to wait for our turn because they have not come to my county to take our views about what we think Kenya should be and how it should be run.

Madam Temporary Speaker, there are areas where the President talked generally. In the area of agriculture his comments were that they are waiting for reports of the taskforce. This is an area that touches everybody in the country. There are issues that have been with us every year in the agricultural sector. These more particularly concern the maize farmers and the sugar sector. We need to see concrete results that will come out of the recommendations of the taskforces. I for one truly believe that in the sugar industry the factories should be privatized.

The Government has put a lot of money into Mumias Sugar Company over the years; not just during the Jubilee administration, but in the two terms of President Kibaki. A lot of money was allocated to Mumias Sugar Company. Even when the company was doing a lot better than it has done since, the Kenya African National Union (KANU) Government also gave a lot of money to them. There are factories such as Miwani Sugar that are completely dead and not worth talking about.

Madam Temporary Speaker, these factories should be privatized, but regulated so that the farmer does not suffer. If they cannot be privatized in the traditional way, farmers should form cooperatives with injection of investments from other partners, so that the

perennial problem we have with this sector is brought to an end. These industries should be privatized, but regulated so that the farmer does not suffer. If they cannot be privatized in the traditional way, farmers should form cooperatives with injection of investments from other partners so that the perennial problem that we have with this sector is brought to an end.

I am sure this can be done. However, leaving these factories as public entities has not worked. Experiments have been undertaken in many ways, including putting in more money and the likes, but it has not worked. Therefore, I hope that we will see this initiative through the taskforce come to fruition so that the perennial problems that we have in those sectors are brought to an end.

Finally, Madam Temporary Speaker, I hope that what the President said will not turn out to be just rhetoric. This is because there are areas where it was more rhetoric than action, for example, on corruption, agriculture and the Big Four Agenda. There is a concerted energy and movement in universal healthcare. However, in the other sectors, for example, agriculture, housing, food and nutrition, the signs still do not show that the Big Four Agenda is moving at a pace at which the rhetoric is making us to believe.

Madam Temporary Speaker, I hope that in the other sectors, for example, food and nutrition, housing and manufacturing, we will see some movement that will persuade us that this initiative will help the country deal with its economic problems and bring prosperity to the nation.

Madam Temporary Speaker, with those remarks, I beg to second.

*(Interruption of debate on Motion)*

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION FROM POTTERS HOUSE ACADEMY, UASIN GISHU COUNTY

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Before I propose the question, I have two Communications to make. My first communication is on the visiting students and teachers from Potters House Academy, in Uasin Gishu, my own county.

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of visiting students and teachers from Potters House Academy, 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 my own behalf, I wish them a fruitful visit.

I thank you.

VISITING DELEGATION FROM PAG JERUSALEM  
SCHOOL, NANDI COUNTY

Hon Senators, I have a second Communication on the visiting students and teachers from PAG Jerusalem School, Nandi County.

I would like to acknowledge the presence in the public gallery this afternoon of visiting students and teachers from PAG Jerusalem School, Nandi County.

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

I thank you.

*(Resumption of debate on Motion)*

*(Question proposed)*

**Sen. Cherargei:** Thank you, Madam Temporary Speaker, for giving me this opportunity. From the onset, I welcome the school from your county of Uasin Gishu. I also welcome PAG Jerusalem Academy from my neighbourhood. It is not far from my home and the primary school that I attended, St. Francis Chepterit Primary School.

They will have the opportunity to see their Senator make a few comments on the Floor of the House. I wish them well and pray to God that we be their inspiration.

The Senate is an instrument that has been created by the people for the people. Therefore, we wish them a fruitful learning process and the best in their academics.

Madam Temporary Speaker, I congratulate the President for the State of the Nation Address. The Jubilee Party is proud of him as the President and party leader. We celebrate his address which came at a time when the country is maintaining the trajectory towards its success.

Madam Temporary Speaker, it should be noted that there are many diversionary agendas. Some of us were worried whether we were still maintaining the tangent on the issue of the Big Four Agenda. There was a lot of perambulation, hullabaloo, unnecessary attention and agendas. However, I am happy that he brought back the direction that we had missed as a country.

I thank him for putting emphasis on the Big Four Agenda. We wish him all the best as he builds his legacy, the vision of the Government and the Jubilee Party so as to work for Kenyans and transform lives.

The Senate Majority and Minority Leaders have spoken well. I am happy that the Senate Majority Leader is back after very bruising campaigns. I wish that he was here, but I know that he is watching from where he is. I would like to tell him that, in future, when he is campaigning for his candidate, he should not give the people unnecessary manifestos.

When they were busy insulting the Deputy President Dr. William Ruto, the people of Ugenya and Embakasi South could see their lies, deceit and deception. I am happy that they exercised their democratic right.

I congratulate Hon. Mawathe and Hon. David Ochieng for winning Embakasi South and Ugenya constituency seats, respectively. That shows that the electorate is becoming wiser by day. You cannot sell manifesto or agenda that does not resonate with them.

They are now alleging that it is because of “handshake” that they will not be fielding a candidate in Wajir West. However, I am sure they have sensed defeat in the by-election for Wajir West parliamentary seat because Hon. Kolosh is our strong candidate. The Orange Democratic Movement (ODM) Party has now withdrawn their candidate from Wajir West by-election because they know they will not survive another day.

Madam Temporary Speaker, I thank the President for affirming the Big Four agenda. We support it and we are solidly behind him, his Deputy President and the Jubilee Government. We urge our brothers who have joined us as a result of the “handshake” to continue praying for us and make checks and balances. They should not forget that they are not the Government, but the Opposition. Therefore, they should assist us in delivering on our mandate.

Secondly, I thank the President for recognising Eliud Kipchoge who is one of the marathon maestros. I am proud because we come from the same constituency. Where I come from, everybody is a legend. We have people like Kipchoge Keino, Eliud Kipchoge, Conseslus Kipruto and many other big names.

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

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

Mr. Temporary Speaker, Sir, Nandi is the source of champions. Elgeyo-Marakwet County is the home of champions and Eldoret is the city of champions. We are proud to be the source of champions. We had dinner with the athletes courtesy of the Deputy President after the State of the Nation Address. We are proud of our young people because they did well in Denmark.

Mr. Temporary Speaker, Sir, I know that you like watching athletics. When Chebet was denied a gold medal, all of us were mad. However, when the error was rectified, we were happy. In fact, there is no need of paying a lot of money to brand Kenya. Let us use our athletes to brand Kenya.

If you go to any country in this world and talk about the marathon, it is synonymous with Kenya. I wish we used our sportsmen and women to brand Kenya. The rugby team is equally doing well. The football team is wobbling, but it is also improving in terms of the quality. So, we should recognise and value our sportsmen and women in this country. Amb. Amina Mohamed, should ensure novelty, so that we use our sportspersons as ambassadors of this country.

As the Jubilee Government fulfills its promise on construction of stadia, counties should also partner with us to ensure they create more sporting facilities in our counties. Even as some of us push for construction of stadia in Kapsabet, Eldoret and Iten, we would like other sports facilities to be developed, so that our sportspersons in this country have an opportunity. The biggest challenge has been for them finding suitable training facilities in this country.

A person like Mo Farah go to train in Iten because of high altitude. If we had training grounds like Lorna Kiplagat Training Camp in Iten, we would not be having serious competition from other countries. The other day, the Ethiopians and people from other countries gave a good show in the just concluded athletics competitions held in Denmark.

Mr. Temporary Speaker, Sir, Kenya is very unique. We have Mr. Peter Tabichi who was awarded for being the best teacher. I congratulate and wish him well. I am told he is a brother and that means that he is a catholic. He has a special place in my heart because one of my younger brothers is a Catholic priest. I know they sacrifice a lot for all of us to ensure that we move forward.

I also thank the President for emphasising about Article 174 of the Constitution on objects of devolution. We are told that so far Kshs1.7 trillion has been shared. This comes against the backdrop of the Auditor-General's report. I hope that as the Senate, we will have the opportunity to interrogate what Kshs1.7 trillion that has been disbursed to counties and see what it has done at the grassroots level.

Do we have developments in our counties or largesse and exercise of powers by our county chiefs who spend more on recurrent expenditure? I am happy that the Members of the CPAIC met Samburu County Government Executive. They said that they will flag out counties that have flouted procurement laws. My Nandi County has flouted procurement laws in many occasions. We have a confidential account where the Governor put Kshs2.6 million.

There are allegations that the Council of Governors (CoG) use confidential accounts to hire choppers. Do we need to have Kshs2.6 million, for example, in Nandi County for flying choppers around? Does it add value to the people of Nandi? I do not think so. I hope the CPAIC will take note of that. I am using Nandi County because it my county. However, I know there are Senators who have issues in their counties as well.

I know that Kshs1.3 billion was returned to the National Treasury by Nandi County Government. Those are challenges we have. Governors are not using resources on development yet that is what is more important.

Mr. Temporary Speaker, Sir, in conclusion, because my time is running out, I would have expected the President to talk about food security issues. We have discussed about manure and farmers not being allowed to sell unprocessed milk. It is important for all of us to see that there is a problem with the agricultural sector in this country because there are so many policies that choke farmers. As I talk, Kshs11 billion that was needed for the subsidy fertiliser has not been provided. As we near the planting season, farmers do not have the necessary inputs. It is unfortunate for people to ban the use of manure and selling of unprocessed milk.

As I speak now, farmers are still delivering maize to the National Cereals and Produce Board (NCPB), but they are not being paid. People are dying in Turkana, Samburu and Tiaty Constituency in Baringo County yet there is surplus food in the North Rift. The People who are coming up with funny proposals in the Ministry of Agriculture and Irrigation should be taken to other Departments. Maybe they do not understand what agriculture entails, but I hope the President will remain focused on food security which is one of the Big Four agenda.

Finally, I would like to talk about the BBI. Yesterday, Members of the Committee on Justice, Legal Affairs and Human Rights were at the coast. The message is very clear that the BBI should not be about political interests only. It should be about the cohesion, unity, purpose and transformation of the country. I agree with the Senate Minority Leader that if we want to move forward in the fight against corruption, we need to see result.

As Members of the Committee on Justice, Legal Affairs and Human Rights, we will look into ways to assist agencies that are tasked with the responsibility of fighting corruption in this country, so that we do not run into problems of being accused of being politically motivated and ethnic profiling among many other issues. Let us build bridges where it matters for the honour of *Wanjikus, Kipronos* and many others at the grassroots levels. We should not just build bridges and do handshakes for the sake of it. Let them be real handshakes, like it happened between Uhuru Kenyatta and William Ruto in 2013.

I support the fight against corruption. I agree with the President that vigilante justice will not assist in fighting corruption.

Finally, Mr. Temporary Speaker, Sir, the challenge to the agencies that fight corruption is that even as we fight corruption at the national level, our counties are joking with issues of graft. There is grand misuse of resources. We now want the Ethics and Anti-Corruption Commission (EACC), which is mandated by the Constitution to fight corruption, to not only go to Samburu County where the Chair comes from, but to every county. If any governor or anybody has misused resources, they should not be spared. Ours is to ensure that they follow the law. Forgiveness belongs to God. If they want forgiveness, let them wait for the Maker but they must account for their deeds on earth. It is not our business to forgive but ensure that the law is followed to the letter.

Looking at the time and in the interest of the Members who want to contribute, I thank you for this opportunity. I support the State of the Nation Address by the President and wish him and the Deputy President well. They have our full support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Wetangula, you may have the Floor.

*(Sen. Wetangula was not in the Chamber)*

Sen. Cheruiyot, proceed.

*(Sen. Cheruiyot was not in the Chamber)*

Sen. (Prof.) Ongeru, proceed.

*(Sen. (Prof.) Ongeru was not in the Chamber)*

**Sen. Olekina:** Mr. Temporary Speaker, Sir, thank you for the opportunity to comment on the Presidential Address and also thank the President for taking time to tell Kenyans what he, as the Head of State and Government, has done.

I had an opportunity to keenly listen to the President on various issues that he spoke about. Briefly, although I am not here to criticize, I will state certain things or put the record straight.



During his Address, the President mentioned various projects that the Jubilee Government has completed. At that point, I asked myself if those who prepare the Speech for the President really verify some of the things they say have been done. I heard the President making reference to a road from Kakamega to Kisumu. As a Member of this House, I have had various opportunities to travel through that road while attending functions organised by Parliament. I do not know whether there is any other road between Kisumu and Kakamega but the one road which is there, which is around 47 kilometres, is not completed. The road is completed towards Kakamega County but on the side of Kisumu County, the road is still incomplete. I am yet to see a road that the President mentioned in his Address.

Mr. Temporary Speaker, Sir, I was quite impressed that the President gave a lot of recommendations to the unity of this nation. He spoke heavily about the Building Bridges Initiative (BBI). I hope that the President will now take it further and ensure that it does not become an academic exercise. Let the views that will be collected from Kenyans – by this group of eminent personalities and distinguished Kenyans who were appointed by the President and the former Prime Minister to travel across the country to collect the views – be taken into consideration. That way, for once in the history of this nation, this country will be united.

The President spoke about corruption. Corruption is something that is eating this economy. It is a huge cancer. However, I was quite surprised that even during the Presidential Address the figures which were quoted are not the same ones which are being quoted by the newspapers. Sometimes there is a huge disconnect. I would want to believe what the President said but I also question the source of information from these other entities like the media that talk about the work which we have been doing to try and recover resources or public funds that have been illegally misappropriated by people who have been elected or appointed to ensure a fiducial responsibility.

Mr. Temporary Speaker, Sir, I was quite disappointed because I expected the President to talk about how he intends to achieve the Big Four Agenda. This is something that every Kenyan looks up to. The President clearly spoke about 175,000 Kenyans who had registered to be considered for affordable housing. However, the President in his Address did not tell Kenyans how, during his tenure in office, he will ensure that at least, even the 175,000 Kenyans will qualify and benefit from the housing units.

Mr. Temporary Speaker, Sir, the President appreciated the work that this Parliament does in considering legislation. However, I was quite shocked that the President, who assented into law certain legislations which were amended in the National Assembly but not brought to this House to be considered, did not point that out. I am particularly perturbed by this issue of names. I have stated clearly that if legislation is not brought before this House, I will not support it, and I stand by my words. I have seen many Kenyans queuing to be registered in this magical *huduma* number and yet not even a single Senator in this House knows what the number is all about.

Although I support the President, I will also be first to point out where I think we are just hearing stories and no tangible facts. Yes, our economy is growing, there is no doubt. However, the economy is growing only to those who want to continue taking advantage of the poor. One of the things which was very interesting to me here is that the President clearly indicated that funds will be available for lending to Small and Medium

Enterprises (SMEs). This is where the money is. I wanted to hear the President tell Kenyans that we borrowed Kshs350 billion to build the Standard Gauge Railway (SGR) and this is how much we have paid back so far or he should have said this is how we will ensure we continue paying so that we do not continue burdening Kenyans.

Mr. Temporary Speaker, Sir, the President spoke about the second phase of the SGR. I wanted to correct him that the SGR is not from Nairobi City to Naivasha Town but Nairobi City to Narok County unless the President will get another big loan to divert the already concluded SGR from Suswa, Narok or Duka Moja, to Naivasha. If the President has not been clearly informed that this SGR currently terminates in Duka Moja in Narok County, let me be very graciously and inform the President that the second phase of the SGR is actually from Nairobi to Narok County. I thank him for having considered extending the SGR to Narok County instead of Nakuru County or rather, Naivasha, which they keep on forgetting.

I was a bit concerned and taken aback by the Address of the President with regard to the sugar industry. I expected the President to focus heavily on how our farmers, who have been suffering a lot, will benefit from Government incentives that will ensure that one, we stop the illegal importation of sugar into this country and two; we ensure that we support particularly cane farmers so that they too can feel that the crop that they have chosen to invest in will continue supporting them but not send most of them to an early grave because they can no longer afford to pay for their basic human needs.

Farmers in western Kenya are crying. There are big cartels in this industry. I wanted the President to give us a roadmap or deliverables on how we will ensure that the needs of those farmers are taken into consideration. There are so many farmers in this country who have not been paid. I really wanted to hear that.

Mr. Temporary Speaker, Sir, I am so glad he did not talk about the land which has been purportedly given to Uganda to build a dry port in Naivasha. One thing that I wonder is: What will we do to the farmers of this nation? What will we do to small enterprises or to Kenyans who want to set up those ports and ensure that they can make money from the neighbouring countries? I have nothing against our countries working together but I want to see more business opportunities for Kenyans living here who are struggling rather than setting up a dry port somewhere in Kenya so that another neighbouring country can continue benefitting. I would like to see Kenyans benefiting more.

It will be important for us to know whether at the end, if indeed, the President will give land to Uganda, what process and where will that land come from. If it is a private land, I have no problem with it but if it is community land, then of course, the people of that community ought to be consulted and shown how they will benefit.

Mr. Temporary Speaker, Sir, finally, I would like to reemphasize this issue of building bridges. I am happy that the President spoke very passionately about it but I would like to see action. I would like us to either set aside this debate of having a referendum or embrace it if we will ever be able to have a referendum in this country so that we can unite the entire nation.

This issue of not being included in Government is already causing a lot of problems in this country. In neighboring countries such as Rwanda, the Constitution is very clear. I stand with them in the 25<sup>th</sup> Anniversary of the terrible genocide. I hope that

will never happen to anyone else in this world. There is no winner takes it all. In fact, as we speak, President Kagame has only 50 per cent of people from his political party in Government. The other 50 per cent is from the Opposition.

There are a few things that we may end up doing that may not even require a referendum so that people in the whole nation can feel included. I hope that the President will follow through with his Address and the promises that he made, to ensure that by the time he leaves office, people will remember him, not as the President who spoke so much but as the President who ensured that whatever he spoke about, he walked that talk.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. (Prof.) Onger:** Mr. Temporary Speaker, Sir, I thank you for giving me the opportunity to also contribute on the Presidential Address. I commend the President for reaffirming to us, as Members of Parliament, that the nation is strong, that he will continue pressing on with the challenges and that he will not avoid them whatsoever.

I also commend him for using the terminology, “no turning back” – no turning back on devolution, corruption, development and on anything that has the prescription of bringing this nation down. So, on that score I thank him for giving us the reassurance that all is well.

However, on the question of devolution, we have been told that Kshs1.7 trillion has been devolved since we last recognised the county governments as another second tier of Government. I sit in the County Public Accounts and Investments Committee (CPAIC) and one of the most appalling things we are beginning to see is the squander of public resources at will – not following the laid down procedures and the frameworks that have been put in place to take care of this squander of money. Therefore, in due course, maybe through our Committee, we shall appraise this august House on how we intend to deal with such run away corruption that is embedded in our counties.

I would have liked to see more resources devolved to the counties for obvious reasons; that the amount available for development is peanuts and the exchequer releases are always delayed. I would like to see a commitment from the Government that they will reign in on the National Treasury to bring about the timely exchequer releases so that the county governments cannot have any further excuses of saying that they do not have enough resources to deal with matters of development or for that matter, to deal with recurrent expenditure and occasioning the pending bills.

The pending bills in this country are crippling. When we last looked at them, they were about Kshs196 billion. A decision has to be made sooner than later on how to deal with those pending bills because there will be no development in as far the counties are concerned, as long as we harbour those huge pending bills in our books of accounts. It is an important point that we need to look at.

I note that one of the areas that he spoke about is creating 4,400 water pans under the household irrigation water projects which are intended to irrigate more than 6,000 acres. What happened to Galana-Kulalu Irrigation Scheme which was supposed to irrigate 10,000 acres? I saw the other day in the national media, the ambassador of Israel complaining bitterly that this project was well conceived and if effected properly in a timely fashion, is able to create another bread basket for this nation.

My contribution today and request is: Can the national Government reign in on the rogue people who might have squandered the money that was meant for the irrigation

scheme in Tana River and other areas where we have seen money for major dams squandered away? I sometimes wonder when people make noise. On one hand, you are asking the President to reign in on corrupt people, while in the next move you create obstacles for the President to make a move that will restore the confidence of Kenyans in the fight against corruption.

I expected the President to be more forceful on the issue of corruption. However, I take refuge, cover and hope that under the banner, he will deal with the people once they appear before court, that this will be the way forward. We cannot use corruption as a political weapon. People who are known to be corrupt want to use politics to deviate the war against corruption. That is unacceptable. Those of us in this House will continue fighting until the dragon called corruption is nailed.

Mr. Temporary Speaker, Sir, they have given subsidies to coffee farmers and my County is a coffee growing area. I look forward to the advance payment that will be given to the farmers though the interest rate of three per cent on the already delivered cherry raises questions. Why must they pay for commodities that they have already delivered and are waiting for payment? That is where the farmers suffer loss and if reviewed, it can be an added advantage.

The other area is the electricity connection. I note with tremendous pleasure that there has been an increase in connectivity from two million households to about seven million households. However, connection of light without its use in industries does not add value. It is good to have light because it also helps in security but we need to educate our people to use electricity to power small micro enterprises.

I was the first Minister for Technical Training and Applied Technology in 1988. That was the time when nobody wanted to be associated with *jua kali* activities. We brought a sessional paper in 1988 which sanitised the *jua kali* sector. When the Bretton Woods institutions withheld the flow of resources to this country between 1992 to 1994, we suffered a great deal. However, when we started the *jua kali* exhibitions, the enterprises grew by leaps and bounds. We had to move some of the traders from Moi Avenue, Biashara Street and River Road to Industrial Area; the manufacturing sector.

I am glad that the *jua kali* and the micro enterprises are contributing 28 per cent of our Gross Domestic Product (GDP). That is a high contribution and I look forward to the scheme that has been brought forward; the Small and Medium sized Enterprises (SMEs) Credit Guarantee Scheme which will be rolled out in a few weeks' time. That will be a formidable Scheme but the credit lines must be defined, they have to be attractive and be able to raise the standards of those micro enterprises to a level that is commensurate with the common standard of living.

I note that our GDP is expected to grow beyond six per cent but this is not inclusive because there is a growth in the GDP level of the country but there is also growth of people with poor homes. Poverty levels are increasing. Where is this GDP coming from? That GDP must be coming from people who have money to invest in various manufacturing sectors. I would like to see inclusivity like the one adopted by the Building Bridges Initiative. We should look at the amount of money that we need to invest on the poor farmer for them to come in line with the rest of the other growing areas.

I will not stop without talking about the Building Bridges Initiative. This is a God-sent initiative. This country was going to the dogs; there was animosity, chaos, misunderstanding and political order was nowhere. Therefore, the handshake between President Uhuru Kenyatta and Rt. Hon. Raila Amollo Odinga was God sent. However, I have seen busy bodies poking their noses on this good initiative. They should keep their hands away from this because

Kenyans are tired of fighting one another. Kenyans want peace, tranquility and to operate in an environment which is acceptable, sustainable and welcoming. It is too early in the game to start talking about succession. In Kisii County, my succession will be the development agenda. It should be an agenda that can bring bread and butter on the table and peace and tranquility to the homes of the people staying in Kisii and beyond. For now, let us leave the 2022 politics in abeyance. They are not adding value to anybody. They are just creating confusion.

I stand opposed to the current vendetta being carried around, demonising some people, creating confusion and chaos. That is not the way a mature Kenyan politician should behave. We should tone down and look at what is on the table. The President gave the way forward in his Presidential Address to the two august Houses and we should pick a leaf from there and run with it because nothing will happen without peace. We cannot even achieve the Big Four Agenda that we are talking about.

We have spent a lot of resources on curative rather than preventive medicine. If we balance the two and put more emphasis on preventive medicine rather than curative medicine, we will see a decline in the disease percentage and the hospital bills will come down to better levels than what we have seen before. I am a witness to this. I was the Minister for Health when we brought the immunisation programme against measles. We wiped out measles from this country which was causing crowding at our outpatient facilities. Immunisation is a tool of preventing diseases.

Instead of thinking of that, we are thinking of high voltage big machines in hospitals. Those machines are good for complicated diseases and I ascribe to them but why can we not put colossal resources towards preventive medicine for us to reduce the burden of disease? The other resources that are left can be used to treat the diseases that cause one to be hospitalized. We can also build state of the art facilities where we can treat or attend to the sick without difficulty. This country has the potential of having medical tourism like India. We have the expertise who can take over if they are properly motivated. Our youth have the potential to energise this nation.

Mr. Temporary Speaker, Sir, I support the Address by His Excellency the President.

**Sen. Mwaura:** Thank you, Mr. Temporary Speaker, Sir. Finally, I am able to speak. I stand to make my comments known with regards to the speech made by the President during the State of the Nation Address. I was not privileged to be present when it was made but I followed it closely.

I was away representing my country at the African Union (AU). I was part of a delegation of Members of Parliament from different countries in Africa whose purpose was to defend and follow through some approvals with regard to the African Union Disability Architecture (AUDA) and the Continental Plan of Action on the Elimination on Violence against Persons with Albinism (CPAEVPA). I am glad that we scored

because they were passed by the Council of Ministers. I am now waiting for the Heads of States Summit in January. This was also a noble calling and I am glad to also say that Kenya has been at the forefront in this regard. We truly occupy a space at the continental level that we need to strengthen and harness.

Mr. Temporary Speaker, Sir, I am also happy because those similar sentiments have been captured by the Presidential State of the Nation Address in his observation on the role Kenya has played with regard to the African Union (AU). Kenya sits in the AU Peace and Security Council. I even found some Kenyans such as one General Orina who is an advisor there. There is also the continued pursuit to ensure that we become non-permanent members of the United Nations Security Council (UNSC).

The international structure of governance is still wanting. Even as the President noted in his Address, we have 280 bilateral and multilateral treaties, something very curious is the fact that an organisation such as the International Labour Organisation (ILO), which is now celebrating its centenary soon, still has got some seven seats reserved for industrialized nations. This is quite unfortunate because we are not in the year 1919; the country, continent and world have moved. We are no vestiges of colonial egos and pathos.

Mr. Temporary Speaker, Sir at this point in time, it is inconceivable and unfathomable to have a situation where Africa cannot be represented amongst the Committee of Nations purely on account that there are the so-called industrialized nations.

I am currently reading a book called the *Wealth of Nations* and it clearly shows a very good history of how wealth amongst nations has changed in the last 500 years. Nothing is static. While on one hand it clearly points out that the lack of proper organisation and market failure is as a result of politics - the way they organise society - on the other hand it also gives a glimpse into what we need to do with regards to how we can make our country become prosperous going into the future.

It is also true that the current form of politics that we are practicing – and it has been alluded to by the Senators who have previously submitted their observations and remarks - is nothing more than what I call “the Big Man Syndrome” predicated on the politics that I call “poverty -producing politics” anchored upon a social welfare dispensing system which is the cornerstone of our corrupt state.

It is unfathomable that if we continue to practice our politics as is, then these politics do not engage the masses. They continue to breed inequality and to favour a very small group of elites who as a result, make decisions that appease the groups of fellow elites in order to capture and or maintain political power to the detriment of the common hapless masses who live on a day to day basis from hand to mouth, without having the benefit of reasoning on matters statecraft that would uplift them from the dungeons and vulgarities of abject poverty.

Mr. Temporary Speaker, Sir, in that regard, it is important for us to look at the key elements that have been addressed by the President’s State of the Nation Address.

First and foremost I want to congratulate the drafters of the Constitution because they were able to institute an accountability mechanism. It was not on his own volition, not because of the desire to give a public lecture or out of a crisis that a Head of State would come to address none other than the august House, the institution of Parliament in

order to update the nation on where we are with regards to germane issues, for example, our national values and principles, the state of our security and more poignant to me, the issues of social justice.

The President's Address has spoken very clearly about the issue of devolution that we have been able to have counties get money cumulatively to a total of Kshs1.7 trillion. This is a lot of money that if put into good use would transform our counties so that they become the bastions of economic growth. However, truth be said, I think governors are in a competition as to who will loot more.

We have seen situations where a number of the current governors, some of who left senior public positions such as Cabinet Secretaries, being able to whip up the masses-- some used the money they had looted to become governors.

Sometimes we ask ourselves what prayers does a coffin-maker say when they go to church because a coffin-maker is a human being like you and I. I think just like you and I pray, the coffin-maker says: "God bless the work of my hands." Since we are told that if you do not sweat, you should not eat; this means that more people should die so that the coffin-maker can make more coffins and, therefore, win bread for his family.

Mr. Temporary Speaker, Sir, I am trying to drive at the fact that we have come up with a political architecture that seems to favour the corrupt and yet we trust them to superintend over our devolved governments. It is therefore, not a surprise that the returns we are getting, including in your County of Samburu, are individuals whose only preoccupation is to accumulate more so that they can use it to bargain for further political space in the future. I may not be able to mention names but these are some of the things that are making the dividends of devolution not to percolate to the people.

Mr. Temporary Speaker, Sir, sometimes I wonder whether it is a lack of imagination or passion when you come from a poor background; you can see the suffering of your people; how they struggle to fetch water in jerricans; they have no roads and you decide that these hapless ignorant individuals who were gracious enough to elect you into office, you will raid their pockets by taking away their hard earned cash in terms taxes to enrich yourself. I am speaking generally; I am not referring to the Chair in particular. You do this so that you are seen to be the richest person and that people can generate their prosperity from none other than yourself. That is totally unacceptable.

Sometimes when we speak about the lack of prosperity in Africa, we are very keen to blame the West. However, I wish to submit to this august House that just like the colonial state was extractive in nature, the elite that have since occupied the centre have also made it an extractive industry.

Mr. Temporary Speaker, Sir, I have been reading a book about what Lee Kuan Yew was able to do for Singapore. I would like to quote that, 'He decided that rather than him becoming rich, that his own country can be among the rich nations.' It is a clear story of how a third world country moved to a first world country. Recently, Singapore gave all its citizens a dividend surplus of USD300 each to thank them.

If Kenya was able to give each and every Kenyan USD300 – I can see that the President quoted that our currency has stabilized, at about Kshs101 to the USD; that would be about Kshs30,000 – that would mean something. This is because there are so many people who live below the poverty line.

Mr. Temporary Speaker, Sir, what we have seen is a situation where people like David Munyakei, an individual who fought corruption at the Central Bank of Kenya (CBK) – where more than Kshs60 billion was stolen through the Goldenberg scandal to export gold that was non-existent – died a poor man. I am glad H.E the President recognized a gentleman who has done wonders by inventing gloves that can interpret sign language into audible voice for Persons With Disabilities (PWDs) and, in this case, the deaf.

If we are to allow fair and stiff competition; if we are to level the ground the way our country has moved 13 places in terms of the ease of doing business, it would mean that we would be able to get innovative ideas that can transform our economy and make it robust. Consequently, this will create jobs for our youth and provide food and money in the pockets of Kenyans.

In a situation where entrepreneurs can only get tenders because they know who is who, it is a great disincentive to innovation and invention. It means that you do not need to work hard and think through your brains. Maybe you need some ‘cup of coffee’ for a Kenyan. However, it means that people will only survive based on what regime is in power, especially if it is predicated upon by the ease of political mobilization in the name of tribe. All one then needs to do is to whip up the emotions of natality, and then people will identify based on their ethnic backgrounds.

If you use that, therefore, to distribute national resources and to populate institutions that are supposed to safeguard the independence of the three arms of Government – and the fourth arm, that has since gone into slumber, called the constitutional commissions – it then means that we do not benefit from competitiveness. That way, we are able to suppress good ideas that, if they were to be given a chance, would uplift our country.

That is why, Mr. Temporary Speaker, Sir, we are seeing that if the growth of our economy is at 6.3 per cent, it is not percolating down to the masses. It is well corroborated that if you have 14.8 million Kenyans under the Small and Medium Enterprises (SMEs) contributing to only 28 per cent of the Gross Domestic Product (GDP), it means that the formal economy is giving you 62 per cent. However, the question would be: How many are employed under the 62 per cent? My calculation gives me about three million only.

*(Sen. Mwaura’s microphone went off)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Mwaura, you can continue; you have an additional five minutes.

**Sen. Mwaura:** Thank you, Mr. Temporary Speaker, Sir.

Therefore, Mr. Temporary Speaker, Sir, we need to do something in order to ensure that our people are in the mainstream economy. Looking at the issue of taxation, I am glad that the Government is going to give SMEs a guarantee, which will help in formalizing the economy.

Mr. Temporary Speaker, Sir, you will realize that there are very few Kenyans who are paying taxes, and that is why there is currently a problem of circulation. If you go to the bank and you have more than US\$10,000, which is about Kshs1,000,000, you have



to prove the source of money. I recently had a conversation with the Governor of the Central Bank of Kenya (CBK), Dr. Patrick Njoroge, whom I must commend for doing a good job. He made a very clear case by saying that if 90 per cent of Kenyans do not have that kind of money, who is complaining?

It is well elaborated and telling that it is the 62 per cent of the formal economy. We, therefore, need to have a situation where we incentivize the informal economy, first to pay taxes, but also for the people to see that there is value for their taxes. However, as long as people pay taxes, willingly or unwillingly, and then they hear of the grand corruption schemes, it just follows that they will not be incentivized. That means that we will continue to borrow.

Recently, Mr. Temporary Speaker, Sir, the National Treasury issued the third Eurobond. We are, therefore, borrowing to fill in holes. We just cannot sustain ourselves, yet our country was 93 per cent independent of debt and donor dependency when President Kibaki left office. We, therefore, need to look at the issue of microeconomics; we need to look at the issue of how people feel they are excluded from the center because that, in itself, is a challenge.

I am quick to say that we must relook at our constitutional architecture by ensuring that we expand the Executive. This is because I have come to realize that being in the Government is a feeling. If you ask my fellow ODM party Members who sit to the left of the Speaker, they think that they are in Government. Therefore, being in Government is a feeling. Therefore, if we have a Prime Minister and two deputies; we distribute them among the so-called tribal nations, because that is the reality of our political mobilizations, then people will feel included and it minimizes the risk. You then make sure that the Leader of the Opposition comes to the Senate and the running mate goes to the National Assembly. That way, we will hold the country together so that every five years, it is not at risk to anarchy and the edge of the precipice.

Mr. Temporary Speaker, Sir, there is so much that has been spoken about with regard to the Universal Health Care (UHC). However, we also have to address that while this has been a very great ambition – to ensure that every Kenyan has received universal health care and that 39 per cent of the counties so-piloted have had an upsurge of the need - it means that when we now need to ensure that when we will be covering the whole country, we have to check on quality and not just quantity. Let us not just say that we are implementing the UHC and that it is covering everyone; and, so, it is fine. No; we also have to move from quantity to quality.

There are so many issues that we need to canvass, not to provide bottlenecks, but just to enhance the process and the procedure. This can be, for example, in terms of leasing medical equipment or the number of medical professionals and how they are remunerated; the state of our referral hospitals and how we collect money from the various non-user fees forgone. All of those issues need to be interrogated so that we have a robust system, other than just saying that we are having the UHC.

Finally, Mr. Temporary Speaker, Sir, when we are doing the housing project, those houses should be compliant. They should also be usable by both people who are abled and disabled. Sometimes when we are doing universal designs, we do not remember that there are individuals in this country who also require to use those houses;

who would also like to have a bedroom on the first floor and who also need to use sanitary facilities like other Kenyans.

Therefore, those are some of the considerations that we should take into account even when we are doing mass production of condominiums, just as I have seen in Addis Ababa. We must also integrate them so that they are also able to accede to the minimum accessibility standards that have been established by the Kenya Bureau of Standards (KEBS) with regard to reasonable accommodation as per the United Nations Convention on the Rights of PWDs.

Otherwise, Mr. Temporary Speaker, Sir, this has been a robust debate. I concur that we need to move from theory to practice, so that Kenyans can benefit from this update of their state of affairs.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia Hotuba ya Rais kwa Seneti na Bunge la Kitaifa. Kwanza ningependa kumpongeza Rais kwa Hotuba yake ambayo alihakikishia Taifa kwamba nchi itaongozwa kwa sheria. Alikataa sheria kutumiwa vibaya na hiyo inamaanisha kwamba nchi itaendelea kuongozwa na Katiba yetu ambayo tulianzisha mwaka wa 2010.

Bw. Spika wa Muda, ningependa pia kumpongeza Rais kwa hakikisho lake kwamba ataunga mkono ugatuzi. Ugatuzi ndiyo jambo kubwa ambalo lililetwa na Katiba ya mwaka wa 2010. Mpaka sasa alithibitisha ya kwamba karibu trillions moja na billions mia saba zimeweza kutumika katika Kaunti zetu, ambazo zimeleta maendeleo tofauti tofauti.

Ukiangalia sura ya nchi, inabadilika kila sehemu kwa sababu ya ugatuzi. Ijapokuwa kuna changamoto nyingi katika kutekeleza ugatuzi, pesa zile zimeweza kuleta tofauti kubwa na vile mambo yalivyokuwa wakati wa nyuma. Kwa hivyo, hakikisho la Rais kwamba ataendelea kuunga mkono ugatuzi, limekuja katika wakati mwafaka.

Ningependa kumpongeza Rais pia kwa kuunga mkono na kutoa hakikisho kwamba ile hatua ya ujengaji madaraja, yaani, “*Building Bridges Initiative*” itaendelea kuwa, kwa sababu imeweza kuleta amani kwa muda mchache ambao tumekuwa nao - karibu mwaka mmoja. Alisema kwamba ataendelea kuiunga mkono kwa sababu ni njia ambayo inawaleta Wakenya pamoja.

Joto la kisiasa limeweza kupungua licha ya wale ambao wanatangatanga wakitafuta kuungwa mkono kwa ugombezi wa Rais wa mwaka wa 2022, ambao kwa sasa sio muhimu kwa nchi. Cha muhimu sasa hivi ni kuweza kujenga nchi ili wananchi wapate fursa ya kupata kazi, biashara ziweze kuinuka na pia tuwe na usalama katika Jamhuri yetu ya Kenya.

Bw. Spika wa Muda, tangu mkataba au mwafaka upatikane baina ya Rais Kenyatta na ‘Rais wa wananchi,’ Mhe. Raila Amolo Odinga, joto la siasa limepungua. Wananchi wanaweza kufanya kazi, biashara zimeanza kufunguka na vile vile, hali ya uchumi wa nchi imeweza kupanuka na kufunguka. Biashara hususan katika Mji wa Mombasa zimeanza kuinuka, na hilo ni jambo nzuri kwa sababu ugatuzi unategemea pakubwa biashara katika maeneo yale, ili waweze kupata ushuru na kuinua hali ya maisha ya watu.

Jambo ambalo limenisikitisha ni kwamba vita dhidi ya uufisadi vimekuwa ni domo kaya. Hii ni kwa sababu kila mwaka tunaambiwa kuwa watu watashtakiwa na mahakama

zinafanya kazi. Hata hivyo, hakujakuwa na jambo lolote ambalo limefanyika ili tuweze kusema kwamba vita dhidi ya ufisadi imeanza kuzaa matunda. Imekuwa ni ahadi juu ya ahadi kila mwaka kwamba tunapigana na ufisadi.

Mhe. Rais alisema kuwa Mawaziri wanane na *Principal Secretaries* wanane waliweza kuwachishwa kazi au kuamrisha wajiondoe katika mamlaka. Hata hivyo, hayo ni mambo ambayo yalifanyika mda mrefu uliopita na hatujaona matokeo yoyote katika vita dhidi ya ufisadi.

Bw. Spika wa Muda, nilitarajia Rais asizitize pesa zaidi ziongezwe katika idara ya mahakama ili tuweze kuanzisha mahakama nyingi zaidi ambazo zitaweza kusaidia kupambana na kesi za ufisadi. Kwa sasa inachukua zaidi ya miaka miwili kukamilisha kesi moja ya ufisadi. Iwapo mahakama zitaongezewa pesa, ina maana kwamba wataweza kuajiri mahakimu na makarani zaidi. Pia wataweza kuongeza ujenzi wa mahakama ili kesi ziweze kwenda kwa haraka.

Tunatarajia kwamba pendekezo litafanywa kesi za ufisadi ziweze kukamilishwa kwa muda wa miezi sita kama vile kesi zinazohusu uchaguzi. Kesi hizi zikiendelea kukaa katika mahakama, washtakiwa wanapata fursa zaidi ya kujinasua na mwisho mashahidi wanapotea. Kwa hivyo, wanaotuhumiwa kwa ufisadi wanaepuka kifungo ama adhabu kwa sababu hakuna ushahidi. Kwa hivyo, mahakama inapaswa iongeze dhamana ili tuhakikishe kwamba vita dhidi ya ufisadi inapamba moto. Nilisikitishwa kwamba Idara ya Kiongozi wa Mashtaka ya Serikali pamoja na Idara ya Upelelezi yani (DCI) haikupewa mwongozo wowote na Serikali kuhusu ni jambo gani wataweza kufanyiwa ili kuhakikisha kwamba uchuguzi unafanyika kwa haraka na stakabadhi za mahakama ambazo zinatajikana kupelekwa kortini zinapelekwa kwa wakati unaofaa.

Bw. Spika wa Muda, ijapokuwa Tume ya Kupigana na Ufisadi inafanya kazi kubwa, kesi ambazo zinahusiana na mambo ya ufisadi zimekuwa nyingi. Kwa mfano, katika kila gatuzi katika nchi ya Kenya, kufuatia ripoti za *Auditor-General* utapata kwamba katika kila kaunti kuna swala la ufisadi, matumizi mabaya ya fedha za kauti au utumizi mabaya wa mamlaka. Kwa hivyo, tukihesabu kwamba kila kaunti ina kesi, ina maana kwamba, hivi sasa, maafisa wa ufisadi wanaweze kuwa katika kila kaunti.

Kwa sasa, ofisi zao ziko katika ofisi za zamani za mkuu wa mkoa, kama vile, Mombasa, Embu, Garissa na kwengineko. Kwa hivyo, lazima tuongeze maafisa wanaofanya uchuguzi kwa Idara Ya Upelelezi na pia Tume ya Kupigana na Ufisadi.

Jambo lingine ambalo lilinitamausha ni kuwa ripoti ya hali ya usalama haikutiliwa maanani, kama vile watu kuolewa na kuuliwa kiholela na watu wa Serikali ama makundi ya kigaidi kama vile, *Al shaabab* na makundi mengine ambayo yanafanya mauaji ya kinyama katika sehemu tofauti tofauti. Kwa mfano, katika eneo la Mombasa, kuna makundi katika maeneo ya Likoni na Kisauni. Wengine wanajiita watoto wa bibi, jukuu wa babu na kadhalika. Makundi haya ni ya kigaidi. Wanafanya unyama. Wanakata watu kwa mapanga na kuwaua bila hao kuwa na hatia yeyote. Serikali inafaa kuchukulia hatua vikundi kama hivi kwa sababu maafisa wa polisi pia hawakusaswa katika mauaji kama haya.

Bw. Spika wa Muda, jana tulikuwa na kikao maalum cha Kamati ya Haki na Sheria mjini Mombasa ambapo tulipata ripoti kwamba zaidi ya watu 45 wameuliwa. Baadhi yao ni wazee wa mitaa ambao wamepewa majukumu ya kuangalia mambo ya

mtaa na usalama. Kwa hivyo, ikiwa wazee kama hawa watauliwa, itakuwa ni vigumu kwa vyombo vya Serikali kupata habari kuhusu mambo ya mitaa inavyokwenda.

Bw. Spika wa Muda, tumeelezewa kwamba zaidi ya watu 15 katika eneo la Kwale wamepotea. Mombasa vile vile, zaidi ya watu 90 wamepotea na wengine wengi wameuawa katika hali za kutatanisha. Tumekubaliana kwamba nchi lazima iongozwe kwa sheria. Iwapo watu watauawa kiholela, inamaanisha kwamba imani kwa Serikali kulinda mali na maisha ya watu itapungua. Kwa hivyo, kuna hatari ya watu kujichukulia sheria mikononi mwao na kusababisha maafa bila ya kujua kwamba Serikali ipo.

Bw. Spika wa Muda, swala la watoto kupotea hususan katika maeneo ya Pwani kuanzia sehemu za Lunga Lungu, Kwale mpaka Lamu ni swala ambalo ni donda sugu katika nchi yetu.

Inatakikana Serikali itoe mwongozo. Kama ni kweli kwamba watu wanawachukua, basi wanafaa kuwarejesha makwao na kuomba msamaha kwamba walishika watu na kuwaweka ndani bila kufuata sheria. Kulingana na sheria, mtu yeyote anaye tuhumiwa kwa makosa yoyote anatakikana kupelekwa mahakamani chini ya saa 24. Hosni Mubarak alishikwa mwezi wa tano mwaka jana na mpaka leo hajapatikana. Mwingine anayeitwa Helef Halifa alishikwa Novemba, 2017 na mpaka leo hajapatikana. Pia kuna mwingine anayeitwa Farah Abdi Farah aliyeshikwa 2015 na mpaka leo hajapatikana wala hajulikani alipo.

Ni kama Serikali imewazuia watu hawa. Wanafaa kujitokeza wazi na kutuambia ukweli. Hata hivyo, endapo wafungwa wataomba msamaha, wanafaa kuachiliwa kwa sababu sheria inahitaji mtu apeleke mahakamani. Katika vitengo vitatu vya Serikali, mahakama ndiyo ina uwezo wa kuamua mizozo baina ya Serikali na raia, na baina ya taasisi tofauti tofauti za Serikali. Kwa hivyo, watu hao wanafaa kupelekwa mahakamani ili Serikali iwajibike.

Bw. Spika wa Muda, kuna baadhi ya maafa ambayo yana tokea. Kwa mfano, ulanguzi wa dawa za kulevya ni jambo ambalo limeathiri sana watu wa Mombasa na Pwani kwa jumla. Ijapokuwa Serikali imejipiga kifua kwamba inafanya kila iwezalo kuhakikisha kwamba ulanguzi wa dawa za kulevya unaisha, kila siku watu hususan vijana wa umri wa chini ya miaka 18 wanaendelea kujiingiza katika dawa za kulevya. Hiyo inamaanisha kwamba Serikali haijaweza kujenga vituo vya kusaidia kuokoa vijana wanaojiingiza katika lindi la dawa za kulevya.

Nafurahi kwamba juzi, shirika la Msalaba Mwekundu lilianzisha kituo cha kurekebisha tabia, yani *rehabilitation centre*, kule Lamu. Kituo hicho kitasaidia wagonjwa ambao wamejiingiza katika utumuzi wa dawa za kulevya.

Serikali ina jukumu la kuhakikisha kwamba watu wake wanaishi kwa usalama. Ukosefu wa usalama umesababishwa na dawa za kulevya. Kwa hivyo, lazima tupambane na dawa za kulevya ili kuhakikisha kwamba watu wetu, hususan vijana wanaotumia dawa za kulevya, wanaishi maisha mazuri.

Rais pia alisema kwamba reli ya Standard Gauge (SGR) imebadilisha usafirishaji wa mizigo kutoka Bandari ya Mombasa hadi Nairobi, na kwamba sasa mizigo inapelekwa haraka zaidi kuliko hapo awali. Tunaunga mkono SGR kwa sababu ni njia moja ya kusaidia nchi kukua. Hata hivyo, jambo la kusikitisha ni kwamba SGR imewapotezea watu wengi kazi.

Kwa mfano, zaidi ya madereva 6,000 pamoja na wasaidizi wao ikiwemo wanaofanya kazi katika vituo vya mafuta wamepoteza kazi. Vile vile, biashara nyingi zimefungwa kwenye barabara ya kutoka Mombasa kuja Nairobi, kuanzia Mariakani hadi Mlolongo. Watu wa sehemu hizo walikuwa wanapata pesa wakati mizigo mingi ilikuwa inasafirishwa kutumia barabara. Simaanishi kwamba SGR isitumike. Ninacho maanisha ni kwamba wenye lori watengewe sehemu za kubebea mizigo.

Hapo awali, kulikuwa na kile ninachoweza kusema “uchumi uliofungwa” na hatimaye tukawa na soko huru ili kuwezesha kila mtu aweze kufanya biashara na *market forces* ziliamua bei ya kuuza mali. Iwapo tutaruhusu mizigo yote ibebwe kutumia SGR, ina maana kwamba tutakuwa tunaendeleza ukiritimba ili kuzuia watu wengine kufanya biashara.

Katika maeneo ya Mombasa, mashirika mengi ya kupakia na kupakua mizigo yamefunga kwa sababu mizigo mingi na makasha yote katika Bandari ya Mombasa yana safirishwa kutumia SGR.

Bw. Spika wa Muda, hatukatai kwamba kuna maendeleo lakini tunasema kwamba ni lazima biashara ifanywe kulingana na njia za haki. Hatuwezi kusema kwamba mizigo yote isafirishwe kwa reli kwa sababu reli kwa sasa haina uwezo huo. Iwapo mashirika ya biashara au wenye makampuni ya kusafirisha mizigo yatafunga biashara zile, watu wengi watapoteza kazi na vile vile, uchumi wetu utaathirika.

Hii ni kwa sababu magari yote yanayosafiri yana nunua mafuta. Katika kila lita moja ya mafuta ambayo yanauzwa ambayo ni zaidi ya shilling mia moja, shilling 30 zinaingia kwa Serikali kama ushuru. Kwa hivyo, Serikali itapoteza ushuru, watu watapoteza kazi na biashara zitakufa. Kwa vile Serikali haina mpango mbadala wa kusaidia, ina maana kwamba watu wengi watapoteza biashara na uchumi utaathirika.

Katika Hotuba yake, Rais hakueleza ni biashara gani mbadala ambazo zitafanyika kwa watu wa Kaunti ya Mombasa, baada ya kupoteza biashara yao ya Bandari kwa kupelekwa Naivasha. Alichosema ni kwamba SGR ikifika Naivasha, biashara zote za *clearing* zitafanyiwa Naivasha. Sisi tunajivunia kwamba Bandari ndio rasilimali yetu kubwa. Iwapo utendakazi wa Bandari utaondolewa kutoka mjini Mombasa mpaka Naivasha, ina maana kwamba rasilimali ile haitatufaa sisi. Hiyo ina maana kwamba Mji wa Mombasa uko katika hatari kubwa ya kufa katika siku zinafuata.

Tumeona miradi mingi iliyoanzishwa na Serikali. Kwa mfano, katika Kaunti ya Tana River, wameanzisha mradi wa Galana-Kulalu. Mradi huo ulitakiwa upewe gatuzi la Tana River na Kilifi ili ufanywe kama mradi wa pamoja. Kama vile tunavyosema Kaunti ya Mombasa tupewe mradi wa Dongo Kundu *Special Economic Zone* ili uweze kusaidia kama biashara mbadala wa ile Bandari ya Mombasa ambayo kwa sasa inaondolewa pole pole.

Ikiwa tutaruhusiwa kufanya Dongo Kundu *Special Economic Zone*, itasaidia pakubwa kuinua hali ya watu na uchumi wa Kaunti ya Mombasa. Hii ni kwa sababu watu watapata kazi, mizigo itaingia na watu watauza kama vile Dubai. Hiyo ina maana kwamba biashara itaweza kufunguka tena kwa mji wa Mombasa. Hali hii ya kaunti kuongojea ruzuku kutoka kwa Serikali kuu kila mwaka ina maana kwamba hazipewi fursa ya kukua. Inafaa kila kaunti ipewe nafasi ya kuinua uchumi katika sehemu zake. Sisi katika Kaunti ya Mombasa, njia kubwa ya kuinua uchumi ni kupewa mradi wa Dongo Kundu *Special Economic Zone*.

Kwa kumalizia, Bw. Spika wa Muda, tumeona kwamba katika maeneo mengine, Serikali imeanzisha miradi mikubwa kama vile ya kujenga mabwawa. Katika Kaunti ya Mombasa, maji bado ni changa moto kwa sababu hatuna mradi mwingine wa maji isipokuwa Mzima. Ijapokuwa mradi huu ulijengwa katika miaka ya 40 na kuwekwa Mzima One, Mzima Two na Mzima Three lakini mpaka leo, miaka 55 ya Uhuru, hatujajenga lakini nyingine ya Mzima Two kutoka Mzima Springs hadi Kaunti ya Mombasa. Kila mwaka, shirika la World Bank linatoa pesa za kufanya utafiti yaani *feasibility study* wa kujenga laini nyingine lakini mpaka sasa, haijafanyika.

Kwa hivyo, lazima tutafute njia za kujenga gatuzi za pwani. Matatizo mengi tunayopata kama changa moto za kiusalama, madawa ya kulevya, itikadi kali na ugaidi zote zinatokana na vijana kukosa kazi za kufanya katika Kaunti ya Mombasa. Tunaangalia kutoka Lamu hadi Lunga Lunga ambao ni ufuo wa bahari, tumetajiwa hapa kwamba mwaka jana tulikuwa na mkutano mkubwa wa mambo ya *Blue Economy*. Mpaka leo, hatujaona matunda ya mikutano kama hiyo.

Katika eneo la bahari, kuna miradi mingi ambayo inaweza kufanyika ili kuhakikisha wananchi wanapata ruzuku na biashara ili kuhakikisha kwamba wanajenga nchi yao. Kwa sasa, tunaagiza samaki kutoka China wakati tuko na ufua mkubwa wa bahari ambao unaweza kutupa samaki wa kutosha ili wananchi wasife njaa na wasaidie katika sehemu zingine.

Biashara ya uvuvi inafanywa na mashirika makubwa ambayo yanatoka sehemu za nje. Hapa kwetu, wavuvi wengi wanatumia vifaa duni kama vile vihuri, uvuvi wa mishipi na uvuvi wa kienyeji ambao kwa hakika mapato yake ni machache sana. Kama itawezekana, inafaa Serikali itilie maanani suala la uvuvi. Itasaidia pakubwa kuinua uchumi wa watu wa Mombasa na Pwani kwa jumla.

Pia tukiangalia ukulima katika eneo la Mombasa, bado hakuna jambo lolote linalofanyika. Sehemu zingine watu wanapewa ruzuku za mbegu, mbolea na pembejeo nyingine lakini mpaka sasa katika eneo la Pwani au Mombasa, hakuna jambo lolote la ukulima ambalo linafanyika.

Kwa hivyo tunaiomba Serikali ifanye juhudi kubwa ili kuinua uchumi kwa sababu katika eneo la Pwani, Kwale ina uwezo wa kulisha Pwani nzima kwa jumla. Tana River na Kilifi pia zina uwezo mkubwa wa kuweza kulisha Pwani lakini utapata kwamba hivi sasa wanajitahidi ili waweze kuzuia baa la njaa ambalo limezuka kutokana na kuchelewa kwa mvua.

Hotuba ya Rais ilikuwa na mambo mengine mazuri na mengine mabaya ambayo tungependa Serikali irekebishe. Tunaona ya kwamba iwapo hatutakuwa makini tutapata matatizo makubwa siku za usoni kwa sababu wale wote ambao wanakosa nafasi za kazi, na wanaoathirika na madawa ya kulevya katika miji yetu kule Mombasa na kwingineko, watakosa nafasi ya kujiendeleza kimaisha.

Bw. Spika wa Muda, ninaunga mkono Hotuba ya Rais. Nakushukuru kwa kunipa fursa ya kuchangia Hoja hii.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, noting that the debate on the address by H.E the President is yet to be concluded, I shall now invoke the provision of Standing Order No.31(2) to interrupt the business of the Senate earlier than its usual time.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 10<sup>th</sup> April, 2019 at 2.30 p.m.

The Senate rose at 6.28 p.m.