

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 8th October, 2019

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

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

PRAYER

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage by the Assembly of the Independent Electoral and Boundaries (Amendment) (No. 3) Bill (National Assembly Bill No. 35 of 2019)-

Pursuant to the provisions of Standing Orders 41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Independent Electoral and Boundaries (Amendment) (No.3) Bill (National Assembly Bill No.35 of 2019) was published *vide* Kenya *Gazette* Supplement No.65 of 8th May, 2019 as a Bill concerning county governments proposing an *inter alia*, establish a Selection Panel to oversee the filling of vacant positions in the Independent Electoral and Boundaries Commission;

AND WHEREAS the National Assembly considered the Bill at the Committee Stage on Thursday, 19th September, 2019 and passed the said Bill on Tuesday, 24th September, 2019 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators, Standing Order No.157 requires that a Bill which originates in the National Assembly be processed by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.39.

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I, therefore, direct that the Independent Electoral and Boundaries (Amendment) (No. 3) Bill (National Assembly Bill No. 35 of 2019) be read a First Time, tomorrow, Wednesday, 9th October, 2019.

I thank you.

PAPERS LAID

Sen. Dullo: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Tuesday 8th October, 2019.

REPORT ON THE FINANCIAL STATEMENT OF HOMA-BAY COUNTY ASSEMBLY

Report of the Auditor General on the Financial Statement of Homa Bay County Assembly, Car Loan and Mortgage Fund for the year ended 30th June, 2018.

I thank you.

(Sen. Dullo laid the document on the Table)

Sen. Mbito: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 8th of October, 2019.

REPORT ON THE STRIKE BY DOCTORS IN LAIKIPIA COUNTY

Report of the Standing Committee on Health and the strike by doctors in Laikipia County.

Thank you.

STATEMENTS

IMPENDING EVICTION OF MAVOKO RESIDENTS

The Speaker (Hon. Lusaka): Sen. Kabaka is not in; therefore, the Statement is deferred.

(Statement Deferred)

MOTIONS**APPROVAL OF THE COUNTY GOVERNMENTS CASH
DISBURSEMENT SCHEDULE FOR FY 2019/2020**

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order No.183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

(Sen. Mutula Kilonzo Jnr. on 25.09.2019)

(Resumption of Debate Interrupted on 25.09.2019)

The Speaker (Hon. Lusaka): I direct that the Division Bell be rung for five minutes

(The Division Bell was rung)

Sen. Kasanga, approach the Chair.

(Sen. Kasanga approached the Chair)

The Speaker (Hon. Lusaka): Hon. Senators, we do not seem to have the threshold. Therefore, I will rearrange the Order Paper in the meantime and direct that we move on to Order No.13.

**ADOPTION OF REPORT OF THE *AD HOC* COMMITTEE
INQUIRING INTO THE CHALLENGES FACING
THE TEA SECTOR IN KENYA**

Sen. Cheruiyot: Mr. Speaker, Sir, I beg to move the following Motion-

THAT, the Senate adopts the Report of the *Ad hoc* Committee inquiring into the challenges facing the tea sector in Kenya laid on the Table of the Senate on Thursday, 25th July, 2019.

This is the work of a Committee that I was privileged to chair. It comes at a very important time when there is hue and cry all over the country because of the challenges that are being experienced in the tea sector.

We, as a Committee, sat down and listened to the cries of various tea farmers from across this country. We began our meetings in Kisii County. We went to Bomet, Kericho and the former Central Province. We listened to farmers narrating to us challenges bedeviling this particular sector.

We also listened to some key players in this industry. We listened to the Kenya Tea Development Agency (KTDA), Ministry of Agriculture, Livestock and Fisheries and East African Tea Trade Association; the body that brings together the brokers that sell tea in Mombasa. We also listened to Agriculture and Food Authority (AFA), which is the body that was an amalgamation of all the previous various crop departments in the Ministry of Agriculture. All those departments were collapsed and formed AFA department in the Ministry of Agriculture, Livestock and Fisheries. We even invited the Attorney General, who unfortunately by the time of bring this Report before the House, had not responded to the very salient issues that we had presented before him.

Mr. Speaker, Sir, one of the issues that we kept on grappling with is the KTDA because when it was setup, it was a parastatal. That is how it functioned for many years. However, through a Cabinet Sessional Paper, it was converted into a private entity. Our farmers were left at the hands of people, who to the best of my opinion and that of our Committee, have not been diligent at protecting the interests of our poor farmers.

We, as a Committee, were grappling with the question which up to now remains unanswered. What do you do with an entity that for all the assets they have and market share they control, they got it when they were a parastatal? Now that it has become a private entity and the Government does not have a way of controlling its operations. Perhaps this is one of the private entities that controls the economies of more than a million homes in this country. How is it that the Government can fold its hands and say that there is very little it can do on the operations of a private entity?

It was on that thinking that we invited the Attorney-General of this Republic. We asked him to advise Parliament and this House, specifically on what to do with that particular issue. Unfortunately, by the time of filing our Report, the Office of the Attorney-General, despite all our calls and effort, had not come back to us. To the Committee, that remains a mystery.

Mr. Speaker, Sir, it is worth noting that one of our recommendations is that the President forms a commission of inquiry to look into the operations of KTDA. First, it should carry out a forensic audit of what has happened and transpired in that agency for the last 18 years since it became a private entity. With it becoming a private entity, are farmers better placed than they were 18 years ago when this institution was a parastatal or they are worse off?

These are questions that require thorough investigation because, at the end of the day, the country must know whether it was a proper decision of converting it into a private entity. Of course, there are people who will give all sorts of arguments to justify it. Some people when they appeared before us they told us that all the other sectors, for example, milk, sugar, cotton and pyrethrum in the country have collapsed. They told us that tea industry is, perhaps, the only surviving. They used that as a justification. That may be a good point, but it does not suffice the kind of questions that we are posing to them. They should tell us more about the money they are controlling. How do farmers benefit from the many investments that this particular entity gets involved in?

Mr. Speaker, Sir, this is a particular question that we posed to them during their presentation before the Committee. Unfortunately, they were not able to answer. How is it that the money that they make from insurance brokerage firms, financial institutions

like Green Feather, the energy generating companies, Chai Trading which is a warehousing and tea trading company benefit farmers? How do all these subsidiaries translate to useful gain to the farmers at the end of the day?

Only a proper audit of the operations of this company during the last 18 years will be able to unravel the answers to all these questions. We must know whether the people we represent in this particular House have been taken advantage of or have received value for money out of this particular exercise.

Mr. Speaker, Sir, another issue was that in 2012, a legislation brought before Parliament amalgamated all the various crop departments in the Ministry of Agriculture, Livestock and Fisheries and converted them into AFA. We must be told whether this move has been good for the tea farmer or not. Unfortunately, the truth is that on this front, tea farmers have been ill-treated. It was a wrong move and ill advised.

The question that many of us kept asking is that tea is the leading foreign income exchange earner in this country. Tourism comes second or third after tea, but it is being given a lot of attention. It has a Ministry headed by a Cabinet Secretary (CS), Permanent Secretary (PS) and several parastatals under it. I think tea industry deserves something better. You cannot take an industry that accounts for the livelihoods of close to 10 million Kenyans and treat it as small department in a big conglomeration of various departments. You cannot lump tea together with all these other crops. The truth of the matter is that we must give attention that is equivalent to the returns that come to this country. That is part of the proposal.

Mr. Speaker, Sir, some of the proposals that are before this House have been passed by time because this report was done before we considered the Tea Bill that was brought before this House. This House agreed with many of our recommendations that we proposed in the Tea Bill. Therefore, some of these proposals here have been overtaken by events.

The Tea Bill is currently before the National Assembly. I have information that it is in the Second Reading stage. In the next few days, if not weeks, they will be able to conclude it and address some of these challenges.

Mr. Speaker, Sir, this comes at a very interesting time. I can see many of my colleagues who represent tea growing areas are in the House. They will tell you that the common discussion in every gathering from funerals to weddings to public barazas in those regions at the moment is what to do with this crop.

I am sure in the last few days, you have seen people even uprooting this crop because they believe it no longer has value. They want we, as their leaders, to give guidance to this industry. Part of what we have proposed in that legislation that was actually informed by most of the work that went into this particular report, will be able to solve at least 70 per cent of the problems. This report is important in answering the question: What do you do with the billions that farmers have lost in the last few years?

Mr. Speaker, Sir, in the last Parliament, a Statement was sought by the then Senator for Bomet, Sen. (Prof.) Lesan on what would happen to the savings of tea farmers deposited by KTDA in the collapsed banks like Imperial and Chase. This report wants tea farmers to know whether they would get justice and that their looted money will be repatriated back to the country so that they enjoy the sweat of their labour.

Mr. Speaker, Sir, this is a matter that will interest many of my colleagues based on the indications that I am getting. Therefore, I would like to stop here and allow the rest of my colleagues to make contributions or even propose further recommendations to the report. We want conclude it immediately and forward it for other considerations.

With those very many remarks, I beg to move and ask Sen. Omogeni to Second.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. I rise to second this very important Report. I am one of the Kenyans - just like my neighbour - who comes from the tea growing County of Nyamira.

This report is being tabled at a time when farmers have serious grievances around the tea industry. This weekend, I was at home and farmers were threatening that they want to uproot their tea bushes because they are not getting income that justifies the effort and labour they put in the farming of tea.

Mr. Speaker, Sir, this is a very key crop in this country. Tea contributes up to four per cent of our GDP. About 650,000 Kenyans directly depend on tea. Over four million households in this country depend on it. If it was not for tea farming I could not have gone to school. My parents were farmers. They relied on the income from tea to be able to pay school fees for us. Therefore, when we see farmers crying and saying that they are not able to predict whether they will be able to pay fees for their children, we must do something as leaders.

I do not see the wisdom in trying to make the tea agency to be part of a parastatal in AFA while tea is an industry that can be self-sustaining. The kind of taxes that tea contributes to this country should enable the Government to allow tea to stand alone.

I fully support the recommendations in this Report that we should remove tea from AFA and have a board that has the representatives of farmers in place, so that they can assist in marketing tea. We want to see good returns to farmers.

(Loud consultations)

Mr. Speaker, Sir, the consultation is in very high tones.

The Speaker (Hon. Lusaka): Order, Members! Let us consult in low tones.

Sen. Omogeni: Mr. Speaker, Sir, just the way we support maize farmers in terms of subsidies for fertilizers, this is something that the Government should do. The income that farmers get is swallowed by the overhauled expenditure they incur in paying salaries for the people who pluck tea and the fertilizer that they have to purchase twice in a year. By the time they receive their money, everything is deducted to meet this overhauled expenses. We need to see more support from our Government in terms of extending subsidies to the tea farmers and end the cartels of tea auctions in Mombasa.

Tea bonuses this year have fallen by more than 50 per cent. That is why farmers in Central Kenya, Rift Valley and parts of Western Kenya, including Kisii are threatening to uproot their tea bushes. If the salary you earn today falls by 50 per cent next year, how do you manage your loans and other things? I have seen bank managers from Kenya Commercial Bank (KCB) and Equity Bank Kenya Limited in Kisii summoning farmers to reschedule their loans. That is something we should not allow.

This Report is good. If fully implemented, it will cushion our farmers. We must protect this crop because it contributes a lot to foreign earnings of this country.

I support.

(Question proposed)

The Speaker (Hon. Lusaka): Proceed, Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, I congratulate Sen. Cheruiyot for his innovative way of bringing issues to this Floor and in particular championing the interests of tea farmers. I come from a county that has been designated as a tea-growing area right from Independence.

The tea sector is in a crisis that was created by inaction by the Government and dishonest managers of the sector born out of the benign neglect of tea farmers in the country. Tea has been a major foreign exchange earner in this country, raking in billions of shillings that stabilise our foreign exchange reserves thus adding to our Gross Domestic Product (GDP).

Mr. Speaker, Sir, like many other agricultural enterprises that have been successful, the tea sector employs millions of Kenyans. Small scale holders directly and indirectly employ close to five million people who live on tea earnings. It is sad that we have a strange way of running things in this country. It is like the more successful an enterprise looks, the more neglected it becomes and the greater the appetite for looters to get in and hook in their siphons and run it down.

Kenya is officially referred to as an agricultural country because 75 per cent of our public workforce is in the agriculture related sector doing indirect agricultural activities, food processing and agricultural-based industries and so forth. However, over the period, through neglect and deliberate misguided policy, the tea sector has been rundown to a level where it is on its knees.

After the promulgation of the Kenya Constitution, 2010, we had the Agriculture and Food Authority (AFA) Bill now the AFA Act. The subsequent Act dealt a deadly blow to sugarcane, tea and coffee farming, among many other sectors.

(Sen. Murkomen consulted loudly)

Mr. Speaker, Sir, could you protect me from the Senate Majority Leader whose incessant movements have distracted my process of thought?

The Speaker (Hon. Lusaka): Hon. Members, we should consult in low tones. I know he is trying to mobilise Members.

Sen. Wetangula: He is mobilising Members, but he must do so with--- His continuous movements are like a gadfly flying in your face all the time if you have ever experienced that.

The AFA Act purported to amalgamate all agricultural existing laws into one creating a monopoly of sorts and a superstructure that has not worked. They brought in tea, sugarcane, coffee, maize, rice, fisheries and everything.

Mr. Speaker, Sir, you and I come from a major sugarcane growing area. The managers of the Sugar Development Fund (SDF) that had over Kshs30 billion at that time

disappeared. To date, the sugarcane industry has no cent as a fallback position when the factories are under threat. The huge reserves of money they had for management and development of the tea sector also disappeared through the AFA Act.

Since agriculture is a hundred per cent devolved, we should not under any circumstances leave the national Government in the guise of the AFA Act to micromanage and control the agricultural sector in whatever form.

Secondly, we are talking about the plight of tea farmers and Sen. Cheruiyot has amplified it very well. If tea is the second largest foreign exchange earner and employs millions of Kenyans, how come mining that hardly brings in anything quotable within our GDP and tourism that brings in much less are given greater status than the tea sector? It is having our priorities upside down.

Mr. Speaker, Sir, every day you will see the Cabinet Secretary for Tourism and Wildlife holding a glass of champagne and curvier in the name of promoting tourism. However, we should compare what tourism and tea bring. I am not saying that tourism is any less important, but I have a feeling that the reason everybody cascades towards tourism is because it has a foreign component. Since tea is grown by a person in Bomet County who---

Sen. Kinyua: On a point of order, Mr. Speaker, Sir. I am just wondering whether the Hon. Senator is trying to show that mining is not important in this country. From the way he is speaking, it is like it is of no importance.

Sen. Wetangula: Mr. Speaker, Sir, I never said that. I said in relative terms what each sector contributes to the economy and what we require the Government to pay focus on. Kenya is known to have huge mineral deposits, but because over the period inadequate attention has been paid to it, it is not a major a factor in our GDP.

Now that we have mining of base titanium in Kwale County, the hon. Senator should just pick up the budget document, look through and see whether the income from it is factored in our budget. It is not, and yet that is the biggest mining consortium in Kenya. Fluorspar Mining Company collapsed and Magadi Soda Company is nowhere.

If you are a dairy farmer like I have been, your cow that gives the best quantum of milk, you even isolate it and feed it on its own to continue giving you more milk. That is income. But here we are taking the price cow that gives us the best milk and mixing it with tick-infested cows that give us nothing. We then aggregate and say that this is our economy. This is lopsided logic

(Laughter)

If we can create a Ministry of Tourism and give it a budget of billions, institutions of training of hospitality and the Cabinet Secretary is busy roaming all over the world promoting tourism, but at the end of the year, we are told that the tourism earnings are not doing better than the previous year. We must then pay attention to tea.

Yesterday, I read in the newspapers that the Managing Director (MD) of KTDA saying that Kenyan tea fetches the best quality rating next to Sri Lanka. In fact, he should be embarrassed comparing Kenya with Sri Lanka. The tea plantations in Sri Lanka are 200 years old and tired, producing inadequate quality of tea. The only time Sri Lankan

tea is rated on the world market is when it is blended with Kenyan tea to give it quality. So for Mr. Lerionka Tiampati to tell Kenyans that our tea is so good, it is rating number two to Sri Lanka is an affront to the dignity of the Kenyan tea farmer.

Sen. Cheruiyot since you have been championing this, you can take it up to dismantle the Agriculture and Food Authority Act. We from the predominantly sugar areas are already drafting a new sugar Act to disaggregate ourselves from AFA and the confusion that portents in that organization. We asked them to account for the billions of money that was in Sugar Development Levy that cannot be found.

I also want to advise my friend Sen. Cheruiyot, and those of you who come from tea plantation areas, you and your county governments are also playing reckless politics with plantations. For you to start saying that M/s James Finley, Brooke Bond must pack-up and go and give back our land, that is inconsistent with the philosophy of the 2010 Constitution which says land is a tool of production and not an instrument of ownership and possession.

If you are looking for ownership and possession you can do what our friend in Nandi is doing - take a power saw and rampage through tea farms and create whatever you want to create. If your county, Sen. Cheruiyot, wants to maximize your income on tea, enter into proper agreements with the existing established productions. If you find that the lopsided agreement on cess payment, profit sharing and rent for the land - because the land belongs to the county - is inadequate, renegotiate. You do not set your house on fire because you have seen a snake in the roof; that is called stupidity. You do not demolish your house because you have seen a crack on the wall; that is lack of intelligence.

Sit down with these people and negotiate with them. This also applies to Murang'a County. I have seen some ugly noises from there about Del Monte. If we are an economy like we are; we have allowed foreign investments and we cannot then turn around in the name of devolution, to start bastardizing them. What we need to do is to maximize income from these investments for the benefit of the people. Ask M/s Finley to pay Kshs2,000 per acre per annum instead of Kshs20. Those thousands of acres will give you better income. Ask to share in the tea profits.

Mr. Speaker, Sir, I agree with Sen. Cheruiyot that you must dismantle a cartel in Mombasa called tea auctions. We have come of age for the tea factories whether in Nandi, Kakamega or Vihiga to be given the opportunity to be supported by the State to produce and market their tea under their brands. This will give you even better income. However, if you want to market as a country, there is no problem as long as you make sure that the farmer gets value for his money. The small scale farmers who produce the bulk of the tea must be supported.

It is disheartening; three weeks ago, I met a lady in Eldoret who told me that all her life, she has been working on her father's 15 acres tea plantation. The father has been paying her enough money to pay fees for all her children to go through university. Now, her father cannot afford to even pay her Kshs5,000 a month because the income has dwindled. Now she has moved to Eldoret Town at the age of 50 years where she is working for some local trader to make an income to take care of her family. That is the plight of the farmer.

The same situation is in Bungoma for the cane farmer. The cane farmer is the most ill-treated farmer in this country. For breweries to make alcohol, they buy sugar, hops and all the input in cash. They then produce alcohol and sell. Every factory must buy its raw materials on cash basis and make their produce and sell.

Mr. Speaker, Sir, in the sugar sector, the farmer will plant cane which will mature in 24 months. He will then deliver to the factory. At the end of the day, the factory will first pay the contractor who ploughed, the contractor who transported, the employees, the management and the contractor who delivered spare parts and the last person to be thought about is the farmer who delivered the critical raw material. This runs through the entire agricultural sector, whether it is maize, tea or coffee.

My brother here from Kiambu only knows about the sad story of coffee in Kiambu until people have turned coffee farms into real estate because there is no income from it. The farmer plants their coffee, looks after it, sprays it and at night vandals come and harvest the coffee. When you wake up in the morning, you have no coffee. I am told that in Kiambu County, vandals are even milking your cows at night. You wake up in the morning and you have nothing.

(Laughter)

Mr. Speaker, Sir, the State has a duty to protect everybody, including the small scale farmer. There is no reason whatsoever for this country to pride itself as an agricultural country, yet agriculture is plummeting day and night.

You have heard the story of Botswana that in the 1960s came to Kenya to learn about the Kenya Meat Commission (KMC); how to set-up a commission like that and how to deal with beef exports. Today, the KMC is only known for the amount of land that has been looted by individuals and the equipment that is rotting away. Even when the Government promised to set up an abattoir in Wajir and Turkana, they are not working.

*(Hon. Senators applauded as Sen. (Prof.) Kindiki
walked into the Chamber)*

Mr. Speaker, I am sure you join me in seeing the irony of clapping for a Senator who has come to the Senate when he has a duty to be in the Senate, anyway.

The Speaker (Hon. Lusaka): The Senators are applauding because we now have quorum to vote.

Sen. Wetangula: Mr. Speaker, Sir, it is our duty to be in this House. Therefore, when Senators enter this House, they are not making history.

(Laughter)

The Speaker (Hon. Lusaka): Sen. Wetangula, kindly stick to what you were saying before Sen. (Prof.) Kindiki walked in. You might land into trouble later on.

Sen. Wetangula: Mr. Speaker, Sir, our level of appreciating things is upside down.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

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

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, is it in order for the Senator for Bungoma County to insinuate that cheering the Deputy Speaker is wrong? More importantly, is Sen. Wetangula in order to express acts of envy because one Senator of this House has been cheered? It has nothing to do with whether it is in this House or not.

Further, is Sen. Wetangula in order to insinuate that the Deputy Speaker is not always here when he has been chairing sessions in the presence of all of us?

The Speaker (Hon. Lusaka): Where I come from, this can be equated to removing a bridge when crossing a river forgetting that you will need it to come back.

(Laughter)

Kindly proceed, Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, I have the greatest respect for the Deputy Speaker, my distinguished learned junior, who in part of his life has worked with me in the same law firm. I was not talking about Sen. (Prof.) Kindiki.

If any insinuation in the fertile mind of the Senate Majority Leader indicates that it is about him, it is mistaken. I simply said that we should not cheer Senators who come to this House to do their duty because the Senate Majority Leader said that the Deputy Speaker had come to increase the numbers. I do not look at Sen. (Prof) Kindiki as a number because he is the distinguished Senator of Tharaka-Nithi County, the Deputy Speaker of this House and a distinguished legislator in his own right. He is not a number.

I thank you.

The Speaker (Hon. Lusaka): The Senator for Bungoma County, Sen. Wetangula, has mended fences with the Deputy Speaker.

Hon. Members, I will suspend debate for now so that we deal with Order Numbers 8,9,10,11 and 12.

(Interruption of Debate on the Motion)

I direct that the bell be rang for one minute.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Hon. Senators, I now order that the Bar be drawn and the door closed.

(The Bar was drawn and door closed)

MOTION**APPROVAL OF THE COUNTY GOVERNMENTS CASH
DISBURSEMENT SCHEDULE FOR FY 2019/2020**

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order No.183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

(Sen. Mutula Kilonzo Jnr. on 25.09.2019)

(Resumption of Debate Interrupted on 25.09.2019)

DIVISION**ELECTRONIC VOTING**

(Question, that pursuant to Section 17 of the Public Finance Management Act and Standing Order No.183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Prengei, Nakuru County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results of the voting are as follows:-

Ayes: 25

Noes: Nil

Abstentions: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

The Speaker (Hon. Lusaka): I think Sen. Farhiya pressed the wrong button during voting. I, therefore, use my discretion to allow her do the right thing.

(Sen. Farhiya proceeded to vote)

BILL

Second Reading

THE COUNTY TOURISM BILL
(SENATE BILLS NO.5 OF 2019)

(Sen. (Dr.) Zani on 18.9.2019)

(Resumption of debate interrupted on 19.9.2019)

DIVISION

ELECTRONIC VOTING

*(Question, that The County Tourism Bill
(Senate Bills No.5 of 2019) be now read a Second
Time, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Prengei, Nakuru County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Speaker (Hon. Lusaka): Hon. Senators, the results of the voting are as follows:-

Ayes: 25

Noes: Nil.

Abstentions: Nil.

The 'Ayes' have it.

(Question carried by 25 votes to Nil)

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

I would ask that the Bars to be undrawn and doors opened to allow more Senators to come in and vote.

(The Bars were undrawn and the doors opened)

Close the doors and draw the Bars.

(The Bars were drawn and doors closed)

Proceed to vote.

(The Senators proceeded to vote)

The Senator for Bomet County and the Senator for Murang'a County, please go and vote.

(Sen. (Dr.) Langat and Sen. Kang'ata proceeded to vote)

BILL

Second Reading

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.39 OF 2018)

(Sen. Dullo on 6.8.2019)

(Resumption of debate interrupted on 24.9.2019)

DIVISION

ELECTRONIC VOTING

(Question, that The County Hall of Fame Bill (Senate Bills No.39 of 2018) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Prengei, Nakuru County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Speaker (Hon. Lusaka): Hon. Senators, the results of the voting are as follows:

Ayes: 26

Noes: Nil

Abstentions: Nil

The 'Ayes' have it.

(Question carried by 26 votes to Nil)

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

(Voting in progress)

BILL

Second Reading

THE ESTABLISHMENT OF CHILDREN'S HOMES BILL
(SENATE BILLS NO.12 OF 2019)

(Sen. Zani on 25.9.2019)

(Resumption of debate interrupted on 1.10.2019)

DIVISION

ELECTRONIC VOTING

(Question, that the Establishment of Children's Homes Bill (Senate Bills No. 12 of 2019) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

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AYES: Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Prengei, Nakuru County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Speaker (Hon. Lusaka): Hon. Senators, the results of the voting are as follows:

Ayes: 26

Noes: Nil

Abstentions: Nil

The 'Ayes' have it.

(Question carried by 26 votes to Nil)

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

(Voting in progress)

BILL

Second Reading

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO.10 OF 2019)

(Sen. Kibiru on 2.10.2019)

(Resumption of debate interrupted on 3.10.2019)

DIVISION

ELECTRONIC VOTING

(Question, that The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

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AYES: Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Prengei, Nakuru County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Speaker (Hon. Lusaka): Hon. Senators, the results of the voting are as follows:

Ayes: 26

Noes: Nil

Abstentions: Nil

The 'Ayes' have it.

(Question carried by 26 votes to Nil)

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

The Speaker (Hon. Lusaka): I now direct that the Bars be drawn and the doors opened.

(The Bars were drawn and doors opened)

We shall now resume debate.

MOTION

ADOPTION OF REPORT OF THE *AD HOC* COMMITTEE INQUIRING INTO THE CHALLENGES FACING THE TEA SECTOR IN KENYA

(Resumption of debate on Motion)

Sen. Kibiru: Thank you, Mr. Speaker, Sir. I need to air my views on this Report. For starters, as leaders and the Government, we need to get out of our comfort zones.

As I speak, farming is doing badly more than any other sector. If you go to Kirinyaga County, every farmer who farms both coffee and tea is crying because they have been neglected. An average farmer gets less Kshs8,000 per month after working for a long period. Farmers are earning less than some of the poorly paid workers in this country.

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Mr. Speaker, Sir, a lot has been said about KTDA, the value chain and a number of things that need to be addressed. KTDA needs to put its house in order. We vividly remember that they made a wrong investment in the collapsed Imperial Bank and Chase Bank to a tune of close to Kshs4.9 billion. To date, only Kshs1.7 billion has been recovered.

Mr. Speaker, Sir, as we make recommendations, we need to state that it is the responsibility of KTDA to ensure that it gets back and refunds farmers the money that it wrongly invested. They should deal with their own issues and challenges.

It is on record that the same organisation has a lot of tax issues to deal with. The farmer should not bear the burden of mismanagement of KTDA.

A small scale farmer in an acre of land in Kirinyaga would, probably, plant between 2,500 to 3,000 stems of tea. A good farmer would harvest about two kilograms per stem. On average, most of the small-scale farmers are getting less than Kshs2 because of the husbandry and other challenges. If a farmer gets less than Kshs2, it means that they are unable to make ends meet. They can never break even.

Mr. Speaker Sir, farming must be taken as a commercial entity. As leadership and as a Government, we must make a deliberate effort to ensure that we encourage farmers to take up farming as a business. This will ensure that we inform farmers: “When you want to plant tea, this is the bare minimum that you can go if you are to break even; this is the variety you need to plant. This is the kind of yield that they will get. Until you are able to meet that bare minimum, you cannot be able to make any money.”

Mr. Speaker, Sir, in the old days when we were young, the richest families in Kirinyaga and probably in other areas where they grew tea including Meru, were both coffee and tea farmers. When we talk about foreign exchange, one wonders why the Government would allow tea to go down the direction it is taking. Why would they allow other crops like coffee to go down the way that it is? We know very well that the country does not have money to service the foreign debt. The country needs money to pay the huge debts that we have borrowed. The country needs to import essentials like fuel and others. It is incumbent on the current Government to make sure that tea farmers are supported so that we can continue getting the foreign exchange that we badly need.

Mr. Speaker Sir, the other paradox is that some of the financial institutions including banks and Saccos like Fortune, Bingwa, and Greenfield Feathers, which the KTDA has come up with; subject farmers to a cycle of poverty. Farmers are advanced money based on how many kilogrammes they have. By the time the bonus comes, farmers have already spent their money in advance.

In the old days, a farmer would not borrow money from an institution where they would be charged interest. They would probably go and put a promissory note to be given money to pay school fees for their children, or go to a shop in the village and take foodstuff like sugar and other essentials on credit to pay when the bonus comes. The multiple effect was the farmers would be able to get credit without necessarily incurring interest on the monies that they had borrowed.

Today, we have a farmer who borrows Kshs100, 000 in advance and he is charged 30 per cent interest. Eventually, when the bonus comes, the farmer will pay Kshs100, 000

and is left with a balance loan of Kshs30, 000. This becomes a cycle. I think we need policies to guide on the borrowing by the farmers.

There was a proposal for guaranteed minimum returns (GMR). I think the Government needs to take up an insurance that will help farmers to take care of fluctuation of prices. Therefore, as we support this report, just as we supported the Tea Bill and other Bills related to farming, as leaders, we need to come up with a paradigm shift when it comes to issues of farming.

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

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

Let us agree that we meet the aggregators. The farmer should not be left on the out to look for markets, but at the same time, we need transparency in the way we do our things.

Mr. Deputy Speaker, Sir, a lot has been said about KTDA and the factories. The Committee in charge of agriculture needs to look at the agreements that the factories get into with the agency. It looks like it is lopsided, because you will find that although a factory is autonomous and is registered as a limited company, it has no autonomy in making its own decisions. Even the directors who are elected there cannot buy or pay without getting consent from the KTDA.

That eco-system of production and marketing needs to be re-looked at again; and we should go back to the drawing board. We should treat all farming activities as commercial ventures, be it maize, tea or coffee. That way, we will empower our people economically.

Somebody said that agriculture is the backbone of this country. If that is true, which I believe it is, then let us get out of our comfort zones, go back to the drawing board, relook at the policies that we are putting in place and stop joking with farmers. Somebody said that we probably want to keep them poor so that they can keep on electing us, as we give them handouts. We will never be forgiven as leaders if we move in that direction.

Mr. Deputy Speaker Sir, this is something that I believe the Senate should take very seriously because this is a devolved function. If we cannot, then we will be blamed by the current generation and the future generations because the economic power of the people who rely on farming will go down the drain.

I do support the Report of the *ad hoc* Committee.

Thank you, Mr. Deputy Speaker, Sir,

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

Sen. Khaniri: Mr. Deputy Speaker Sir, I want to thank you for the opportunity to make my remarks on this very important Report of the *ad hoc* Committee on tea.

I will begin by declaring that I was a Member of that Committee, even though I was not present during the meeting where they signed on the Report. However, I fully subscribe to what is contained in the Report and support the final outcome of the *ad hoc*

Committee. I also want to declare that I represent tea farmers. We grow tea in Vihiga and we have a tea factory known as the Mudete Tea Factory.

Let me start by thanking my colleague, the Senator for Kericho County, Sen. Cheruiyot, for coming up with the idea of forming an *ad hoc* Committee of the Senate to look into issues that affect tea farmers in this country. I want to thank the membership of that Committee for their dedication. They managed to visit about seven counties to meet the farmers and all the stakeholders in the tea sector. Therefore, I want to assure the House that the report that the *ad hoc* Committee came up with is comprehensive and all-inclusive and we included views from all the concerned stakeholders.

Mr. Deputy Speaker Sir, this Report was signed in July; this is October, three months down the road. It is long overdue. This Report should have been passed a few months ago. We should have made sure that it is not just passed but also implemented. This is because what is contained in this Report is what will salvage tea farmers in this country.

Mr. Deputy Speaker, Sir, for those of us who grew up in the 1970s, 1980s and 1990s, it was an era where tea farming was beneficial to the farmer. My own father was a tea farmer. I still hold on to that farm even though there is not much that I get from it, but just for memory's sake. I do that for my father. However, there is nothing really. In fact, we put in money but do not get anything out of it. However, I grew up in an era when tea farming was beneficial to the farmer. Indeed as Sen. Kibiru has said, farming is supposed to be beneficial. It is supposed to be a kind of business enterprise that benefits the farmer. Therefore, it is absolutely important that the recommendations in this Report are implemented so that the tea farmer can reap the benefits of the hard work that they put into their farms.

When we were having our sessions, a few factors came up that need to be looked at in order for the tea farmer to benefit from his venture. The first and foremost is the issue of value addition. We may talk here year-in, year-out but as long as we still export our tea in the raw form that we do, the tea farmer will not benefit from the hard work that they put in. It is high time the Government looked into the issue of value addition so that we do not export our tea raw because other countries use it to blend their poor-quality tea.

I agree with Sen. Wetangula that Kenyan tea is the best in the world because you cannot compare it to that of Sri Lanka. All the lepton green teas that we drink out there are all blended by Kenyan tea. Therefore, value addition should be considered so that we export fully processed products in order to save the farmer.

The second issue that came up was taxes. We discovered that the tea farmer is one of the heavily taxed individual in this Republic. There is the issue of double taxation because they are taxed by county and national governments and so on. The issue of taxation must also be looked at.

The third one was the issue of the middlemen who trade in Mombasa. These individuals have become billionaires out of tea business yet they do not have even a single stem of tea plant. They have become billionaires just by trading other people's tea.

The fourth one was the issue of price fixing and lastly, lack of competition. We must ensure that there are other players besides the Kenya Tea Development Agency

(KTDA) to ensure that there is competition, so that the farmer can get value for their products.

Mr. Deputy Speaker, Sir, I agree with Sen. Wetangula and support the analogy he gave when he spoke. The tea sector has been mistreated and has not been given the attention it deserves. Since you were not in the Chair, Sen. Wetangula in his analogy said that when you have your prime cow, the one that produces a lot of milk, you separate it from the others. You even feed it separately and ensure that it is well fed. You do not mix it with the rest of the herd. That is what should happen to the tea sector.

Tea is the biggest foreign exchange earner of this country yet other sectors are financed and given a lot of budget reallocations but the tea sector is just there. We expect to get foreign exchange from it but we are not putting in enough and creating an enabling environment for the tea farmer. We urge the Government to provide an enabling environment to ensure that the tea farmer gets to benefit from what they do.

We came up with recommendations in our Report. As Sen. Cheruiyot said, some of them are contained in the Tea Bill. Therefore, we cannot belabour but we still insist that this Report is passed so that what is not in the Tea Bill but it in this Report is implemented for the farmer to reap maximum benefits.

Mr. Deputy Speaker, Sir, when Sen. Cheruiyot was moving the Motion, I do not remember him taking us through the recommendations but I think it is extremely important. Since I was a Member of the *Ad Hoc* Committee, I will only give you the highlights of our recommendations.

The first and foremost is that the President should form a commission of inquiry to look into the issues raised by tea farmers. I will not read all of them but they include; alleged misappropriation of farmers' income in dubious investments that do not benefit or earn farmers any profit; advice on the possibility of carrying out forensic audit of the operations of the KTDA since it became a private entity; and, investigate the issue of price fixing at the auction in Mombasa by the multinationals.

Another recommendation is to remove tea from the Agriculture and Food Authority (AFA) and have a board created in its place. There is also need to have a strong policy and institutional framework to govern the tea industry since it is a major foreign exchange earner; provide elite clones of tea to smallholder farmers and the Government should assist them in uprooting and replacing the old bushes so that the farmers have the new variety.

There are numerous recommendations, and I will not go through all of them. I recommend Members to go through these recommendations and I urge them to support this Report fully, so that we help our tea farmers.

I do not have to be belabour and I support.

(Interruption of Debate on the Motion)

COMMUNICATION FROM THE CHAIRVISITING DELEGATION FROM KANGEMA
HIGH SCHOOL, MURANG'A COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kangema High School in Murang'a 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)

To kill two birds with one stone, I will give the Senator from Murang'a County an opportunity to contribute to the Motion and maybe say something to welcome his constituents. Sen. Kang'ata proceed.

(Resumption of Debate on the Motion)

Sen. Kang'ata: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. Before I do so, allow me to congratulate the students and teachers of Kangema High School for finding time to visit the Senate. I have known the school for a long time because of two things.

First, my late mum was from a village called Kanorero which is near Kangema High School. So, I have fond memories of the school because I used to go there. Secondly and most importantly, my elder brother schooled in Kangema High School. I am happy that the school is doing well compared to those times when my brother was there. I welcome the students and teachers of Kangema High School to this Chamber.

Mr. Deputy Speaker, Sir, allow me to revert back to the Report. I was a Member of the *ad hoc* Committee and the people of Murang'a County who are the biggest supplier of small-scale tea in the entire country were quite anxious for the tabling of this Report. Murang'a County has 10 tea factories. We have Ngere Tea Factory in upper Gatanga and Kiriti Tea Factory in Mathioya Constituency. Therefore, we have a vested interest in ensuring the implementation of the recommendations. I assure the people of Murang'a County who do tea farming that this Report, once implemented by the Executive, will offer major solutions to their problems.

Mr. Deputy Speaker, Sir, allow me for the benefit of the people of Murang'a County and other farmers generally to highlight some few issues.

The most important recommendation that we made is the idea of asking the Government to reintroduce a tea directorate, which will be separate from the AFA arrangement that exists. That is important because we feel that tea needs specialized

experts who lay this problem in a specialized manner, who can assist, for instance, by visiting other tea growing regions.

Currently, the people who buy the bulk of our tea happen to come from Middle Eastern Region, Muslim majority countries like Pakistan, Sudan and Egypt. I strongly believe that it is time we diversified that market and see whether we can sell our tea in other Muslim majority regions like Indonesia and even in America and Europe.

When you look at the domestic consumption of tea, it is something we can still work on to ensure that we have a good supply. Therefore, this recommendation of the formation of a Tea Directorate is going to alleviate this issue.

There is an issue that we raised and which has also been captured in the Report when we were going round - I say that because we went to a place called Gatura in Murang'a County with this Sub-Committee - it is the issue concerning county governments getting cess money on behalf of the factories and failing to remit the money to the tea factories in Murang'a County. It is high time that the county was asked to release that money so that farmers can benefit from it.

Mr. Deputy Speaker, Sir, another issue that I need to highlight concerns the massive establishment of new tea factories which are owned by some rich and well-connected individuals, particularly in some regions in the North Rift. As a result of that, you find that they have been poaching tea instead of having their own nuclear areas. This is also causing some problems. In my own opinion, yes, we are now under the private free market regime; we must be ready for competition but on the other hand, we must protect tea so that it does not go the coffee way or like other horticultural products.

Finally, let me highlight the issue concerning governance at the tea factories. We need to have a situation where the farmers' views are being considered. I have seen some situations where a lot of money goes to fund operations and very little is set aside for bonus on the so-called monthly allocation to the farmers. We need our tea factories to enhance efficiency. This can only be achieved if my original proposal that I did in the National Assembly was to be passed.

When I was a Member of Parliament for Kiharu Constituency, I had proposed the re-introduction of the guaranteed minimum returns (GMR) , where the Government guarantees certain amounts of money irrespective of whether there are fluctuations of tea prices at the international level, the tea farmer can at least at the minimum get about Kshs100 per kilogramme. That way, we are going to ensure our farmers farm very well and put more effort into farming.

We have made all those recommendations in this Report, and I am sure, now it will be the work of the Senate to compel the Executive to ensure that they implement them. We hope that once the report is adopted, tea farmers will not encounter any other problems. They will continue doing a good job and eke a living. It is very sad to have a situation where on average, a farmer is earning Kshs10, 000 or Kshs8, 000 per month, whereas the minimum wage in this country is around Kshs15, 000. It is time we saw our farmers go back to the era when they used to get about Kshs40, 000 per month. We want tea farmers to earn money and become rich.

With those few remarks, I beg to support.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Senator for Murang'a. That is a very eloquent contribution.

Sen. Cheruiyot: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Senator for Murang'a, who began his speech by first welcoming students from Kangema to go on to talk about tea but did not mention anything to do with the ban on students' tea? Is it fair to the students?

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): I think you can deal with constituency matters after the hours.

Sen. Were: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute and support the Report of the *ad-hoc* Committee that was inquiring into the challenges facing the tea sector.

We have been told here by Sen. Omogeni that farmers in Kisii region are threatening to uproot tea bushes. I witnessed some of my friends, who are farmers in that region actually uprooting their tea bushes because of the challenges that this Committee was inquiring into.

Mr. Deputy Speaker, Sir, we have also seen that tea is an export crop which earns this country foreign exchange. I farmers are going to uproot tea bushes because of the mismanagement of this sector, then we are going to have a reduction in our foreign exchange earnings and we know the repercussions of that; it is a ripple effect to the rest of the economy.

The Committee in their inquiries discovered that there are so many management issues in Kenya Tea Development Authority (KTDA). One of the most profound was that of leadership; that directors within KTDA are chosen on nepotism or favoritism grounds and the leadership is not regionally balanced within that area. Most of the leadership comes from the east, yet we have tea growing areas in the west of the Rift Valley.

Mr. Deputy Speaker, Sir, the Report also has highlights on lack of transparency in the operationalization of the tea factories. If people do not see transparency and accountability, they lose trust in that organization and as such, lose confidence in their own farming methods. Back then, when we were growing up, many of our friends whose parents were tea farmers were the envy of those of us whose parents were, for example, maize farmers. This is because they used to earn well, the children used to be well taken care of; they were never sent home from school for lack of fees because their parents could afford.

Reading the Report and listening to Members who went around to get the views from the tea farmers, farmers are complaining that they are not able to meet the basic needs of their families. Therefore, the recommendations of this Report, which include that many of the middle men along the value chain be reduced, must be implemented fully. It is even late; it has been three months since this Report was brought here.

I request the Committee Members, especially the Chair, Sen. Aaron Cheruiyot, to follow up on the implementation of some of these recommendations, particularly, the

setup of a commission of inquiry to look into these challenges so that we can have a second eye to investigate the challenges of the tea sector.

With those few remarks, I support.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Thanks for being brief.

Sen. (Dr.) Langat: Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to support this important Report of the *Ad Hoc* Committee on tea. We must take stern action to save this particular industry knowing very well that other related sectors have gone through very dangerous situations and cannot be easily brought back to the same position.

We understand that previous leadership in this country watched as the coffee industry went to the dogs. The maize industry is also suffering and the Ministry of Agriculture is just watching as the farmers suffer. We have also seen other sectors like sugar cane suffer. The farmers have been neglected and the Ministry of Agriculture has never taken any reasonable steps to support this sector. Now, the tea sector is going the same way.

I come from a tea-growing sector. Many may have watched on television and other media that in Bomet, people have started uprooting this important crop. It is indeed very sad, knowing very well that this crop is our economic builder number one. It is a very important crop that earns this country foreign exchange. In addition, the tea sector employs so many people. It is one of the largest employers of the youth and old people in Kericho, Bomet and other places. Therefore, it is a very important sector, and we must do something as the leadership of this country.

I am a Member of this Committee, and we went to about seven counties. We started from Kisii and went to Nyamira, Kericho, Embu, Murang'a and Bomet and listened to the lamentations and suffering of the farmers. They have been persevering and this particular sector has been affected by so many issues. There is the issue of over-taxation, as Sen. Khaniri said. This produce is overtaxed. In fact, it is benefiting the auctioneers in Mombasa, who cannot even tell how this crop looks like. This sector needs intervention.

Mr. Deputy Speaker, Sir, the worst part of it is when we visited the Tea Research Institute in Kericho. The Government has completely failed to fund this sector, yet tea research is very important in bringing new knowledge and information on how to improve this sector in this country. The Government no longer funds this institution. It only gives them sustenance in terms of salaries and nothing else. We visited some of their labs and many of them are no longer working, yet this used to be the East African Tea Research Foundation, which was the envy of everybody in the region.

Therefore, without mincing my words, I wish to say that the Government is highly responsible for the deteriorating position of this sector. We must come out seriously to implement the recommendations of this Report, so that we can save this sector.

I support the Bill by Sen. Cheruiyot, which is in the National Assembly. I call upon Members in the other House to support it, so that we may save this important crop. It does not only play a great role as an economic earner, but even outside there, it is our image. Whenever we go outside this country and say that we are Kenyans, people tell us

that we are tea growers. Whenever we visit hotels outside this country, we hear people say: “I want Kenyan tea.” Therefore, we must support this crop, which is our international image and is very important to all of us.

Thank you, Mr. Deputy Speaker, Sir. I fully support this Report.

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

Sen. Linturi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity.

Let me start by saying that I am a very frustrated tea farmer. In Meru County, 70 per cent of the farmers are tea growers. Meru County boasts of having a minimum of five tea factories. Out of the five, two come from the constituency that I represented when I was a Member of the National Assembly.

I have grown with tea and understand the kind of problems that tea growers go through. I have listened to the speakers and would want to be very candid and go on record that this country has never had shortage of relevant legislations to support farmers. I do not think that there is any doubt between the 1980s and 1990s, most children went to school through money that came from tea farming, for those that come from tea growing areas. This is because it is the time that many Sacco’s mushroomed because of the good prices that we used to get out of tea.

Mr. Deputy Speaker, Sir, I think there is somewhere we missed our steps. One of the things that I would attribute to the problems and the challenges that farmers face today is poor Government policy. We have a very insensitive Government that does not resonates or have the feeling of the problems afflicting our farmers. They move around or state that they are always proud that Kenya is an agricultural country and we want to make the country food secure. However, we can never make this country secure when there are no incentives to take people back to their farms to do farming.

Farming is one of the surest ways of creating employment in this country. For those that were there during the time of the late *Mzee* Jomo Kenyatta’s and early years of former President Moi’s rule, when coffee and tea used to boom and there was pyrethrum and all sorts of crops, know that many families lived happily. This is because most of them were engaged in their farms and knew that after farming, they had somewhere to take their tea and pyrethrum, and there would be money. Nobody had fears of children being sent away from school for lack of fees. The economy was booming and the country was economically stable.

Mr. Deputy Speaker, Sir, we need to understand what the pioneers of this country did because that ensured that we had a very stable country. We cannot guarantee peace in Kenya when nearly 90 per cent of the people are poor. Very few people can hardly live on beyond US dollars 5 a day. Therefore, as we look at this problem that our country and people are facing, we must be in a position, as we debate and support this Report, to come up with proposals. However, weird they will be, they should be proposals that can be a solution to these problems. We are limited in terms of how we ensure the Government takes on board the proposals that we make here to ensure that these challenges are addressed.

Mr. Deputy Speaker, Sir, I had the opportunity to serve this country as a Member of Parliament when the Cabinet used to sit in Parliament. We used to sort out our

problems with the Ministers here in Parliament, as Ministers were also MPs who would face the similar challenges and problems from their own voters as we did, whenever they travelled across the country. They no longer sit in the House now but there used to be a lot of difference and things would really move.

Even when we speak here today, we make these recommendations and adopt them, I do not know whether the Cabinet Secretary (CS), Ministry of Agriculture, Livestock and Fisheries will decide to take it up or not. I also would not know whether he will go through it and during a Cabinet meeting present the recommendations of the Senate or get something to discuss at Cabinet level because Cabinet always comes up with a policy direction of a country. I do not know whether this will happen. We have a challenge.

Mr. Deputy Speaker, Sir, coming from Meru, the greater region and having shared the problems that we face as a country and especially those from tea growing areas, there are a few questions I would ask myself because we understand the leadership of the country associates itself with those kinds of people. How many times have we had bailouts for the farmers that grow maize and sugar cane? Money is appropriated to sort their problems. I have not heard of any single moment where people or the Government budget is allocating money to bail out tea farmers yet we know the problems that the tea farmers have today are occasioned by the cost of tea factories that are on loan and the poor tea prices in the market; for that matter they are not able to pay loans.

The first charge on their money once the produce is sold is to pay for the loans which leaves them with nothing to take home. If the Government was serious today and came out to pay loans just like they have given out money to revamp the sugar industry or to pay loans owed to farmers from the sugar belt, it would make sense. I hope they are listening and take that seriously. This is one of the major causes of poor pay in the tea growing areas.

Secondly, it is the cost of running the factories. One of the major costs of running factories is power. These factories are run by electricity. The cost of power in this country is too high. Without an alternative cheaper source of power, we will continue to cry and things will get worse.

The KTDA factory used to produce their tea by use of charcoal. You know what has happened to our forests; unfortunately, we now do not have charcoal, timber or firewood. We have converted all our factories to use electricity. We cannot lie to ourselves that in the near future, this problem will be sorted out unless there is serious Government intervention.

Mr. Deputy Speaker, Sir, fertilizers are always given on loans. When you have become a perpetual beggar and you are begging permanently, whatever conditions you are given on any loan, you will gladly accept them because you are desperate! You need that money!

Farmers are given fertilizer which they think that it is cheaper because they are expected to pay back within a period of one year. It is too expensive. I wish we would start thinking of how we could even liberalize this business. When KTDA sits there as a monopolist, they have no competition; they will always treat farmers the way they want and we will continually have this problem.

Mr. Deputy Speaker, Sir, I am one of the people who see doom ahead of us. We do not expect that there is a quick fix of this problem. However, I want to appreciate the Committee that did this work. How I hope their recommendations will be taken seriously and how I hope we will seriously follow up to see what the Government will do towards coming up with suggestions in alleviating the problems facing our tea farmers.

A lot of foreign exchange has been lost as many other speakers before me have said, and we are aware of the ripple effect of loss of foreign exchange in our country and the situation that the country is in.

With those many remarks, I want to support the Report of this Committee.

Thank you, Mr. Deputy Speaker.

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

Distinguished Sen. (Dr.) Musuruve:

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this noble report.

(Interruption of Debate on the Motion)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator, for one minute. I would like to recognize other visitors before they leave.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KIRAWARA HIGH SCHOOL, MURANG'A COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I have a Communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers of Kirawara High School in Murang'a 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 welcome and wish them a fruitful visit.

Thank you.

Their Senator was here, he must have gone to receive the other students from Kangema who were here earlier on.

Proceed, Sen. (Dr.) Musuruve.

(Resumption of Debate on the Motion)

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. Before I go on, let me also join you in welcoming the students from Murang'a in the House. It is a good thing for students to be in the House because they are able to interact with the leadership.

I now go back to supporting this Report. Kenyan farmers are watching, listening and really want to see what the Senate is going to do with regard to safeguarding their interests.

As a Senate, we must walk our talk. Some years back when I was growing up, I remember my grandfather used to mobilize all the grandchildren to help him to plant tea.

Mr. Deputy Speaker, Sir, during those days, tea farmers were highly regarded in the society simply because they set the pace. It was a cash crop that was doing very well. During those years, tea farmers were high on the hierarchy according to Maslow's Hierarchy of Needs. They were on level 4 to 5. Some of them had even reached self-actualization.

However, as we are speaking right now, the tea farmer has come down the hierarchy. The tea farmer is now dangling at level 1 or 2 on the Maslow's Hierarchy of Needs. This is because of what is happening. The farmers are waiting to see if the Senate going to move the middle.

Mr. Deputy Speaker, Sir, we must stand with the farmers. We must demonstrate that as a Senate we represent the farmers and we are ready to protect their interests.

The reason I am supporting this Report is because it is based on authentic issues concerning tea farming. It is indeed true that tea is the highest foreign exchange earner in Kenya. Kenya is ranked number three in the exportation of tea. Tea is a source of income for farmers, which means that it improves the livelihood of farmers and every farmer has their own needs.

Mr. Deputy Speaker, Sir, farmers have children to take to school. They have also hospital bills to clear, medication, housing and so on. In order to address the socio-economic rights that are stated in Article 43 of the Constitution, we must intervene as a Senate and ensure that we protect the farmers. It is really a good thing for the Senate to ensure that it stands with the farmers.

Farming is an employment industry because many processing industries have come up as a result of tea farming. For example, Sen. Khaniri talked about Mudete Tea Factory. We also have Kaisugu Tea Factory Limited, Igembe Tea Factory Company Limited and many others.

Mr. Deputy Speaker, Sir, the fact that there are industries, it means they create both short and long-term employment because we have people who are employed on permanent basis and they eke a living out of industries. When there is tea in an area, there will be rapid development in terms of infrastructure. There will be lighting, roads will be constructed, investors will want to be there and schools will be built. We need to see how to safeguard the tea industry because it was and ought to continue being noble industry.

I commend Members of the *ad hoc* Committee and Sen. Cheruiyot for coming up with this Report.

From the Report, it is clear that the Committee did a commendable job because they met with stakeholders and visited many regions. By the time they were presenting this Report, they made sure that it was well thought out. As a Senate, we have to see how it can see the light at the end of the tunnel.

Mr. Deputy Speaker, Sir, it is painful that sometimes Senators bring reports to the Floor of this House that state explicitly whatever is happening on the ground, the gaps

and what the Senate needs to do but sometimes, our recommendations are not implemented. So, there is need for implementation of this Report so that the tea farmers can see that we are moving the needle. As a Senate, we have to move the needle and feel the farmers. We have to ensure we do something for our famers because farming contributes a lot of money to the Kenyan economy and solves the problem of unemployment.

Sometimes people get frustrated because of unemployment. The youth get into unethical and illegal behaviour because we have not addressed the Sustainable Development Goal (SDG) No.1 which is important. It is about eliminating poverty. As a country, we have to eliminate poverty. We can only do so by ensuring that we protect our farmers. Unless we do so, there is no way they will walk holding their heads high.

A tea farmer in Kenya is at the mercy of the Kenya Tea Development Agency (KTDA) and brokers who benefit from their sweat. When you do research, you will find that the Kenyan tea earns a lot of revenue. Does the farmer himself get the revenue and benefit from it? We must move the needle as a Senate.

I also commend the proposition that the *ad hoc* Committee came up with. They recommended that there is need for the President to come up with a commission of inquiry to address the problems affecting the tea sector. The commission should comprise of people who are impartial and have a feeling for the farmers. Those people must move the needle. They must be objective and ensure that they do not waste a lot of time to come up with resolutions that are not sustainable. They should propose lasting resolutions so that we protect our farmers.

As I support this Report, we should move to the next level so that we come up with a sustainable way of protecting our farmers because we have a huge number of farmers that we must walk with.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us now have the distinguished Senator for Kakamega County, Sen. Malalah.

*(Sen. Malalah pointed at Sen. (Dr.)
Musuruve and Sen. Shiyonga)*

Sen. Malalah: These are the delegates.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Malalah. I only gave you the Floor.

Sen. Malalah: Mr. Deputy Speaker, Sir, I stand to support this Report because I was a Member of the *ad hoc* Committee and---

Sen. Shiyonga: On a point of order, Mr. Deputy Speaker, Sir. The distinguished Senator for Kakamega County knows very well that we were all sworn in in this House under the Constitution. I do not know why---

The Deputy Speaker (Sen. (Prof.) Kindiki): So, what is out of order?

Sen. Shiyonga: I do not know why he pointed at us and said; "these are the delegates." Yes we are Members of his delegation but he does not have to say it. Could he withdraw?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Shiyonga! Is there anything out of order? I do not find anything out of order.

Sen. Malalah, you must have adequate humility to recognise, appreciate and acknowledge the contribution and role of Members of the delegation from the county which you represent.

Sen. Malalah: Mr. Deputy Speaker, Sir, I said that with a lot of humility. Sen. Shiyonga is a Member of my delegation, and I respect her very much. Recently, she was given an international accolade. I celebrate her because of her contribution to the society. I am proud of her as a Member of my delegation. Therefore, any time I identify her as a delegate, I do not mean to demean but to celebrate her.

The Deputy Speaker (Sen. (Prof.) Kindiki): Maybe you forgot to say distinguished delegate.

Sen. Malalah: The distinguished delegate, Sen. Shiyonga.

Mr. Deputy Speaker, Sir, I support this Report.

I was a Member of the *ad hoc* Committee and we went around this country to listen to the real players in this sector. I believe that *ad hoc* committees are becoming more effective than even the standing committees because we see deliverables from *ad hoc* committees.

We were very committed in the Committee. Members took time out of their busy schedules to go to the villages of this country. We traversed the rugged terrain of the former Rift Valley and Central provinces and part of the former Western Province to ensure that we come up with a credible report.

I thank the Chairperson of the Committee, who is the Senator for Kericho County, for making personal sacrifice to ensure that we have a report that will deliver the people of Kenya from shackles of mismanagement and poverty.

Mr. Deputy Speaker, Sir, to make my submission, you will allow me to juxtapose the problems facing the tea farmer which are synonymous to those facing the sugar cane farmer. In my submission as I point out the challenges facing the tea farmer, you will allow me once in a while to also highlight the issues facing the sugar cane farmer in Kakamega County and the former Western Province at large.

When we went around, we identified one big problem which cuts across all the sectors of agriculture. The problem is that we lack a tea policy that governs and regulates this sector. The tea policy has been in a draft form for around five years. It is very important for the people who are coming up with it to hasten the process and ensure that we have a tea policy that governs and regulates the sector.

We also realised that we lack modern technology in tea production because we have tea farmers who are still using old technologies. It is a high time that they should be alive to the fact that we have worldwide emerging trends in tea production.

One of the major factors that disadvantages the tea farmers in Kenya is lack of affordable farm inputs in good time. We have fertilizer that is very expensive and that eats into the cost of production of tea. Eventually, the farmer runs at a loss just because the farm inputs are very expensive. It is the responsibility of all governments to ensure that they subsidize farm inputs. We have seen the maize farmers being given subsidies in farm inputs. It is important to consider the tea farmers in the same light.

Mr. Speaker, Sir, agriculture is a devolved function and, therefore, county governments have a role to play when it comes to subsidized farm inputs. Let us encourage our respective county assemblies to prioritize budgeting for subsidized fertilizer in their annual budget estimates.

I was surprised to learn that a tea farmer in Kenya is subjected to 42 different taxes. As a county, we are getting it wrong. We are a greedy country; a country that cares not about the small-scale farmer in Kericho or Meru. It is important for us to have a wider view of the taxation regime of this country.

It is bad that a poor peasant farmer is subjected to 42 different taxes, whereas we have billionaires in this country who are not taxed heavily. I think, as a country, we are getting it wrong. We are a greedy country. We are a country that cares not about that small-scale farmer in Kericho, whereas we have billionaires in this country who are not taxed heavily.

This issue of high taxation has led to the closure of many factories and companies in Kenya. It is sad that as we speak right now, many people in Kenya are losing their jobs because of the high taxation. It is upon the national Government, through the National Assembly, to relook into the Finance Bill because they have concentrated more on revenue collection and not providing a good environment to ensure that our youth are employed.

Just to mention but a few, companies like *Stanbic* Bank, which recently sent away 200 employees; the East Africa Portland Cement declared all staff redundant; and Kenya Airways has laid off 38 employees. At Finlay Tea Company in Kericho, at least 1,700 people lost their jobs. Recently, my good friend, Mr. Ronald Karauri, of Sportspesa laid off over 400 workers. This is a lesson. It is important as a country to go back into the campaign manifesto that was used in 2013 when the Jubilee Government promised that they will create one million jobs every year. It is paradoxical that the opposite is happening right now.

The country has lost leadership. The country has lost focus on the mandate of its manifesto. The Big Four Agenda that is being pushed by this Government cannot be realised when industries are being closed. Therefore, it is very important for this Government to retreat and start thinking on ways which they can leave a legacy. As it stands right now, I want to assure the Jubilee Government that they are remaining with only two years, and they have no impact on the people of Kenya. We risk finishing this term without a legacy being left behind by this regime. It is, therefore, important for the President and his Deputy to relook and refocus on issues they promised Kenya; one of them is providing jobs for our youth.

The issues affecting the tea sector are synonymous to those affecting the sugar industry. I will majorly narrow down to the high cost of production. The cost of fuel is very high. This is a country where one litre of fuel goes for almost Kshs110, which is very high compared to other countries which get the same products from the same market. It is important to look at what is ailing us so that we can reduce the cost of production and eventually, the farmer gets profit.

When you look at the sugar industry, it is sad that as we speak, the giant miller; Mumias Sugar Company, is under receivership because of mismanagement. The

Government has shown no goodwill to revive the ever-dying companies in this country. Mumias Sugar Company has a debt of around Kshs22 billion. Out of that amount, Kshs10 billion is a debt owed to the Kenya Revenue Authority (KRA) which is a Government agency. If the President is serious about revival of our sugar industry, he should write off that debt.

Mr. President, the same company owes Kenya Power and Lightning Company (KPLC) around Kshs1 billion. KPLC is a Government agency. If he is genuine about reviving Mumias Sugar Company, he should write off the company's debts. Recently, we saw the Kenya Commercial Bank (KCB) taking over Mumias Sugar Company just because of a debt.

Mr. Speaker, Sir, I am alive to the fact that we must repay our debts, but this must be done with a view to cushioning the common *mwananchi*. The Government is the biggest shareholder at Mumias Sugar Company with at least 20 per cent shares. The Government owns KCB. This is a Government game plan to ensure that they bring down the people of the former Western Province.

Last year when the President attended *Mashujaa* Day in Kakamega, he promised the people of Kakamega that he was going to revive Mumias Sugar Company. Today, the company is being auctioned by Eco-Bank. Mr. President, I want to remind you that the people of Kakamega, even if not in big numbers, voted for you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Malalah! You must address whoever your addressee is through the Speaker. You are not in a public rally. Secondly, be aware of the Standing Order on relevance.

Kindly, proceed.

Sen. Malalah: Thank you, Mr. Deputy Speaker, Sir. I stand guided.

The Deputy Speaker (Sen. (Prof.) Kindiki): If you want to discuss a certain institution in your county like the Mumias Sugar Company, you know what to do. You should not hijack the report on the issues affecting tea farming. This is a report of the *ad hoc* Committee on issues affecting tea farming. I know that we put sugar in tea but be careful not to be out of topic.

(Laughter)

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

In my introductory remarks, I was very clear on my approach when it comes to my submission in this House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Malalah, that approach must be within the Standing Orders.

Sen. Malalah: Mr. Deputy Speaker, Sir. I stand guided. I will go straight to my valedictory remarks.

It is important that the Government looks into the issues of farming in general be it tea, sugar cane, coffee and may others so that we cushion the common *mwananchi*, who wakes up early in the morning to farm against all the challenges that we saw when we traversed the country in our quest to look at the challenges affecting the tea farmers in Kenya.

I thank the Chairperson of the *ad hoc* Committee. He has been very focused when coming up with the recommendations and looking into the issues affecting tea farmers. I would like to inform his constituents that they did not make a mistake by electing him because he is focused and has the interest of the people at heart.

The Deputy Speaker (Sen. (Prof.) Kindiki): Kindly, commend the Chairperson of the *ad hoc* Committee through the Chair to avoid a situation where you are addressing the people of Kericho County directly from the Dispatch Box of the Senate.

Sen. Malalah: Mr. Deputy Speaker, Sir. I address the Chair on more occasions than not. I am addressing the honourable Senator for Kericho County through the Chair.

Mr. Deputy Speaker, Sir, I would like to inform the people of Kericho County that they did not make a mistake by electing Sen. Cheruiyot. We may differ politically, but I must say that he is a brilliant mind which is supposed to be nurtured. We are looking into ways in which we can nurture his leadership. More so that in future, when we shall be looking at leaders who can liberate this country, the name of Sen. Cheruiyot will not miss on that list.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Kindly, proceed, Sen. Nyamunga.

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to support this Report that has been brought to the House concerning the tea industry. We are letting Kenyans down as Parliament. A lot of money and time has been spent on coming up with this Report. Members of the Senate went around the country on a factfinding mission. What happens after such reports are brought to the House?

This *ad hoc* Committee has come up with very good recommendations on tax, value addition, pricing and lack of competition that makes it very difficult for the tea industry to survive. We have had similar reports from time to time. However, it is unfortunate that such reports are kept. I wonder how big the archive for such reports is that every report ends up in it while nothing happens. It is important that such a report is implemented.

Mr. Deputy Speaker, Sir, we are killing our own children. If agriculture is affected and nothing is done about it yet we know very well that the economy of Kenya is totally based on agriculture, as the Senator for Kakamega County has said, it is not about the tea industry alone. The coffee, sugar cane and fish industries are suffering. The people in Kisumu County and in the other five counties that touch Lake Victoria and do fish farming are suffering because of lack of support by the Government on the agriculture sector.

The President highlighted Four Agenda that he would concentrate on in his second term, and agriculture is one of them. However, in the rural areas, there are no particular projects at the county or sub-county levels that give me the confidence that something is being done about agriculture. I am not aware of any agricultural projects in my county. Rice farming has not been rejuvenated or jumpstarted in my county. We get rice from other countries. We are killing our own children and supporting other people's children. A mother who kills her own child and supports another mother's child cannot claim to be a mother worth anything.

Mr. Deputy Speaker, Sir, if we kill tea and coffee farming as a result of the issues that affect the agricultural sector, we are killing this nation. We write very good papers on policies. Kenya has got the best brains and we brag about that. However, if the brains cannot put food on the table for Kenyans, they are not helping us. I do not want to use unbecoming language in this House but it is unfortunate that agriculture sector is dying and we know the reasons which we have highlighted yet the Government does nothing about it.

The farmers are already uprooting the tea plants. Coffee farmers in Central Kenya also uprooted the coffee plant a while ago. What is going to be our income earner? Tea and coffee have been major income earners but they are being uprooted and nothing is replacing them. Despite making policies, we should make deliberate attempts to make sure that we support farmers for them to stop uprooting the crops because plants such as tea and coffee take a long time to start yielding.

We are letting our people down as a nation. We are supporting other economies by taking raw tea to other countries for processing for it to be brought back as a finished product for us to buy it so expensively. In all the supermarkets, you will find all brands of tea underlying whatever else they have put to add value to increase its price. We export coffee to other countries then import refined coffee that is very expensive.

Mr. Deputy Speaker, Sir, I beg to support this report. However, it does not make sense if we do reports all the time and do nothing about them when we know very well that we must put proper structures in place to support the agricultural sector. We know the issues that are ailing the agricultural sector. We cannot pretend to do anything or even speak in this House for the sake of it. The most important thing is that the people at the grassroots must be supported.

These people toil over the years, take care of their coffee or tea to make sure that they yield, but at the end of it all, they get nothing. They cannot even break even. Therefore, what is happening in our country is very unfortunate. As long as we continue relying on rain-fed agriculture, we have to realign and make sure that we put proper structures. Right now it is dry, but a time will come when there will be a lot of flooding in this land. This is the time we should be preparing to make use of the rains that are coming.

I went to the National Irrigation Board (NIB) on the issue of rice and told them that it was time to restructure the rice industry to ensure that the paddies are properly done. The national Government has got a stake in the NIB, and this is the time to do it; but they are waiting until when the rains will come and the water will go to waste.

Mr. Deputy Speaker, Sir, we have two situations that can never be handled; drought and flooding. These are the things that should be taken care of, so that agriculture is supported and we rely on irrigation. We need very little to support our people. Are we proud that we buy fresh vegetables from other parts of the world? Likewise, we buy fruits from Egypt and Israel very expensively; in the process, we are supporting other people's economies, while we leave ours dying.

What is the Government doing about agriculture in this land, if we are serious that food security is one of the Agenda Four items? If you go to the ground, especially the whole of Nyanza and Western, there is nothing on the ground that shows that the

Government is working on agriculture as one of their priority agenda for the development of this country.

Mr. Deputy Speaker, Sir, I support the Report, but I do not know who will implement it. There was an Implementation Committee in this House, but I do not know what happened to it. It was a very important Committee and it should be put back in place so that every time Bills, Motions or such reports come up, we are very clear that they will be implemented. It is not just a matter of sitting and doing reports and Motions, and nothing else is done about them. We must do justice to our own country.

Mr. Deputy Speaker, Sir, we must live in a civilized way, because everybody wants to be civilized. I cannot come from Kenya and say that I do not want to behave like a civilized person. However, when you come to the ground, I am ashamed of my people because of their way and standards of living, which is unfortunate. The farmers are working hard, but they are getting very little. Many children are not going to school because of lack of school fees. We are uprooting the crops, people are living in abject poverty, yet we know very well that Kenya is an agricultural nation; and that agriculture is our first and most important source of income or revenue. I now hear that revenue is dwindling. It is because we are not taking care of what we should take care of in order to make sure that we improve on our revenue.

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

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

Sen. Shiyonga, you may proceed.

Sen. Shiyonga: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to give my views on the Report of the *ad hoc* Committee, which has just been laid on the Floor of the House.

Mr. Deputy Speaker, Sir, it is unfortunate that as much as we are talking about devolution and agriculture being key in the past years, we have killed our own economy. When we read the findings and recommendations that the *ad hoc* Committee has given, being a farmer and one of the citizens who relies on farming, I feel a bit disturbed. This is because it is very unfortunate that Kenya has not taken advantage of devolution, or the fact that agriculture is devolved.

Mr. Deputy Speaker, Sir, I would like to point out that despite agriculture being devolved, many agricultural institutions are dead. As much as agriculture is devolved, the Executive still holds some funds at the national level that are supposed to support the agricultural sector, which is sad. Many of the agricultural sectors are dead because of lack of funding. The country needs to relook at agriculture and see where we went wrong. We are talking about the tea industry today, and we were talking about the sugar industry just the other day.

I congratulate Sen. Malalah, because we are suffering. Some of us grew to be what we are because of some of these sectors. I used to enjoy seeing my father going to receive money from the bank, because he had harvested what he planted. Nowadays, it is the opposite. We are uprooting what is supposed to put money in our pockets. We are headed nowhere as a country. We need to relook at agriculture.

Mr. Deputy Speaker, Sir, let us talk the truth, allocate money to the agricultural sector and implement the recommendations of the Committee. This is because this team

went on the ground and saw what is happening there. If the Government cannot see the problems, who is supposed to implement the recommendations?

The middlemen in the tea, cotton, rice and fishing sectors are suffering. Tomorrow, we shall be borrowing. Today, we are importing food, yet we have fertile land, we have been blessed with rainy seasons and a climate that favours agriculture. We need to rethink about it. We talk, but do not implement. We go to the ground and bring reports to this House. I would urge that we come up with an Implementation Committee so that can follow up on the implementation of reports. We can then ask that Committee, “The *ad hoc* Committee recommended this; has it been implemented?” Likewise, since the Government hears what we talk about, let it take this burden and go ahead to save the Kenyan farmers who are suffering. Their children will never go to school and most of the people will have the *omba omba* syndrome. For how long will we borrow? We shall continue importing sugar and tea, yet we have the best?

Mr. Deputy Speaker, Sir, I hope Kenyans have heard what we are saying here. The best thing would be for the recommendations to be implemented.

I beg to support the Report.

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

Sen. Cheruiyot: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to thank my colleagues, who have taken time and keen interest on this Motion. I have paid great attention to each and every contributor. I have sat here since I moved this Motion up to the end, and listened keenly to each of my colleagues. I appreciate them for the great concern they have for tea farmers. The struggle to liberate them continues.

Mr. Deputy Speaker, Sir, I urge tea farmers across the country not to uproot tea. I assure them that *via* this Senate, we will instead uproot the cartels that are making them suffer in their enterprises and businesses. Therefore, I take keen note of each and every addition or comments that have been given further to what the Committee was able to do. The Tea Bill, which responds to about 80 per cent of the challenges that we have highlighted in this report, is currently undergoing public participation in the National Assembly. I look forward to passing on some of the brilliant proposals that have come from this Floor so that tea farmers can be liberated.

Mr. Deputy Speaker, Sir, the reason why we need to be passionate about this issue, as a House, is because as a country, we are currently speaking about how we are going through a difficult time in terms of our economy not performing well. The reason our economy is struggling is because we kill each and every sector. If you go back to 1963 and look at how each and every sector was performing, 70 to 80 per cent of industries have either shut down, were declared moribund and there is no continuity. What is it about us Kenyans or Africans, that while other countries continue to grow in leaps and bounds and make their industries great, advance and sell from village to county, from county to country, from country to continent to all over the world, ours continue to shrink?

We have learnt a lesson that will ensure that we cushion farmers so that they do not uproot tea, and that they get a good pay for their sweat and the crops they produce. That way, we shall continue to build a greater country. It is my sincere hope that what we

shall do for the tea industry, the same can be done for the sugar, rice and all farmers that are involved in the agricultural value chain.

With those many remarks, I beg to reply.

I also request, under Standing Order 61(3), that you defer the putting of the question on this particular Motion to a later date.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Cheruiyot. I thought that this is a report of the Committee?

Sen. Cheruiyot: Yes, Mr. Deputy Speaker, Sir. Did I say something out of excitement?

The Deputy Speaker (Sen. (Prof.) Kindiki): I realised that you became extremely excited and patriotic after the accolades you received from the Senator for Kakamega County. Could you resume your seat for a moment?

*[The Deputy Speaker consulted
with the Clerks-at-the-Table]*

Sen. Cheruiyot, have you replied?

Sen. Cheruiyot: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): You, therefore, do not have to ask for any deferral because this matter does not concern counties. Therefore, voting is by acclamation and we will proceed to make the vote. As I have said, this is not a matter concerning counties. Therefore, it is a yes or no vote.

(Question put and agreed to)

I will defer Order No.14 and then move to the next Order, because the Mover is in the House.

MOTION

ENGAGEMENT OF COMMUNITY HEALTH WORKERS BY COUNTY GOVERNMENTS

THAT, AWARE THAT county health facilities and the promotion of primary health care are devolved functions, and each county government is striving to offer the best healthcare to the people of Kenya;

COGNIZANT THAT, the provision of healthcare services is continuously riddled with numerous challenges ranging from understaffing of personnel to inadequate facilities and equipment resulting in congestion in hospitals further restricting effective service delivery;

NOTING THAT every Kenyan has a right to affordable and accessible healthcare, and the President has launched a pilot universal health care program called “Afya Care” that will see many Kenyans access improved healthcare;

CONCERNED THAT, the diverse nature of counties and wanting infrastructural development is compromising the quality and accessibility of health centres especially during emergency situations, resulting in the loss of many lives occasioned by the failure by patients to reach health facilities in time;

FURTHER CONCERNED THAT, in each county there are numerous unemployed community health workers who are adept at working with communities in emergency situations, and have the requisite experience to support the medical practitioners in our country where, according to the World Health Organization 2014 report, there are two doctors for every ten 10,000 people;

NOW THEREFORE, the Senate resolves that the Council of Governors in partnership with the Ministry of Health –

1. Develop a policy for the training, certification and employment of community health workers to enhance the emergency health service delivery in the Counties, and

2. Facilitate the said community health workers with the necessary basic equipment for use during emergency cases.

(Motion deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Nyamunga, please approach the Chair.

(Sen. Nyamunga approached the Chair)

MOTION

FORMATION OF COMMUNITY FOREST ASSOCIATIONS TO AID IN MANAGEMENT OF FOREST RESOURCES WITHIN COUNTIES

Sen. Kasanga: Mr. Deputy Speaker, Sir, I beg to move that-

AWARE THAT, natural and forest resources prevent floods, droughts, erosion and sedimentation, and increase water supply needed to generate more power, expand farm productivity, and meet the ever-increasing demand for domestic consumption of our exploding population;

NOTING THAT, Article 69 of the Constitution and Section (5),(6) and (21) of the Forests Conservation and Management Act (FCMA) 2016 mandates National and County Governments with the responsibility of protecting, collaborating, maintaining, utilizing and attaining a tree cover of at least 10 per cent of the land area in Kenya;

APPRECIATING THAT, there is need to achieve a holistic ecosystem approach to forest resource management, so as to prevent irreversible consequences of human activities on the environment, it is

time to make an urgent call upon our citizenry to actively participate in the protection of forests and plant trees;

NOW, THEREFORE, the Senate urges:

1. THAT, all Citizens as per Article 69(2) of the Constitution, and Sections 48-52 of the Forest Conservations Management Act be encouraged through the relevant National Government ministries and County departments to contribute in formation of Community Forest Associations to expedite Community Participation in Forest Resources Management;

2. THAT, the National Government and all the 47 county governments operationalize Tax & Fiscal Incentives (as per FCMA Section 53 –55) to promote forest conservation and management, and prevent degradation of tree cover in Public, Private and Community Lands (as measures of ensuring sustainability);

3. THAT the National Government communicates progress towards establishment of a National Tree Planting Week, so that State Agencies, Corporations and Kenyans can adequately prepare for the event; and,

4. THAT all County Assemblies initiate processes of enacting legislation on Forestry Functions for County Governments (As per FCMA Section 21).

Mr. Deputy Speaker, Sir, the reason for this Motion, which is quite self-explanatory, is that we do not want the conversation of trees to go silent. I strongly believe that we should discuss trees practically every day. Trees should be a conversation that our children talk about.

I remember when we were young, planting trees were a big conversation. There used to be a motto that when you cut a tree, you plant two. I do not know why these days we cannot keep this conversation going. Therefore, as we task county governments to do as the Act mandates, I wish that this House can also spearhead this conversation, that all leaders need to talk about trees at all time.

Mr. Deputy Speaker, Sir, two weeks ago, I was privileged to represent the Speaker to open a forum called *Our City 2030 Youth Visions and Sustainable Solutions*. Of course, one of the biggest conversations in the cities is about tree cover. The conversation of what Nairobi used to be, that is the green city under the sun, has now changed into being the concrete city under the sun. There is no doubt that the temperatures have gone higher and the environment has completely changed. We have an unhealthy environment around us, and our children are always getting respiratory diseases. We now have mosquitoes in Nairobi because of climate change.

Mr. Deputy Speaker, Sir, one of the best ways if mitigating climate change is by planting trees. Trees and the conservation of our water towers has become a politicized issue in this country, and it is really sad. The conversation that we need to be reminding our citizenry is that without trees, we have no life and no water. Water is life, and there is nothing to politicize about it. If anything, what the Government needs to be doing is to compensate and resettle people who reside in forest lands, because we need those forests.

Nairobi, as it is today, will have no water to speak of in another five years. A lot of Kenyans may not know this, but our water tables have significantly gone down. Our rain patterns have changed because of the lack of trees.

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

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

Madam Temporary Speaker, as I said earlier, the Motion is very clear; that all that needs to be done is operationalization of the laws that have already been envisioned to make our environment better than we have. We, therefore, have this task of keeping this conversation going. Our cities and towns are growing fast, thanks to devolution. We are having a more urbanized population and are encouraging our communities to also embrace urbanization. Part of the reason is because we want to deliver services easily. Hopefully along the way, our land policies could also change and then we can start embracing the need to leave larger areas for tree cover.

Madam Temporary Speaker, we cannot over-emphasize the importance of trees. When you are at your home in your garden or yard, and you are taking a rest while sitting under a tree, you feel relaxed. It has a mental application to it, if we are going to go into the psychology of being around a tree as opposed to being around a concrete place. I am, therefore, urging this Senate to look deeply into it; that this conversation of trees should never end.

Madam Temporary Speaker, I do not really need to go into the statistics of it. The country is falling far behind when it comes to our target of 10 per cent tree cover. When is the national week for planting trees that we were promised by the Government some time back? The Cabinet Secretary (CS), Keriako Tobiko, launched a National Tree Planting Campaign on 7th March, 2018. Why have we not seen this metamorphosing into a national agenda that can be done week-long every year or ever so often, because of the targets that we need to reach?

In history, we have seen one of the great leaders in the Northern parts of Africa who tried to push the desert by planting trees. It is true that we can completely change our environment by planting trees. For those who have been privileged to travel to the Middle Eastern countries, you have seen what they have done with their deserts. They have actually planted trees, which are yielding an environment that is even cooler than our very own city here today.

Therefore, Madam Temporary Speaker, I urge the Senate to look into this issue so that we can put to task our county governments on the role they need to play. More importantly we should have this conversation going; such that as leaders that everywhere, we must talk about trees. We must talk about the importance of planting trees within our compounds, our communities and our cities. We must task our county governments to plant trees even within the cities.

For instance, why is the planning department at City Hall approving drawings that have no green areas for people to relax and play? Trees and green areas have a very direct impact on the psychology of the human being. In modern cities, you can see how far

cities will go to ensure that they have green areas, not just for relaxation, but also for people to communicate with each other, bond, do exercises and jogging. These things contribute to the well being of human beings. It also contributes to how hard we work so that we can contribute to the GDP of the country. A tree is life. Kenyans need to remember that, and they need to be told that on a daily basis.

Madam Temporary Speaker, as I move this Motion, I urge this House to look into it, talk about trees, and let us not let this conversation of trees die in whatever format that it is going to be brought here in Senate. Let us continue with this conversation and put our county governments to task, so that they can operationalize their associations and so that we can give the ownership of the trees down to the people.

I beg to move the Motion and request Sen. Petronila Were to second it.

Sen. Were: Thank you, Madam Temporary Speaker. I rise to second the Motion by Sen. Kasanga, on the formation of community forest associations to aid in the management of forest resources within counties.

The value of trees cannot be gainsaid enough. We have a law that says that the forest cover in this country must be 10 per cent. I am aware that it is currently just 2 per cent; so, we are far away and we need to do much more to achieve that target of 10 percent forest cover. I have said in this House before, that everyone owns land. Therefore, whatever the size of land you have, 10 per cent of it should be under tree cover. This Motion by Sen. Kasanga tries to put some of that into action.

Madam Temporary Speaker, the Motion also recommends a reporting mechanism. This is the most ideal way of ensuring there is accountability and commitment to making sure that we achieve this forest cover. The Mover has ably said that in areas in this world where it is a desert, they have managed to grow trees and provide an environment that would make you not believe that it was once a desert. We need to achieve that level.

Madam Temporary Speaker, the Motion also suggests that county governments need to come up with policies or legislation that will create a tree planting week. We can use schools to plant trees during that week so that every child is planting trees, either in schools, in their home or in public areas, because the children are the future. These trees we are insisting on are to make sure that we are preparing the environment for the future of our children and our grandchildren. They must start to participate now and not later.

Madam temporary Speaker, with those few remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me an opportunity to support this Motion by Sen. Kasanga. This is an important Motion, because it seeks to bring the users of trees and other people on board. A people's project can never fail. If people own a project, they cherish it and see the need for it and it will thrive. I strongly support Sen. Kasanga's suggestion on what she wants this Senate to do, to ensure that we have community forest associations in all the counties. That is

important because they will be owned by the people in all the counties. This will ensure that the problem of logging is dealt with by planting trees.

I remember that Sen. Kihika, with a heavy heart, brought a petition from her constituents concerning the problem of logging. We need to have a solution on logging. People should not log without a plan. If there is any logging, then there is need replace the cut down trees even threefold. We cannot avoid cutting down trees simply because of their importance. Trees provide timber, firewood and paper. Therefore, we cannot rule out felling trees, but there is need to come up with a mechanism, like the one Sen. Kasanga is proposing here, to ensure that trees are not depleted. If there is any logging, it should then be followed by massive planting of trees.

When the communities are involved, it is a win-win situation, because the communities and residents will support the agenda. If the communities are involved, they will see the value for community associations. They should also be given jobs. We should not have community forest associations being started in the counties without involving the communities. If the communities in the counties are involved, people will see the value for the associations. It will be easy for ward administrators and chiefs to convene *barazas* and enlighten people about the importance of trees, because they will own the projects. If they do not own the projects, then they will rebel. Something can be implemented, but if it does not serve the communities, it means that the implementation will be short-lived.

We should come up with a proposal that will make this proposition sustainable. The Communities should be involved when it comes to employment and making decisions. Public participation is also important in this arrangement, even before the policy is implemented. There is need for public participation so that people get to know about community forest associations. We should let people themselves come up with ideas of how they will be sustainable and driven so that they become a people's agenda.

Madam Temporary Speaker, county governments should embrace the idea of coming up with community forest associations. There is need to have a department in each and every county so that it is stipulated how they will conduct the associations. Now that we are talking about community forest associations, a Motion concerning planting of trees was once brought by a Senator. For example, if you go to some countries, there are trees along the roads from the airport all the way. These trees help motorists to see the end of the road on both two sides, which helps in reducing accidents caused on the roads.

There is also the aesthetic value of trees. If there are trees in a compound, it becomes pleasant to sit there, and you appreciate the beauty of a green environment in the form of trees. Trees are also a source of food. It is in thickets and forests that you will find mushrooms growing, and you can harvest them without difficulty. Trees also help in the prevention of soil erosion. Sometimes you do not need construct gabions to prevent soil erosion; all you need are natural plants. We all know the benefits of preventing soil erosion, so county governments need to take this with a lot of seriousness.

County governments are allowed by the Constitution to generate money. They can benefit if they do tree planting well. It is possible for them to get money through trees, because the Constitution allows them to collect own-source revenue. Sometimes county

governments do not collect enough revenue to manage development. They, therefore, need to come up with mechanisms to generate revenue.

Madam Temporary Speaker, I beg to support this Motion and believe that it will see the light at the end of the tunnel. I thank you once again for the opportunity.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator, for your contribution. Let us now listen to Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Madam Temporary Speaker, I wish to support this important Motion which has come at the right time. For one reason or another, when it comes to planning, we tend to plan our towns in such a way that a lot of space is taken up by buildings. We forget that we need to have not just 10 per cent, but 40 per cent forest cover, if possible. Everybody wants to put up a house without thinking about the environment and where the trees are meant to be.

Madam Temporary Speaker, the issue of climate change has become so real. When climate change conversations started in the 1980s, it seemed a far off conversation on the need to take care of our environment. One of the biggest agenda was about taking care of our environment in terms of planting trees and taking care of the natural ecosystems. I remember when prominent people like Mr. Al Gore started off by talking about climate change, we thought of it as being something that is very far off. Right now we are experiencing very high temperatures in this country. We might have seen or heard experiences from other countries, where they used to experience long winters, and now they are experiencing heat during the same time and longer rains at certain places.

Clearly, we are going through a season where we need to think about trees. Trees contribute, to a large extent, even beginning with the basic process where human beings breathe out carbon dioxide, which is absorbed by trees then emitted again as oxygen. Therefore, even in terms of ensuring that we have a clean and hygienic environment, trees play a very important role.

Naturally, Madam Temporary Speaker, we are an agricultural society, with agriculture taking up about 80 percent. We have also concentrated on food crops to the detriment of trees in certain areas. There are areas, for example, at the coast, where you find coconut trees and other trees growing, and harvest those trees takes a long time. Therefore, those trees have a double purpose; of just existing as trees, but also for economic output. However, in certain places, there is so much concentration of food crops, such that we have not made any effort, yet it is not difficult. It starts with the education system and encouraging our children, as young as class three, to plant trees. When they go out for Physical Education (PE), they can plant a tree to nurture. This is because it is not just planting a tree, but also nurturing it and ensuring that it gets water. If that type of education starts at an early age, you will then find that this new generation will value trees and they will not think of cutting a tree.

Madam Temporary Speaker, the Tsavo Heritage Foundation located in Taita Taveta has started this initiative. During the month of December, they encourage people to go for a marathon within the county. When the marathon is ongoing, people are able to see and appreciate the environment, consider the need for planting trees and, at the end of the marathon, the last event is tree-planting. Indeed, through collaboration with various organizations and schools, initiatives are being carried out to plant trees within the

school. This can be a competition among schools so that one school plants trees in a particular area, and then others do the same and make comparisons. We can have people nurture trees.

Madam Temporary Speaker, I have always talked about the case of Rwanda, where they take care of their gorilla school through the Quintine Zilla Ceremony. This can also happen with trees, so that by the time you have a specific tree, you get interested in it. If you do that, nobody would even want to cut a tree. With the ravages of weather that we have seen, not even mentioning the economic output of those particular trees, it is very important that where a tree is cut for use, another tree or two are planted.

Madam Temporary Speaker, I look at this whole issue as a feature of culture or communities, somewhere along the line, losing this aspect of nurturing trees. I remember many people in the 1960s planting trees and nurturing them, and this seems to be gone. Unfortunately, we now have to go the legislative way; and an Act is already in place. I would urge Sen. Kassanga that as we proceed with dealing with this Motion, if there is capacity somewhere to visit certain County Executive Committee (CEC) members and find out what they are doing, probably within a context of a Committee – maybe the Committee on Lands, Environment and Natural Resources – then we should do so.

What are the CEC Members doing within their various counties? What are the figures of trees that have been planted over a particular time? How have they been nurtured and where are they? Just as Sen. Were said when seconding this Motion, you look at countries where there is a building, a park, trees and space for people to sit under a shade of a tree. This seems to be very effortless, but when you go through the legislation in those countries, you find that it is very difficult to cut a tree because of the high penalties in place.

The sort of tax levies that Sen. Kassanga is talking about in this Motion and fiscal incentives that can be given are very high. We know what incentives are in place for carbon dioxide, and the effort that has been there. Some people have made a lot of money from that. When we actually get to a point where we create incentives – I wanted to say commercialize – but I think that has a different implication, so that it is used to plant trees. This is the way to go and the direction to be taken, and the incentives will really encourage people to plant trees.

This should not be difficult because we are an agricultural country and most trees can grow all over depending on the type of climate in that region. We can actually find a situation where you make specific type of trees that I know. For example, far down in Chakama, Malindi, where it is very dry, we have certain trees that can be planted during a dry season and they can survive for a very long time. This is the sort of thing that needs to be done.

Madam Temporary Speaker, this Motion is coming from the dimension that, yes, we have the Act, but what about the implementation, what we call the operationalization? What is happening with this very specific community forest associations that need to be put in place to expedite the communities' participation in forest resources and management? There seems to be a de-linking in terms of operationalization and personnel, and this is probably the right place to jump-start this sort of initiative. How do we jump-start it if already an Act is in place and maybe it is not being effected very well?

What do we do? I think that the centre-point and this is the proposal at Clause 4, that the CEC Members and the county assemblies move on to this. Where necessary, they can enact legislation on forestry functions for county governments to add more value to this.

I am not sure whether Sen. Kassanga is a Member of the Committee on Lands, Environment and Natural Resources, but I think it is an important input in terms of the intersection we need. That is the intersection through a particular Committee that might be already in place to actually be able to operationalize by going back to the county assemblies to find out what the figures are. What has gone wrong? Why has this not been implemented? Do the county community forest associations exist and who is in charge of them? Sen. (Dr.) Musuruve already talked about the importance for public participation and involvement.

Madam Temporary Speaker, communities are always ready and they have such a life and such a drive in so many issues. They will ask to know where they want to go, and the direction that is given. It becomes very easy and it is a question of coordinating the seedlings, how to plant them and where to put them, especially during the rainy season; and those that are not planted during the rainy season, a bit of agriculture. Planting is one end, but protecting these trees in the long term and ensuring that they grow to their purpose is another.

Madam Temporary Speaker, we all know about the issue of Mau and the need for the people to actually go through understanding that the forest cover is critical for everybody's life. We need to think about the waters and rivers that dry up; the soil erosion and agricultural activities that are affected, with no trees to ensure that the rains we receive will not sweep away all the sand. Therefore, if we end up with these community forest associations, they can operate partially to target tree planting, but also for the general education on the importance of trees.

That takes us to the next level. We can even tie it with co-curriculum, on the side where trees are being planted and why they are being planted. If this generation has not done well enough, then the next generation must be armed to do much better. They must be prepared; they must go through curriculum, and we must have clubs. I remember that we had a club through which we used to go planting trees; but we need to hype that level and make it mandatory.

Madam Temporary Speaker, I cannot remember the exact country, but one of the requirements on graduation was actually planting trees. As you graduate, you had your ten trees to plant, and I thought that to be an innovative way of going about it.

In one of the departments dealing with agriculture, for example, we could have such initiatives; that after the graduation or within a particular class, people can go and plant those trees. They can then come back to look after them and check on what is happening. What must also be needed are hype, advertisement and talking about it loudly to create that awareness.

Madam Temporary Speaker, the reason that the Tsavo Heritage Foundation is approaching it from an angle of a marathon is so that through the awareness that comes as people are running, this education also infuses. The competition amongst schools is also very critical, because it allows them to compete and see who has done better than the other. Finally, in the long run, they will come and see what they have already done. It is,

therefore, feasible. It is very important that the 47 county governments operationalize and put it into place, as it is meant to be done.

Madam Temporary Speaker, the third point addressed in this Motion is the issue of the tree planting week by the Government and communities. The move towards the establishment of a national tree planting week is so that state agencies, corporations and Kenyans prepare for the event. What happened to the tree planting week that was in place? I remember there was a time when that week would be very well publicized, and everybody would take that initiative. Again, it comes back to the issue of hyping and making it something that is in vogue, important, fun, entertaining and educational. It is about educating and informing about the trees and the need to take care of them. Finally, it is also about educating in such a way that we move towards ensuring that these trees are well secured and that they will not be cut down.

It is also about coming up with policies, laws and procedures relating to logging. Somebody should not just cut a tree and that is the end of the story. The world over is moving more and more towards an ecosystems approach. One of these very crucial ways is to ensure that there is tree planting as a holistic approach. It is so broad and varied, and it has to do with the survival of wildlife, insects, nature and a balance of the whole ecosystem, which is so critical. Sometimes we probably see the most obvious negatives of not having trees, but do not see the salient aspects, such as the ecosystem that is destroyed as a result of those trees not being there.

Madam Temporary Speaker, this is very important and it does not need overemphasising. The coverage that has been put by the Act is about 10 per cent, but we can endeavour to get it to 30 per cent. It is for the good of us, Kenyans, and the generations in this country.

I beg to support.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Proceed, Sen. Mwaura.

Sen. Mwaura: Thank you, Madam Temporary Speaker. I rise to congratulate the indefatigable lady or woman Senator, Architect Sylvia Kasanga, for this very timely---

The Temporary Speaker (Sen. Nyamunga): Hon. Senator, what is the difference between 'woman' and 'lady'?

Sen. Mwaura: Thank you, Madam Temporary Speaker. It is just a more distinguished and honourable way of referring to our women, who are here courtesy of their sheer hard work and determination to serve this great country. Serving in the public service is a noble calling.

I congratulate all the women who are here. As former President Kibaki said, when you get public service opportunity, it is to improve the welfare of others and not for personal enrichment. The ladies have distinguished themselves with such a Motion to ensure that our forest cover is well taken care of, by having members of the public participating in the issue of resource management around the forests. It creates proper ownership.

Madam Temporary Speaker, I have just come from the United Nations (UN) General Assembly with you. You know that the issue of climate change and climate change adaptation was a key component of the deliberations, because the committee of

nations is trying to ensure that there is a proper position on this. You can say that there are serious issues to do with energy predicated around resources. It is all about that, because if you are able to power your economy, you are likely to be more developed than others.

It just goes from the way we used to use wood and comes to coal and charcoal. There are now new forms of energy, all of which would have a basis around how we do our forests and forest cover. This is either in terms of where the resource is found but, also most importantly, how the carbon so emitted is absorbed. This is because of the unique nature of forests; that they provide a proper canopy and a very good--- It is like a dumping ground, for lack of a better way of describing it, for the carbon. It is just the whole issue of energy.

It is very important that this Motion has been brought by Sen. Kasanga, because she has also been a great champion of mental health. I am also very happy to say that I am joining you in this, because I have just been appointed as a champion for a quality race by the World Health Organisation (WHO). We will work with you on that as well, because we must always make sure that in ensuring benefits from the Sustainable Development Goals (SDGs), we must start with those at the furthest, leaving no one behind. This is the spirit. I will also be requesting to issue a Statement tomorrow about my personal experience of profiling at the UN General Assembly as well. Let me leave that matter for tomorrow. I will be seeking the Speaker's permission to do so.

Madam Temporary Speaker, coming back to the subject matter of community forest associations, we are seeing--- When you look at the way we are looking at county governments, I want to say on record that devolution is a revolution. If there is something that has happened that is absolutely amazing, transformational and empowering, it is the idea of devolution. We now have many centres and people can prioritise that which concerns a village, but may be different from the other.

Madam Temporary Speaker, forests are very critical. This was witnessed during our Senate *Mashinani* sittings, when I visited Kitui County after about 10 years. I was able to see tremendous progress in that county, so much that the Kitui that I knew 10 years ago is no more. It was just a small town full of dust, without any iconic buildings, and I congratulate Madam Gov. Ngilu and the previous governor for the good job. We saw that even Kitui can contribute to the development and industrialisation of this country. If you look at the additives to make Kitui County Textile Centre (KIKOTEC) – I would be happier if it was called industry – they would also still emanate from the forest products and resources. Therefore, there is no way we can speak about industrialization and development of any of our counties until you talk about how we manage the resources around the forests.

Madam Temporary Speaker, what we need to know is the fact that we have produced a champion, another woman by the name of Prof. Wangari Muta Maathai, who was able to link trees to peace. It is true because when people are able to share community resources through how they are managing their forests, it also goes ahead to demonstrate that it creates peace in the community. The proposal before this august House, by way of this Motion, is a clear manifestation of the fact that we need to go this way.

What I see as the problem is the issue around ownership. Who is going to be the leader of the community forest associations that are going to be formed? It is not just the onus of the county governments. We need to look at the Environmental Management and Co-ordination Act, which was passed by the 11th Parliament. How does it speak to some of these issues? We have created a lot of committees around compensation and all other matters regarding environment. It is important to see to it that the Environmental Management and Co-ordination Act is amended to ensure that we put this into legislation.

Madam Temporary Speaker, when we debated the Environmental Management and Co-Ordination Act, the issues that have been raised by Sen. (Dr.) Zani over legislation were highlighted. However, when people are not clear about how they are supposed to do things, you need to provide some legislative proposals, either through a substantive legislation or through regulations. In this case, it should be through legislation, particularly because we do not want people to question the legitimacy and relevance of such committees.

I, therefore, encourage Sen. Kasanga that because Motions in themselves are only persuasive in nature, she would want to present amendments to the various legislations regarding forest management. That way, we can occasion a situation where these associations are resident within the architecture of such endeavours. I also encourage Sen. Kasanga to be very clear in terms of the representation, because representation is inclusion. It should reflect the diversity of the people, starting with the communities that live within the forests. For example, myth has it that the Kikuyus wished to be very tall people, so they intermarried with the Gunda people, who were living in the forests of Central Kenya; and their height actually reduced. I wonder whether we increased horizontally. All I am saying is that there is urgency in ensuring that the committees that live in the forest must be provided for.

Madam Temporary Speaker, with the huge timber industry, it is very easy for the forest communities to be disadvantaged and disenfranchised. We know the kind of politics that we have in a country that is anchored around ethnicity. It is important to take into account the contributions of the people who have the expertise in environmental matters, so that it does not become another committee for politicking. The committee should have expertise and we need to provide for that, so that we are able to leverage on that kind of representation. This is because our political process sometimes seems to produce riff-raff hoodlums, who are creating regression on our progression. This happens because of issues of lack of direction, motivation and even vision of what we envisage with regards to these community forest associations.

Madam Temporary Speaker, without a doubt, we also need to use this platform, if so created, to help us to manage water resources which emanate from forests. The mist from forest drop down from percolating leaves and they form small streams, which then join to become tributaries, which eventually become rivers. That is just a beautiful way of looking at it, because we are struggling with lack of water when doing road construction. There is a lot of tension on Kiambu County around the contractors who are constructing the Waiyaki Way. This is because they are taking one million litres of water per day, which is disadvantaging the people of Kiambu County. Water is a critical resource that comes from the forests. We are all aware of the debate around Muranga and Nairobi

Counties with regard to water. The water used by the people in Nairobi County comes from Muranga County. We are all grappling with the issue of rivers drying up, like the great River Chania or the great River Ruiru. When I was a small boy, I would not cross River Ruiru because I would have drowned to death.

Madam Temporary Speaker, there is a lot that we need to work on, because the Motion by Sen. Kasanga has brought a highly convoluted conversation. This is because it percolates this issue to the villages, so that people manage local knowledge and content, which feeds into the whole spectrum around how we can advance our economies, which are predicated on these resources.

Madam Temporary Speaker, I highly commend this Motion. I hope that it shall pass and that it shall not just be another mere suggestion that was made by the Senate. I hope that the Executive shall take cognisance of the seriousness of this matter, and not to just filibuster about it or just speak well about it. I hope that the Motion shall be implemented. We have a political responsibility, as leaders, that when we pass such resolutions, we should follow through so that we create the interdependence between the Executive and the Legislature. This will ensure that the ideas that we get from the people and ourselves find residence within the body politics and structures of Government.

Madam Temporary Speaker, I beg to support.

Sen. Wario: Asante, Bi. Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja iliyoletwa na Sen. Kasanga. Nampongeza Sen. Kasanga kwa kuleta Hoja hii, ambayo madhumuni yake ni kuwa na makundi ya kijamii ya kukuza miti, ambayo ina faida nyingi katika nchi yetu na ulimwengu nzima. Tunafahamu kwamba dunia bila miti sio dunia. Dunia ikikosa miti, itakuwa jangwa na hakutakuwa na maisha mazuri. Tuna jukumu la kuweka sheria ambayo itakuza miti katika kaunti zote 47. Tunapaswa kuweka asilimia fulani ya fedha za kaunti kwa sababu ya kukuza makundi ya jamii ambayo yanakuza miti. Madawa yote duniani yanatokana na miti. Madawa ya mitishamba yanavuma zaidi ulimwengu mzima. Maisha ya wanadamu inategemea miti.

Bi. Spika wa Muda, mito mingi katika nchi yetu imekauka, na maisha kuharibika. Janga hilo limeletwa na ukosefu wa miti katika misitu ya asili na katika milima ambayo mito yetu hutoka. Kaunti ya Tana River imeathirika pakubwa, kwani mito mitano ilikauka hivi majuzi. Hii ni kwa sababu miti imekatwa kwa wingi katika sehemu ambazo mito hiyo inatoka. Mvua imekosekana kutokana na uhaba wa miti katika misitu. Jangwa imetokana na hali hiyo, ambayo ni hatari katika maisha ya binadamu.

Bi. Spika wa Muda, miti huvunja upepo mkali, ambao ni hatari katika maisha ya mwanadamu kwani inaharibu mali. Penye miti mingi hata kuwe na upepo mkali unaoweza sababisha uharibifu wa mali, miti husaidia pakubwa.

Na katika hali hiyo ambapo sisi, kama Seneti, tunafaa kuweka sheria kama hii iliyoletwa na Sen. Kasanga siku ya leo. Tuna haki ya kuunga mkono Hoja hii hili nchi ya Kenya iwe na miti. Kwa hakika, palipo na miti pana maisha mazuri. Dunia bila miti inakosa urembo na hewa safi. Kwa hivyo, tukipanda miti mahali penye janga, ukali wa jua utakosekana na pahali hapo patakuwa pasafi pa wanadamu kuishi.

Bi. Spika wa Muda, nchi ya Kenya imegawanywa katika kaunti 47. Katika kaunti hizi, kuna zile ambazo ziko katika sehemu ya milima, ambapo hupata mvua; na kuna zile ambazo ni sehemu kame. Tukinyunyizia miti maji na tukuze makundi ambayo yanapanda

miche ya kukuza misitu, tutatengeneza nchi ya Kenya, na tutapata mvua na hewa safi. Kwa hivyo, hatuna budi, kama Seneti, kuunga mkono Hoja hii.

Kwa hivyo, Bi. Spika wa Muda, naunga mkono Hoja hii.

Asante kwa kunipa nafasi.

Sen. Wetangula: Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Motion by Sen. Kasanga. When we debated the Forest Act in the Ninth Parliament, I said then that we cannot, as a country, make forests a no-go zone. We should allow people to live with forests and benefit from them. There are communities, including mine, where certain sections and families do not believe in modern medicine, and have lived up to a hundred years. They go to the forest and harvest plants that they use as medicine. Families go to forests to collect dead wood to use as fuel for cooking and warming their houses. Families protect forests where there is order.

Madam Temporary Speaker, this great idea has flown with the wind. When you look at what is happening to our forests – for example in the Mau Forest, Mt. Elgon, Embombut Forest, Cherang’any Hills, some pockets of West Pokot, Mt. Kenya Region, Aberdares, within Nairobi, not to mention Arabuko Sokoke Forests at the Coast – you will think that we are at war against our own country. So much damage is going on. People who are causing the destruction of forests in this country are not poor. It is the rich people who surround themselves and tell their poor neighbours to leave them their two or three acres, go to the forest and get four or five acres.

Madam Temporary Speaker, as I said before, if we want to arrest this situation, we must look at the cause. This Motion seeks to give effect to some of the provisions of the Forest Act, not to mention the Constitution. In the Forest Act, one of the key provisions that we put in the Ninth Parliament was that we make it mandatory for the country to attain the 10 per cent forest cover. Land owners – whether it is the State, the county councils as trust land, institutions, for example, schools and universities or individual owners – were obligated to plant a minimum of 10 per cent of that land with trees, either as a woodlot or perimeter fencing.

We even envisaged that there will be extension officers, like those we used to have in agriculture whom we used to call *Karakacha*, roaming all over telling people how to look after their coffee and animals. In health, we use to have the *Bora Afya* people, who would tell us how to trap and kill mosquitoes to avoid malaria.

Madam Temporary Speaker, my brother, Sen. Poghio, was with me in that Parliament. We envisaged that we will have extension officers that will come to people’s farms. If a person has three acres of land, he or she would tell the farmer that 10 per cent of the land will accommodate such a number of trees, so that they plant them around their farms or create a woodlot. We would achieve the aggregate of 10 per cent that we gave ourselves that time, which was still ridiculously low.

I understand that in the 1950s, a country like South Korea, which many of us have visited many times, had less than 10 per cent forest cover. However today, they have over 70 per cent forest cover. This is a fact. Therefore, for us to give ourselves 10 per cent was a little too mean on ourselves, especially when we can see the amount of destruction that we have committed to our forests.

In those good old days, I used to go to a small town called Ortum, in West Pokot, where my elder brother was teaching in a school. Next to Ortum was a River called Murunyi, which had a heavy flow of clean water. We would walk into the river and see fish in it. We would drink water without consequences to our health. However today, River Murunyi is seasonal, and it flows less than eight months a year. The rivers that used to flow from Mt. Elgon to form major tributaries of River Nzoia into Lake Victoria and River Sio are also now seasonal.

Madam Temporary Speaker, where you come from, a little child can walk across River Nyando at certain parts of the year. They are not rivers anymore; they are gullies carrying storm water when it rains. That storm water is not any different from the gullies you find in the Arid and Semi-Arid Lands (ASALs), where rains in far distant areas ravage and carry away animals, human beings, *et cetera*. Within 30 minutes, what looked like a massive river is no more; it is just storm water. That is what we have reduced our country to.

Madam Temporary Speaker, the other day when we were going to Kitui for the Senate sitting, I stopped on the way from Machakos to Kitui to look at Athi River, and it is a sorry state. It is not a river; it is sludge of some greasy substance that looks like flowing water, which carries all the effluent and filth from Nairobi, parts of Thika and Kilimambogo. I am not sure whether the sewage treatment plant in Dadora treats the water adequately before it is released into Athi River. That river is the lifeline of over a million people. They bath, fish and drink in it---

The Temporary Speaker (Sen. Nyamunga): I am sorry to interrupt you, Sen. Wetangula. You will have a balance of seven minutes, and you will be listed to speak to the same Motion tomorrow.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, it is now 6.30.p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Wednesday 9th October, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.