

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 10th April, 2019

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I have two Communications to make. However, let me allow the hon. Members to walk in and take their seats before I start.

*(Several Senators walked into
the Chamber and took their seats)*

VISITING DELEGATION FROM LWAK GIRLS BOARDING PRIMARY SCHOOL, SIAYA COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Lwak Girls Boarding Primary School, Siaya 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 USENGE BOYS HIGH SCHOOL, SIAYA COUNTY

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Usenge Boys High School, Siaya County.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

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)

Sen. Olekina: Madam Temporary Speaker, I would like to join you in welcoming the students from Siaya County who are here. This is a great opportunity for them to see what transpires in this House. I would like to encourage them to keep on learning about legislative work and laws. The only way that we can move forward in this country is if the citizens are involved in the process of lawmaking.

I thank the teachers for having considered the Senate as a place to bring the students. We should encourage more students to come here. On behalf of the people of the great County of Narok, and my own behalf, I welcome them to the Senate.

Sen. Poghio: Madam Temporary Speaker, I join you and fellow colleagues in welcoming the two schools from Siaya County. I wish both the students and teachers well while here in Nairobi. This is the House that takes care of the interests of counties. As young people, they can aspire to be here someday as Senators or staff of the Senate.

Leadership is grown at their age; that is where we begin to see leaders. The only way to show leadership is through discipline, hard work and keeping integrity. If they maintain integrity now, by the time they will be leaders, we will not have to preach to them. I wish the teachers well as they nurture the young ones. They must be the best example for the young people.

Madam Temporary Speaker, with those few remarks, I would like to tell them *Karibu*.

I thank you.

Sen. (Prof.) Ongeri: Madam Temporary Speaker, I would like to add my voice in welcoming students from Lwak Girls Boarding Primary School and Usenge Boys High School, who are my neighbours in Nyanza. The Senate is a House of records. One day in the history of this country, it will be recorded that you visited the Senate. It will be up to you to account for your conduct after visiting the Senate and knowing how you would like to handle yourselves henceforth. You are the promising future generation of this nation. We, therefore, wish you well. As you sit and listen, you will discover that this is not only a place of records, but order. Order is the order of the day here. We should maintain order nationwide and avoid chaos and confusion.

Madam Temporary Speaker, I thank you for this opportunity.

Sen. Ochillo-Ayacko: Madam Temporary Speaker, thank you for giving me an opportunity to welcome the students from Lwak Girls Boarding Primary School and Usenge Boys High School. I welcome them on behalf of Sen. James Aggrey Bob Orongo and my own behalf. He would have been here to welcome this delegation himself, but he is attending a meeting at the ODM Headquarters. He has asked me to sincerely welcome the teachers and students to the Senate.

Madam Temporary Speaker, my advice to the students is that we have different perspectives on issues and people think differently. However, we should resolve our differences through debate, persuasion and peaceful and respectful discussions. I, therefore, encourage them to look at the manner in which we debate. They might read in newspapers that we disagree on many issues, but we remain friends. We are people from one nation, who have a singular objective of having a good country.

Madam Temporary Speaker, I would like to encourage those who would like to join politics to promote peace, persuasion and dialogue. I wish them a fruitful interaction with the Senate and a great learning experience for themselves and other students that they may come across.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you very much, Hon. Senators.

Next Order.

PETITION

NON-PAYMENT OF COMPENSATION FOR LAND COMPULSORILY ACQUIRED TO CONSTRUCT MWATATE-TAVETA-HOLILI ROAD

Sen. Mwaruma: Madam Temporary Speaker, this is a Petition on behalf of the people of Mwatate, Taveta about non-payment of compensation for land compulsorily acquired to construct Mwatate-Taveta-Holili Road.

It reads-

“We, the undersigned citizens of the Republic of Kenya from Chawia Ward of Taita Taveta County, being representatives of the 28 persons whose land was compulsorily acquired to construct the Mwatate-Taveta-Holili Road but have not been compensated, wish to present this Petition to the Senate.

We humbly draw the attention of the Senate to the following-

(i) THAT our parcels of land which lie in the Chawia-Wumari Sechu Land Registration Section were compulsorily acquired by the National Land Commission (NLC) to construct the Mwatate-Taveta-Holili Road vide Gazette Notice 7709 of 23rd September, 2016.

(ii) THAT despite being given compensation award letters in 2016, the following persons have not been paid their dues to date-

1. Johnson Mjomba
2. Griffin Crispus Sikukuu Msagha
3. Denaise Samba Kafuse
4. Penina Machocho Mwandoe
5. Penina Mailengo Kitonga
6. George Mongo and Florence Manga Kambucha
7. Samwel Kuwona Cherugha
8. Livingstone Mwawasi Mwangwai
9. Stanley Kirunai and Gabriel Mcharo Iligha

10. Florence Mkira Mbokomu
11. Ngerere Mwakitau and Rejoice Marura Kezia
12. Mgharo Benja
13. Mombo Ngala and Tomothy Mwakio Mwazo
14. Fidelis Ngondo Kichimbi
15. Peter Shake Msagha
16. Mathias Mghanga Mcharo
17. Mwawasi Mwazo Mwangombe
18. Grazelda Mrunde Mchawia
19. Caroline Chao Mwadime
20. James Shake Nyange
21. Oliver Mwakughu
22. Jackan Mwaiyu Mombo
23. Phenescus Mshimba Koti
24. Kaya Cultural Shrine
25. Ronald Lela Mwagharo
26. Anderson John Isaka Kishere
27. Peter Muya and James Shake
28. Fredrick Mwamburi.

(iii) THAT the members have on diverse dates spent a lot of money and time in following up on their payment with the Kenya National Highways Authority (KeNHA) without success.

(iv) THAT the members are concerned that the more the payment delays, the more the money loses value.

(v) THAT the delay in payment contravenes Section 111 of the Land Act of 2012, which states that:-

“If land is acquired compulsorily under this Act, just compensation shall be paid promptly in full and to all persons whose interest in the land has been determined.”

(vi) THAT the members have made every effort to resolve the matters raised in this Petition with the Kenya National Highways Authority (KeNHA) but this has proved futile.

(vi) THAT there is no case pending in courts of law, constitutional or any other legal body on the matters raised in this Petition.

Here for your humble petitioners pray-

(1) THAT the Senate, through its relevant Committee, deals with this Petition immediately in view of the urgency and seriousness of the matters raised herein;

(2) Investigate the circumstances that led to the non-payments of the compensation of the 28 members and any other member eligible for compensation from this project;

(3) Recommends that 28 members and any other person eligible for compensation along the Mwatate-Taveta-Holili Road be paid promptly;

(4) Takes any other appropriate action it deems fit.

Your petitioners ever pray - dated this 15th day of November, 2018.

Madam Temporary Speaker, this Petition appeals to the Senate to look at the issues of compensation. For those who know Mwatate-Taveta-Holili Road, it was in bad condition in the previous years but in 2010, the Government undertook to develop it to bitumen standards and it took away some land, which belongs to private citizens. To date, these people have not been compensated and as the petitioners have indicated, this money is losing value. We do not know why they are not being compensated.

The Senate Committee on Roads and Transportation or any other Committee that this Petition will be directed to will expedite action and process this Petition so that the people of Chawiya can get justice and be paid in good time.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

Hon. Senators, pursuant to Standing Order 231, I shall now allow comments, observations and clarifications in relation to the Petition for not more than 30 minutes.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker. I rise to give my support to this very important issue that is being canvassed by our colleague, Sen. Mwaruma, on behalf of residents of Taita-Taveta County on something that is extremely important. This is an issue that is becoming recurrent.

Many of the petitions that are brought to this House relate to how the Government treats innocent citizens of this country, who are powerless and, in terms of the wellness of their economy and cannot afford some of the flashy lawyers that are known in this town who would be able to push the Government into a position of paying.

Madam Temporary Speaker, it is a well-known fact that for many of such transactions that the Government has undertaken, where there has been the possibility of a kickback, payments are processed faster or earlier than the construction of the road. In this case, because these are the wretched of the earth in the consideration of the bureaucrats of the Ministry, who consider these people as second-class citizens, no one seems to be in a hurry to compensate them for land that is duly owned by them.

Madam Temporary Speaker, this goes on to inform some of the decisions that we made, as a House, when we were earlier on considering the Land Value Index Bill; where we hailed and rightly saw, because such issues continue to help us understand that we were right at that particular time, that if the Government can behave this way, when the tilt of the scale of balance between the owner of the land and the Government is largely tilted towards the rights of the owner being respected, what will happen if we pass the Land Value Index Bill in the format it is?

I want to urge the Majority Leader because I know that the Bill is due for mediation; that if there is a thing that they should never concede is the rights of poor citizens like the ones that have brought a Petition to this House today to be tilted in favor of the Government.

If the Government behaves like this when the scale of balance is tilted towards the poor, if we agree with the proposal from the Ministry of Lands to allow the Government have full control whereby if today they wake up and feel that there is something that they need to do in my little quarter of an acre land that I live on, they will just proceed and acquire the land, then they will compensate me at a time when they feel like doing. The citizens of this country will suffer greatly.

Therefore, Madam Temporary Speaker, I want to quickly request that the Committee that will look into this Petition urgently summons all the Cabinet Secretaries (CSs) that are in charge of the Ministries that are mentioned, that is, the National Treasury, and the Ministry of Transport and Infrastructure Development that is undertaking this particular Project; to give undertaking on when and how much compensation they will give to these citizens *in lieu* of the delayed payments because any money that is owed to you and has gone beyond the agreed date, earns some interest wherever it is. If the Government has used that money to do any other business, then it belongs to these citizens and they should be paid.

I request, therefore, that the Committee that will be given the chance to peruse and go through the issues that have been raised by these residents does this job expeditiously and reports back even in less than the 60 days that they are supposed to conclude consideration of this particular matter.

With those very many remarks, I support the petitioners and hope that this House rises to its pride of place and gives justice to these citizens of Taveta.

Thank you, Madam Temporary Speaker.

Sen. Boy: Asante sana, Madamu Spika wa Muda, kwa kunipa fursa hii kuchangia ombi hili ambalo limeletwa na Seneta wa Taita-Taveta, Seneta Mwaruma.

Ni jambo la kusikitisha sana hasa ukiona kwamba mwananchi amekubali kutoa ardhi yake kwa Serikali kujenga barabara. Leo watu hao ambao wametoa ardhi yao na hawajalipwa pesa zao wana familia na wanategemea kupata pesa hizo waweze kusaidia familia zao.

Kwa hivyo, mimi naunga sana ombi hili ambalo liletwa na Mhe. Mwaruma hapa na ile Kamati ambayo itakayohusika kuchunguza jambo hili, iweze kufanya hili jambo kwa haraka sana ili wananchi ambao wameathiriwa walipwe haki yao.

Sisi kama majirani wa Taita-Taveta na Kwale, tunaunga mkono sana ombi hili ambalo limeletwa na Mhe. Mwaruma. Kwa hivyo, tuntaka kamati hii iende, sio kwamba izungumzie, waende wenyewe mpaka kwa watu hawa na kuchunguza idadi yao na ardhi zao ambazo wamepeana kwa Serikali ili walipwe haki na fidia yao.

Naunga mkono.

Sen. (Prof.) Ekai: Thank you, Madam Temporary Speaker, for giving me chance to support this Petition from Hon. Mwaruma about the people of Taveta who are being denied their rights.

Imagine a situation where someone walks in here and says, “May I use this piece of land for a particular purpose?” Then you nicely say, “Go ahead and use it” and then they say by the way we are going to pay you later for the land that we are using. Then you wait and wait and nothing happens. We had a similar situation in Kitui where peoples land has been taken for road construction and no payments has been made. It is still going on and the time when we visited, we were told that people were going to be paid.

Recently, again in Kiambu, we had a similar situation where people’s land has been taken and has not been paid for. So, the question to our government is; are human birds that you can tell, “go out there and live in the trees, we take away your land but we are not going to compensate you for the land we have taken?”

This mistreatment of a people by their own government is not acceptable. The government of the people should be nicer to the people than other organizations or anything else that is not the government. So, the people of Taita Taveta deserve to be given respect. They need to be compensated for their land that has been used for road construction. I fully support the Petition that has been read by Sen. Mwaruma on behalf of the people of Taita-Taveta.

I thank you.

Sen. Wetangula: Madam Temporary Speaker, as I support this Petition. Article 40 of the Constitution requires that when the Government or a public entity alienates land from an owner, compensation must be prompt, adequate and in full. So, there is absolutely no reason whatsoever for the Government to alienate land from its rightful and lawful owners for whatever public utility, including road construction as in this case, without paying them.

We have a lot of contradictions in this country. If “big” people are involved, they are compensated even before a project is evaluated and started but if “small” people are involved, some follow up their payments until they go to their Maker for reasons of the Government being uncaring.

I urge the Committee that will deal with this matter not just to investigate but obligate the Ministries concerned or any other body such as the National Land Commission (NLC) to pay the owners of the land because whenever there is a conception of a project, land compensation is normally part of the cost of that project. This should also cover other parts of the country. It should not just be Taita-Taveta and I thank our distinguished colleague for bringing this Petition to the House.

There are many places in this country where *wananchi* walk up and down Government offices for compensation of their properties taken until they give up. If the Government is going to impoverish and dispossess its own nationals and citizens, then God help the people of this country.

I support the Petition and I hope that the Committee that will look at the matter will not sit on it for more than 60 days. In fact, this is a matter that can be done within the next three or four weeks so as to give justice to the people of Taita-Taveta.

I thank you.

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuchangia *Petition* iliyoletwa na ndugu yangu Sen. Mwaruma anayewakilisha Taita-Taveta. Swala la watu kulipwa fidia kutokana na matumizi ya ardhi zao limekuwa donda sugu. Serikali inajizatiti kuhakikisha kwamba kuna maendeleo. Licha ya hayo, maafisa wengi wa *the NLC* wamekuwa watepetevu katika kulipa fidia kwa watu ambao ardhi zao zinachukuliwa.

Hivi majuzi, Kamati ya Uchukuzi ilikuwa na kikao hapa Nairobi. Kuna watu ambao hawajalipwa fidia miaka minne baada ya aliyepewa kandarasi kuanza kutengeneza barabara. Wale wote ambao ardhi yao ilichukuliwa hawajalipwa chochote mpaka sasa na hawajui watalipwa pesa ngapi.

Kule kwetu Mombasa, bado watu hawajalipwa kutokana na ardhi iliyochukuliwa kwa ajili ya mradi wa *the Standard Gauge Railway (SGR)*. Sasa inaelekea miaka miwili. Kwa hivyo, hili ni donda sugu na lazima Waziri wa Usafiri na Maendeleo ya

Miundombinu na mwenzake wa Ardhi waitwe hapa ili waeleze kwa nini hawalipi watu kwa wakati.

Watu wengi wanaotakikana kulipwa ni walalahoi. Wanalazimishwa kungojea fidia yao wakati watu wengine Serikalini wanakula pesa na kufanya maombi jinsi wanavyotaka. Kwa hivyo, Mawaziri hao wawili wanafaa kuitwa ili kueleza kwa nini watu hawajalipwa wakati barabara inaendelea kutengezwa.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Petition by Sen. Mwaruma. It is unfortunate that we are talking about such a petition in times like this when our country should develop.

For the Government to come up with that particular project, funds were set aside. There is a Ministry and the NLC that are concerned. If at all they went ahead and utilised the land of the poor citizens of Kenya and they did not bother to compensate them, then that is a criminal act other than just being a civil case.

When the Government acquires land, people's properties are destroyed, apart from land being taken and they are also displaced. It is high time the petitioners were paid instead of making them wait and then resort to petitions in this House.

In Kenya, we need to improve our infrastructure and economy. However, citizens who give out land for infrastructural development are being punished because their properties are either destroyed or taken without compensation.

I commend Sen. Mwaruma and support the people of Taita-Taveta for petitioning this House. The Ministry that is concerned should be put on the spot. The people whose properties and land have been taken for the sake of development in this country should be compensated by being given what is rightfully theirs.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, I am told students are queuing outside this Chamber.

(Interruption of debate on Petition)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM GREENVALE SCHOOL
IN ELDORET, UASIN GISHU COUNTY

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Greenvale School in Eldoret, Uasin Gishu County. 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. Sakaja: Madam Temporary Speaker, I join you in welcoming the students from Uasin Gishu County. I am sure they are really inspired to see that their Senator is on

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

the Chair. I welcome them to Nairobi City County and I hope they will enjoy the rest of their stay.

(Resumption of debate on Petition)

Madam Temporary Speaker, I am grateful to Sen. Mwaruma. Just last week, I led a delegation of the Senate to his county to address the issue of illegal herders. You could tell that the people feel that they have a Senator who is representing them in this House. So, I congratulate and thank him for raising the pertinent issue of land compensation.

Madam Temporary Speaker, our Constitution is very clear and I am glad that Sen. Wetangula has pointed us to Article 40 of the Constitution. I will just read further what he had stated. Article 40(3) states as follows:-

- “The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation –
- (a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or
 - (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that—
 - (i) requires prompt payment in full, of just compensation to the person; and
 - (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.”

Madam Temporary Speaker, in many places you will find that the excuse used is that people do not hold title deeds. It states:-

“(4) Provision may be made for compensation to be paid to occupants in good faith of land acquired under Clause (3) who may not hold title deeds to the land.”

These provisions are being ignored every day in this country. Just the other day we brought here a petition for compensation to those who owned property and are affected by the expansion of the road along JKIA, Likoni Road and James Gichuru Road. This is happening in Nairobi and those are people who are earning their living from those businesses along that road. Nothing has been done.

Madam Temporary Speaker, as Sen. Cheruiyot has said, it seems as if when it comes to matters of the common mwananchi, the Government treats them differently. If this compensation was for those who had speculated and got property because they know where the design is, they would have got their money promptly. However, today, all the issues we bring to this House show us that we are treating the ordinary Kenyan with so much disdain and in a very unfair manner. Who will speak out for the ordinary mwananchi?

I brought a Statement here the other day; Kenyans in Eastlands from Chokaa area, Mihang’o going all the way to Kayole and up the other side to Dandora are being evicted because of the power lines. There are those who are in between the power lines and we said that even for those who need to be removed, they be removed properly. However,

those carrying out the evictions have moved beyond the stipulated 15 to 20 metres and are now destroying houses.

Imagine the pain and agony of a parent who has to explain to their child in the evening why they have no home. These are Kenyans who have taken mortgages, which they have been paying over time, and they have built houses. We are talking about housing in the Big Four Agenda but we are demolishing houses with reckless abandon.

Madam Temporary Speaker, issues of the common mwananchi must be taken seriously. This morning again, we have had a fire in Gikomba. We are tired of coming here, talking about Gikomba fires. If it was Karen Mall which was burning, the issue would have been resolved a long time ago. The police keep telling us that they are investigating but for the last six or seven years, an investigative report has not been brought to this House. As a result, we, as leaders, are even embarrassed to go to the ground and tell people: “*Poleni tena*, this has happened.” Traders were evicted in Westlands and along Outering Road, but to date, they have never been compensated.

Madam Temporary Speaker, I urge, as a House with a conscience, that we put the issues of the common mwananchi to the fore and not to the back burner. I thank the Senator and I hope the Committee that will address this, can also address all these other issues that we have brought with respect to compensation. These monies which they are supposed to get are appropriated in the budget.

If you look at the budget estimates, the money for compensation is part of the project cost. They set up the Committee of Persons Affected by the Project (PAP), the committees have a sitting, but they take them round in circles for years yet the rich contractors and those who had high value land get compensation. It is not fair and we support that petition. I am willing to come and join them again when they come back to Taita Taveta County because I know I need them so much in Nairobi City County.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I congratulate Sen. Mwaruma on that issue of compensation. My colleagues have delved so much and talked about Article 40 of the Constitution on Protection of Right to Property. In fact, Article 40(3)(b) says when there is a compensation by Government:-

“(i) requires prompt payment in full, of just compensation to the person.”

It goes on and says, in Article 40(4), that it should be done in good faith.

Madam Temporary Speaker, there have been a lot of problems with regards to compensation. I agree with Sen. Sakaja that when a project is being carried out especially on the issue of construction of roads, compensation is factored in the project cost. What shocks everybody is that there seems to be a well-orchestrated scheme by the National Land Commission (NLC), the Kenyan National Highways Authority (KeNHA) and the Ministry of Transport and Infrastructure. This money has already been made available and the law is very clear that the compensation should be just and prompt.

The other day we discussed about Kiambu and Nairobi. We were also warned that a by-pass will be constructed to ease traffic jam in Eldoret and allow access to Turkana County and Uganda. The same people who were discussing the issue brought a petition in Eldoret and they were led by the Chairperson of the Committee on Roads and Transportation, Sen. Kimani Wamatangi.

It seems there is a cartel that ensures that when there is a project being undertaken and it involves land, they do not care about the land belonging to poor Kenyans and they want to deprive them of it. The law is very clear about this matter as stated and articulated in Article 40.

Madam Temporary Speaker, I agree that the people of Taita Taveta County are suffering. It has been mentioned here by my colleagues that many Kenyans follow up on their payment until they lose it. There is collusion between the agencies that run roads like KeNHA, the Ministry of Transport and Infrastructure, the NLC and the Ministry of Lands, Housing and Urban Development.

It seems they know where a road will pass and then they use cartels to buy the land and then sell it back to the Government. There were so many complaints on the compensation of those who were affected by the construction of the Standard Gauge Railway (SGR). There were also complaints with regard to the issues of Wayleave and roads. It is sad.

I hope the Committee concerned will ensure that they investigate this matter. We are willing to be friends of the Committee because most people suffer. There is a new trend where contractors even take somebody's land, excavate it, pour murrum or even put their machineries on the land. They do not compensate those families or pay them in time. They do not pay them in accordance to the market value and yet that money has been factored into the project cost. It means that there are people who are sleeping on their job and that is the Ministry of Transport and Infrastructure and the NLC.

As I conclude, the term of Mr. Swazuri, the NLC Chairman and his Commissioners is coming to an end. I hope the new Commissioners who will be appointed to the NLC will bring sanity to the issues of land compensation in this country.

We are tired of cases where, the NLC, instead of being the protector of our people, who have been deprived of their land or property – they are part of, or catalysts to the cartels to ensure those people are denied their rights. I hope when we get the new Commissioners in NLC and other agencies like KeNHA who give out contracts to some of these contractors and even the Ministry of Lands, Housing and Urban Development and the Ministry of Transport and Infrastructure, they will come out clean.

I expect the Minister for Transport, Infrastructure, Housing and Urban Development to appear before the Senate Committee on Lands, Environment and Natural Resources regarding this matter. The others who should also appear before the Senate Committee are the Minister for Lands, and the Chairman of the NLC and the Attorney-General so that we can have a proper interpretation on the same.

Madam Temporary Speaker, I hope this matter will be resolved for the benefit of many Kenyans.

Thank you, Madam Temporary Speaker.

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise to support the Statement by Sen. Mwaruma on the issue of land compensation.

I have listened to my colleagues. Recently when the President gave his State of the Nation Address, he requested particularly this House and the National Assembly to consider the Land Index Bill, which has now been sent to mediation. If you go into the history of this Nation, before the Land Acquisition Act was repealed, when the Land Act

was passed, the process of compulsory land acquisition and compensation was clearly set out. It never behooves us, and particularly, the Mediation Committee that was set up, to align this legislation to the Constitution.

The Constitution is very clear in Article 113: That, within 30 days, the mediation committee ought to come up with a version of the Land Act that is acceptable to both Houses.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, there is an intervention from Sen. Shiyonga.

Sen. Shiyonga: I would like to inform the Senator on the Floor that it is a Petition and not a statement.

Sen. Olekina: Madam Temporary Speaker, I stand guided. Yes, I support the Petition. I would like to refer to Article 113 of the Constitution which sets out the clear procedure in terms of the Mediation Committee. For us to be able to assist these residents of Taita Taveta – it is now upon us, Members of this, and particularly the Mediation Committee, for them to move expeditiously so that we can anchor these things in law. If we have a proper legislation that defines the process of land compensation – Article 40 of the Constitution is very clear. Parliament sets out---, for example, right now we are supposed to come up with legislation that will support this issue of land compensation.

So, the only way to assist is that I would request the Committee which will be tasked to look at this issue of land compensation – because every other petition which has been brought into this House – unless we can enact or make sure that we dispense off on that Bill so that the President can enact it into law, there is no way we will solve the problem.

Therefore, as I support this Petition, I request that within the 30 days that the Committee has been set up, they move expeditiously so that it is clear how people we will be compensated for land which is compulsorily acquired.

The Temporary Speaker (Sen. (Prof.) Kamar): Before we move to the next order, I have received a second Petition which I have approved that it be dealt with right now. It is a Petition by the residents of Ngare Mara in Isiolo County on illegal encroachment of the community land by the Kenya Army.

Before we deal with that, I see two Senators requesting for interventions.

Proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, I am just seeking your indulgence because I know that when this Petition is communicated to the relevant authorities, the HANSARD will also be shared. When I was speaking, I just forgot to add something that needs to be on HANSARD. With your indulgence, I mentioned certain areas, but also they have the same issue in Kibra – the compensation of the highway – Kungu Karumba, the railway and the housing. So, just for the record because the HANSARD will be shared, when those people come to that Committee they will know we also discussed that.

The Temporary Speaker (Sen. (Prof.) Kamar): That is not an intervention, Sen. Sakaja. You are stealing an opportunity but ---

Sen. Sakaja: Madam Temporary Speaker, I sought your indulgence to make sure that it reflects on record. My people in Kibra are watching and they have sent me a message and I had forgotten. Thank you, you are so kind.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. So that the next Senator does not take us back there, I would like to close that Petition.

Hon. Senators, pursuant to Standing Order No.232(1), the Petition from Sen. Johnes Mwaruma of Taita Taveta County stands committed to the Standing Committee on Lands, Environment and Natural Resources.

*(The Petition was committed to the Standing Committee on
Lands, Environment and Natural Resources*

Hon. Senators, in terms of Standing Order No.232(2), the Committee is required, in not more than 60 calendar days, from the time of reading the prayer, to respond to the Petitioner by way of a report addressed to the Petitioner, laid on the Table of the Senate.

I thank you.

Hon. Senators, I now would like to call Sen. Dullo to present the Petition from the residents of Ngare Mara in Isiolo County.

ILLEGAL ENCROACHMENT ON COMMUNITY
LAND BY KDF SCHOOL OF ARTILLERY

Sen. Dullo: Madam Temporary Speaker, I thank you. This Petition is by residents of Ngare Mara in Isiolo County on illegal encroachment of the community land by school of artillery, Kenya Army.

The Petition reads that in 1977 there was a Gazette Notice No.3210 of 1977 that allocated specified land in Isiolo County which was then trust land and now it is community land, to the Ministry of Defence for military purposes.

That further, the Commissioner of Lands vide allotment letter Reference No.189464/11 dated July, 2018, allocated the said land measuring 3.764 hectares to the Ministry of Defence for military purposes – the school of artillery.

That, the said allocation was made in total disregard of the law and without consultation with the community, this being community land.

That the Ngare Mara Ngambela Land area now being claimed by the military is situated in Isiolo County and is fully occupied by the pastoral communities and the people of Isiolo County.

That, the allotment was done in consultation with Meru County Government and yet the Ngare Mara Ngambela land area which is part of the allotment is in Isiolo County.

That, the Ngare Mara Ngambela Adjudication Section is a community land which was already occupied long before the purported letter of allotment was issued by the said National Land Commission.

That, the National Land Commission has no mandate to allocate community land which is already occupied by a military institution.

That, on the contrary, our President, H.E Uhuru Kenyatta, has approved the Ngare Mara Ngambela adjudication section and the process of issuance of titles commenced begun in 2016 and is already ongoing.

That, we will not allow, as residents of Ngare Mara, anything contrary to our settlement. We would like to make it clear that any purported letter of allotment to the school of artillery within our community residence is a double titling process because the adjudication has been going on for the last three years as the National Land Commission is giving an allotment outside their mandate on an area already gazetted as an adjudication section.

That, the Ngare Mara Ngambela residents are constantly being harassed by the military who have a constitutional mandate of protecting them.

Madam Temporary Speaker, this afternoon, a commissioner from the Teachers Service Commission (TSC) was harassed by the military. He was even threatened. He has written to me an Occurrence Book No. I want to put this on record – No.37/10/04/19. The Commissioner for the TSC is somebody by the name Commissioner Tache Bansa. He was threatened by military men with guns. This is very illegal. A gentleman, a military guy whose cellphone number is 0739378952 has been threatening people who are living in that area to vacate. Yesterday, there was a demonstration in town regarding the same piece of land.

The Ngare Mara Ngambela residents are almost 40,000 families, who are affected by the illegal occupation by the military. Our efforts, as residents of Ngare Mara to have the matter addressed by the relevant authorities, including the NLC, have gone unanswered.

Madam Temporary Speaker, the issues in respect of which the Petition is made are not pending before any court of law or any other body mandated to deal with the matter.

Whereof, your humble Petitioners pray that the Senate investigates the matter with a view to returning the land back to the community and stop any further development by the defence forces in the said area until the matter is resolved.

Thirdly, resolve that the KDF vacate the land in question and compensate the residents for the loss of livelihood and any other losses suffered as a result of the illegal occupation by the KDF.

There are several petitioners who have signed it.

Madam Temporary Speaker, if I may add, it is becoming very difficult for pastoral communities to hold on to their land, and especially, community land and trust land. We have a situation where the national Government sits in Nairobi and allocates land to persons and institutions, while they do not know what is going on at the ground. We are tired of that.

Secondly, in Isiolo, we are surrounded by the military. It is as if the military cannot get land anywhere else. We have over 10 military camps in Isiolo County, which is even unsafe for the pastoral communities living in these areas. Why can the Government not focus on other areas apart from Isiolo? We are tired of this and the harassment by the military officers. I was there on Saturday and the communities are

crying because they cannot graze their animals yet they are pastoralists. Instead of protecting their rights, we keep taking away the land that they have.

I request the Senate to investigate this matter because those people are being harassed as I speak.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, pursuant to Standing Order No. 231, I shall allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes. However, I have a communication to make before we do that.

(Interruption of Debate on Petition)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. MARY'S NYAMAGWA
GIRLS SECONDARY SCHOOL, KISII COUNTY

The Temporary Speaker (Sen. (Prof.) Kamar): My communication is on visiting students and teachers from St. Mary's Nyamagwa Girls Secondary 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. Mary's Nyamagwa Girls Secondary School, Kisii County.

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.

Sen. (Prof.) Ongeri: Madam Temporary Speaker, I take this earliest opportunity to welcome the students from St. Mary's Nyamagwa Girls Secondary School, Kisii County. They are from a rural setting and they want to see how their Senator and the other Senators legislate at the Senate.

They should work hard for that will bring them close to where we are. Those who are able to fight intellectually and convince people can earn a place of leadership in this House. I wish them well as they stay here and they are most welcome. I know St. Mary's Nyamagwa Girls Secondary School very well and it is one of those schools that I have always admired. I am sure that they will take good tales of this Senate back home. This is a place of record and they will also be on record as having visited this place at the right time. It will also be on record that they were welcomed to this Senate by their Senator.

(Resumption of Debate on Petition)

Sen. Farhiya: Thank you, Madam Temporary Speaker. I wish to support the Senator for Isiolo County and congratulate her for this Petition.

How can 40,000 people be displaced through a Government action? That is violation of people's right. The trust land that was taken is in Isiolo County yet the consultations happened in Meru County which does not make sense. Where is the role of

Isiolo County in this matter? If the Government is interested in that land, the people of Ngare Mara and Ngambela should be compensated.

With all the military camps that the Senator for Isiolo County has talked about, Isiolo County is still very insecure. What is the role of the military camps if the military officers cannot protect the interest of the people of that County? Last year, one of my relatives lost 24 camels that were on transit to Nairobi. He wanted to sell them but they were stolen and the driver of the lorry ferrying the camels was killed. The owner of those camels was rendered a destitute.

The Government that is supposed to protect the people is the one that is taking away their land and it cannot protect them despite having military camps in that area. I urge the Senator for Isiolo County to follow up with the Committee that will be assigned this Petition. A solution has to be found.

The Temporary Speaker (Sen. (Prof.) Kamar): This Petition has attracted a number of interventions. Therefore, you should be brief for all of you to get a chance.

Sen. Olekina: Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Petition.

Last year, a similar Petition was brought here. It was about the dispute on the boundary of Meru and Isiolo, Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) and the military. The issue was that some of the people who had settled there could have been Internally Displaced Persons (IDP) who had moved there after the 2007 post-election violence. That is the reason as to why I am a bit confused.

According to the Petitioner, a piece of land was allocated to the military in 1977 and the IDPs went and occupied the area after the post-election violence. In this case, we have to look at the Constitution. Those people have been living there as from 2007 and that makes it about 12 years. There is the issue of adverse possession. I have done a lot of research in the area and it is true that it is surrounded by the military and issues are coming up. In a place called Urgo Villa, which is 6 kilometers away from Isiolo town, there was an issue with the military. The resident had requested to stay in that area but the military had said that the land belonged to them and that it was a protected area.

The Committee should go through the Hansard and establish the status of the Petition that was brought here last August. If that Petition was dispensed with, what was the resolution? Was there an amicable solution? This matter can only be resolved amicably. The residents of Isiolo deserve to have a home and we also deserve to have a military that can protect us. We had the same problem in Narok County where the residents were being forced to surrender over 3,000 acres for a military camp. We need to have a balance on some of these issues.

I support this Petition but we need to resolve this matter in an amicable way. The former Governor had talked of the conflict between the military and the residents of Isiolo. The County Government of Isiolo together with the Senator for Isiolo have to find a way of sitting with the military so as to solve this. If we bring issues of boundaries between Meru and Isiolo counties, then it will be difficult to know the jurisdiction under which this issue falls.

I remember also some people were arguing that the Ngambura and Ngare Mara adjudication area is in Meru County while others argued that it is in Isiolo County. That

is why my colleague was right, saying matters affecting Isiolo County are being discussed in Meru County. I hope the Committee which will deal with this matter will visit Isiolo County and listen to the people at the grassroots level. I will be happy to hear their amicable solution so that I use the same tactics to address the same situation in Narok County.

Madam Temporary Speaker, this is a House of records. We need to resolve this border conflict through an amicable solution because there are so many petitions that have been brought so that we can have a way forward.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Please, let us limit ourselves to two minutes so that we give everybody a chance.

Proceed, Sen. Poghisio.

Sen. Poghisio: Madam Temporary Speaker, I support the Petition because it is properly before this Senate and its issues are pertinent.

A long time ago, maybe, this land was needed for military operation. However, the situation has changed and the military does not need as much land for the same purpose as they did many years ago.

We all know by then the population in Isiolo County was smaller and there were tracts of land lying idle. However, today, the population of Isiolo County has increased tremendously. As a result of devolution, many nomadic people are opting to settle and have land which hitherto they did not have. I urge the Committee, as they interrogate this matter, to make sure they resolve it to the advantage of the common person in Isiolo and assist them get their land back.

Madam Temporary Speaker, I do not think the military is averse to that kind of suggestion because it is a matter of trying to see how we can share that land with the people. I am not saying that it is not necessary for the military to have land in that county, but there is need for more settlement for the people of Isiolo. Therefore, the land under the military can be shared.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. (Dr.) Musuruve for two minutes.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me an opportunity to support this Petition by Sen. Dullo. I empathise with the residents of Isiolo County because they are helpless although they have community land. It is a pity that the military is not ready to cede some land to them. It is the responsibility of the Government to protect its citizens. It is unfortunate the Government seems not to be protecting residents of Isiolo County and it is using its agencies to alienate land from them. I urge the Government to make sure that some land occupied by military reverts to the local people.

We, as a leaders, have a duty to protect the common *mwananchi*. If we do not do so, who will protect him? We must speak candidly about the issues happening on the ground without fear or favour. I know of a Kenya Gazette notice that was issued in 1977 which gave the military big chunk of land in Isiolo County. The military is supposed to protect the residents. It is unfortunate that it is even threatening to shoot people of Isiolo if they continue demanding for their land. These threats must stop forthwith.

Community land needs to be respected because it belongs to the community. In some areas, community land is never disposed of because they cherish it.

The Temporary Speaker (Sen. (Prof.) Kamar): Your two minutes are over.

Proceed, Sen. Seneta in two minutes.

Sen. Seneta: Thank you, Madam Temporary Speaker. I stand to support the Petition that has been brought by my sister Sen. Dullo from Isiolo County. I congratulate her for her concern of her people and that is the reason we have the first woman Senator elected from the North Eastern counties; because of her concern for the community.

Madam Temporary Speaker, I want to point out two issues in the Petition. It shows there was no public participation when this land was allocated to the military. It is a concern to the pastoralist communities when we see Government institutions take big chunks of land from us without public participation.

Secondly, is lack of community benefit even in the said projects. The Government carves out land from a community trust land and initiates a project which does not benefit them at all.

Finally, Article 63 (4) of the Constitution says:

“Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.”

In this case of Isiolo County, this is a community land that should not be disposed of or be used forcibly by an authority that is in power.

This is abuse of power to deny people their rights. Even if the Government allocated that land to the military, it is not right for them to use force to deny the people of Isiolo their rights to own land.

Sen. Wetangula: Thank you, Madam Temporary Speaker. I also support this Petition from the people of Isiolo through their distinguished Senator.

Land in very fragile ecosystems, the so called Arid and Semi-Arid Areas (ASAL) is something that has to be treated very carefully because the pastoralist communities need vast tracts of land for survival. We cannot start confining them in small enclaves under the pretext that we have given their land to the military.

We have been to Isiolo many times. Indeed, it is true that there are so many military camps that one would think that if the Government wants to act prudently, they should amalgamate some of those units, so that they release land to the community for it to be used productively.

Madam Temporary Speaker, secondly, the Committee that will look at this Petition must also examine the efficacy of the National Land Commission (NLC). We thought that with the Kenya Constitution, the creation of the NLC was going to solve problems of land. Instead they have multiplied everywhere: suspicious and unjustified compensations, alienation---

The Temporary Speaker (Sen. (Prof.) Kamar): Your time is up, but we will give you half a minute for seniority sake.

Sen. Wetangula: Thank you, Madam Temporary Speaker. The Committee must also look at the conduct of the NLC in this regard. I urge the Committee to recommend

the reduction of military camps in Isiolo and release land to the people for their production and economic activities.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator. proceed, Sen. Sakaja.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I will go quickly because of time. Two issues come to mind when one looks at this Petition. One is the relation between the military and the civilians. That is something I am not sure which Committee will deal with it. Is it the Senate Committee on Lands and Natural Resources or the Senate Committee National Security, Defence and Foreign Relations? That is something that sticks out as a sore thumb in many parts of our country.

Madam Temporary Speaker, we solved a similar problem in Utawala, Nairobi in 2015/2016 where a road that members of the public were using had been blocked. However, we were able to bring them together with the community to agree amicably.

Madam Temporary Speaker, I hope it is a coincidence that the increase in harassment of the public by the military in Isiolo County has grown in the same proportion as the increase in radicalization in that county. If you look at the last attack in Dusit D2, many people said that the cells where radicalization is happening are in Isiolo County. Therefore, the first issue that must be looked at is the relationship between the military and civilians. Secondly, we must relook the planning of some of these facilities, air base and installation of security.

Madam Temporary Speaker, as Sen. Poghiso has said, possibly, that kind of land is not needed for that kind of operation. We do not need 10 bases in one county.

Madam Temporary Speaker, in Nairobi, Eastleigh Air Base, covering so much land was built in 1936. Do we need an air base in Eastleigh which is in the middle of town? It is also a security threat to the people of Eastleigh. If that land was used, for example, for urban housing, we would have sorted out issues. This is because a city that is growing cannot have an area in the center of the city where, for example, a person cannot build above a certain height and it is actually a threat.

We must look at these installations. I need a compelling argument as to why, for instance, the Embassy of Israel is right next to Loreto Convent, Valley Road Girls Secondary School. Our girls are like human shields. Also, for a person to pass there, there are thorough security checks yet they are next to our girls. Therefore, we need to have a real calibration of some of these security installations which are not moving with the times.

Madam Temporary Speaker, from 1936 to 2019, the need for that air base and certain embassies to be in certain areas might not be the same. Therefore, I urge the Committee to look beyond the issues in this petition. They should sort out the issue of Isiolo because it is a ticking time bomb. However, on top of that, to look at the efficacy of some of these public installations, especially the ones that deal with security.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I wish to add my voice to this Petition that Sen. Dullo has brought.

The land issue is an emotive one, particularly to the pastoralists. It is quite unfortunate that we are petitioning the Government for allowing the military to occupy the trust land.

I can already visualize what is happening to the pastoralists and their herds which are their livelihoods. Sooner or later, there will be conflicts in that particular area. The kinds of conflicts that we hear of every day are caused by shortage of grazing area. Therefore, the Government will soon be forced to solve such issues.

Madam Temporary Speaker, once the people of Isiolo lose their herds which are their livelihoods, it means that they will not be able to take their children to school or conduct any other normal business. Therefore, there will be a challenge.

The National Land Commission (NLC) officials allocated this trust land. However, there is a problem in its allocation. I wonder where 40,000 people will be taken to.

Madam Temporary Speaker, this is a very serious issue. Therefore, I urge the Committee that will look into this to inform NLC officers to find out who allocated such land to the military.

Sen. Wario: Asante Bi. Spika wa Muda. Ningependa kuchukua nafasi hii kuunga mkono Seneta wa Isiolo.

Maisha ya mfugaji yanafaa kulindwa. Watu wakiona ardhi kubwa ambayo iko na nyasi, huwa wanafikiri haina watu. Kwa mfano, wanajeshi wanata kukaa katika sehemu ya Isiolo ilhali ardhi hiyo niya kulisha mifugo.

Bi. Spika wa Muda, huu ni wakati mgumu sana kwa jamii ya wafugaji. Hii ni kwa sababu msimu wa kiangazi umekuwa mrefu zaidi na mvua imechelewa. Shida wanayopata imewatosha. Kwa hivyo, sehemu yao yamalisho ikichukuliwa na wanajeshi itakuwa ngumu sana kwao.

Katika Kaunti yangu ya Tana River kuna shida ya malisho. Watu wa *Kenya Wildlife Service (KWS)* wanasumbua watu wangu. Wakati mwingine wanawaua wanapolisha mifugo wao. Hivi majuzi, tuliona kwa magazeti watu waliouawa. Wanajeshi pamoja na KWS wanasumbua jamii ya wafugaji sana. Kwa hivyo, ninaunga mkono kwamba jamii ya wafugaji wasisusumbuliwe. Wanafaa kupewa nafasi ya kulisha mifugo wao, waweze kuwatafutia maji na malisho.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. (Prof.) Ekal. You have a maximum of two minutes.

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker. I will use those two minutes. First, I thank the hon. Senator from Isiolo County for bringing up this Petition. The question is why do we need so many military bases in a place like Isiolo? Are the people of Isiolo so dangerous that they must be covered by 10 military camps? These military camps will obviously need a place to go. So, they land on helpless poor people and take away their land. 40,000 herdsmen and women who keep the land for their animals to graze on are the ones whose lands will be taken away. In fact, 90 per cent of the people who live in Ngare Mara are from Turkana.

Last year, there was another fight to evict the people of Turkana from some land in Isiolo. At that time, several people from Turkana lost their lives because they resisted eviction. They argued that they lived on the land and also use it to graze their animals. Again, something similar has come around. The army wants pieces of land which are occupied by the people of Turkana and they want to evict them.

Therefore, this kind of behaviour from our military and Government is not acceptable. People should take first preference in any situation where land is concerned. The military should, for example, go to the borders of Kenya and Somalia or Ethiopia and Kenya. That is where the problems and threats are. Why do we need many camps inside the country?

I know this particular problem is also creeping to Turkana County. We are talking about giving the military land in Turkana but they are asking for so much land. Why do we have to give them so much land? Why can they not take a piece of land as big as this Parliament and perform their business? Why must they take large tracks of land? Therefore, the poor people of Isiolo County will lose their living quarters and grazing lands to accommodate the military.

Sen. Omogeni: Thank you, Madam Temporary Speaker. I thank the Senator for Isiolo County for raising this issue before the House. I draw the attention of the House---

(Sen. Cherargei consulted loudly)

Madam Temporary Speaker, may I be protected from the Chairperson, of the Committee on Justice, Legal Affairs and Human Rights?

I draw the attention of my good friend the governor for Isiolo County that in fact, the people we should indict is the County Government of Isiolo. This is because after the enactment of the Constitution of Kenya, 2010, we enacted the Community Land Act in 2016. Under the Act, the county government is supposed to work in conjunction with the Cabinet Secretary, (CS) Ministry of Lands to ensure that communities are issued with title deeds for their land. Any issue of compulsory acquisition of land—

Sen. Sakaja: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Sakaja. What is your point of order, Sen. Sakaja? We only have three minutes to go.

Sen. Sakaja: On a point of order, Madam Temporary Speaker. Sen. Omogeni has referred to Sen. Dullo as the “governor” of Isiolo. In as much as that is prophetic and admirable, could he either affirm or correct it?

The Temporary Speaker (Sen. (Prof.) Kamar): Just continue, Sen. Omogeni because, fortunately, the Chair did not hear you.

Sen. Omogeni: I think Sen. Sakaja is mesmerised that he is sitting next to the good Senator for Isiolo County. He was not paying good attention to what I was saying.

Madam Temporary Speaker, under the Community Land Act of 2016, the County Government of Isiolo, in conjunction with the Cabinet Secretary (CS) for Lands, should ensure that the people in that county are issued with title deeds for the land that is vested in the community. Therefore, the first point of call should be the Office of the Governor of Isiolo County.

Secondly, under the Community Land Act of 2016, the community should have elected the Community Land Management Committee, which should be charged with issues of discussing with the NLC and any issue of forceful acquisition of land that is vested in the community. Therefore, I first urge the Committee that will look into this matter to summon the CS for Lands to explain whether the adjudication process for the

County Government of Isiolo has been done. Secondly, the Governor of Isiolo County should tell the Committee whether, in line with the provisions of the Community Land Act of 2016, Isiolo County has elected the Community Land Management Committee that should be looking into the affairs of land which is vested in the community.

Finally, there must be compensation to residents for any community land that is taken by the Government. The people who are tasked with receiving the money are the county governments; and in this case, it is the County Government of Isiolo.

The Temporary Speaker (Sen. (Prof.) Kamar): Finally, we will have Sen. Mwaruma.

Sen. Mwaruma: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii ili kuchangia ombi lililoletwa na Sen. Dullo kuhusiana na unyakuzi wa ardhi na Jeshi la Kenya. Kusema kweli, sio Isiolo peke yake iliyo na shida hii; ni kama huu umekuwa mtindo ambapo mashirika ya Kiserikali yanachukua mashamba katika sehemu tofauti tofauti bila ruhusa. Kwa mfano, kule Taita-Taveta ninakotoka, maafisa wa *Kenya Wildlife Service* (KWS) wamechukua shamba la ekari 380 upande wa Mbololo na kulitafutia hatimiliki. Tumetafuta njia ya kurejesha ardhi hiyo kwa kaunti, lakini imekuwa shida. Hii ni kwa sababu ukiwa na hatimiliki, ili kuirudisha ardhi hiyo, lazima upitie mahakamani.

Hali kadhalika kule Taita-Taveta, *Kenya Prisons Service* imechukua ekari 1,000; wakisema kuwa wanataka kujenga geraza upande wa Bura. Lakini tayari kuna magereza ya kutosha kule Taita-Taveta; kwa mfano, kuna gereza Voi, Manyani na Wundanyi. Kwa hivyo, wanataka kujenga gereza lingine la nini? Kuna magereza ya kutosha na watu wa kule wanapenda amani. Shirika la Wanyama Pori pia limechukua shamba kubwa sana kutoka Bachuma hadi Mbololo, lenye urefu wa kilomita 9 kutoka kwa reli. Kwa hivyo, kamati itakayoshughulikia---

(Sen. Mwaruma's microphone went off)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator, you have made your point.

Hon. Senators, pursuant to Standing Order 232(1), the Petition stands committed to the relevant standing committee; in this case, the Standing Committee on Lands, Environment and Natural Resources. In terms of Standing Order 232(2), the Committee will be required, in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioner by way of report addressed to the petitioner and laid on the Table of the Senate.

*(The Petition was committed to the Committee on Lands,
Environment and Natural Resources)*

Hon. Senators, before we move to the next Order, I have another communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MAKUTANO
SECONDARY SCHOOL, MAKUENI COUNTY

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Makutano Secondary School, Makueni 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, we wish them a fruitful visit.

I thank you.

(Applause)

Next Order.

PAPERS LAID

REPORT ON FINANCIAL STATEMENT OF MARSABIT
COUNTY ASSEMBLY CAR LOAN/MORTGAGE FUND

Sen. Dullo: Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 10th April, 2019:

The Report of the Auditor-General on the Marsabit County Assembly Car Loan and Mortgage Fund for the Year Ended 30th June, 2017.

(Sen. Dullo laid the document on the Table)

REPORT ON THE COUNTY WARDS
(EQUITABLE DEVELOPMENT) BILL

The Report of the Standing Committee on Finance and Budget on the County Wards (Equitable Development) Bill (Senate Bills No.34 of 2018).

(Sen. Dullo laid the documents on the Table)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, before we move to the next Order, we still have the debate on the Speech made by the President in Parliament, and we did not want it to go beyond 4.30 p.m. I, therefore, request Members who are listed to request or make statements to be very brief.

Next Order; Statements.

STATEMENTS

PROMOTION OF TEACHERS IN COUNTIES
AND APPOINTMENT OF TSC DIRECTORS

Sen. Mwaruma: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order 48(1) to seek a Statement from the Committee on Education concerning the promotion of teachers and the Teachers Service Commission (TSC) directors.

In the Statement the Committee should-

(1) State the number of teachers promoted from Job Group M to N and Group L to M in all the counties since 2017.

(2) Provide a list of all teachers' promotions done by TSC since 2017.

(3) Provide a list of all directors and their deputies in all counties and sub-counties.

(4) Explain the criteria used in the transfer of directors from headquarters to the counties and vice-versa.

(5) Explain how many TSC staffers were recently promoted from County Directors to Directors at the TSC headquarters, skipping the cadres of assistant directors and deputy directors.

Madam Temporary Speaker, the thrust of this Statement is that there are murmurs that there is skewed promotion of teachers and directors. There is talk that the people who are being promoted might be from a particular community or communities.

Madam Temporary Speaker, Article 35 of the Constitution speaks to the right to access to information. We might argue that since the TSC is not devolved and because it is under the Ministry of Education, it does not affect counties. However, teachers who are affected are our brothers and sisters who teach in counties.

Madam Temporary Speaker, there is also talk that there are County Directors who have moved to Country Directors, bypassing other cadres in TSC like assistant and deputy directors. They are said to be from particular communities. You remember when we were vetting---

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Mwaruma, I hope you are not investigating on behalf of the Committee. Give them the job to answer your questions.

Sen. Mwaruma: Madam Temporary Speaker, I stand guided.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you.

I see a number of people who want to ride on this Statement.

Sen. Khaniri: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Maybe your point of order will help me to deal with this.

Sen. Khaniri: Madam Temporary Speaker, I see the Statements are listed up to 'g;' there are quite a number of them. I do not know how many Members are here to request for a Statement. We started this yesterday, where the Chair allowed comments after all the Statements had been requested for. I think we will save more time if you do

that. All the Statements listed on the Order Paper can be requested for, and then you can allow 10 to 15 minutes for those who want to make some comments or to ride on them.

The Temporary Speaker (Sen. (Prof.) Kamar): All right. Can we follow yesterday's precedent, please?

Hon. Senators: Yes.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. The second Statement is again from the Senator for Taita-Taveta County, Sen. Mwaruma.

PAYMENT OF MINING ROYALTIES BY
MINERS IN TAITA-TAVETA COUNTY

Sen. Mwaruma: Madam Temporary Speaker, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on the payment of mining royalties by miners in Taita-Taveta County.

In the Statement the Committee should-

(1) Provide names, addresses and directors of the companies that are licensed to carry out mining activities in Taita-Taveta County.

(2) State the types of minerals they mine from the county.

(3) State whether the miners pay royalties, the amount of money collected from these royalties, the account to which the royalists are paid and whether the royalties accrue any interest backdated to when they were supposed to be paid.

Madam Temporary Speaker, because of the pressure of time, I do not think I need to elaborate so much on this. However, I need to mention that when this Statement was last here, it was not adjudicated; and that is why it is coming back again. I hope that this time round, the Committee will expedite and process it so that we can get a proper response.

Secondly, Madam Temporary Speaker, the company that is specifically mining iron ore in Taita-Taveta County, that is Sangani Company, is carrying away a lot of iron ore. We do not know if after it removes all the iron ore, it will rehabilitate and restore the mining site to the original state. I would like to request the Committee to impress upon the Ministry of Petroleum and Mining to force this company to restore the mining area to the way it was before so that it can be used for---

The Temporary Speaker (Sen. (Prof.) Kamar): Senator, I do not want you to be tempted again to answer for the Committee. That second Statement stands committed to the Committee on Lands, Environment and Natural Resources. The first Statement stands committed to the Committee on Education.

The Third Statement is by Sen. (Prof.) Ekal.

STRESS ON LAND AND NATURAL RESOURCES
OCCASIONED BY REFUGEES IN TURKANA COUNTY

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on National

Security, Defence and Foreign Relations concerning stress on land and natural resources occasioned by refugees in Turkana County.

In the Statement the Committee should-

(1) State the number of refugees currently hosted at the Kakuma and Kalobeyei refugee camps.

(2) Explain measures put in place by the Government to prevent environmental degradation occasioned by the huge numbers of refugees in the camps in the area.

(3) Explain measures put in place to ensure conflict over resources is prevented in light of the ongoing drought in Turkana County.

(4) Explain whether the Government plans to compensate members of the Turkana community for the land occupied by refugees, which would have otherwise been used for grazing livestock.

Madam Temporary Speaker, for large tracts of land to be given to refugees and the Turkana people are not compensated for it in a region that is already environmentally unstable, is misuse of innocent poor people. That amounts to taking away their land which they would otherwise be using for grazing, and giving it to another community or communities, leaving them starving.

I would like this issue – why our people have to give large tracks of land to people who have come from other countries so that they may live comfortably while our people are starving – to be looked into.

The Temporary Speaker (Sen. (Prof) Kamar): Thank you, Senator. You have come out very clearly. That Statement stands committed to the Committee on National Security, Defence and Foreign Relations.

Once again, the next Statement is from the Senator for Turkana County.

Proceed, Senator.

LOCUST INVASION IN TURKANA COUNTY

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker, for giving me this chance. I rise pursuant to Standing Order 48(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries, concerning locust invasion in Turkana County.

In the statement, the Committee should-

(1) State the measures the Government has taken to deal with the current locust invasion in Turkana County.

(2) State the early warning mechanism put in place to prepare residents for future locust invasions in good time and to mitigate against the effects of such invasions.

(3) Explain whether the Government will provide food to the people of Turkana County, whose crops and pasture have been destroyed by the locusts.

Madam Temporary Speaker, I have reported this to the Turkana County Government and the Government of Kenya. It took a long time before they eventually availed a plane that was supposed to spray the areas to kill the locusts. Unfortunately, whoever is piloting that plane does not know what they are doing, because they are just criss-crossing aimlessly, when they should be following the rivers, plains and killing all

the locusts. The locusts are decimating every green piece of grass and leaves on plants, leaving their droppings, which the goats find palatable. However, when the goats eat these droppings, they get sick and die. This is one of the contributors of hunger in Turkana, because as our animals starve from this invasion, the people will then follow, also starving.

Madam Temporary Speaker, I hope that the Government understands what I am saying, and will follow up with remedies to make sure that we do not have more locust invasions in the future.

The Temporary Speaker (Sen. (Prof) Kamar): Thank you. Your request for a Statement is very clear. That Statement stands committed to the Committee on Agriculture, Livestock and Fisheries.

The next statement is from Sen. Shiyonga.

CHALLENGE OF WATER AND SANITATION FACING PUBLIC SCHOOLS

Sen. Shiyonga: Thank you very much, Madam Temporary Speaker, for giving me this opportunity to request for a Statement.

Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Education on the challenge of water and sanitation facing our public schools.

In the statement the Committee should-

(a) State whether the Ministry of Education, in collaboration with the Ministry of Health, has established a water and sanitation policy for schools.

(b) Table previous periodic assessment reports indicating the status of water and sanitation coverage in schools.

(c) Explain the progress made towards establishing mechanisms for provision of water and sanitation services that is commensurate with the population of learners.

(d) State the actionable way forward in providing clean drinking water and sanitation services that meet the Sustainable Development Goal (SDG) No.6, which seeks to ensure availability and sustainable management of water and sanitation for all.

(e) Explain measures put in place to equip learners with high level knowledge and personal hygiene and sanitation.

The Temporary Speaker (Sen. (Prof) Kamar): Thank you, Senator; that is extremely clear. The Statement stands committed to the Committee on Education.

The next statement is also from Sen. Shiyonga.

OUTBREAK OF ANTHRAX AT LAKE NAKURU NATIONAL PARK

Sen. Shiyonga: Thank you, Madam Temporary Speaker. Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the outbreak of anthrax at Lake Nakuru National Park.

In the statement, the Committee should-

- (1) State the cause of the anthrax outbreak in the park.
- (2) Table how many wild animals and livestock have been infected and died as a result of this outbreak.
- (3) Explain the effect of this outbreak on the health of the local community and their livestock.
- (4) State the measures that have been put in place to address the issue, considering that in 2015, Lake Nakuru National Park lost more than 100 buffaloes to anthrax.
- (5) Explain the status of locals who consumed products from their livestock suspected to have been infected by anthrax.

The Temporary Speaker (Sen. (Prof) Kamar): The Statement stands committed to the Committee on Land, Environment and Natural Resources.

The last statement is from Sen. Seneta.

POLICY BY TSC TO PROMOTE TEACHERS IN JOB GROUPS
“M” AND “N” TO HEAD SCHOOLS

Sen. Seneta: Thank you, Madam Temporary Speaker. Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Education regarding a policy by the TSC to only promote teachers in Job Group “M” and “N” respectively to headship in primary and secondary schools.

In the statement the Committee should-

- (1) Clarify whether such a policy exists in the TSC; and if so, state when the policy was passed, indicating whether there was adequate stakeholder engagement and public participation in its formulation and implementation.
- (2) Explain how the promotion exercise will be conducted in counties in hardship areas, particularly in the Arid and Semi-Arid Lands (ASAL) areas, which have few teachers generally and even fewer teachers in the mentioned job groups without perpetuating further marginalisation on these particular regions.
- (3) Explain what affirmative action measures the TSC has put in place to ensure that marginalised communities are not marginalised further by the said policy.
- (4) Explain the measures that the national Government has put in place to address the fate of thousands of competent and hardworking teachers who have stagnated in lower grades for many years, as well as the general lack of transparency surrounding the promotions by TSC.

The Temporary Speaker (Sen. (Prof) Kamar): Thank you, Senator. The Statement stands committed to the Committee on Education.

Hon. Senators, before we move to the next order, there are two Members who would like to comment on the Statements. I also urge Members – the owners of the Statements – that you can be friends of the Committee when they are interrogating them so that if you have additional information, you can also forward it to them then.

Similarly, hon. Senators, while dealing with the debate on the Presidential Address, you are free to be flexible and ingenious in the way you bring in other issues.

For now, I will give an opportunity to the two Senators who have requested to make comments on these Statements.

Proceed, Sen. Sakaja.

Sen. Sakaja: Thank you, Madam Temporary Speaker. First of all, as the Vice Chair of the Committee where one of the Statements has been committed, we will act on it accordingly.

First of all, I thank all the Senators who brought Statements on very pertinent issues. I will focus on just two of them touching on education. There is the issue of transfers and equitable distribution of teachers. I would just like to ride on that statement and ask that when the Committee considers it, they should focus on one very important question that is not being answered. Transfers is one thing, but when the TSC boss herself says that because of the 100 per cent transition rate promise, there is a shortage of 87,381 teachers, and are staring at a crisis in the education sector.

Madam Temporary Speaker, children going to school does not mean that they are getting educated. In many of our schools, I have seen children who have come all the way from Grade One to Grade Eight, yet they cannot read. This is because there are a few teachers in schools, they are many students or pupils in a class and, therefore, they keep humming at the back of the class room.

At the end of it all, they are not educated. We are, therefore, not guaranteeing these children a future. We are instead doing more harm other than helping them.

Madam Temporary Speaker, have we done a budget before giving the promise of 100 per cent transition? Have we done an analysis of what the needs in those schools are? When the Statement by Sen. Mwaruma is being answered, we must be told what those specific needs are.

Madam Temporary Speaker, I have a difficult time visiting schools in Nairobi because there is no education going on there. We have schools that have been run down in this city. There are schools in the Capital City, where small children are forced to balance in pit latrines which do not even have water. The children in the village may know how to use the pit latrines, but those in the city do not. The place where their food is being cooked is terrible. I have visited the schools and it is painful.

I found out that food is the main challenge in most of the schools that I visited, which is painful. The School Feeding Programme needs to be brought back. Urban poverty is different from rural poverty. In Nairobi, when there is no food, there is no food. In the village, one can get *gorogoro moja* of *mahindi* and some greens, which can sustain them. The other day, I was in Kinyanjui Road Primary School---

The Temporary Speaker (Sen. (Prof.) Kamar): Senator, I said that you can be a friend to the Committee; so, let us not stretch this. We have to start the debate at exactly 4.30 p.m.

Sen. Sakaja: Madam Temporary Speaker, I am about to finish. In Kinyanjui Road Primary School, when we asked the students what they wanted, they did not ask for equipment or anything else; they instead asked for food. That was the same response in Raila Educational Center in Kibera and Githurai Marurui. We take our children to school and they go back home with nothing in their stomachs, and nothing in their heads.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The last Senator to speak on that will be Sen. Dullo.

Sen. Dullo: Thank you, Madam Temporary Speaker. I wish to congratulate Sen. Mwaruma on the promotion of the directors. Many of our teachers are stagnating and the TSC Policy needs to be investigated for the promotion of teachers to be done in time. If we do not do that, our children will not perform well.

The second point is on royalties and mining. Many counties have mineral resources, but the policies governing this particular area is not well thought of. It is important to involve the communities and make sure that they benefit from the natural resources in their area. In this country, licences are issued in Nairobi without the involvement of the communities, and that is what is happening in Isiolo County.

Regarding the issue of locust invasion in Turkana; it is important for the Government to prepare the communities on locust invasion and drought. We cannot be doing emergency responses year in, year out. There should be a policy to govern that.

Madam Temporary Speaker, pastoral communities are usually hit hard when it comes to the availability water. Children do not attend school and those who do attend, do not eat; hence they are not attentive in school. Something needs to be done. The Committee needs to investigate all these matters and help our people.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.
Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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, 4th 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, 9th April, 2019 -

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

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

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

(Sen. Murkomen on 9.4.2019)

(Resumption of Debate interrupted on 9.4.2019)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I want to remind you that on this debate, you have a maximum of 15 minutes. Therefore, the red timer will go on 5 minutes to the end of your 15 minutes. If we take less time, we will have more Members participating.

The last Senator to speak yesterday was Sen. Faki. We will move to the next request.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker. I want to make my contribution to this important speech. It has become a tradition of Parliament since the inception of the new Constitution for the President to deliver a State of the Nation Address. The President is now required to speak to the representatives of the people and bring them up to speed on what his Government is doing for the citizens.

Last week on Thursday afternoon, we were gathered in the Chamber of the ‘lower house’ to listen to the speech of the President. On behalf of the people of Kericho County, I want to address myself to the content of his speech, which he shared with us, as legislators.

If the general objective of the President was to speak of the decisions that his Government has made and is making; how he intends to run this country and what he feels are the priority areas for him, then he achieved it, and I commend him for that. Many of us in this House consider this to be a great and solemn duty. Kenyans go for elections after every five years, and many people offer themselves for leadership positions. At the end of it all, only 416 end up in Parliament. Therefore, we need to take this responsibility with great dignity and utmost respect to the people that we represent in this House.

On many occasions when those who are from the Government side or what is constitutionally referred to as the “Majority” Side hold a different view from that of the Executive, it is misconstrued to mean that they do not agree with the leadership of the President. It can even be misconstrued to mean that they are not moving in the same direction as the rest of the country. This discussion will continue in the next two or three parliaments before we establish ourselves as a democracy. That is why I will try to be extremely guarded in my comments. However, I will be sincere and speak that which I feel represents the needs of the people of Kericho.

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

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

The President spent a good amount of time speaking about the need for inclusion; and having our goals and aspirations joined and directed towards one direction. That is a noble wish. However, if the President watched the House, he could easily have deciphered that the Building Bridges Initiative (BBI) is achieving the opposite of what he intends it to achieve. When he spoke about BBI, half the crowd was cheering him and the other half was extremely mum about it. Therefore, as our President, I wish that as he reflects on the things that he told us, he will eventually get a copy of the HANSARD. I believe that after the contribution of legislators, the President will get a copy of the

HANSARD on the contributions of the representatives of the people on what they think about his Address. That is the surest way for him to know the feeling of the people. As the President, he told the country that which he has done, and which he intends to do. As the representatives of the people, we are giving him the feedback and saying, “On this and this, we agree with you; but on the following, we do not.”

It is imperative that if the President wants to succeed on his BBI, the time has come for him to sit down with those who have issues; or those who do not agree with one or two of the aspects of the noble initiative that he set out to do, and listen to their concerns about it. What are the things that make a few of the legislators or most of them stamping their agreement with him as he spoke about this very topical issue? Reading through his entire Address, one can feel that he intends that the BBI be at the very core of his Presidency.

Mr. Temporary Speaker, Sir, I urge the President to take time and listen to the alternative view. The view of the majority of Kenyans is that after he shook hands with the former Prime Minister, the same has not been cascaded downwards for the people to understand what they entirely want to achieve out of their private conversations. After emerging from the steps of Harambee House, what is the BBI supposed to achieve? We listened that afternoon with a hope that he would perhaps go into more extreme detail to talk about some of the issues that have divided us, as a country, on many occasions; and how we are now using the BBI to ensure that we address them.

There are many things that irk Kenyans, when they look at us, as their leaders. There are pronouncements that we make that, at the end of the day, do not go down well with the political divide of the country. If we are trying to reach out to the other side of the crowd, it is important that we listen to even those that we do not agree with.

Mr. Temporary Speaker, Sir, at the very heart of democracy is a very cardinal principle that we will not always agree. However, at those points, we must find ways of being agreeable with each other. We must also realize that those who hold different views from ours are not necessarily our enemies. It is only because we are all raised differently, and appreciate things differently in life; and that there are people who will always hold views different to ours. If the President feels that we need to establish a stronger democracy in this country, then that ought to be one of the cardinal dreams and aspirations that he ought to put very strongly in his Initiative.

One of the other things is that electoral justice is a very thorny issue in this country. Electoral justice does not just end with the normally disputed presidential election. It even begins at party primaries, where many of our political parties still continue to struggle with the issue. When we have a society like ours, where in certain regions, a certificate from the popular political party is as good as a win in the main election, then we must address ourselves to these issues.

We must see how we are going to get to a point where we know that, eventually, the people that get to this House are the true representatives of the people. I feel that on many occasions, there is just too much focus on the presidential vote when people are discussing electoral justice, and nothing to do with that of the Members of the County Assembly (MCAs), which is as important as the rest of the five ballots that are put up.

Mr. Temporary Speaker, Sir, the President also spoke – and rightfully so – to a great length about not turning back on devolution. I agree with him 100 per cent. Devolution is the silver bullet which, if we were to get it right, this country would change for good. However, it is important for his administration to enumerate--- He has given the figure that, as of that afternoon when he addressed the nation from Parliament, his administration had channeled a whopping Kshs1.7 trillion to our county governments. However, the question that many of the citizens we represent in this House keep asking is whether we can tangibly point out and say what that money has achieved in our counties.

It is unfortunate because many of our citizens do not feel that devolution has brought value for money for them. This began even with how we structured the law on devolution. As long as we keep a constant of 70 per cent on recurrent expenditure, then it is not good business. If one was to run a business where, at the end of each financial year, they declare that 70 per cent of their income ends up paying salaries for staff and maybe the rest for the overheads, one would not be running a successful enterprise.

Mr. Temporary Speaker, Sir, one of the things that we need to creatively think about, as a House, is how we can ensure that this 70-30 divide of recurrent *vis-à-vis* development vote is reduced over the years. This should be done in such a way that by the time we get to the third cycle of devolution, we will be reversing it and ensuring that not every coin in the 70 per cent that we devolve ends up paying people's salaries. I do not believe that the dream of the people who crafted our Constitution and the aspiration of Kenyans was that for every Kshs10 that we send to our counties, Kshs7 would end up paying for salaries and electricity bills. That is a challenge we need to address.

On the issue of the economy, the President spoke on how he feels the economy is going strong. That may be true, because figures and statistics can be misleading. The Kenya National Bureau of Statistics (KNBS) can give figures year after year to show that Kenya is growing at a rate of 6 to 7 per cent. However, the biggest question we need to ask is whether, if we were to take a walk down the country and listen to the people, they would tell us that life is getting better or harder in their opinion? In my opinion, the truth is that many of the people, especially the youth, feel that his administration is not addressing pertinent issues facing them.

Manufacturing, which is one of his Big Four Agenda, is supposed to create jobs. Unfortunately, many of the quotes he gave in that Address were about large corporations. For example, he spoke of how Peugeot has set up a plant for manufacturing vehicles here in the Republic. However, many of the youth feel that we need to spend a significant amount supporting small time entrepreneurs who are setting up light industries. Those are the people that will employ many of our youth in the tens of thousands more than Peugeot.

We may celebrate that Peugeot has set up a plant in Kenya. However, we ought to compare that with having a fund that will support many of the upcoming entrepreneurs in terms of ensuring that when they access business in Government, they are paid on a timely basis. The fund would also ensure a tax regime that is favourable to many of these young people that are in business, and that ensure that their businesses are sustainable. That would address the issue of many of them being jobless. In that regard, I felt that the President needed to pay a closer attention.

Finally, Mr. Temporary Speaker, Sir, I feel that some of the drafters of the Presidential Address embarrassed the President in one of his paragraphs. This is because it is a known fact that these Closed-Circuit Television Cameras (CCTVs) that were installed across the City of Nairobi do not function. It has been in the news and we have read it in our newspapers that at the time hon. Muchai was killed on Kenyatta Avenue, they were not working.

Another person was murdered and when they tried to retrieve the footage, it was clearly evident that they were not working. It is unfortunate if, in his Address, the President was misinformed and he gladly read out aloud that they have put up 15,000 cameras. I feel that in a matter as important as this, they need to be accurate in his presentation.

With those very many remarks, I beg to support.

Sen. Wetangula: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to the President's speech via the Motion moved by the Senate Majority Leader.

If you sat in that Chamber on the afternoon of Thursday, last week, you could see that over the period, the President has gained on the Opposition side and lost on his side. You saw a lot of cheering on the opposition benches, and murmuring and grumbling from his own benches. This tells a story that the unfolding scenario of politics in this country is indeed, very interesting.

Mr. Temporary Speaker, Sir, the President spoke to several issues, but I will spend a little time to mention a few. Listening to the speech and the manner in which it flowed, it tells you that it is pure utopia. One would have thought that the President was talking of a different country, and not the Kenya will live in and know. I invite His Excellency the President to read a small book by Chinua Achebe, called "*The Trouble with Nigeria*;" it may help him appreciate a few of our things here.

Madam Temporary Speaker, many of our issues in this county have not improved. Sen. Cheruiyot, the Senator for Kericho County, has spoken to the issue of the economy. Truth be told, the economy of this country is shrieking.

An hon. Senate: It is Mr. Temporary Speaker!

Sen. Wetangula: My apologies, Mr. Temporary Speaker, Sir; I thought it was the distinguished Senator for Uasin Gishu County in the Chair. I have no intention of changing your gender.

Mr. Temporary Speaker, Sir, 75 per cent of the Kenyan workforce is in the agriculture sector. However, if you look at this sector, sugarcane farming and sugar production is dead; maize farming is dead; tea farming is in problems; coffee farming is dead and rice farming is in trouble. If you go to Naivasha, flower firms are closing down; so, where is this growth? Where are the jobs coming from? We are having serious difficulties that we need to address as a nation.

I agree with the President that we need to work together. We need to have a situation where unity of purpose in the country is embraced by all of us if we have to address our problems. I expected the President to mention, through the BBI, the desire to address constitutional changes in this country. He has spoken many times to the issue of inclusivity and accommodating those who have not been able to capture State power

through elections. However, we all know that the situation of bringing tranquility to this country cannot be resolved by a friendship between individuals; it must be resolved by strong institutions.

I and anyone else can be friends. However, that friendship can be skin-deep and tomorrow we may part ways. We want a situation where, like my distinguished professor, Aaron Ringera, used to tell us at the university, that if you want to know the taste of a good law, imagine that law in the hands of your worst enemy. If you feel safe with it, then it is a good law. That is why we want strong institutions that are not based or dependent on the benevolence of anybody. For example, even if Idi Amin became the President of this country today, our Constitution must restrain him from doing the silly things he did to Uganda in the 1970s. That is the Kenya we want.

Mr. Temporary Speaker, Sir, the President spoke about corruption. I also spoke to the media and supported his one statement; that this country cannot allow vigilante justice. For those of you who have not watched movies where the vigilante were at their best, you should watch movies starring Charles Bronson called Death Wish 1,2,3 and 4. You will then see what vigilante justice means, how people can take the law into their own hands and hunt down those they think have offended the law. We do not want to go to the Wild West way.

I agree that due process must be the cornerstone and foundation of any orderly and modern state. However that notwithstanding, there is what we call justice through the courts of law and justice through public courts and public opinion. There are certain situations where you do not have to wait for people to be taken to court for them to take responsibility. The people who work for the President – that is the CSs and others – enjoy their offices at his pleasure. Where they are constantly mentioned in dirty deals and fraudulent activities, the President does not have to wait for the courts. This is because the manner of proof beyond reasonable doubt in court is different; and the manner of losing confidence in people he has given responsibility to is different.

Kenya has millions of men and women with the capacity to sit in offices and work without blemish. I, therefore, encourage the President that while it is important that due process must be applied on each and every individual, those who hold public offices must enjoy the full confidence of the public for them to deliver. There come situations where people have to take responsibility. The Romans would call it, ‘falling on the Sword’ where things are not working.

Therefore, we want the President to move from lamentation to action in matters of corruption. We also note that the institutions of governance in this country take too long to come to the satisfaction of the expectations of the people. Look at the case of the Independent Electoral and Boundaries Commission (IEBC) and the “chickengate” scandal. The corrupt transactions in London have been prosecuted and people have been jailed for seven years. They have served their term, completed it and gone home.

However, in Kenya, the case of our friend, Mr. Oswago, who was the Chief Executive Officer (CEO), has not even started. It is still in court and no evidence has been called. It is mentioned and postponed. You can say this of so many cases. Look at National Youth Service (NYS) cases; what happened to those cases? Look at NYS two,

the Kenya Power (KP) scandal and the Anglo leasing scandals. Can you imagine that Anglo leasing cases are still going on, 13 years down the line?

For example, my brother David Mwiraria went to his maker with a charge hanging over his head. Perhaps he would have been acquitted and gone a free man. Therefore, our courts must style up. Courts do not act in vain. The prosecutors must bring cases to court with proper evidence; in time and ensure that justice is dispensed quickly, fairly and justly to all that are brought before the courts.

Mr. Temporary Speaker, Sir, the President spoke about our obligations as a nation. I have a feeling – having been a Minister of Foreign Affairs for quite a long time – that Kenya is punching below its weight in the region and we can do much better. We are having problems with Somalia, which is a country that is beholden to us. We are having problems with Uganda over Migingo Island; a country that is a member of the East African Community (EAC).

We are quarrelling over all manner of things. In fact, when the President announced that he was giving land to Uganda to build a dry port in Naivasha, I thought President Museveni would stand up and say that he reciprocates by never again laying claim to Migingo Island, which is part of Kenyan territory. However, nothing like that happened. We are constantly looking weak in the face of our neighbours when, in fact, we are the super power of this sub region. I, therefore, encourage that the country becomes more vibrant and boisterous in the manner we execute our foreign policy.

Mr. Temporary Speaker, Sir, South Sudan – a country whose peace and independence we negotiated at enormous cost – has now abandoned Kenya. It is opening new routes all the way through Ethiopia to Djibouti, denying us business, jobs and everything. Surely, if we were doing the right things, there is no way South Sudan can leave Kenya and go to Djibouti.

There is no way that we can have Uganda, Rwanda and Burundi exploring alternatives to go to Tanga to build a new port, when we have Mombasa, which is the nearest. It means that our diplomacy is not quite ticking. We need to do something about it because every time it does not work, we lose opportunities for creation of wealth and jobs; as well as our status as the giant of the region.

Lastly, Mr. Temporary Speaker, Sir, so that I leave others time to speak, I want to encourage President Uhuru. Let nobody advise or cheat him that the Big Four Agenda is achievable in his remaining term in office. These are very good ideas and dreams, and indeed all dreams are legitimate and valid. Let the Big Four Agenda be work in progress, just like we have Vision 2030, which was a dream to build houses, improve manufacturing, value addition and so on, and so forth. Nevertheless, the President should focus on two things for his legacy. On the war against corruption, he should make sure that no stone is too heavy to turn, so that we can clean this country.

The second issue that would be the President's greatest legacy is to restructure and re-engineer the Constitution of the Republic of Kenya, 2010, so that we get rid of all the weaknesses that we have spotted therein. We should strengthen devolution by giving more funds to devolved units and bring greater inclusivity. Above all, we should institutionalize electoral justice so that we should not have instances where every time we go for elections, people are sitting on the edge, wondering whether they will be burnt in

their house, shot or killed. Those two things will be the greatest legacy of President Uhuru. He should focus on electoral justice, reform of the Constitution and, above all, the war against corruption.

The President himself said that whether it is his brother, cousin, political ally or friend, nobody will be spared in the fight against corruption. We want to see to it that he lives to that billing, and cleans up the mess in this country. As the good old saying goes, “Problems can never be solved by the same level of thinking that created them.” Let us see if the President will be the different actor this time round.

I beg to support.

Sen. Khaniri: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to make my comments on the State of the Nation Address by H.E the President.

However, before you came to the Chair, we had struck a deal with the Temporary Speaker who was in the Chair then. We had agreed that in the interest of time, we would use this period to make our comments on the Statements that have been sought. Seven Statements were raised and the then Chair said that we could take a minute of our time to comment on them.

Mr. Temporary Speaker, Sir, allow me to thank Sen. Shiyonga for bringing the Statement on the challenge of water and sanitation facing public schools. The Senator had directed the Statement to the Ministry of Education. However, I sincerely think that this Statement should have been directed to the Ministry of Water and Irrigation, which handles policy, because water is a devolved function. Sen. Shiyonga talked about policy and I think the Statement should be re-directed to the Ministry of Water and Irrigation.

Mr. Temporary Speaker, Sir, supply of water to our public schools is a very important issue. I feel very pained whenever I drive around my county, and around the country to see children walking long distances to fetch water for their daily use. It is a shame that 56 years after Independence, we are unable to supply not just our schools, but our populace with water. Water is a basic necessity such that a country like Kenya, which attained Independence 56 years ago, should have reached the level whereby all homesteads and schools are supplied with water.

Mr. Temporary Speaker, Sir, I doubt there is a serious policy on this issue; and I think that is what Sen. Shiyonga was asking for. When the Chairperson of the concerned Committee comes to the House with the response, we would like to see if there is a policy on the supply of water to our schools. We are looking forward to that and we will be here to interrogate that issue.

Mr. Temporary Speaker, Sir, coming back to the State of the Nation Address, let me start by confessing that this was President Uhuru’s seventh State of the Nation Address since he assumed power, and my second. I only attended the first State of the Nation Address when he took power, and then gave up because it just became a talk show until after the handshake, when I saw some seriousness.

That is why I attended this one. However, I must say that to me, it was an anticlimax, because I expected some earth-shaking statements and decisions in that particular speech to deal with the issues that we talk about day in, day out. Nevertheless, I am glad that the President touched on almost everything that we expected him to address.

However, Mr. Temporary Speaker, Sir, in my opinion, there are a few issues that I deem extremely important and which I feel he did not come out very clearly on them. First and foremost, is the ravaging hunger that has stricken our people in Turkana and parts of Baringo, caused by the prolonged drought that we are experiencing. For a country as fertile as ours which boasts of enough food in our strategic reserves, it defeats logic to hear that people are starving; and that they are going without food.

We hear that there are deaths, although the Government is denying that there are no deaths. I think people have died of hunger in those parts of the country that are affected. I expected the President to dwell on this matter because it is a very topical issue that is affecting Kenyans now. We are looking for long term solutions to the issue of hunger, and not just short term solutions. We cannot be talking about hunger year in, year out.

Mr. Temporary Speaker, Sir, the second issue that I think the President did not come out very clear on, is the issue of unemployment of our youth. This is a time bomb because we are churning so many graduates from our universities and other colleges. We have established so many universities and we have so many graduates coming out every year, but then we have no capacity to absorb them.

In my opinion, it is a serious crisis and a time bomb that we are sitting on, which might explode on us and the leadership; and it will be too late. This is an issue that must be tackled conclusively so that we ensure that we create employment in the private sector, as well as in the mainstream Government to absorb the many graduates that come out of our colleges and universities every year.

Mr. Temporary Speaker, Sir, on the state of the economy, I was very surprised to hear that our economy has been growing at a rate of about six per cent, and that the projection this year is 6.3 per cent. I expected that if the economy is growing at that rate – we saw this during President Kibaki’s time – it should trickle down to the people; but we are not feeling it. You are telling us that the economy is growing, but our people are languishing in poverty.

Mr. Temporary Speaker, Sir, I usually go to my county every weekend, and all I see is poverty. People do not know what they will feed on; it is a dire situation. If the economy is growing, we expect to see that trickling down to the common people. How can the economy be growing yet we are being told that the allocation to the counties in the next financial year will be slashed by about Kshs9 billion? That is a contradiction, because if the economy is growing, then we expect that the revenue collected is higher. Therefore, it follows that the allocation to the counties should increase. Why should we have cuts? These are things that disturb me. We are being told that the economy is growing, yet there is poverty on the ground, because you can see an increase in the level of poverty. It is a contradiction that remittances to the counties will be slashed.

There is one thing that I was impressed with and I want to state here that I support the President fully. We will stand with him all the way in the fight against corruption. It was refreshing to hear that there is no turning back in the war against corruption. It was also refreshing to hear that there will no sacred cows in the war against corruption. That was refreshing to me and many Kenyans. However, that has been the talk for the past one year or so. We would like the President to walk the talk.

Mr. Temporary Speaker, Sir, corruption has brought a lot of suffering and problems to the people of the Republic of Kenya. Our situation is that the elites in the leadership are the “chosen few,” who have taken advantage of the positions given to them by Kenyans to loot the very Kenyans. They loot the Kenyans whom have been entrusted to ensure they change their lives and bring development to them.

Money meant for development is pocketed, and people want to invest I do not know what for. They spend money with their families yet the rest of Kenyans are suffering. It is time we told those who have been stealing from Government coffers that their days are numbered. It is time we saw solid action being taken. We want to see arrests made and recovery of some of the stolen wealth from the people so that it goes towards what it was meant for.

(The amber light at the Clerk’s Table was switched on)

Mr. Temporary Speaker, Sir, I can see that my time is almost up. The other issue that should be given a lot of emphasis is agriculture. A speaker who spoke before me noted that over 75 per cent of our population relies directly and indirectly on agriculture. However, I believe the percentage is much more than that; maybe it is around 85 per cent. If you talk about those who rely on agriculture directly and indirectly, I think it is about 85 per cent. Despite that, the Government has been giving what I would call ‘lip service’ to the farmers.

Our agricultural sector is in shambles. The sugar industry is on its knees and we all know what is happening in our maize-growing areas, because farmers are not being paid. The coffee sector is also on its knees; the tea sector is also not doing well because farmers do not get proper returns for their inputs. Therefore, the Government should pull up its socks to ensure that the agricultural sector is properly supported, and farmers are properly subsidized so that the sector is revived.

Last but not least, it was also refreshing to hear that the Government is committed to ensuring that devolution works. However, we have heard this rhetoric since President Uhuru Kenyatta came to power. What he has been doing is what I would call ‘lip service.’ We would like to see timely releases of county funds to the counties, because that is the biggest complaint we have.

There should also be equitable sharing of the national cake between counties and the national Government. The Government should also support the Senate fully in ensuring that we succeed in our oversight role, by ensuring that we are properly funded. Senators should be empowered to oversight their various counties timely rather than waiting for the reports from the Auditor-General.

Otherwise, we support the Speech and we hope that the President will walk the talk on the issues that he raised.

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir, for allowing me to support the Speech made by the President during the State of the Nation Address. The President said that so far, Kshs1.7 trillion has been transferred to the counties. This is a welcomed gesture and we appreciate the fact that devolution is being supported.

What I would like to say, as I always do, is that the amount that is given to the counties should be based on a percentage of the budget, and not on audited accounts. This is because we are still behind in terms of audited accounts. Our sister House has not been fast enough in passing audited accounts so that the amount that is transferred to the counties is increased.

As I speak, the amount of Kshs1.7 trillion has been transferred to the counties so far is only 12.8 per cent of the Kshs13.24 trillion, which is the cumulative total amount of money that has been budgeted since FY 2013/2014 up to FY 2018/2019. If I have to take 15 per cent of that money, it comes to almost Kshs2 trillion. To be exact, it is Kshs1.986 trillion.

During the referendum or through a constitutional amendment, we should increase the amount of money that goes to devolution. As much as devolution has its own challenges, for some of us who come from regions where not much funds are given, there is at least something on the ground since the inception of devolution.

If we had allocated 45 per cent of the budget of this country, by now we would have transferred a whopping Kshs6 trillion to the counties. To be precise, it would have been Kshs5.958 trillion.

As you are aware, Arid and Semi-Arid Lands (ASALs) cover 80 per cent of the landmass of this country. There has not been much investment in those areas because of the famous Sessional Paper No.10 of 1965. Right now, if we are serious about food security, then this is the right time to invest in those areas. Give a special fund to those areas, so that they can develop faster and grow enough food.

Mr. Temporary Speaker, Sir, thanks to my position in the Senate, I have visited other counties and seen what is happening with agricultural land. For example, the acreage of land in the predominantly agriculture areas is shrinking by the day and very soon all the agricultural land will, probably, be replaced by settlement. However, if there was more investment in those ASAL areas, for example, doing simple things like provision of water in terms of either big dams for enough rain water collection, boreholes and even piped water from the seasonal rivers that we have, this country would not only be food secure, but would have enough to export to other countries.

Let me take the example of dates. Saudi Arabia and other places that grow dates have, probably, the same temperatures like North Eastern Kenya. Dates would easily grow in our counties had there been enough investment. To add on that, if we exported enough, we would save the money we use to import of the dates. We would then export the surplus to our neighbouring countries.

The other thing that I appreciate the President for is the affordable housing. He said that they will create an opportunity for the local industry in terms of ring-fencing certain components such as doors and windows. This will be exclusively bought from Small and Medium Enterprises (SMEs). This is commendable for our President and his Government. It will greatly empower the local youth artisans and the *jua kali* industry. However, the Government needs to ensure that this is not taken over by cartels, who will take away these businesses from the local industry. Otherwise, it will hamper the initiative that the Government has to ensure that this people grow yet they contribute greatly to the industry.

Mr. Temporary Speaker, Sir, in the Presidential Address, in terms of unlocking the latent potential resident in this sector, he said that his administration will work towards addressing the challenges of access to credit, training and skills development. In this regard, there will be an SME Credit Guarantee Scheme (CGS). He added that in a few weeks, his administration will ensure deepening access to credit without subjection to complex application procedures and collateral requirements.

As we are aware, SMEs employ almost 85 per cent of the Kenyan workforce. This is about 14.9 million Kenyans. It also contributes to almost 28 per cent of the Gross Domestic Product (GDP) of this country. Given that it is vital to the economy and research suggests that it contributes to industrial development, it will satisfy the local market, demand for services, innovation and also support large farms with inputs and services.

As you are aware, the Government capped interest rates. From the access coupled with crowding out effect of Government in terms of Government increasing its borrowing from the local market, we have noticed that access to credit for these people has shrunk. I commend the President for thinking wise to ensure that these people are taken care of. This is because 28 per cent of the GDP is a big percentage that this group takes care of. According to the World Bank, CGS helps in de-risking SME lending by providing partial guarantees in case of default. I applaud our Government under the leadership of His Excellency President Uhuru Kenyatta for taking that initiative.

Mr. Temporary Speaker, Sir, the other issue that I commend the President for is the leather value chain and the fact that a common manufacturing unit will be based in Kariokor Market. The unit is near completion and it will be well equipped. I also encourage the President's Government to ensure that there is another factory somewhere, for example, in Wajir, where hides and skins are in plenty. People in Wajir keep animals in large numbers. Normally industries are established where raw materials or a market are found.

Once there is value addition and the shoes are manufactured, then it will become easier to transport a finished product to the market instead of transporting raw material all the way to Nairobi City County. It will also create job opportunities to the people in those areas.

The other issue that I am happy about is access to universal education and 100 per cent transition. My county has the biggest day school that moved from four to seven streams. Even with those seven streams, there are between 76 to 82 children in one classroom. However, basic facilities like toilets and provision of water has remained the same. The fact that it is commendable that we have 100 per cent transition, necessary infrastructure, facilities and provision of water should also be in place to complement the increase in the number of students in our schools.

In terms of the Building Bridges Initiative, I support it because it has brought down the temperatures of this country. I support the President and the former Prime Minister for it.

In the same breath, the President talked about victims of historical injustices. My county, more than anywhere else, has experienced historical injustice. For example, in February, 1984, over 5,000 Kenyans lost their lives in a swoop. People were grounded in

an airstrip where almost everybody died. Few people escaped, but majority lost their lives there. If Kshs10 billion was set for that purpose, I urge the President to ensure that compensation to these people is fast-tracked.

Mr. Temporary Speaker, Sir, sometimes we talk about resources being allocated according to population. That is the greatest factor in the allocation of money to counties. In our region, because of historical injustices in the name of *shifitas*, terror and so on, we have faced a lot of injustice. That also reduced our population. The fact that there are no investments in those counties also makes the situation worse. We are now being punished for not having a bigger population. The allocation formula is always pegged on population. For example, in Wajir County, from one end to the other, it is about 500 kilometres. Reaching people living in those sparse areas is more costly than a county that you can traverse within three hours.

Some counties are so developed that you do not even know what to do with money set aside for development because successive governments have been developing them. So, let us find a just way of distributing resources.

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

Sen. Kibiru: Thank you, Mr. Temporary Speaker, Sir. First and foremost, I register my exception to the fact that the Executive did not keep time on the day they came to address us in National Assembly Chamber. We were held captive for 28 minutes. If you may remember, in early January, Lord Michael Bates almost resigned because of coming four minutes late. The Executive need to take care of the resource called time. It is a resource that needs to be respected. The two Houses are houses of order. The Executive needs to respect time and probably I will be asking the Office of the Speaker to express our reservations.

Having said that, on a scale of 1 to 10, I would give the Government about four; that is 40 per cent for some of the issues that the President addressed. To begin with, I request that the advisors of the President and the economists in this country go back to the Sessional Paper that has just been mentioned and try to retrace how the economy and the country ran before the adjustment programme by the World Bank.

We had very clear policies. We had issues that used to work then. It was not until the structural adjustment programmes of the 1980s that were forced on us by the World Bank that we started bringing some of the issues that we are suffering from to date. During those days, we had everything and everything worked. If we were to go back there, I think we can move the Big Four agenda forward based on some of the basics that were done then.

Another issue in the President's Speech is the legacy of the Big Four Agenda. From the onset, I am on record in this House and even in *Kamukunjis*, stating that many of the elected leaders are not aware where the Big Four Agenda starts and end. Being the elected leaders and the first ambassadors of some of these issues, once again, we asked the Cabinet Secretary in charge of coordination of national Government to create time to come and tell us exactly what the Big Four agenda is all about.

Mr. Temporary Speaker, Sir, recently, we visited a county that is associated with you. When we looked at the issue of health – yes, fine, we are talking about giving equipment to counties so that they can provide services to our people but you remember

we went to one of the hospitals and there was some theatre equipment that could not add up. When we asked the experts there, they said that they were given a bed which was supposed to be an operation bed, but then it turned out to be a maternity bed. There is some other equipment that has been lying there. There is no three phase power, water and so on for two years yet the counties are paying for that.

As much as we want to help and offer services to our people, we need to plan. We need to agree on what is the value for money. When a county is asked to pay Kshs200 million every year because of equipment they are not using, that is not fair to the counties, *Wanjiku* and this country. We need to act and deal with issues where we are not putting money where it is supposed to be; good ideas but bad implementation. That is why I am saying we need to improve. If we were to go back, we can do better.

Mr. Temporary Speaker, Sir, the other issue is agriculture. We all know what is happening in this country. The other day, even my neighbour, the Senator for Embu County was asking for donations of relief food. Where he comes from, there are many rivers. These are issues we should not be talking about in the 21st Century in this country. The Government can do better than that. As I said, in the period before the structural adjustment programme, everything was working. We had extension officers, Artificial Insemination (AI) services, people who would advise and tree nurseries to buy or be given seedlings from.

In Kenya, we need not go to the route of being so dependent on hand outs from the Government. We need to come up with a deliberate effort to create an enabling environment where 70 to 80 per cent of Kenyans can generate income so that they can buy some of the services offered by the Government or other institutions. We can then set aside the remaining 20 per cent for welfare purposes. When we say everything is free - education, healthcare and so on - that is why in another language you hear Kenyans from other parts of the country saying, "*saidia sisi serikali*". We do not want to have that kind of an economy. We want an economy where very hardworking Kenyans are enabled.

To that end, when the President says that there will be Kshs3 billion set aside to help the coffee farmers in terms of advance payments, it has to be structured. Well said but how will it reach the people? How will it revolve? How will we ensure that there are no defaults? How will the Government implement that without involving elected leaders who know what happens on the ground and what needs to be done? That area is lacking, it needs some emphasis.

Mr. Temporary Speaker, Sir, let me now talk about manufacturing or industrialization. I am the Chairperson of the Committee of Tourism, Trade and Industrialisation. Governors have appeared before us. The other day we had the Chairman of the Council of Governors (CoG) Committee in charge of Trade, Investment, Manufacturing and Co-operatives. They told us that this is a pipe dream. As we speak, there is no county other than probably Murang'a, Laikipia, Makueni and Kitui which can exhibit the road map towards manufacturing. A Senator here mentioned about the major industries that the President mentioned.

Industrialisation does not mean that we must go to foreigners to come and put in money for purposes of industrialisation. We need to help the counties. This could be by way of, for example, the Kshs200 million that is being put to equipment. We should put up

infrastructure so that counties can engage the young people so that they can manufacture. We need to encourage cottage industries. That is the only way we will start developing. For example, India is very good in cottage industries; China is coming up, it also has very good cottage industries. Germany is doing very well.

As we plan and move forward, the national Government must help the counties avoid copying and pasting what the other counties are doing. There should be comparative advantage in our counties. If copying and pasting continues, we will have the problem of oversupply which will create another challenge. This is basic economics.

Housing is the other agenda and it is a good idea. However, I am not sure if public participation was done in Kirinyaga or in other counties to find out if people needed houses, infrastructure, cheaper roads or finances to construct their own homes. The Government needs to relook at that issue. People have to participate and say what they want. I was in Samburu and my question is: Is housing their priority? My answer to that is “no”. We do not need to have a generic issue. We need to domesticate or adapt to different environments when talking about the Big Four Agenda.

I have been asking the economists about what is happening because the macro is said to be growing yet the micro is not growing. People are suffering due to lack of money. Those in business want to know what is happening. There is no money in circulation. Businesses are not generating money and that becomes a challenge. We need to find out how the growth can trickle down to the common man.

I support the President 100 per cent because he said that there is no turning back on corruption. However, he needed to have given an amnesty. People have been corrupt for so long in this country. We have grown hearing about corruption. We can give an amnesty to corrupt people by asking them to return what they have stolen in three months. If that does not work, I will support the direction and the decision of the Directorate of Criminal Investigations (DCI) and the Director of Public Prosecutions (DPP). As we deal with issues of corruption, we need to strengthen our issues of governance especially the institutions that deal with some of these issues. All the corruption that we are talking about starts with procurement. We need to retrace our procurement systems because we have procurement fraud in the counties and everywhere else.

The Government is not talking about its pending bills. The Government has the highest number of pending bills yet we just talk of the counties’ pending bills. We need to tell the national Government to stop using suppliers’ credit. Why would you want to stay with somebody’s money for two years? That person could have borrowed the money from the bank. If we do that and look at things in a holistic way, if the Government opens its offices, books and everything, we will move forward.

I wish the Government and the President all the best. There is room for improvement and I do hope that he will hit 60 per cent in his address next year. With those few remarks, I do support the speech.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I hope that the word Speaker is transmitting as Speaker. I say this because people do at times say that I talk of ‘Peaker’ when I am referring to Speaker. I hope that I am clear.

(A number of Senators consulted loudly)

From my end, it is Speaker. Is it coming out as Mr. Temporary Speaker?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Yes.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I want to thank you for giving me the opportunity to give my comments on the President's Address and to also commend him for the speech.

People are always quick to see negative things and hardly see the positive when it comes to leadership. Presidency is not easy. People are quick to say that the President should have done this or that yet they could not have done what they are asking the President to do.

I commend the President because he talked of national values which are in Article 10 of our Constitution. Patriotism, inclusivity and unity are important. The President started his Speech by looking at Article 10. He talked of the national and international. As a nation, we cannot consider international obligations if our house is not in order. Therefore, the Speech was well crafted. The President said that he is committed to ensure that the international obligations are achieved. Kenya has ratified a number of international conventions. It has ratified the convention on the rights of children and issues of disability. By doing so, Kenya is indeed saying that it will conform to international standards.

It is good that Kenya has an obligation to international standards but it also has to be governed by those laws. Some aspects of international conventions have been enshrined in our Constitution, but it is unfortunate that at times we fail to defend what our Constitution stands for, more so when it comes to issues of disability. This is an issue that I will talk about when I am here. I will continue talking about it until this House comes to an end.

As a country, we ratified a United Nations convention but we are not doing what we stand for. I want to give an example of the five per cent representation. That five per cent representation of persons with disabilities---

Sen. Madzayo: Bw. Spika wa muda, naomba hoja ya nidhamu.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, should I continue?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Madzayo.

Sen. Madzayo: Bw. Spika wa muda, sijui kama umesikia alivyosema dadangu, Sen. (Dr.) Musuruve. Amesema ya kwamba ataendelea kuongea mambo ya walemavu mpaka mwisho wa hii Seneti. Ninauliza, ni haki yeye kutabiri mwisho fulani wa hii Seneti ama yalikuwa mazungumuzo aina gani? Anaweza kutueleza vizuri?

Sen. (Dr.) Musuruve: I commend Sen. Madzayo for his concern. I am happy that he is listening keenly to what I am saying. I will continue raising awareness to our leaders here in the Chamber. Maybe one or two of them will take what I am saying and implement it on the ground.

Mr. Temporary Speaker, Sir, I will continue to be the voice of Persons with Disabilities (PWDs) and will not relent. I need to voice out the issues, so that they come out clearly. Hopefully, the leaders will implement this at the county level. This is because

Kenya ratified the United Nations (UN) Convention on PWDs and said that it would implement it since it is a signatory.

The Temporary Speaker (Sen. Lelegwe): Proceed. I hope Sen. Madzayo has understood the meaning of your statements.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir. I was happy about the President's Speech and was even trying to make a tally of his "no turning back" statements. I started making a frequency count when he said that there would be no turning back on the national obligations, international obligations, issues of inclusivity, the Building Bridges Initiative (BBI) and so on. The frequency count I did was tallying to more than ten. This shows that the President is committed to what he is saying.

Mr. Temporary Speaker, Sir, as Kenyans we need to support the initiative that he has and encourage others even at leadership levels, so that we ensure that we are not turning back. If the President says that, he is not alone in leadership. He needs leaders to also support what he is saying. We, as leaders, can do so if we use our leadership skills to implement it.

The President said that there will be no turning back on the Building Bridges Initiative. I commend him for it. This is because when the "handshake" happened it was great for all Kenyans. Before that, the economy, social interaction and politics of the country were shaky. However, the "handshake" came with a different twist of unity and love.

I commend the President and the former Prime Minister, Rt. Hon. Raila Amollo Odinga because when they had the "handshake" it changed the national perspective for many Kenyans and there was peace all over. I am happy that the President said that there is no turning back. There was a "handshake", it will continue to be there and the Building Bridges Initiative will continue.

Mr. Temporary Speaker, Sir, as we talk about the "handshake" the women are also trying to see how they can be part of the Building Bridges Initiative. That is why they are starting the Women Brigade to ensure that we help in bringing peace and unity. This is to ensure that the love of Kenyans transcends ethnicity, tribe, political parties and everything else. We must look at ourselves as Kenyans before anything else. We need to see ourselves as one nation. With unity we can achieve so much. However, when we are divided in terms of political affiliations, ethnicity and religion, we cannot go far as a nation.

I support the "handshake" between the former Prime Minister, Rt. Hon. Raila Amollo Odinga and the President. As I speak, the Building Bridges Initiative Committee is visiting all counties to collect the views of Kenyans on what can be done to unite the country and move forward. This is what we need as a nation. We want unity and oneness. As leaders, we must go beyond ethnicity and political parties.

This is a gift we can give to our children. The President said that he will not turn back in ensuring that he gives a gift to the children of this nation, which will be a better Kenya than we inherited. When we speak of giving a gift to our children, it means that we will make sure that they pick the right baton from us. That will ensure unity as we forge forward as a country.

In his Speech the President also said that Kshs1.7 trillion has been remitted to counties. This is well-meaning. However, there is need for accountability because that is a lot of money. Disbursing money to counties is not enough; we must have deliverables. The counties must say: “This is the money we received, these are the projects we did and these are the indicators.”

Mr. Temporary Speaker, Sir, indicators are very important because if they are not there, then there is no need of disbursing money to counties. I remember the President in his State of the Nation Address last year saying that devolution was not a baby. Therefore, counties should deliver services to citizens of Kenya. Counties and governors must ensure they report to the Senate what they did with the money that was allocated to them. This will show that they are delivering services to *wananchi*, because devolution is about that.

We need to have deliverables and should not relent especially when it comes to our oversight role. However, as the Senate, we are clearly a limping duck when it comes to issues of oversight. This is because we are supposed to oversight, yet we do not have the teeth. There is no way we can do so if we have not even been facilitated.

Our biggest role is to represent the counties and their interests. It is not possible to do that without money. There is, therefore, need for a reasonable budget to be set aside for the purpose of ensuring that Senators are able to legislate as Article 96 of the Constitution demands. We are not able to do that and there is need for that to be taken into account.

Mr. Temporary Speaker, Sir, I was also happy about the President’s Speech when he said that reforms in Kenya will be farmer-centric. If they will be so, let the sugarcane farmers be paid up to the last cent. We have a duty as a nation to encourage farmers wherever they are. Most of the time they are discouraged and some of them stop engaging in farming. Who do we want to protect and encourage our farmers if we cannot? For instance, if maize and sugar are imported from elsewhere, how do we expect the Kenyan farmers to be encouraged to continue planting these crops?

We have to live and walk our talk. If we say that we are farmer-centred, we have to ensure that all their needs are factored and they are happy. I am happy that there is a task force to look into the sugarcane issue. However, that taskforce should report here that all the sugarcane farmers have been paid. Three weeks ago, there was a meeting in Kisumu where farmers were complaining that all of them had not been paid.

As a House, we must support our farmers because we are here to defend the counties and their interests. If we cannot defend the farmers, then we have no business being here in the Senate or even standing before Kenyans. What are we telling Kenyans if farmers have not been paid and they decide not to farm anymore? Where do we expect them to go?

Mr. Temporary Speaker, Sir, farmers have land, which is a factor of production for them. As such it needs to work for them. Some of these farmers have issues to do with school fees, medical costs *et cetera*. Who is addressing their issues? Therefore, there is need for us, as a country, to ensure that we support and stand with our farmers and encourage them. Saying that we are farmer-centric should be an actionable statement.

I am happy about the President's Speech because he gave a report on measures taken in terms of national values, international obligations and the state of national security.

Mr. Temporary Speaker, Sir, I support the President's Speech.

Sen. Madzayo: Asante Bw. Spika wa Muda. Kwanza, naunga mkono Hotuba ya Mheshimiwa Rais Uhuru Kenyatta aliyoitoa kwa Vyumba viwili vilivyokutana ndani ya Bunge la Kitaifa.

Ninamshukuru Rais kwa kutoa Hotuba iliyogusa mambo mengi ambayo yana husika na wananchi ama ujenzi wa taifa. Kuna mengi ambayo Rais hakuguzia na ingekuwa vyema kama angeyaguzia.

Jambo la kwanza na muhimu ni jukumu la Serikali kuona ya kwamba kazi kwa vijana imetekelezeka. Hii ni kwa sababu katika manyumba zetu vijana wengi wanaomaliza shule hawana kazi. Hakuna njia za aina yeyote ambazo Serikali imeanzisha ya kuona kwamba vijana hawa wamepata kazi.

Bw. Spika wa Muda, hakuna hatari kubwa katika taifa lolote katika ulimwengu ikiwa watu wamehitimu wakapata shahada za *degree* lakini hawana kazi. Vijana kama hawa wana akili kwa sababu wamesoma na wanaweza kutumia akili zile kwa njia nyingi. Ndiyo maana watoto wetu wanaingia katika makundi ya *Al Shabaab*. Hii ni hatari kwa sababu vijana hawa wamesoma na wanaweza kukagua na kujua ni jinsi gani wanaweza kutenda kitendo ambacho Serikali inaweza kupata habari. Ilikuwa ni muhimu jambo kama hili liwe katika Hotuba ya Rais, lakini, Rais hakulitia mkazo. Hili jambo ni donda sugu ndani ya Serikali ya Kenya na nchi yetu.

Bw. Spika wa Muda, jambo la pili ni kwamba Rais aliguzia mengi kuhusiana na makampuni lakini hakuweza kugusia mashirika ambayo watu walitumia njia za ufisadi na kufanya yapoteza mwelekeo na hatimaye yakafungwa. Ninazingatia ya kwamba kuna mashirika katika maeneo ya Pwani. Kwa mfano, Mmea wa korosho umekuza uchumi wa watu wa Kilifi na wengine wetu tumesomeshwa kwa huu mmea. Zamani, wazee walikuwa wanauza korosho kwa *cooperative society* na kupata karo ya shule.

Bw. Spika wa Muda, ningependa kusisitiza ya kwamba kuna Bixa Factory ambayo ilikuwa inaleta pesa nyingi katika eneo la Kaunti ya Kwale lakini, hivi sasa, shirika hilo limepiga magoti na kufilisika. Vile vile, shirika la Ramisi Sugar limepiga magoti na kufa. Halifanyi kazi yeyote na watu wameachishwa kazi. Kwa hivyo, Rais angeweza mkazo zaidi kwa hotuba yake atakavyo fufua vitengo kama hivi. Zaidi, angeweza mkazo ya kwamba, katika ulimwengu hivi sasa, mmea wa korosho una manufaa sana.

Bw. Spika wa Muda, ni jambo la kusikitisha kwamba Hotuba ya Rais haikuweza kuweka kinagaubaga ni njia gani ataweza kufufua mashirika ambayo yalifilisika na kufilisishwa na watu ambao hivi sasa wako ndani ya Serikal na wengine wamestaafu.

Vile vile, hotuba ya Rais iliguzia mambo mengi lakini kuna changamoto kubwa sana. Hivi sasa, kaunti zina lazimishwa kulipa pesa nyingi kwa sababu ya mashini ambazo zililetwa na Serikali Kuu kusaidia upande wa kupiga picha, kama vile, *Magnetic Resonance Imaging (MRI)*, *Xray* na nyinginezo. Hatimaye, waliingia katika mkataba ili serikali za ugatuzi ziweze kuzingatia na kuweka vidole. Hizi pesa ni nyingi sana lakini mashini nyingi ziko hospitalini lakini hazifanyi kazi. Zimekaa kiholela. Kama zinafanya

kazi, nyingi zao hazina wenye taluma yakuzitumia. Kwa hivyo, hawapati faida. Mashini hizi zimelala na serikali za kaunti zinalipa madeni lakini hazifanyi kazi.

Rais katika Hotuba yake angeleta jinsi ya kutatua jambo hili lakini hakuleta. Hii imekuwa ni hasara tupu kwa serikali za kaunti. Sisi kama Maseneta tunazingatia umuhimu wa kuona ya kwamba serikali za kaunti zinafaidika na pesa ambazo tunapigania hapa. Ikiwa serikali za kaunti zitapata hizo pesa, ni makosa sana kwa Serikali Kuu kuzifuata ilhali mashini hazifanyi kazi na hazina faida yeyote katika hospitali za kaunti.

Bw. Spika wa Muda, ningependa kuguzia hali mbovu iliyoko katika hospitali zetu. Tunajua mambo ya ugatuzi yalipelekwa katika serikali za mashinani. Lakini, vile vile, serikali Kuu lazima ijukumike. Kuna shirika moja linaitwa *Kenya Medical Supplies Authority (KEMSA)* ambalo lina siasa. Lina takiwa kupeleka madawa hospitalini lakini ukifika katika hospitali kuu ya Kilifi, utapata dawa kama vile *Panadol au Septrin*. Hakuna dawa zozote ambazo Serikal Kuu inapeleka katika hospitali za mashinani kupitia KEMSA. Kazi ya shirika hili ni kuchukua pesa tu.

Magonjwa yaliyoPwani hivi sasa ni kama vile *Malaria na Tuberculosi* lakini, wanapeleka dawa kama vile *pain killers* ambazo haziwezi kusaidia yeyote.

Bw. Spika wa Muda, Hotuba ya Rais ilikuwa sawa lakini ilikuwa na mtafaruku au mkosi fulani. Hakuweza kuhimiza shirika ambalo linapeleka madawa katika serikali za mashinani lipeleke dawa zinazofaa.

Mwisho, ningependa kuguzia jambo muhimu kwa Wakenya. Rais aliguzia na kuelezea vizuri kwamba hatarudi nyuma kuhusu daraja la Wakenya kushikana mikono ili twende mbele. Tafakari hilo ni muhimu sana. Ningependa Mheshimiwa Rais alishike kwa mikono miwili kwa sababu hiyo wanayoita kushikamana mikono au *Building Bridges* ni muhimu ili tuvuke ile daraja na WaKenya waweze kupendana. Hili ni jambo muhimu katika nchi hii.

Tunakumbuka ya kwamba mwaka wa 2017, hatimaye tu baada ya kupiga kura, kama Wakenya tulilumbana sana. Tulileta shida kubwa sana kwa sababu hatukukubali na tuliadini ya kwamba kura zetu katika *National Super Alliance (NASA)* ziliibiwa. Hatukukubali kabisa kwamba Serikali iliyoko katika mamlaka ilikuwa Serikali kamilifu iliyochaguliwa na Wakenya. Matokeo au mavuno yake ilikuwa fujo katika barabara na biashara na hali ya uchumi katika Kenya ikaenda chini.

Kitu cha muhimu nataka kusisitiza ni kwamba Rais asirudi nyuma; asijaribu kurudi nyuma katika mambo haya ya kutengeza daraja ambayo Wakenya wataendelea kupendana. Pia, tunataka kumshukuru haswa Baba Raila Amolo Odinga, ambaye alijitolea mhanga, ijapokuwa alikuwa ameshinda lakini wakatangaza kwamba alishindwa. Mambo mengine yalitokea lakini, yali isha baadaye, yako nyuma yetu. Tuna angalia mbele, hatutaangalia nyuma. Yaliyopita si ndwele, tugange yajayo.

Sasa yale yanayojiri ni kwamba lazima Wakenya hivi sasa washikane mikono pamoja na waweze kwenda mbele. Inafaa tupendane na kuona ya kwamba dhana hii ya *Building Bridges* imefaulu.

Asante sana, Bw. Spika wa Muda.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to also contribute to the Address by His Excellency the President of the Republic of Kenya.

I support the Presidential Address. By looking at the first pages, it is evident that the President took a lot of time to recommit himself to serving Kenyans without fear or favour. I feel that is a very important commitment, and I wish to thank the President for assuring Kenyans that he is still ready to serve them.

Additionally, I to support the Building Bridges Initiative that constituted a handshake between the President and Rt. Hon. Raila Amollo Odinga because some areas were no-go-zones for certain people particularly when it comes to employment and businesses. There are many farmers in my county who own tractors and they would previously go ploughing as far as Migori. They had already feared going there but right now, they are carrying out their businesses there. We have many other employees who feared to be deployed in NASA areas but now, as a result of the handshake, they are not scared.

I remember we used to fear going to Kisumu to hold meetings as Jubilee members. However, right now, we can go swim whenever we like. I think that is one major thing that is as a result of the “Handshake”.

Mr. Temporary Speaker, Sir, in his Address, again, I realized that the President was able to recognize our heroes and heroines who include Mr. Eliud Kipchoge, who is our champion in athletics and Mr. Roy Alela, who was able to innovate and invent smart clocks that are able to convert sign language into audio speech, a real form of innovation. If people are recognised especially by the Head of State, it will challenge our youth to be more innovative.

I read in the newspapers today about a watchman who built a two and a half kilometre road using a spade, hoe and an axe. There was no excavator or roller but he was able to reduce the distance of about three kilometres to Kaganda Primary School as well as Kaganda Anglican Church. Such people are our heroes. The President should include in his recognition list people who have upheld integrity in performance management and particularly those who manage corruption-free institutions. I am sure that will lead to having better Kenyans and Kenya.

The President, in his Speech, also commented on devolution. He said that so far, Kshs1.7 trillion has been given to the counties. Our 2010 Constitution has been praised as one of the most progressive constitutions in the world. One of the notable things in the Constitution is devolution.

In as much as money has been sent to our counties, Kshs1.7 trillion is still not enough. I would like the President to know that our counties still need more money. They do not just need more money but the money should be released at the right time. There should be timely release of funds because in areas where money has been managed properly, the lives our people have been turned around. Senators as well as MCAs should be empowered, in terms of oversight, to ensure that our people get value for their money because we know of counties where money has been mismanaged, embezzled or put to wrong use.

As one Senator put it, we normally receive stale information because we receive reports at the end of the financial year. Those reports by the Auditor-General cannot salvage money that is stashed in other areas.

I also laud the President for praising Members of Parliament for doing what they were brought here for because we have passed 22 Bills. That means that Parliament is doing its work. However, out of the 22 Bills that have been passed, one very important Bill has failed to pass for the fourth time. In a democracy like Kenya, when you talk about the Gender Bill, it is not a women's Bill but an all-inclusive and non-discrimination Bill. The Bill will go a long way in empowering the women to better economic growth and organisational performance.

At this particular juncture, I request our beloved President, His Excellency Uhuru Muigai Kenyatta, to ensure that he leaves a legacy to the womenfolk. He should ensure that the Gender Bill is passed, so that the women of this country can remember him for years to come. It should be recorded that he is the President who ensured that the women have equal chances and opportunities in all areas of life.

Mr. Temporary Speaker, Sir, another important point which the President raised in his Address was the issue of education reforms. This is a very important point in terms of aligning our education to national values as well as industrialisation. For many years, our education system has been one that has caused a lot of waste of talent. However, when we now bring on board the Competence-Based Curriculum (CBC), we will be able to identify talent very early in life. Therefore, this will go a long way to transition Kenya into an industrialised country.

There are a lot of challenges facing the education sector, particularly when it comes to 100 per cent transitioning because there are many issues that need streamlining. What has been the major challenge in the education sector is that not all stakeholders are brought on board to conduct public participation.

My colleague, Sen. Seneta, brought a Statement to this House complaining about the policy of promotion of head teachers. As we speak, all schools in this country are understaffed. Secondary schools in my County of Bomet lack 1,800 teachers, while primary schools lack 15,200 teachers. That will put the quality of education in jeopardy.

Mr. Temporary Speaker, Sir, in addition to that, Sen. Shiyonga also brought a Statement complaining about water supply in secondary schools. In fact, at the close of business last year when candidates were sitting for the KCSE exams, many girls were already pregnant and some of them were giving birth while doing examinations.

If we keep sending our children to collect water every now and then, we are creating an opportunity for them to interact with other people in the village or if they are in mixed schools, we are allowing a lot of free time for interaction. As a result, we are exposing our girls to many challenges. In addition to that, dirty water in schools also causes water-borne diseases.

There are also challenges in terms of registration of schools and supply of materials required for learning. There was an over-supply of text books and an under-supply of other materials required for learning such as ICT materials.

Mr. Temporary Speaker, Sir, I laud the President on the Big Four Agenda, and we are in support of it. However, we are still facing challenges in some areas, for example, it

would be a welcome idea if everybody could get affordable healthcare. We also have the problem of health workers striking as well as shortage of drugs.

Mr. Temporary Speaker, Sir, on food security, we still rely on rain-fed agriculture. Also, tea farmers, particularly those in my county, have really suffered because the tea prices are very low. This is attributed to the fact that their tea is taken to be a raw material. For a long time, we have been advocating to have value addition on this tea.

Wananchi have suffered a lot regarding the provision of veterinary services, particularly when it comes to dairy farming. Extension workers are no longer there to advise farmers and there is also a challenge with regard to Artificial Insemination (AI) services.

Mr. Temporary Speaker, Sir, I want to laud the President for SME financing and we look forward to the launching of the SME Credit Guarantee Scheme (CGS) which the President assured Kenyans that it will be launched in a few weeks. This will assist Kenyans in ensuring that money is obtained with fewer challenges, more so, without requiring collateral. However, we would like to request that this Scheme is properly managed so that it is not affected by corruption.

On the leather value chain, I laud the President. Textile and local shoe making are ways of value addition. If these industries are brought on board, it will employ unemployed youths. In addition, it will add value to our produce.

For many years, in Bomet County, particularly, in Chepalungu where we have a lot of livestock, we have been looking forward to having a local meat and hides and skins factory. I hope that in line with this, these light industries will be established in various counties.

Mr. Temporary Speaker, Sir, finally, on corruption, we support the President 100 per cent. We should ensure that the cancer of corruption in our country is dealt with once and for all. I love the President's idea; that he will not turn back in ensuring that he deals with everybody without fear whether they are his friends or political allies. We encourage him. All parliamentarians support him. I think all Kenyans support him.

At some point there was life style audit. We do not know what happened to that. When such a measure is brought onboard and suddenly disappears we wonder what happened; maybe it was occasioned by lack of a legislative framework to implement it. If it comes up again, it should not be directed to a few individuals. This would have assisted in deterring many people.

I thank the President for this great speech. With those few remarks, I wish to support.

Sen. Shiyonga: Thank you very much Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to the Presidential Address. I start by thanking the President for addressing the nation through our able Parliament so as to reach as many Kenyans as possible and their representatives.

From his Address, I picked out a few things that my colleagues might have spoken about, but I will not deter from mentioning the same. On devolution, His Excellency the President mentioned that it remains one of the novelties of the new Constitution, and indeed, it is. Devolution is one of the best gifts Kenyans received.

However, as much as devolution has brought all that we want for Kenya and what Kenyans waited for, it is high time that we counter check to find out whether the funds that are disbursed to the counties are doing what it is expected, especially, in terms of development and improved standards of living. It is therefore, high time that he goes ahead and reigns on those who are withholding the funds meant for counties, especially the National Treasury.

We need to go to the grassroots and see if these funds have an impact or not. Some counties have made these funds a cash cow. Devolution has made some people rich quickly. As a House, we need to be facilitated to go to the counties to establish if funds intended for devolution have improved the lives of Kenyans.

It is encouraging for the Head of State to talk about corruption. However, that is not enough because corruption has hampered development in this country. Should we just be singing about corruption? The President should have told us the names of the people that he has sacked and those that he intends to sack. They should be out of the offices just as it happens in other countries. Corruption has been an obstacle to delivery of services to Kenyans. We fully support the President's fight against corruption but the culprits who are sitting in the high offices and driving big vehicles should quit the Government. I look straight into the President's eye to tell him: 'Based on your Speech, let these people go.' We are tired of corrupt individuals in this country.

Four counties have rolled out the Universal Health Coverage (UHC) though we still have challenges with it. The President failed to mention how he was going to prevent---

Sen. Farhiya: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators. What is it Sen. Farhiya?

Sen. Farhiya: Mr. Temporary Speaker, Sir, is it in order for the Hon. Senator to say that; 'she looks straight in the eyes of the President' yet the President is not in this House?

The Temporary Speaker (Sen. (Dr.) Lelegwe): I think that she is referring to the day of the Address.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir, for protecting me. We were looking at the President when he was addressing us and that is what I was referring to. At the moment, we are analysing his Speech and assuming that we are still looking at him. Therefore, I think that I am in order.

The UHC is a good programme and we expect it to enhance healthcare provision in our country. We have challenges in our counties when it comes to healthcare provision and the President did not tell us how he intends to improve it. Most of the counties still experience shortage drugs and strikes of the healthcare personnel. When the President comes back to give another State of the Nation Address, I would want to hear of how he intends to address the challenges that are facing healthcare provision in the counties now that the UHC programme is to be rolled out in 2019 and 2020.

I applaud the President for the Building Bridges Initiative. I was in Rwanda the other day and felt sad when I saw the graves of people who died because of hatred. The Building Bridges Initiative was the best gift given to Kenyans and we need to applaud the

President and Rt. Hon. Raila Amollo Odinga. They shook their hands and went beyond the handshake by implementing a peace initiative. We are now experiencing peace that many countries in Africa do not have and Kenyans should embrace that initiative.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators. Sen. Shiyonga, you will have a balance of eight minutes when debate on this Motion appears on the Order Paper. Sen. Farhiya will speak after you.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until, tomorrow, Thursday, 11th April, 2019 at 2:30 p.m.

The Senate rose at 6:30 p.m.