

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 31st March, 2022

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

HYBRID PLENARY SITTINGS

The Speaker (Hon. Lusaka): Hon. Senators, I have a Communication to make. As you are aware, on Tuesday 29th March, 2022, I issued a Communication conveying the decision of the Senate Business Committee on the application of Part XX1XA of the Standing Orders regarding hybrid/virtual plenary sittings. The effect of the Communication suspended hybrid/virtual plenary sittings with effect from today, 31st March, 2022.

Hon. Senators, owing to the urgency and importance of the business scheduled this afternoon and notwithstanding the resolution of the Senate Business Committee that I have alluded to this afternoon, I have again consulted the Senate Business Committee pursuant to Standing Order No.251a (1)(a).

I, therefore, direct that this afternoon's Plenary sitting will be hybrid. This will enable Senators out of town, who did not get my Communication in time, to participate in today's Plenary sitting.

I thank you.

VISITING DELEGATION FROM MACHAKOS COUNTY ASSEMBLY AND ICT AUTHORITY

Hon. Senators, I have another Communication to make.

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the County Assembly of Machakos and ICT Authority.

The delegation consists of officers from records management department and ICT department of the County Assembly of Machakos and ICT Authority, who are undertaking a fact-finding visit on the implementation of e-Parliament system.

I would like to request each member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition.

They are: -

- (1) Mr. Paul Keli - Records Management Officer, Machakos County
- (2) Mr. Benard Mutua - ICT Officer, Machakos County
- (3) Mr. Kenneth Magua - ICT Officer, ICT Authority.

On behalf of the Senate, and my own behalf, I welcome the delegation to the Senate and wish them well for the remainder of the visit.

I thank you.

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I wish to join you in congratulating the delegation from Machakos for coming here to benchmark with the Senate because, as we know, the Senate is of high standard with many professionals. It is the House that accommodates the highest number of Senior Counsels in Kenya.

I also wish to tell them that they have elected a Senator, who is a ‘super Senator,’ who does her business very well and tackles the issues of governance of Machakos County very well. I wish them all the best and urge them to ensure that they campaign for their Senator to come back for another term, so that she can finish the business that she has started.

I thank you.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for the opportunity. I want to thank the delegation from Machakos that has come to benchmark on issues of ICT. The world has gone e-communication and it is a good thing for them to do the fact-finding and see how it can cascade to the county assemblies.

I also want to thank the Senator for Machakos County for doing a good job in this House. The people of Machakos should know that they have a Senator who represents them well. I am happy that they have found time to come and be with us. You are all welcome.

The Speaker (Hon. Lusaka): Sen. Halake, please, proceed.

Sen. Halake: Mr. Speaker, Sir, allow me to join you in welcoming the delegation from Machakos County Assembly that is here to benchmark on Information Communication Technology (ICT) matters. As the Vice Chairperson of the Committee on Information Communication and Technology of the Senate, allow me to welcome them and inform them about a few other things other than e-Parliament.

While an e-Parliament is very important and touches on our own work and the work of the Assemblies, one of the most important things that is facing citizens is the Universal Service Fund (USF) and the projects that the USF is supposed to make sure that the counties start implementing.

As of last count, the USF was going to some Kshs10 billion. These are funds that are given by telecommunications companies as part of the profit for infrastructure in places that are hard to reach.

I urge the Machakos County Assembly and other county governments to ensure that the Universal Service Fund projects are well accounted for, especially at the primary oversight level. We are supposed to have every place in the country by now covered by at least the basic 2G communication. However, that connectivity in communication is still

not available, especially in Isiolo County in places like Gotu, Leparwa and Komu, which are still cut off.

(Hon. Senators consulted loudly)

Sen. Halake: Mr. Speaker, Sir, the consultations are too loud.

The Speaker (Hon. Lusaka): Let us consult in low tones, so that we can hear what Senator Halake is saying.

Sen. Halake: Mr. Speaker, Sir, thank you for protecting me.

The Universal Service Fund was designed for hard-to-reach infrastructure. In places like Isiolo County, even the basic 2G network does not cover many places. Places like Gotu, Leparwa, Komu, parts of Odlonyiro and other parts that are very close to Isiolo Town itself beyond just a radius of 100 kilometers. We do not have even the basic 2G.

As the Machakos County Assembly goes about their benchmarking on an e-Parliament, I encourage them to also look at accountability and primary oversight of the Universal Service Fund. The Committee on ICT of the Senate will make sure that before the end of the life of this Parliament, the places that have not been reached by even by the basic 2G are reached, given the fact that this is a year of elections. We will ensure that those places are covered to the ground that is available.

There are also school projects that they need to look at. School projects such as the computer programme for schools is also part of the project that should have been covered by the Universal Service Fund. This fund is administered by the Communications Authority (CA).

At the local level, the primary oversight should also look at these things and ensure that the issues that are facing the citizens are also looked at even as we benchmark for an e-Parliament and other things that are going to be for Parliament.

Mr. Speaker, Sir, ICT is going to be the backbone of our democratic governance. The efficiency with which our elections are going to be conducted is going to be determined by the access and quality of the ICT infrastructure and backbone that we have. Places like Isiolo County should not be disadvantaged because there is no basic infrastructure for communication in place ahead of the elections.

Our Committee is looking at all the things that I have mentioned. These are things that we are going to be holding our Executive to account. However, I urge the people of Machakos, who are here today to benchmark, to also look at these things as well and help us because you are our ears and eyes on the ground.

Additionally, I congratulate the people of Machakos County on empowering women by electing a woman as your Senator. She has done for you a great job, as you have been told by all other the other Senators. I would also like to add my voice and say that you are well represented. Please, continue to ensure that good leadership, as provided by women, is upheld and you continue to give women the chance you have given them already.

I welcome but also urge you to look at these things that are facing our electorate and common *mwananchi*.

Karibuni.

The Speaker (Hon. Lusaka): Sen. Wambua, you may proceed.

Sen. Wambua: Mr. Speaker, Sir, I join you and my colleagues in welcoming the delegation from Machakos County Assembly. I also thank you for allowing the delegation to visit and sit in the Speaker's Gallery and not in the Public Gallery. We thank you for that honour bestowed on the visiting delegation and the people of the Lower Eastern Region.

To the visiting delegation, it is good that they have chosen to benchmark in the Senate. It will be also important for them to extend this benchmarking exercise to other institutions of governance that are ICT related. That way, they will help their assembly to legislate in a manner that adds value to the great people of Machakos County.

With those few remarks, I thank them for being part of the electorate that elected Sen. Kavindu into this Senate. I ask them that when that opportunity is presented to them again, they should do better than they did in the last election.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Lusaka): Sen. Muthama Agnes, you may proceed.

Sen. Kavindu Muthama: Mr. Speaker, Sir, I join my fellow Senators in welcoming the delegation from Machakos County Assembly. They are most welcome as they benchmark in this Senate. Thank you for electing me as your Senator.

As you have heard from fellow Senators, you did well. However, fellow Senators are whispering to me to ask why only men came. There is not a single woman in your delegation. Next time, make sure that you have a lady with you.

Mr. Speaker, Sir, ICT is what will make everything to work well in our country and worldwide. I thank you for coming to benchmark. As the rest of the Senators have said, you better also do it elsewhere, where you can also learn something and see what you can go and implement in our good County of Machakos that will benefit our people.

You are most welcome. When you go back, pass my regards. As you continue also with the campaigns, I ask you to re-elect me to come back in this Senate and continue working and serving the people of Machakos through the Senate.

I thank you.

The Speaker (Hon. Lusaka): Sen. Madzayo, you may proceed.

Sen. Madzayo: Bw. Spika, najiunga na wewe mchana wa leo kwa kuwakaribisha wale wangwana ambao ni wafanyikazi katika Kaunti ya Machakos.

Kwanza, nawakaribisha na kuwaambia kwamba hapa ndipo kuna kina cha maelezo au ujuzi wote mnahitaji kuijua. Kuja kwenu hapa, mtatoka mkiwa mmeelimika kisawasawa. Ninatumaini ya kwamba yale yote ambayo mmejifundisha yataenda kwa muda mrefu sana kusaidia watu wa Kaunti ya Machakos.

Cha mwisho ni kwamba nawapa kongole watu wa Machakos kwa kuonyesha mfano wa kwamba mwanamke pia anaweza kuchaguliwa akawa kiongozi. Nasema mwanamke kwa sababu ni jinsia ya maumbile ya binadamu. Mama Kavindu kama tunavyoelewa hapa ndani ya Seneti ni mama shupavu. Ni Seneta ambaye anajihusisha katika kila hali. Kila akiwa hapa, cha muhimu ni kwamba yeye huwa anaongea mambo ya Machakos kisawasawa na kutetea Kaunti yake ya Machakos. Kwa hivyo, mlifanya vizuri sana kumchagua mama shupavu ambaye anaweza kuwakilisha katika Bunge la Seneti kisawasawa

Hivi sasa, tunaelekea katika mambo ya uchaguzi. Ningewauliza watu wa Machakos wenyewe, wakiongozwa na nyinyi kama viongozi, wafanyikazi wa huko na wananchi wanaoishi ndani ya Machakos, kwamba si jambo la kushutua sana ikiwa mama atapata nafasi ya kuchaguliwa tena katika uchaguzi utakaofuata.

Kwa hivyo, asanteni sana kwa kuja hapa. Nafikiria yale mambo yote ambayo mmejifunza hapa yatakwenda kwa muda kusaidia Kaunti ya Machakos.

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

Sen. Olekina: Mr. Speaker, Sir, I thank you. *Wakamba, mwiaseo?*

Mr. Speaker, Sir, I appreciate you for giving me this opportunity to welcome---

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

The Speaker (Hon. Lusaka): Yes, Sen. Madzayo. What is it?

Sen. Madzayo: Bw. Spika, singependelea kabisa kumkatiza ndugu yangu kwa sababu sote tunasema kongole kwa wale waliokuja kutoka Machakos. Hata hivyo, sijui ametumia mistari gani ya Kizungu. Sikuelewa kama ni Kizungu, Kiswahili ama Kimaasai, vile alikuwa akisema kwamba angetaka Kimaasai kisajiliwe hapa pia. Ameongea katika lugha ambayo sikuifahamu. Sijui kama hivyo ni sawa ama si sawa.

Naomba kama angeweza kufafanua kisawasawa.

The Speaker (Hon. Lusaka): Yes, Sen. Olekina. Sorry, I was consulting with Sen. Wambua, I never heard what you said.

Sen. Olekina: Mr. Speaker, Sir, thank you. I was welcoming my brothers from Machakos, and I spoke in Kamba. It is one of the languages that we speak in this country. I think with time, we will be able to appreciate our diversity in this country and stop this issue of neocolonialism---

The Speaker (Hon. Lusaka): There is an intervention from Sen. Poghisio.

The Senate Majority Leader (Sen. Poghisio): On a point of order, Mr. Speaker, Sir. Is the Senator for Narok in order to use a language that is not allowed as a Parliamentary language by our Standing Orders?

The Speaker (Hon. Lusaka): Order, Senators! He is totally out of order. Standing Order No. 87(1) says -

“All proceedings of the Senate shall be conducted in Kiswahili, English or in Kenyan Sign Language.”

So, you did not use any one of those. Just withdraw, there is no need of---

Sen. Olekina: Mr. Speaker, Sir, respectfully, before I withdraw that sentence. Standing Order 87(2) states as follows-

“A Senator who begins a speech in any of the languages provided for under paragraph (1) shall continue in the same language until the conclusion of the Senator’s speech.”

Mr. Speaker, Sir, it was greetings. When I spoke---

The Speaker (Hon. Lusaka): Order, Senator! You cannot justify a wrong. Just withdraw and save this House time.

Sen. Olekina: Mr. Speaker, Sir, I appreciate. With due respect, I hope that in time, we will allow every single language in this country to be spoken here. Since the Standing Orders say otherwise, I respectfully withdraw. However, greetings should not be considered as if it is a speech.

Mr. Speaker, Sir, let me take this opportunity to welcome my dear brothers from Ukambani. On behalf of the people of Narok, I thank you for coming to the Senate, to be able to witness, benchmark and learn how we do things here. I do hope that you can use technology to change not only how things are done in the County Assembly of Machakos, but also how to move our people from poverty.

We in the *Azimio* political alliance are proponents of encouraging people to be given small tokens of Kshs6,000 on a monthly basis. If that money is used wisely through technology, they can change how people live their lives.

Many people are asking questions as to when we will be able to use technology across the entire 47 counties. I think the people of Machakos can take a leaf from the Senate proceedings, the HANSARD and also borrow from other counties. There are counties such as Mombasa, Makueni and even Nakuru, which are a little bit advanced in terms of technology. When we are able to learn from each other, we are also able to leapfrog.

On behalf of the people of Narok, I welcome you. I encourage you to use whatever you learn from here to advise the legislators in Machakos County Assembly to be able to also continue advancing technology among their constituents.

The Speaker (Hon. Lusaka): Sen. Poghisio, do you want to speak? Okay, proceed.

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, just to join my colleagues in welcoming the delegation from Machakos and ICT Authority. At this moment, I encourage the use of the benchmarking provisions that has been here before; the fact that for a long time, we could not have anybody in the gallery. Now, we have been able to open up the galleries for these visits.

It is very important that our first visitors are from Machakos and the proud Senator of Machakos is here smiling very much. She has done a very good job since she came here, although she feels like she has not served the five years. I think she deserves the next five years. I ask the people of Machakos to be considerate of that. I know that she has done a good job here. As for you who are going back to Machakos, please, take back a good report about your Senator.

The ICT Authority, who are here, I want you to know that as your former Cabinet Minister, I know what you are capable of doing. I know that this country could be on the cutting edge of technology due to you. I know that you have a long way to go, but by the time we get coverage and ICT solutions for this country, we ask that you continue to work hard and make this country a hub of ICT.

Welcome and I encourage many of you to keep coming to the Senate. You can promote a lot of your work by just coming to visit the Senate and making sure that you give Senators the correct information on how far we have gone in terms of ICT development.

Mr. Speaker, Sir, I conclude by asking Senators from all the counties to join in now because we have businesses to do.

I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, I wish to draw your attention to the Supplementary Order Paper. That is the one that we are using now.

Next Order!

PAPER LAIDREPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS
GRANTS BILL (SENATE BILL BILLS NO.35 OF 2021)

Sen. Kibiru: Mr. Speaker, Sir, thank you. I beg to lay the following Paper on the Table of the Senate, today, 31st March, 2022: –

Report of the Mediation Committee on the County Governments Grants Bill (Senate Bill Bills No. 35 of 2021).

(Sen. Kibiru laid the document on the Table)

The Speaker (Hon. Lusaka): Next Order.

NOTICE OF MOTIONADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON
THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)

The Speaker (Hon. Lusaka): Sen. Kibiru, proceed.

Sen. Kibiru: Mr. Speaker, Sir, thank you. It looks like today is my day. I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the County Government Grants Bill (Senate Bills No.35 of 2021) laid on the Table of the Senate on Thursday, 31st March, 2022; and that Pursuant to Article 113 of the Constitution and Standing Order No.161(3) of the Senate Standing Orders, approves the mediated version of the Bill.

The Speaker (Hon. Lusaka): Next Order!

STATEMENTSUNFAIR DISMISSAL FROM EMPLOYMENT OF
MR. LEVINCE.M. MWANYALO

The Speaker (Hon. Lusaka): I do not see Sen. Mwaruma and so, his Statement is dropped.

(Statement dropped)

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

OBSOLETE TECHNOLOGY USED BY THE KENYA
METEOROLOGICAL DEPARTMENT

Sen. Khaniri: Thank you, Mr. Speaker, Sir. I rise pursuant to the provisions of our Standing Orders No.48(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, regarding the obsolete technology used by the Kenya Metrological Department.

Mr. Speaker, Sir, in the Statement the Committee should explain-

(1) Why the Metrological Department has been broadcasting unreliable weather forecast.

(2) Elaborate on the type and age of the equipment the Metrological Department uses to capture weather information for forecasting and how long it has been in use.

(3) Elucidate whether the Metrological Department has procured any new equipment in the recent past, giving a description of the type of equipment procured.

(4) State with reasons whether or not such equipment, if any, has been put to use.

The Speaker (Hon. Lusaka): Sen. Wambua, please, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I take this opportunity to thank my brother and colleague, Sen. Khaniri, for coming up with that Statement. Unbeknown to many people, news and information around weather across the world is very important.

I have seen Sen. Olekina look at me when I say that. I know he knows what I am talking about. In the developed world, people make decisions on account of weather forecast. Before they look at any other news, they follow weather patterns, so as to know where they will be going; how they will be dressing and the kind of cars they will be driving.

Mr. Speaker, Sir, many times in this country, people at the Kenya Metrological Department will tell you it will be a sunny day complete with temperatures, but before you leave your house, it is pouring.

The Senate Majority Leader is laughing because he knows this is true. In fact, there are times they announce and forecast that a region like Pokot where we have landslides, will be dry for a number of months, but within two days, there are landslides occasioned by heavy rainfall.

Mr. Speaker, Sir, there is need for that department to either stop giving us weather forecast or invest in technology that is accurate. That technology is available everywhere in the world. This is so that when they say at Noon it will rain in Nairobi County, we know it will. When they say that this season the rains will be constrained, we take it as the truth. This will also help farmers make decisions on account of proper and accurate weather forecast.

Mr. Speaker, Sir, I thank the Senator for raising that question. It is not an idle Statement. It seriously needs to be followed up. We also need to ask the kind of investment that goes in the Kenya Metrological Department. If they are constrained by finances, somebody should look into their budget and give them sufficient funds to acquire modern equipment to do proper and accurate weather forecast.

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

The Senate Majority Leader (Mr. Poghishio): Mr. Speaker, Sir, I congratulate Sen. Khaniri for raising a pertinent issue, a matter which if left unnoticed, we will not be doing our duty. Climate and weather, and metrology, are matters concerning counties.

I believe as well that because of what Sen. Wambua has said, you have to have accurate information and data. In today's world, it is possible to predict the weather. The weather and climate is not just a Kenyan phenomenon, and you can predict. If it can be predicted in one part of the world, it can then be predicted here.

Mr. Speaker, Sir, I know something about the Metrological Institute of Kenya, which is somewhere on Ngong Road. That at one point was the foremost institute in East and Central Africa. That institution has been training meteorologists from many countries. Therefore, I believe that maybe, it is a bit laidback by now and they do not have the equipment.

Therefore, I urge the Committee that is charged with this matter to go into that institution and find out the issues that Sen. Khaniri is raising, and brief this House. It is urgent. It should not be one of those things that will be protracted. It has to be dealt with urgently.

The Speaker (Hon. Lusaka): Sen. (Eng.) Hargura, proceed.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker, Sir. I would like to thank Sen. Khaniri for coming up with this Statement.

With the current situation of climate change, the weather patterns have changed completely. Citizens cannot predict their own activities, for example, farmers or pastoralist because the rain patterns have changed. Therefore, they require a reliable source of forecasting to know how to adjust. That is why it is important to have the Kenya Metrological Department be up to date with their equipments.

The situation we are in is that they cannot forecast accurately as it were. Therefore, there is need to know what is ailing them. Is it the equipment, technology or personnel? It is better if it comes out clearly, so that we can have a robust Metrological Department. This can assist in these times of changing weather patterns.

The Speaker (Hon. Lusaka): Sen. Nyamunga, proceed.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for giving me this opportunity. This is a very important and timely Statement by Sen. Khaniri.

When we were young, I remember well that my mother used to plant on the 15th February every year, and by the following day, there would be rains.

My mother did not have any technology, but people knew and had read the weather patterns in the country. What is happening now is unfortunate. At the beginning of this month, many farmers in Kisumu County went to their fields and planted. Manure, seeds and labour are very expensive, but people went ahead and planted going by the direction that had been given by the Metrological Department.

Mr. Speaker, Sir, unfortunately, the plants that tried to germinate have all dried. People are doing the second planting, and you know how difficult it is. I urge the Department to do a much better job.

In the last few years, they have been trying and have been fairly accurate. This time I do not know whether they are also in the elections mood or campaigning, and that is why it is not falling in place this time.

Mr. Speaker, Sir, we need to give accurate information to the people of Kenya and the farmers, so that we do not have double loss the way it has happened this year.

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

Sen. Olekina: Mr. Speaker, Sir, I rise to support the Statement by the distinguished Senator from Vihiga on this important issue.

All of us here represent farmers and people who walk from homes to their places of work on a daily basis. It is important for them to be reliably informed on the weather patterns. Most of us rely on the internet to get information on the weather.

If you go to Amazon.com, you can get simple gadgets that can help you to monitor weather patterns. In a country such as this, with a budget of several trillion shillings, it is imperative that the Ministry in charge should invest heavily in technology.

When I was growing up, there were so many radio stations, which would broadcast weather patterns. I dare say that even today, most radio frequencies have been given to the Kenya Meteorological Department or the Ministry that deals with the weather. There is absolutely no reason those frequencies should be used to broadcast other issues, instead of monitoring the weather. We used to see planes going up and would be told that they were going to monitor the weather.

It is imperative that the Department responds to this Statement that has been raised, so that they assist us. Many farmers are losing millions of shillings because of information that is not reliable. It is imperative that in this 21st century, and particularly this year, when farmers are fighting pests that are ravaging their crops, they should be well informed on when the rains will come and what they should do. If at all there are any equipment that county governments can invest in, it will be important for them to find a way of devolving some of their functions.

Mr. Speaker, Sir, I fully support this Statement. Further, to amend question No.4, which states, “with reasons whether or not such equipment, if any, has been put in use,” they should elaborate how they have distributed the equipment across the 47 counties.

I thank you.

Sen. (Prof.) Ongeri: Thank you, Mr. Speaker, Sir, for allowing me to weigh in on this issue of weather predictions and expectations from farmers and many other people, including the aviation industry, who very much depend on the weather predictions and for the safety of travelers, whether on land, sea, air or farmers going around looking after cattle, particularly in the arid and semi-arid regions.

I remember when I was negotiating the United Nations Framework Convention on Climate Change in Paris during my tenure as the Ambassador for United Nations Environment Programme (UNEP). It was quite clear that some of the advanced or developed nations had developed instruments that could predict how the weather patterns would be. In fact, they could give you the weather forecast of the following day. If you cared to look at it, you would realise that it was as it had been predicted.

When it came to my country Kenya, I found it very difficult. You could think they were doing guesswork. When they said there would be storms, that is when it turned out to be extremely dry. There could have been limitations on the type of equipment and seismological assessments that determine the movements of both the skies and the land, in order to predict the pattern of the rains or storms.

This is within the domain of science and technology that is available. There is transfer of technology and that is why we were partnering with other countries. It is also in the Convention.

I remember when the Ozone Layer story was being propagated by the late Prime Minister, Margaret Thatcher, I happened to have attended that conference with the late President Moi in London. People laughed off saying there was no such a thing like Ozone Layer depletion and, therefore, we were likely to have catastrophic development of weather patterns all over the world.

We are now witnessing it. All that is happening is as a result of the depletion of the Ozone Layer and the weather patterns have been distorted totally. Therefore, we have difficulties knowing what to tell the farmers and what not to tell them.

I believe that with the available technology and equipment, we can locate them at various points of interest, particularly geographical locations, where you can predict with a certain degree of certainty how the weather pattern in a certain region will be like. That is critical for our food security and preservation of our animals.

It is painful when you see livestock being destroyed because there is no water or even storage of water to an extent where animals can be saved to save the farmers the agony of their investment. This is an agricultural country and, therefore, we must invest heavily.

I suggest that when they seek for further information, they must tell us how much the Government has invested in this technology era, particularly in the equipment necessary to predict in detail how the weather patterns are likely to be at any given moment in this country.

I thank Sen. Khaniri for bringing this Statement, which is important because it has a bearing on our economic and human survival. It also has a bearing on the aviation industry and is of value to many other sectors of our country.

Mr. Speaker, Sir, we expect detailed answers to give us some sneak preview of what is happening in this country.

I thank you.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for the opportunity. On 23rd March, I gave a Statement on the Floor of this House about the World Meteorological Day celebrated on 23rd March of every year. It is celebrated to raise awareness on the importance of meteorology, weather changes and all that.

As they seek the Statement from the concerned office, there is need to find out if we have enough trained meteorologists in the country, and if they have been distributed to the county governments.

The role of this Department is to ensure we are food secure. The information on the changing weather patterns is very important because it helps, especially farmers and traders, to make predictions.

There are instances where farmers plant maize and all of a sudden it is too hot or the crops are infested by insects, and it leads to waste. To avoid this, we need good gadgets in order for the meteorologists to do an efficient job.

There is also the need to investigate if they are training meteorologists in our colleges and universities. If they are trained, are they assured of jobs? Have county governments put in place any measures to ensure that the Kenya Meteorological Department is working in the counties for the purpose of helping our farmers not encounter any losses?

Mr. Speaker, Sir, I support this Statement.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my fellow Senators in congratulating the Senator for Vihiga for this timely Statement.

It is true that many times, the Metrological Department broadcasts the weather forecast for the next day. Many people then leave their homes heavily or lightly dressed, only to find that the weather is different from what was forecast.

Mr. Speaker, Sir, farmers countrywide have been suffering too; planting two or three times in one season. This is after the weather forecast has predicted that the rains would come at such and such a time. Seeds and fertilizers are very expensive now. Farmers have suffered a lot. Cattle keepers also suffer when there is no pasture for their animals. When they hear the weather forecast, many of them want to plant for their animals but in the end, the forecast rains do not come.

I congratulate Sen. Khaniri and support this Statement. Push it until we get what it takes for them to be able to broadcast what is right. If it is lack of equipment, then they should be supplied. The Ministry concerned should see to it that they supply the proper equipment for the Metrological Department.

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

Sen. Halake: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this. I congratulate the distinguished Senator for Vihiga County for always being spot on with things that are really important. One of them is the obsolete equipment being used by our Meteorological Department.

The link between our agricultural productivity and the public weather systems cannot be gainsaid. It is true that 35 per cent of our Gross Domestic Product (GDP) comes from agriculture and 40 per cent of export earnings come from agriculture. We cannot afford to just play with this kind of livelihoods and lives of the Kenyans.

Where I come from, livestock is our mainstay. Right now, our rangelands are not regenerating because of the effects of climate change. If we had proper weather information from radar to wireless networks, we could have had better policies to help pastoralists in this country to have better grasp of their rangelands, cycles and precipitation.

God forbid, if this country were to suffer big events such as storms and tornadoes. We are very lucky we do not suffer those. If we did, today we would be talking another story. We are very lucky to be on the Equator where extreme weather patterns tend to be rare. If that were not the case, we would be speaking of thousands of people decimated because we are off point each time with our weather forecast and innovations.

Mr. Speaker, Sir, we do not have even the basic super computers or the new workstations in our Meteorological Department. These are things we should not take lightly. You and I perhaps have smartphones, where we can just check the weather and decide what to wear.

However, in terms of agricultural and livestock productivity, range land management, effects of climate change and Government policy to ensure that our productivity and sectors that really drive the economy are taken care of, we must start investing in the right places. One of these right places is to ensure that the public weather services are innovative, relevant and of good quality to ensure that our productivity does not suffer, especially when it is facing 40 per cent of export earnings.

I support and look forward to a time when our departments and Ministry will take these things seriously. Data is becoming the new gold and the new productivity driver. We are not looking at the right fundamentals. This House has a responsibility to ensure that we look at these things. We cannot just be playing politics with the future and economy of our county and not look at some of the issues facing our farmers and even our own risk management.

Disasters are happening every day; we are not seeing the disaster patterns that used to be there many years ago. What if this country starts facing tornadoes or big storms that we see elsewhere? We are lucky that this is not the case. If that were the case – God forbid – we would be decimating and our economy would be on the ground.

I look forward to the Committee getting to the bottom of this. I also urge other institutions that look at the lives, the livelihood and the risks that our country faces, to look into this matter.

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

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir, for giving me this chance. I agree with my colleague, Sen. Khaniri, that this is a very important function that the Government is missing out on.

For many years, many of us grew up to the nice voice of one Mr. Ngwata Francis. If he said it would rain, then you buy an umbrella. As it is, this Government has lost the ability to predict anything. No wonder even the Building Bridges Initiative (BBI) is falling in the courts today because they can never tell the left from the right hand. That is why---

(Loud consultations)

You can see the BBI orphans---

The Speaker (Hon. Lusaka): Order, Senator! There is a point of order from Sen. Halake.

Sen. Halake: Mr. Speaker, Sir, is my colleague, the Senator for Kericho County, in order to start linking this Statement to this Government? He is part and parcel of this Government. In fact, we should be asking him the question. You should rule him out of order for jumping on blaming the Government of which he is actually at the helm of.

The Speaker (Hon. Lusaka): Yes, Sen. Cheruiyot. Stick to the relevant. There is no relations between BBI and---

Sen. Cheruiyot: Mr. Speaker, Sir, I was just saying that this Government cannot predict anything. When they are told the right thing, they do not follow. You know Sen. Halake---

The Speaker (Hon. Lusaka): There is a point of order.

Sen. Sakaja: Mr. Speaker, Sir, is Sen. Cheruiyot really in order? You know death is revered in Africa. The body is not yet cold; the death has just happened.

(Laughter)

Is he in order for not being sensitive to let people start mourning properly, before attacking them immediately? It has just happened. The body is still warm. Please, let us be sensitive to the loss.

Sen. Cheruiyot: Mr. Speaker, Sir, I take that advice, that *marehemu hata bado hajasongezwa*.

Anyway, I was just concluding. What Sen. Khaniri is saying is very important because many farmers rely on those predictions to even plan on planting, harvesting and budgeting for farming inputs.

This speaks to the whole question of how we have mismanaged our agriculture. On many occasions, we speak about fertilizer and the rest of the inputs, but we forget that 70 to 80 per cent of our agriculture is rain-fed. Therefore, if you cannot correctly predict when it is going to rain, then it also interferes with planning and budgeting for farmers.

I hope the Committee on Agriculture – and I know the very able Chairman, Sen. Ndwiga, is here with us – can actually put the responsible Government institution to task, so that we can know where intervention is needed. If it is matters of budget, then we refer to our colleagues in the National Assembly to address this.

Otherwise, thank you and commiserations, and rest in peace BBI.

The Speaker (Hon. Lusaka): You are out of order, Sen. Cheruiyot. You can spare that for the rallies out there.

Proceed, Sen. Ndwiga.

Sen. Ndwiga: Thank you, Mr. Speaker, Sir. I join my colleagues in congratulating Sen. Khaniri for bringing this very important Statement to this House.

Kenya prides itself as an agricultural country. However, it is very sad that we call ourselves an agricultural country, but do not put in place measures to support that objective. At the moment, on matters concerning weather, we rely on information from other countries. Thank God the world is what it is today.

Mr. Speaker, Sir, when our own weather department tells us that we are going to have more than average rainfall, most of the time, you do not get any rain. Most importantly, we need to know when that rain will come. It is very sad that even as we pass Bills in this House supporting agriculture, the planning is very poor. If you cannot plan on the parameters that will support that agriculture, all the Bills that we pass here and everything else that we do will be in vain.

It is sad that in this country, there are areas that are affected by bad weather and we have famine. As a result, people have to sell their livestock and we have to supply relief food to more than three quarters of this country. We have time to plan, but this time is not used well. This country has not adequately planned for proper agriculture.

It is very sad and I do not know what will happen next year and in the years to come. Currently, fertilizer is not available in this country because of a small issue in Ukraine and Russia. The fertilizer that we manage to export here is so expensive that poor farmers will not afford to use it to plant the food that we need in this country. Fertilizer is unaffordable in this country. You cannot ask farmers to buy a bag of fertilizer for Kshs6,000 and expect them to produce food for this country and you know the market value of that food.

Even if you were to compensate that farmer after they have planted, then the consumer price of that product will be expensive. Therefore, this country will be sinking in aberrance of inflation if we do not have proper plans.

I am happy that Sen. Khaniri has brought this issue here. Let us examine whether our meteorological department can give us forecasts that can help us to plan. They should be able to tell us when we will have rains and drought, so that the country can plan. If you do not have that, then you cannot call yourself a country.

Post-independence, we never used to import wheat or maize, but today, that is what we are doing. Some people will tell you that it is because of population explosion, but that is not true. We knew that the population was going to increase and needed to plan accordingly, so that as population increases, there is enough food in the country to feed Kenyans.

I support the Statement by Sen. Khaniri. As the Committee on Agriculture, most of the Bills that we bring to this House, and most of the programmes we have had in the last five years, the problem has been implementation. Projects are not implemented because the Ministry of Agriculture is busy politicking and doing other useless things, instead of concentrating on their mandate.

Agriculture is a devolved function and Kenyans, in their wisdom, devolved agriculture. We should focus on what agriculture was and do not need to reinvent the wheel. Most of these programmes have been there. What we need now is to look at the institutions and the most important institution is the Meteorological Department. Let us make sure that we get accurate weather forecasts.

If you travel to Europe, like most of you have, if you are told that in the next two hours it will rain, then it will do so. If you are told that tomorrow there will be snow, then there will be snow. If you are told that next week there will sunshine throughout, then that is what will occur.

In this country, it is impossible to predict when to plant. Farmers will plant because they have received information that is not verifiable. After planting, there is no rain. Then rain comes after two weeks. How can we pride ourselves that we are an agricultural country when we are unable to do basic planning?

I thank you.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir. I want to add my voice to this very important Statement. As one of the people who come from the northern part of Kenya, currently, we are going through a tough time because of the drought that is there, which if proper predictions would have been done, things would have been different on the ground.

The Meteorological Department would have guided us properly. Even now sometimes when they say, “the weather will be too hot,” you realize that the opposite will happen.

If they can be keen and clear enough to guide people throughout the week, then it can help Kenyans to plan well, even here in Nairobi because people are being inconvenienced in many ways and farmers are suffering as a result of that. Sometimes they are advised to plant and work very hard, but unfortunately, they are not able to harvest anything. Sometimes we are alerted of impending floods, but we do not even receive 5 per

cent of the rains. We need people who can be careful in passing that information to our citizens, so that we can reduce the suffering of the people on the ground.

As I finish, we celebrate what has just happened. We say bye bye to Building Bridges Initiative (BBI).

I thank you.

Sen. Halake: Mr. Speaker, Sir, on a point of information.

The Speaker (Hon. Lusaka): Sen. Halake, she has finished her contribution.

Sen. Halake: Mr. Speaker, Sir, it is not fair for this House and the country to be misled, and we allow that to happen.

The Speaker (Hon. Lusaka): In which way?

Sen. Halake: In the sense that she said that BBI is dead. The BBI is still on; on the appeal allowed on issue numbers one, four, five, six and seven.

The Speaker (Hon. Lusaka): Order! You are the one who is opening up the discussion. Let us conclude that matter. We have another Statement and serious business to do. I hope the Committee has noted what has been raised.

Those who are my age will remember somebody called Nguata Francis, who used to tell us about the weather, he would say, "*Kutakuwa na radi hapa na pale.*"

The next Statement is by the Senate Majority Leader.

Sen. Sakaja, you are next with the statement of the coming week on behalf of the Leader of Majority. Please, proceed.

BUSINESS FOR THE WEEK COMMENCING

TUESDAY, 5TH APRIL, 2022

Sen. Sakaja: Mr Speaker, Sir, on behalf of the Senate Majority Leader, allow me to read the Statement on the business of the Senate for the week commencing Tuesday, 5th April, 2022, pursuant to Standing Order No.52.

Mr. Speaker, Sir, pursuant to Standing Order 52 (1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 5th April, 2022.

On Tuesday, 5th April, 2022, the Senate Business Committee will meet to consider and approve the business for that day, which is projected to contain matters that will not be concluded from today's Order Paper, as well as any other business approved by the Committee. The Committee will also consider and approve Bills at the Second Reading and at the Committee of the Whole stages, as well as Motions contained in the Programme of Senate Business, and schedule them accordingly for Wednesday, 6th April, and for Thursday, 7th April, 2022. Any business that will not be concluded on Tuesday, 5th April, 2022, will accordingly be rolled over to Wednesday 6th and Thursday, 7th April, 2022.

Mr. Speaker, Sir, the legislative business before the House includes 18 Bills at the Second Reading stage and 12 Bills at the Committee of the Whole stage. A number of the Bills at the Second Reading stage have been scheduled in today's Order Paper for Division at Orders No.8 to 11, while those at the Committee of the Whole stages have been scheduled for Division at Orders No. 14 to 18.

Likewise, there are two Motions relating to Reports of the Standing Committee on Health and the Sessional Committee on County Public Accounts and Investments listed at

Orders No.12 and 13 in today's Order Paper for Division. I urge honourable Senators to be available in the House for the Senate to undertake the divisions, which will facilitate the transition to the next stages.

Mr. Speaker Sir, I take note of efforts made by the Liaison Committee to ensure that business before Committees is concluded expeditiously. I take this opportunity to thank Standing Committees that have tabled reports on Bills referred to them and continue to urge those that are yet to conclude consideration of Bills, to expedite the process.

In the coming weeks, Committee Chairpersons will make statements pursuant to Standing Order 51(b) on the quarterly reports by the committees. We look forward to receiving reports on the activities of Committees and how these have impacted the work of the Senate.

Mr. Speaker Sir, other business before the Senate includes 49 Petitions and Statements pursuant to Standing Orders 47 and 48. I urge Chairpersons of respective Committees to hasten consideration of these business and to table reports pursuant to the Standing Orders. However, before the Senate proceeds on recess on 7th April, 2022, pursuant to the Senate Calendar, there is need for a resolution on the matter of the County Governments Grants Bill (Senate Bills No.35 of 2021) and the Division of Revenue Bill (National Assembly Bill No. 8 of 2022).

I am happy that consultations between the Leadership of both Houses of Parliament and the Chairperson of the Standing Committee on Finance and Budget of the Senate, Sen.Charles Kiburu, and the Chairperson of the Budget and Appropriations Committee of the National Assembly have resulted in an agreed position on the way forward on the County Governments Grants Bill. We must congratulate and thank Sen. Kiburu and his team for leading this galant effort.

I note with appreciation that the implementation Committee has submitted to the Houses of Parliament a mediated version of the Bill for consideration and approval this afternoon, which is on the Order Paper. I hope senators are listening. This is an extremely important Business that is coming in the next Order that we all should be available to vote so that our counties can be able to get their share of revenue on this Divison of Revenue. I am, therefore, optimistic that the Mediation Committee will now move with speed, if they have not already, and submit to the Houses of Parliament, a mediated version of the Bill, for consideration and approval.

Mr. Speaker, Sir, in conclusion, I take this opportunity to remind honourable Senators that in line with the resolution of the Senate Business Committee and the directive of the Speaker made on Tuesday, 29th March, 2022, hybrid sittings of the Senate have been suspended, effective today with exception of this Sitting. I, therefore, urge Senators to be in the Chamber to ensure that the Constitutional mandate of the Senate is discharged as has been practised before we embarked on hybrid virtual sittings.

I thank you and hereby lay the Statement on the Table of the Senate on behalf of the Senate Majority Leader, Sen. Pogishio, EGH, MP.

The Speaker (Hon. Lusaka): What is it, Sen. Wambua?

Sen. Wambua: Mr Speaker, Sir, for indulging me. I seek to be very brief. I have four statements that I sought from different committees, and they are at different levels of processing. Now that we are almost coming to the end of our term in the Senate, through

your office, I kindly ask the following Chairpersons of committees to seriously consider concluding business on these Statements, so that the people on whose behalf I sought the statements can be better served.

Mr Speaker, Sir, I sought statements on two issues from the Committee on Labour and Social Welfare that is ably led by Sen. Sakaja. The first one is the issue of the honorarium to councillors, which was processed and concluded. We are receiving calls from councillors all over the country asking whether or not that money has been factored in this Budget. They have a lot of hope that this time round they will get the honorarium. I know that the Committee on Labour and Social Welfare processed and completed the business. Now that we do not have an implementation committee, I really plead with the Committee to make follow up, so that these councillors can get their money.

The second one is still under the Committee on Labour and Social Welfare, and Sen. Sakaja knows it. It is the issue of the wrongful dismissal of Munyala Malombe from Kenyatta National Hospital---

(Loud Consultations)

The Speaker (Hon. Lusaka): Order, Senators! Please, let us consult in low tones.

Sen. Wambua: Mr Speaker, Sir, I see Sen. Cheruiyot is holding a different kind of *kamkunji*.

(Laughter)

The Speaker (Hon. Lusaka): Order, Senators!

Sen. Wambua: Thank you, Mr Speaker, Sir. I believe there are councillors from Kericho County, who really wanted to be taken care of on this issue. It is an important matter.

I sought a Statement from the Committee on Health on the issue of the broken-down infrastructure in health facilities in Kitui County, delayed payments for casual workers and medics and lack of drugs.

Lastly, I sought a Statement from the Committee on Roads and Transportation on the issue of compensation for persons affected by the road project from Kibwezi, all the way to Mwingi. They have not been paid their money. They are asking for their payments. If the Chairpersons of those Committees can fast-track those issues, I would really appreciate.

I thank you, Mr Speaker, Sir.

The Speaker (Hon. Lusaka): Okay. I think the Chairpersons have heard you. What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Speaker, Sir, I thank Sen. Wambua, who is a very diligent representative of the people of Kitui County. The first matter that he raised is a very important matter to us, that is, on the one-off honorarium to councillors. We put up a very strong fight. We had various sessions with the former councillors, who at that point were around 12,000. The numbers have since gone down since then because they are dying.

We reached an agreement with the National Treasury. I would like to thank the following Cabinet Secretaries; CS Ukur Yatani, CS Eugene Wamalwa and CS Chelugui

who would come to my office for those meetings. The amount we were able to secure for the councillors was coming to Kshs250,000 each.

Mr Speaker, Sir, we appealed that they consider an increment. I personally asked the President to host all the former councillors to acknowledge that they are the fathers of devolution, that we stand on their shoulders, and to even give them a certificate of recognition for the work that they have done and increased that amount. Appreciating these councillors would go a long way. If they were not preoccupied with this issue that has happened today, they would realize that we would also help them in many other respects. I still urge them to do that with the Councillors.

We have scheduled a meeting for next week in follow up with the CS of Treasury to see that it has been incorporated in the Budget estimates, that all our former councillors are able to get that one off honorarium and that it is boosted a bit more, because they really gave service to our country at a time when we did not have proper devolution.

On the second matter, I note that we had gotten a response from Kenyatta National Hospital and the Ministry of Health, which was not satisfactory. I will follow it up. Mr Malombe has been in touch as well with myself. I apologise. Normally, my Committee is extremely efficient. I do not know how we let that slip through our fingers. However, I will sort that out.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Next Order!

MOTION

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)

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

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments Grants Bill (Senate Bill Bills No. 35 of 2021), laid on the Table of the Senate on Thursday, 31st March, 2022; and that pursuant to Article 113 of the Constitution and Standing Order No. 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

Mr. Speaker, Sir, it was only yesterday afternoon when I promised the House that we have negotiated that we will be able to conclude the mediation process. I remember telling Sen. Murkomen, Sen. Cheruiyot, Sen. Wambua and Sen. Wetangula that I do not promise things that I cannot deliver.

We have gone through the processes here and talked more on the genesis of this Bill. I do not think I need to repeat that. However, for a small recap, the purpose of the Bill is to provide an instrument for transfer to county governments either conditional or unconditional allocation. These additional allocations are from national Government sharable revenue or proceedings of loans and grants from Development Partners.

Mr. Speaker, Sir, the Bill is in compliance with the Petition of the High Court, No.255 of 2016. The genesis of the Bill is that Senate passed it on 15th September, 2021 and with amendments on 2nd December, 2021.

The Senate on 21st December considered and rejected the amendments by the National Assembly. This is what took us to where we have been for purposes of mediation. The Committee had it total four sittings to deliberate on this Bill in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National deliberations.

Mr. Speaker, Sir, the Committee held meetings with the following stakeholders for purposes of record of the House - we consulted the National Treasury and Planning, The Commission of Revenue Allocation (CRA), The Council of Governors (COG) represented by the Governor of Laikipia County and the Controller of Budget.

The Mediation Committee considered the matter to develop a version of the Bill that both Houses will pass. The version of the Bill is attached to the report of the Bill tabled in the House today.

Among the key resolutions made by the Mediation Committee include: -

(a) The Bill be referred to as County Government Additional Allocation Bill. We agreed to amend the original title of the Bill so that it reads as County Government Additional Allocation Bill, 2021. We did not have a problem with that.

(b) That, annually, the National Treasury shall submit to Parliament, the County Government Additional Allocation Bill in addition to Division of Revenue Bill and County Allocation Revenue Bill. That means that hitherto, we have been considering two Bills; Division of Revenue Bill and the County Allocation Revenue Bill. However, this time we will also have the County Governments Additional Allocation Bill.

(c) That, the Bill should obligate the Cabinet Secretary (CS) to provide – this is very important, this is what we were asking for – monthly report on the disbursement of funds allocated to counties under the Bill.

Mr. Speaker, Sir, the Senate and, indeed the country, has the opportunity to see each and every time the disbursements are made how they made and to whom they have been made to.

With approval of this agreed version of the Bill by both Houses, a legislative instrument, will be put in place to allow County Governments access Kshs39 billion. We assured, debated and agreed that this should commence next week.

Secondly, there is assurance that all stakeholders will be in a position to monitor disbursement by the National Treasury as well as projects being implemented through these funds.

Mr. Speaker, Sir, I, therefore, urge all the Senators to consider this report and approve it. Without much ado, we have been debating over this issue. We had promised Sen. Wambua and have delivered. The Bill will be annual. As you come back to the Senate – I pray that you come back – you will be able to monitor the way funds are disbursed to the counties and indeed how they have been utilised.

Thank you, Mr. Speaker, Sir. I beg to move and request Sen. Nyamunga to second.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for giving me the opportunity to second this Bill. I also want to thank all the Members. It was not as easy because both sides had an issue on this Bill, more so, the National Assembly.

This money has been pending over a very long period of time. The funds that been tied for I think a period of about seven or eight years. Money that should have gone to the

County Governments and utilised in different ways to develop our counties has been stuck just because the Bill has not been put into place.

I thank both the House and the Members who were there. It was not easy. I thank you for the support of the Senate to allow us to deliberate upon the issues which were there and come to a big compromise.

I second.

The Speaker (Hon. Lusaka): Order, Senators! Take your seats.

(Question proposed)

The Speaker (Hon. Lusaka): Sen. Murkomen, proceed.

Sen. Murkomen: Mr. Speaker, Sir, I thank the Chairperson of the Senate Committee on Finance and Budget, Sen. Kibiru, whom we had a lot of arguments with yesterday on whether we should proceed with Divisional Revenue Bill before this Bill or not. I want to thank the House for collectively taking the wise decision to first start with this very important Bill.

We have been grappling with the question of grants to county governments. From 2013, nearly all Senators in this House had complained about the equitable distribution of grants from national Government to counties. Innovatively and slowly, first of all through a court decision, but eventually by the intervention of the Committee, we have come up with a very important Bill.

Two things are important about this Bill. One, the contents makes sure that the Senate and the National Assembly plays a role in equitable distribution of the resources.

Not only that, but also, we will play a role in clear oversight, with parameters being set. Those of us who have served in County Public Accounts and Investments Committee have found ourselves in a situation where when we summon county governments to ask them about grants, from both development partners and national Government, it has been very difficult because they hang on the provision of the Constitution only and say there is no legislative framework to hold them accountable.

Mr. Speaker, Sir, the other thing is that we have won a great deal. Just like The Division of Revenue Bill, The County Grants Bill will be brought to the House annually for appropriation and proper transfer to county governments. This is very good.

As we were saying yesterday, this will help colleagues who are going to serve in the county governments and those of us who will remain here to provide support and accountability. It will ensure that counties can budget. For example, if you receive grants for development of Siaya town, you do not need to appropriate again for county funds for the same projects that will be done in the areas that you will develop. This gives a lot of certainty in terms of planning and application of resources.

Lastly, I thank Sen. Kibiru in person because of his leadership in this very important Committee. I have never doubted his capacity and capability since he came to this House. Since he is exiting, I want the people of Kirinyaga County to know that they have a very competent citizen who has served very well in this House.

I do not know how they will rate him in the other position, but in this one, he has done his work in a very commendable manner. We will forever remember his services to this nation through his presence in this House.

Mr. Speaker, Sir, lastly, this is a victory for the Senate. The Senate as an institution has struggled to protect the mandate of this House, not for our personal gain as individuals, but for posterity. I know that we still have matters pending in court. I hope that we will succeed in the manner that we have prayed. Since it is pending in court, I will not say more than that.

We have two victories today. One is this Bill. Two is the falling of Building Bridges Initiative (BBI) Bill. I say this with a very excited heart. There is no Senator here - of all the 68 Senators - who is not excited. The Senate proposed by BBI was a complete water down of the mandate of this House.

If BBI had passed - and I say it here as the people of Elgeyo-Marakwet are listening - I would have never wanted to serve under the kind of Senate that was being proposed by BBI. Personally, I do not want to talk about other provisions of the BBI Bill. However, as a person who wants to continue serving in this Senate, provide oversight, fight for counties, BBI was going to be a complete downgrading of the Senate.

I am glad that it was declared null and void. Even if we posture publicly as thought, we are sad that BBI failed for our friends who are on the other side. I am sure that inside their hearts, they are rejoicing because when they come to serve in the next Senate, it will not be a watered down Senate.

Mr. Speaker, I beg to support.

The Speaker (Hon. Lusaka): Sen. Orengo, you may have the Floor.

Sen. Orengo: Mr. Speaker, Sir, I thank Sen. Kibiru for his leadership and firmness in bringing this matter to an end.

It is important to know that this Bill was generated by the Senate, and more particularly, by Sen. Kibiru's Committee. This Report puts the intended legislation in compliance with the High Court ruling. This is victory.

I congratulate the membership of the Committee. It is not an accident or coincidence that he was the one who was chairing this Mediation Committee.

I thank the Vice Chairperson, Hon. Kanini Kega, because I remember when you were holding meetings, I walked into the meeting and he gave his word. I, therefore, want to thank the Membership of the Committee coming from the National Assembly.

I also congratulate our Members in that Committee. They are almost in their entirety, including Sen. Mutula Kilonzo Jnr. and Sen. Nyamunga. One of the Members of Parliament (MP) of the National Assembly, Hon. Naisula Leisuda, was a Member of the Senate. I am sure she could not have voted any differently.

I emphasize two things that have been said by the previous speaker; that this Bill is important for the Senate for purposes of accountability and oversight. Funds are going to counties; the Senate must have a role in questions oversight and accountability.

It is important that the National Assembly does not arrogate responsibilities of the Senate on funds that are devolved. We, therefore, do not want to take a lot of time on this one because it is a victory for the Senate. It was our own Bill.

Since the Senator of Elgeyo-Marakwet mentioned something about the BBI. I would like to add on that. He is completely ignorant of what was going on in court. The elephant in the BBI proceedings was the doctrine of the basic structure. The Supreme Court unanimously overturned the decision of the High Court and the Court of Appeal on that major issue that was before the High Court, Court of Appeal and the Supreme Court.

It is a victory and everybody would want to claim but it is a victory for the rule of law and constitutionalism.

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

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I will also try and be brief like the rest of my colleagues. This is a big win for the Senate especially those that have walked this journey from as early as 2016. This is when the discussion about what to do with conditional and non-conditional grants happened. It was first raised by our Committee.

I have mentioned this in many occasions in the course of the last few days. This is because it is a special moment for us, especially members of the Senate Committee on Finance and Budget.

The first time that we were ever requested to grant anything outside the Division of Revenue Bill was when we had five counties that did not have either the provincial or district headquarters. We had counties like Nyandarua, Lamu and three others that I cannot recall of the top of my head, that did not have any place to call a county headquarters.

Unfortunately, as is often the case in Kenya, when you give the National Treasury an inch, they will take a mile and run with it. Therefore, over time, conditional grants became so popular to the point that as early as 2017, when petitioners went to court and wanted to find out what is the place of these grants, either conditional or un-conditional in our Constitution, the figure was increasing.

The biggest thing that worried many of us was the fact that there was no known formula of how these monies were being allocated to the various counties. In fact, if you looked keenly - I dare say this - many of them were either political consideration or goodies that were being dished out.

Many of us complained that in the place of conditional and non-conditional grants, perhaps, it would have been better for us to implement the Equalization Fund that is set out in our Constitution, yet that was not done as well.

When Sen. Kiburu led us as a Committee to consider this Bill, of course, as a further mitigation because the courts had already pronounced itself on this particular matter, we undertook this assignment with the seriousness it deserved. There was a battle with our colleagues in the National Assembly who wanted to reduce and water it down.

The most fundamental change they wanted to make to the County Governments Grants Bill, which to us was the life and heart of it, was to make it a once in a lifetime provision, where once we pass it, there will be a formula for determination and that was the end of the story. That was not the feeling of many of us.

If you read the submissions by the Controller of Budget (CoB), the Council of Governors (CoG) and many other right-minded institutions, you will find that they agreed with us. They said that cannot be the case. We have to do it on a yearly basis because many conditional and unconditional grants are done on a need basis. Once a specific need has been addressed, then there was no need for that particular grant to be given.

I have cited an example of county headquarters. Once you have built county headquarters, there is no need to further grant that particular county money for the same purpose. Therefore, this is a big win for us. I congratulate my Chairman, Sen. Kibiru, for a job well done. I also congratulate the leadership of the Senate for listening to us when we requested them yesterday. I congratulate you, Sen. Orengo.

We pleaded and asked them to allow us to, first of all, reach a mediation agreement, but there is cause for worry. However, Sen. Orengo, you are not yet off the hook because we need an assurance that Members of the National Assembly will pass this mediation report. Otherwise, we will have been lied to, like a teenage girl who is given a small token and told to go to some room and that nothing else will happen. The minute you walk into that room, you have no control of what happens.

I dare say until---

Sen. (Dr.) Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir,

The Speaker (Hon. Lusaka): Sen. (Dr.) Ochillo-Ayacko, what is your intervention?

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker, Sir, I hate interrupting my good friend. We knew one another before we came here.

You have heard him talk about not being lied to like a teenage girl. Is that not insensitive to teenage girls? You can also lie to small boys and do bad things to them. Would I be in order to ask him to use a proper description of lie, so that he does not imply that it is only teenage girls who are vulnerable?

Sen. Cheruiyot: Mr. Speaker, Sir, of late, the boy child has become a victim more than even teenage girls, especially in the era of sending fare. Basically, if we do not want the National Assembly to “chew” our fare, if that is a phrase that Sen. (Dr.) Ochillo-Ayacko is more comfortable with, let us hold on.

I plead with you. I do not know what the hurry is for. The National Assembly should pass the mediated version, or at least let the report be tabled before the National Assembly. Otherwise, we have a cheque, but we are not sure whether we can have cash at the right time.

We need to be advised properly. If there are mechanisms in place to convince us that there is a way you can safeguard that agreement, then we will be more comfortable. I do not know why Sen. Wambua is smiling. Maybe he knows other ways of safeguarding what I am trying to say. That is the cause of my concern which should be addressed properly.

Mr. Speaker, Sir, in conclusion, Sen. Orengo made a comment which we cannot allow him to get away with. It is true that the proponents of the Building Bridges Initiative (BBI) had a victory this morning, but that is what we call a pyrrhic victory. Out of the many things that they pleaded, that is the only one they can hop on and say at least they got something out of it. For all intents and purposes, they never got what they wanted, but that is neither here or there. We are happy that this House will remain a better institution than what was being proposed in the BBI. That is our source of happiness.

The Speaker (Hon. Lusaka): Sen. Orengo, what is your intervention?

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I was looking for the relevant Standing Order. I know there are some people who want to speak on this, but since this is our Bill the more we do in order to make sure it is assented to, the better. I am

not of little faith like the Senator for Kericho and I will have more faith than the Senator for Elgeyo-Marakwet.

Mr. Speaker, Sir, how do we go about it? Can we reduce the time to two or three minutes?

The Speaker (Hon. Lusaka): Okay, I will reduce it to three minutes starting with Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to support this amended version of the County Governments Grants Bill. I would like to join my colleagues in congratulating the Senator for Kirinyaga for doing a splendid job by ensuring the role of the Senate when it comes to the issue of division of revenue and making sure that our counties get money, is respected.

As a Senator, I am proud that Narok County will get an additional amount of Kshs645 million which will go towards helping Level 2 and 3 hospitals. About Kshs150 million will also go to the informal sector. There will also be money to pay for the Managed Equipment Services (MES). That is money that the Senate has the mandate to oversight. The biggest challenge we had with the title “conditional and unconditional grants” will be a thing of the past.

I remember when Sen. Wamatangi summoned governors to come and explain how they spent the money on the road sector, they went to court and said the Senate did not have a mandate to ask them how they spend conditional grants that were given to them for the roads.

Having now changed the title to additional grants, it will help the Senate to continue to oversight every resource send to the county governments. This is our opportunity and we must remain firm and prove to the country that when we are here as Senators, our job is to send money to the counties.

I join my colleagues in saying that it is imperative that the National Assembly also passes the mediated version, so that we can have the money send to the counties. It will be sad if the money given to us as grants is sent back to the donors. We know that the amount of money that the national Government is sending as additional grants is about Kshs9 billion and Kshs30 billion is from loans and grants from donor agencies. That money can help a little child in Mandera County.

Mr. Speaker, Sir, in conclusion, in most counties, especially in the northern part of Kenya, they rely on grants to do developments. Most of the sharable revenue goes to some questionable contracts. That is the case in all the 47 counties. For conditional grants, there are conditions and a requirement that they must submit quarterly reports.

I thank you.

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

Sen. Wambua: Mr. Speaker, Sir, I join my colleagues in congratulating, the Chairman, Sen. Kibiru, and his team. It is a big day for us in the Senate.

As Sen. Olekina has said, it shall be remembered that last year, we had an ugly encounter with governors when we attempted to ask questions about how they were using the Kenya Urban Support Programme (KUSP) funds for roads. They will have nowhere to hide when this Bill is passed into law because we will be able to question the expenditure of additional grants send to counties.

Mr. Speaker, Sir, as the Senator for the great people of Kitui County, I am very happy that today we are okaying disbursement of an additional of Kshs600 million to Kitui County. Another Kshs150 million from the national Government and slightly over Kshs500 million from development partners. It should be noted that we shall follow up on the expenditure of this money to ensure that this money is used for the intended purposes.

Secondly, I take this opportunity to caution my colleagues. Yes, today we are dealing with the Grants Bill. Once bitten twice shy. We stood our ground from the day before yesterday up to today and we are seeing good results. We should not relent. We should ensure that we pass this Grants Bill and wait for the National Assembly to pass it and then on Tuesday, we can pass the Division of Revenue Bill. We cannot be short-changed any further.

When the Senate stands together on issues of revenue and funds to counties, good things happen to our counties. On this one, I urge my colleagues to pass this Grants Bill with celebration and wait for the National Assembly to pass it.

The Speaker (Hon. Lusaka): Sen. (Prof.) Ongeru, please, proceed.

Sen. (Prof.) Ongeru: Mr. Speaker, Sir, I thank you for allowing me to also contribute to this important Grants Bill. I thank Sen. Kibiru, the Chairperson of that Committee, for ably chairing this meeting.

From the outset, let me say that one of the most innovative elements on this Grants Bill, is the question of removing these unconditional grants which was very vague, to additional funds. They were bringing it within the framework of the Public Finance Management (PFM) Act, which will be an accountable document and account for funds being availed to county governments to spend.

These funds are either grants from donors or additional loans given to the national Government from various entities like governments and other institutions. It just includes funds coming to the national kitty from whichever source.

This has been put together into one annual outfit, instead of this perpetual law which did not have the requisite framework of disbursing these funds. I am happy and proud that with these arrangements for Financial Year 2021/2022, Kisii County gets an additional Kshs850 million. On the medical equipment, they get another additional Kshs153 million. This makes it almost Kshs193 million or Kshs1 billion. This is a lot of money for Kisii County Government.

I believe this money is good enough. If it can be properly budgeted for under the normal annual budgeting and allocation process, it should create a far-reaching impact in the services and activities being carried out in the county government. When I become Governor, I will make sure it will be properly utilised.

If we do so, then this question of waiting for conditional grants, hitherto, which has been the subject of debate, will be a matter of the past. We know that it is an annual allocation, goes through the normal allocation process through the National Treasury, National Assembly and the Senate. Once allocated, it is a predictable fund and we can now rely on the funds for particular development areas within county governments.

Mr. Speaker, Sir, I support the County Grants Bill (Senate Bills No. 35 of 2021) because it will add predictable revenue to the county government. Hitherto, it has not been predictable. I also agree with various sentiments expressed, that the only way we can be

sure that this becomes an annual affair, is for us to pass this Bill today and await the National Assembly to reciprocate the same sentiments, then we shall be home together.

The Speaker (Hon. Lusaka): Sen. Kavindu Muthama, please proceed.

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for giving me this opportunity. I congratulate the Chairperson for Committee on Finance and Budget, Sen. Kibiru, for the report on this County Grants Bill (Senate Bills No. 35 of 2021).

This Bill is very important for our counties. As I speak, Level 2, 3, 4 and 5 hospitals in Machakos County are really suffering. The lack money even for medication and to pay cleaners. Last week, I talked about cleaners who had gone on strike for of lack of payments. This money will assist county governments in buying medication. The money will also go into supporting even the agricultural sector.

Mr. Speaker, Sir, I support this Bill. I also join my fellow Senators in saying that we should allow the National Assembly time to pass it. After that, we can now pass the other one on Tuesday.

The Speaker (Hon. Lusaka): May I call the Mover to reply.

Sen. Kibiru: Mr. Speaker, Sir, I beg to reply. In replying, I thank Members for the accolades that they have accorded the Committee. In particular, today my name has been mentioned by every Senator and it is a good send off.

Having said that, hon. Senators, we have no words to thank you for standing with the Committee and for agreeing that we need to have this Bill passed in favour of the Senate.

As we progress, I persuade you to kindly pass this Bill so that it can be assented tomorrow. The National Assembly promised us that they will deal with it immediately we pass it. We would have done our work because we cannot keep on waiting for other people to do their work. We are doing it with the outermost faith.

Mr. Speaker, Sir, I have heard Senators say that we do not pass the Division of Revenue Bill until the National Assembly has passed the Grants Bill. I think that would be stretching ourselves too much. I request the Senators, like we agreed yesterday, we have got the report and let us vote for the two Bills.

I beg to reply.

The Speaker (Hon. Lusaka): Hon. Senators, I now direct that the Bell be rung for two minutes.

(The Division Bell was rung)

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

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

Temporary Speaker (Sen. Nyamunga): Hon. Senators, let us have some order. Can the doors be closed and bars drawn? The two tellers are Sen. Olekina and Sen. Wako. We should be able to start and it will be by roll call.

(Roll call voting in progress)

Sen. Mwaruma, please unmute and vote. Sen. Mwaruma has poor connectivity so we will come back to him later.

(Roll call voting in progress)

That is fine Senator. Proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, I have consulted the Nairobi County delegation and we vote yes on this one report only. Can my deputy, Sen. Omanga, second?

Sen. Omanga: Madam Temporary Speaker, I second.

(Laughter)

The Senate Minority Leader (Sen. Orengo): On a point of order, Madam Temporary Speaker. I am worried about what went on record in so far as Nairobi City County delegation is concerned. The leader of the delegation was saying, “this one,” while pointing at Sen. Omanga. I do not know whether it was a choice between the Bill and Sen. Omanga.

The Temporary Speaker (Sen. Nyamunga): Yes, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, even on that one, I vote yes. I vote yes even on Sen. Omanga.

The Temporary Speaker (Sen. Nyamunga): Be clear on the Bill for purposes of records.

Sen. Sakaja: Madam Temporary Speaker, I vote yes on the report of the Mediation Committee.

(Loud consultations)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, can we have some order. Can we take our seats? I do not want to mention your names. Kindly let us have some order and please take your seats.

Let us continue.

(Roll call voting in progress)

Yes, we can do a run through. I can see some Members who were not there and are now present. Can we have Sen. M. Kajwang'. He is online.

Sen. M. Kajwang': Madam Temporary Speaker, I vote yes.

The Temporary Speaker (Sen. Nyamunga): We cannot see your face? That is not Sen. Kajwang'

(Laughter)

Can we please have Sen. Kajwang' vote.

Sen. M. Kajwang': Madam Temporary Speaker, I vote yes

The Temporary Speaker (Sen. Nyamunga): That is fine. Let us proceed.

(Roll call voting in progress)

Can we please have Sen. Seneta?

Sen. Seneta: Madam Temporary Speaker, I vote yes.

The Temporary Speaker (Sen. Nyamunga): Let us proceed.

(Roll call voting in progress)

MOTION

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON
THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the County Governments Grants Bill (Senate Bill Bills No. 35 of 2021), laid on the Table of the Senate on Thursday, 31st March, 2022; and that pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Maina, Nyeri County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Olekina.

Teller of the Noes: Sen. (Rev.) Waqo.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows-

AYES: 32

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 32 votes to nil)

Can the bars be drawn and the doors unlocked?

(The bars were drawn and the doors unlocked)

Next Order.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators we are going to defer Order No. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 to be listed for the next sitting.

BILLS

Second Reading

THE LANDLORD AND TENANT BILL
(NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(Bill deferred)

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(SENATE BILLS NO. 29 OF 2021)

(Bill deferred)

Second Reading

THE ELECTION CAMPAIGN FINANCING (AMENDMENT)
BILL (SENATE BILLS NO. 51 OF 2021)

(Bill deferred)

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILL NO. 54 OF 2021)

(Bill deferred)

MOTIONS

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FYS 2018/ 2019,

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2016/2017 AND 2017/2018 (VOLUMES I, II AND III)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin- Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report , laid on the Table of the Senate on Thursday 2nd December, 2021.

(Motion deferred)

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY 28 COUNTY GOVERNMENTS

THAT, the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty-eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Motion deferred)

COMMITTEE OF THE WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO. 37 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENTS) BILL
(SENATE BILLS NO. 15 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PRESERVATION OF THE HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(Committee of the Whole deferred)

The Temporary Speaker (Sen. Nyamunga): We move to Order No.20. Chairperson, Sen. Ndwiga proceed.

BILL

Second Reading

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 55 OF 2021)

Sen. Ndwiga: Thank you, Madam Temporary Speaker. Pursuant to the provision of Standing Order 141(1) of the Senate Standing Orders, I beg to move that the Cotton Industry Development Bill 2021 be now read a second time.

I begin by thanking the Senate Committee for the commitment that they have taken to have this Bill published. The Committee has carried out public participation on the Bill. We also want to thank the Clerk and Speaker of the Senate for facilitating the development and publications of this Bill.

Madam Temporary Speaker, I also wish to thank member of the public who took time to give their views during public participation. They provided us with the much needed insight on the areas that needed to be strengthened in order to ensure that the objects of the Bill are met. In particular, it was clear that the stakeholders had wanted to ensure that various sectors in the cotton industry are represented in the Board established under the Bill.

The Standing Committee of Agriculture, Livestock and Fisheries which I chair has prepared amendments to the Bill which incorporate the views of the public.

The Bill seeks to reorganize the cotton industry by establishing the Cotton Industry Development Board, providing a framework for cotton farming and ensuring value addition to cotton and its related products.

Madam Temporary Speaker, before I delve into the contents of the Bill, I would like to give some background information on the issues revolving around the cotton industry and the history of the industry.

The previous Cotton Act was passed in 1989 to establish the Cotton Board of Kenya and define its functions, powers and internal organisation. Regulate various aspects of the cotton industry, including exportation, processing and marketing of cotton and to provide for the promotion and regulation of the cotton industry and for connected purposes.

The aforementioned Act was repealed by the Crops Act 2013 which consolidated and repealed various statutes relating to crops to provide for the growth and development of agricultural crops.

Cotton was introduced to Kenya by colonial administrators who trained and imparted cotton growing skills to the local population. It was and still is grown in various parts of the country specifically Nyanza, Western, Eastern Central and Coastal parts of Kenya.

The colonial economic policy of the British in Kenya favoured European settlers' cultivation of coffee, tea, cotton and maize. These activities were resourced with cheap labour, infrastructure, marketing facilities and finances.

When most British settlers left Kenya, Africans took over the cotton industry. It thrived for several decades and became the second largest employer after the civil service in the 1980s, until it was liberalized in 1991 and started facing a lot of competition from foreign firms and imports.

The cotton sub-sector has continued to face colossal challenges, including but not limited to government bureaucracy, regulatory restrictions, inconsistent national and international economic realities and scientific unreliability. Other factors challenging the sector are the cut-throat competition, competitive prices and introduction of imports.

As a result of the foregoing, it is clear that there is need to revamp the institutional and regulatory framework of the cotton industry in order to address these pressing issues and attain economic success in the industry.

In a bid to stem the problems above, the Government has taken various measures, including having the revival of cotton sub-sector as a pillar in the Vision 2030 blueprint. The aim of this Government led initiative is to reduce poverty because the cotton crop grows well in semi-arid and arid areas which account for 8 per cent of Kenyan land occupied by a heavily impoverished populace. Unfortunately, these measures have not been able to revive the cotton industry and restore it as the economic giant it was in the previous times.

The Senate Standing Committee on Agriculture, Livestock and Fisheries has also continued to engage the Ministry of Agriculture, Livestock and Fisheries in a bid to ensure a lasting solution to the problems that plague the cotton industry and agriculture in general.

Due to the foregoing, in 2021, my Committee proceeded to develop the Cotton Industry Development Bill which was published in November 2021. With your permission, I shall proceed to highlight the various provisions in this Bill. Clause 5 establishes the Cotton Industry Development Board with its headquarters at the Nairobi City County and given powers to establish branches in other parts of the country.

Clause 7 of the Bill provides that the membership of the Board shall consist-

- (a) a chairperson appointed by the President by notice in the Kenya Gazette;
- (b) The Principle Secretary responsible for Agriculture or a representative designated by the Principal Secretary in writing;
- (c) Six persons representing cotton farmers, one from each region specified in the First Schedule, nominated by the farmers' cooperative societies with the largest membership in the respective counties;
- (d) Two persons of opposite gender representing cotton farmers nominated by the Council of County Governors; and,
- (e) The Chief Executive Officer.

Clause 23 of the Bill requires county governments to maintain an up-to-date register of cotton growers, cotton cooperative societies and other associations. It also requires counties to implement the policies, standards and strategies by the national Government and guidelines on cooperate governance in cotton growers' institutions.

Additionally, counties are required to facilitate the production of cotton in the respective county by implementing and expanding the planting and replanting programme of cotton in strategic areas identified as having the most potential and facilitate the rehabilitation and fertilization of existing cotton.

Counties are also legally obliged to offer extension services on cotton production and primary processing. They are also required to promote the organization of cotton farmers' cooperatives, associations and organizations and provide them with credit and financing support. Also, provide training and extension service programmes.

Further, counties are required to collaborate with relevant institutions so as to promote access to credit and other financial services. They should formulate and adopt a general programme of development.

The Temporary Speaker (Sen. Nyamunga): Sen. Ndwiga, are you reading or moving the Bill?

Sen. Ndwiga: Madam Temporary Speaker, I am picking the points and going on.

The Temporary Speaker (Sen. Nyamunga): From where I sit, it is like you are reading verbatim.

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

Counties are required to collaborate with relevant institutions like the Ministry of Agriculture, Livestock, Fisheries and cooperatives and others so that we can have increased production of cotton and revive value adding facilities and institutions in the country.

Clause 24 of the Bill provides for registration of a person or entity carrying out cotton-growing business. This is a responsibility that has been given to the county governments for them to license growers, processors, ginneries and ginners and so forth.

The anticipation is that we shall have counties which produce cotton and have the capacity to move ahead and process the produced cotton through ginning and into proper value addition.

This country has signed protocols with countries like the United States of America (USA). We have the African Growth and Opportunity Act (AGOA) which is never utilized by this country.

Most cotton products like those at the Export Processing Zones (EPZ) in Athi River, are imported. The number of young Kenyans employed by the EPZ who concentrate or specialize in cotton and its products is huge.

If we have our counties concentrating on development of cotton and ginning and so forth, we will have job creation and facilities throughout our country.

Clause 25 provides for application for a license by a person seeking to engage in the manufacturing and processing of cotton. The committee decided that this should be a function of the Board because in matters of exports and imports, the Board is best placed to know the quantities we have and negotiations to be done with importers of our products.

Clause 31 gives the County Executive Committee Member powers to consult with cotton growers and designate cotton collection centres throughout the county.

Clause 32 provides for the process of licensing persons intending to export or import cotton. Like I said earlier, licenses shall be issued by the Board because if it is left to the counties, there will be confusion in terms of the intent of this Bill.

It is proposed, in Clause 37 of the Bill, that a fund to be known as the Cotton Development Fund, which shall be administered by the Board be established. For most agricultural products, if you do not have a development fund, it is difficult to move products, particularly cotton. Right now, there is a lot of confusion even within the Ministry of Agriculture, Livestock, Fisheries and Co-operatives on how to develop cotton in this country. That is why the Board requires its own Fund, so that they can do research because there is need to do research on cotton varieties.

The Committee undertook a vigorous public participation process and analyzed the stakeholder's proposals and amendments, which we shall bring this House to look at.

I am happy as the Chairman of the Committee to present this proposal to the Senate this afternoon. I hope that particularly Senators from areas where cotton is grown will support this Bill.

One of the Government's Big Four Agenda is manufacturing. There is no other crop which can create jobs in this country more than cotton. We visited several ginneries and co-operatives which use to process cotton in this country. Some of them not only used to gin, but do the entire process up to making clothes.

We had institutions like Kisumu Cotton Mills (KICOMI). They used to make the best suits that you could ever buy anywhere in the world. In fact, they used to export. When you look around, you will realise that most Senators are wearing clothes imported from funny places, when we have the capacity to make them here in this country.

Today, dairy farmers have a major problem and they articulate that through all sorts of media. The cost of a packet of milk is so high because of high cost of production. It is so because we import most of the ingredient that go into animal feed production. We import cottonseed cake from Uganda, Tanzania and sometimes from Asia. That is why production of animal feed in this country is expensive.

I hope that Senators will support this Bill and that we will conclude processing of this Bill before the end of the term of this Senate.

Madam Temporary Speaker, with those few remarks, I beg to move and ask Sen. Cherargei to second.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Temporary Speaker, for this opportunity. I thank the Chairperson of the Committee for giving me the opportunity to second this Bill which is important.

At the onset of devolution in the Republic of Kenya, one of the functions devolved to county governments in the Fourth Schedule of the Constitution is agriculture. This is just to provide policy and legal framework concerning cotton issues that we have in the country.

I have seen that Nandi, which is in the North Rift, is not among the counties that grow cotton. In Rift Valley, we have Baringo, Elgeyo-Marakwet, Kajiado, Kericho, Turkana, and West Pokot.

Madam Temporary Speaker, I can see a number of counties across the country, like Kisumu which is my neighbour, where you also hail from. It has been captured under Nyanza Region as well as Kakamega which is also neighbouring.

There is a proposal to have a legal framework to establish the Cotton Industry Development Board. For other counties which I have not mentioned, the Board will have an option of introducing cotton like in Nandi. Among its functions will be to regulate and promote the development of cotton growing and cotton ginning in the country.

It is worth noting that in the North Rift, particularly in Uasin-Gishu County, we have Rivatex which was revived the other day. In Kitui County, we have Kitui County Textile Centre (KICOTEC). There is one that was revived in central region and that is important. For example, Rivatex will require raw materials which are generated from cotton.

I thank the Committee that has made it possible. I hope it will not end with the counties that have been mentioned. I can see Isiolo, where the Deputy Senate Majority Leader, Sen. Dullo, comes from has also been captured and that is important.

Madam Temporary Speaker, we have the Rift Valley Textiles (Rivatex) East Africa Limited. We would want another cotton factory or industry established in Isiolo County in North Eastern, so that our people can have a market. We have been complaining that all the clothes we are wearing come from Dubai, France, Turkey and other countries. What are we doing as a country?

One of the areas of the Big Four Agenda was manufacturing. We have Rivatex in the Rift Valley. We also want to see Kisumu County establish their textile industry whose raw material is cotton.

We wanted to establish a national dress, but we did not have the capacity. Most *mitumba* dealers find the talk about promoting the local cotton industry as a threat to their livelihoods. They imagine that we are undermining their industry. That is not the position. We can complement the two industries as the country builds capacity.

I hope they will promote the diversification of cotton products. Nandi County welcomes this proposal. Since we are neighboring Kericho and your County, it will be easy to catch up.

Madam Temporary Speaker, Clause 11(f) says:

“Promote the marketing of cotton products and by-products in both local and foreign markets.”

This is important. As you walk down the Oxford Street in London, Main District, you can see a shop that is Kenyan. This is where you can buy Kenyan products like the famous Maasai *shukas*, *kiondos*, among other artefacts.

I wish that one day, you can buy Kenyan products in Paris, London, New York and anywhere else in the world. The Dubai Expo 2020 did not happen because of COVID-19 lockdown challenges. However, we want to walk into a shop in Dubai and find something Kenyan. That is how we can revive the cotton industry in this country.

My third point is on the role of county governments. From the onset, I was emphatically that it is important for the national Government as per the design of devolution to come up with a legal and policy framework. Thereafter, it is now for counties to embrace.

Madam Temporary Speaker, in the region where we come from, most of our population are farmers and depend on farming; be it sugarcane, dairy or coffee farming. How then do we diversify? Although we share the nucleus of Chemelil Kibos and other sugar companies, you know sugarcane has been facing rough times. You also know the challenges in the maize and dairy farming.

How do we diversify? It is a challenge for counties and we should put in place a policy and legal framework for diversification. In Kisumu County, they can encourage cotton farming so that when sugarcane farming is not working well, farmers can diversify to cotton for a nice livelihood.

The issue of certificates and permits in Clause 23 is straightforward. Clause 23(1)(d) states that-

“Regulate the cutting or destruction of cotton in order to conserve and protect the resources devoted to the cotton industry in the respective county.”

I hope this clause is not prohibitive because it should not. The Chairman of the Committee can confirm that we used to have a situation where you could not uproot tea. Sen. (Prof.) Ongeru is in a better position to explain this. Under that colonial era, it was illegal to uproot tea under the Tea Act. We do not want to go there. I hope the framers of Clause 23(1)(d), did not have a prohibitive intent.

As we encourage diversification, if a farmer in Isiolo County - where Sen. Dullo comes from - decides to do dairy or camel farming, they should not be prohibited from doing so. Although they are now growing cotton, they should not be prohibited from diversifying.

I would like to mention a few issues on the role of the County Executive Member (CEC). Counties continue to lag behind in extension services. I am talking about services such as veterinary, training and capacity building for farmers. Farmers need to be trained in the farming process and how to get good seeds.

It is also important to help farmers to organise cooperative societies. The tea and dairy industries have cooperative societies. We need to ensure that we put farmers into cooperative societies. Although I was quickly passing through that, we need to make sure that some of the nominees of the Board in the Cotton Industry Development Bill are representatives of the cooperative societies that deal with cotton, that come from the largest Cooperative Society in Kenya.

When we will be moving amendments on the formation of the Board, we need to ensure that the positions are on rotational basis. We know that there are places in this country where they grow cotton more than others. However, to ensure that we promote the growth of cotton, I wish that nominees of the Cooperative Society can be on rotational basis. If they are six, we can reserve three for Mount Kenya, North Eastern and Eastern regions. Rift Valley and Nyanza regions can then be given the three slots.

We want to bring the country together in as much as we want to bring regional balance. That way, we will not have the nominees of the Cotton Board coming from one region.

The final role of County Executive Committee Member, I will highlight is Clause 23(2)(i) which says:

“Inspect cotton farms, ginneries and value addition industries located within their respective counties.”

It is important.

Also important is Clause 23(2)(k), which says:

“Monitor and report incidences of pests and disease outbreaks to the Board and take action in collaboration with the Board and other relevant government agencies.”

This are control issues under extension services.

Madam Temporary Speaker, Clause 24 says:

“A county government shall not charge a fee for the registration of an applicant under subsection (1).”

The county government shall maintain a register of the name of the cotton grower. It is important that we register cotton growers. Nonetheless, it should not be prohibitive. Our people should not be disturbed, but should be a straightforward matter. The registration process should be seamless.

Clause 24(3)(b) states that:

“Each county government shall keep and maintain a register of persons registered under subsection 1 the location, size and parcel number of the land on which the business or that of its members is located.”

Where I come from and I suspect it could be true in your region, sometimes you go and lease land. You might not own land. If I want to farm sugarcane near Nyando where you come from, but I am not the owner of the land, can I lease? I hope it will be restrictive. This is because with all due respect, there are many young people who do not own the title deeds, but would want to lease land and do cotton farming.

This provision should include not only ownership, but also possession of the land. When you say: “the location, size, and parcel number of the land which the business or that of its members is located.” We would rather indicate whether in “possession or in ownership”. The registration should be seamless. I agree that there should be no---

(Sen. Cherargei paused)

Sorry, Madam Temporary Speaker. My mind is on the ruling of BBI. The ruling has taken our imaginations. I think I have forgotten the point.

(Laughter)

A county government shall not charge a fee for registration. This is important to note. For example, you will remember there was the issue of payment of Kshs5,000 for registration of *boda boda* to the National Transport and Safety Authority (NTSA). It is important that they should not pay any fee.

I agree with this provision of the law. It will assist the local people, hustlers, people who are still struggling, the farmers in the village and the people who are doing startups in farming register as cotton farmers.

Clause 25(1) indicates that:

“A person shall not engage in manufacture or processing of cotton products unless such person has applied for or obtain license in accordance with the Act.”

It is important that this function has been given to counties. We have seen cases where investors have been discouraged. For Example, Kisumu County Government might need to establish a factory. When you draft the Bills of Quantity (BQ), they might need Kshs500 million. Is it practical to allocate Kshs500 million in a financial year to that project? They might need Public Private Partnership (PPP) engagement or investors.

Madam Temporary Speaker, the issuance of licences should be seamless and very straightforward. Many people have blamed us in this region that it is our bureaucracy that has destroyed us. This is because they have been comparing that when you go to Rwanda, you are able to acquire the licence within the shortest time possible. We should have a one-stop shop in terms of access of licencing within establishments of factories.

Madam Temporary Speaker, we went with you to Kibos in your county with the Committee on Agriculture, Livestock and Fisheries. You saw the factory had bought a very expensive machine to crash cane, but because of bureaucracy, that machine cannot assist farmers. In the regions where you and I come from, we want that sugarcane to be crashed very fast, so that people get sugar and our farmers get paid.

However, somebody is seated somewhere in Nairobi, they know a machine has been acquired by a factory in Kisumu County, but they find there is nothing wrong. How then do we encourage investment in this country when you can allow investors to establish, bring their own machines, but you cannot assist them? That is also corruption. I do not know what else you can say about corruption. So, we should stop bureaucracy when it comes to issuance of licences.

The county executive has been given too much power under Clause 26. They say absolute power corrupts absolutely. Therefore, the refusal or denial of a license should be subjected to a board. For instance, you can say that the sub-committee of a county government should review the refusal or acceptance of a license so that you do not give absolute power to a CECM in charge of Agriculture and it will become a very big problem. I think in revocation, the principles of natural justice must apply and ensure that they are in place.

Madam Temporary Speaker, I thought I would speak for long the way our Judges have spoken today. Regarding the renewal of a licence, I think I will just run through the remaining part because apart from debating, I know our colleagues might want to prosecute other things on the Order Paper.

As we debate, there are many farmers from your county who grow cotton, but they are very keen. Some of them, have even called me and they really want to know the contents of the Bill. We thank the Parliamentary Broadcasting Unit (PBU), specifically The Senate Business Committee and your office, for ensuring that the proceedings are always live so that our people can understand. Even as we go to election, many people do not understand the role of the Senate and the National Assembly as a whole. However, when you put live proceedings, the way we are doing, it makes them understand our roles.

On the financial provisions, it is important so that this can be funded. I do not know what the National Assembly will say on the money Bill. I think they will say that the Cotton Development Fund is important and that it will assist in the growth, sustainable promotion and marketing of the cotton within and outside the country. We know audit is a standard procedure. Therefore, we need the Auditor-General.

On the final aspect, now the county assembly has a role. When you look at Clause 43, that was my final thought. Each county government may enact county specific legislation. In this Bill, it has been prescribed how they should approach it: the registration process, the renewal and the determination of application.

Madam Temporary Speaker, I hope our county assemblies as they establish these specific legislation, be it Kisumu County Assembly, or Nandi County Assembly, must ensure that the specific legislation they pass on this Bill discourage bureaucracy. They should ensure that investors and anybody who wants to establish the cotton factory, or engage in promotion of growth, marketing and diversification of growing cotton within our regions is seamless.

On the issue of penalty, I think we need to define an offence. I hope the offence is not uprooting your cotton. I have seen the Council of Governors (CoG) have a role. They have two nominees of the opposite gender. I wish they could be given more. I have seen the farmers have six nominees, which is very important for the board. So, when all is said and done these are some of the specific legislations that can define the legacy of the second Senate.

Even as we push other agendas outside there, it is important to put the necessary legal framework to assist our people. Even if we want to get elected, whether it is the bottom up economic model or through rural economy, these are the laws that need to be put in place so that those dreams are actualised.

As some of us go for re-election - I will be defending my seat as the Senator of Nandi - these are some of the legacies that we hope to leave for the next second Senate. I know my senior brother and churchmate, Sen. (Prof.) Ongeru is going for the top seat as the Governor of Kisii and we wish him well. Professor, when God blesses you to be the governor, we want see the implementation of this law.

Madam Temporary Speaker, I know you will continue being a Speaker in this House. I hope that when we go for Senate Mashinani where Sen. (Prof.) Ongeru will be the Governor - God willing - he will be able to say that in the Second Senate we debated this Bill. One of his achievements as the governor has been to ensure that the county assembly enacted it into law and they are now diversifying apart from growing tea, and dairy farming in Kisii.

We are happy today that the Supreme Court has spoken. All of us accept the decision of the Supreme Court. Let Kenyans move forward. What is important is that the Constitution can be amended and the process has been provided. Those issues have been addressed in terms of jurisprudential value and many others. Let us now focus on rebuilding Kenya and moving forward. There are lessons that have been learnt in terms of amendment of the Constitution.

Madam Temporary Speaker, with those many remarks, allow me to second and call upon my colleagues to support this Bill for the betterment and improvement of our devolution.

I thank you, Madam Deputy Speaker.

(Question proposed)

Sen. (Prof.) Onger: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute on this very important Bill, the Cotton Industry Development Bill of 2021.

The purpose of this Bill is to be able to initiate a legal framework, a policy framework and other attendant instruments to be able to make the cotton industry very buoyant within the agricultural sector.

One of the main elements in any agricultural sector is the element of production. You know one of the problems we have in this country in many of our cash crops that we are growing today is the question of rain-fed processes where the rains are unpredictable. Therefore, when the farmers plant their crops, including the cotton seeds when they are planted and there are insufficient rains, they run into difficulty in getting the right production, right from the beginning.

One of the problems that beset the farming industry is the production element of it yet we do not have the correct certified seed at that level. We also may not have the enough rainfall at that moment. One of the things which is now complicating the farmers' activities who are toiling every other day to produce the other cash crops, is the question of fertilizer. It is becoming beyond reach. We have an international crisis in one way or the other where we are always dependent upon supply of fertilizers.

Today, to plant products in Kenya, be it maize, beans or other products like tea, you will realize that Diammonium phosphate (DAP) fertilizer costs more than Kshs6,000. The poor peasant farmer cannot afford this kind of cost.

Madam Temporary Speaker, I hope this is not just a Bill for the sake of a Bill. When it becomes an Act of Parliament the Government should create an enabling environment for farmers to get access on cost effective fertilizers to promote cotton crop growing. I know that there was a time when there was cotton growing in South Nyanza. It was a joy for us to travel to Kendu Bay to see the cotton ginneries. We saw the processing of the raw cotton into yarns and the products that came out of it. It was a pleasure.

The Kisumu Cotton Mill (KICOMI) industry was basically fed from the cotton yarn from the Kenyan markets. However, it collapsed because of the insufficient supply of cotton yarns. The farmers were not properly treated, organized and sorted out. The farmers, at the expense of trying to revive the industry, stopped farming cotton. I remember the late

President Moi appointed a special board which was chaired by no other person than the late Mzee Jaramogi Oginga Odinga. He gave him a very big car to revive the industry because of his personality that people would then listen to what he was now going to do.

The late Jaramogi Oginga Odinga did a lot in trying to resuscitate that industry. Unfortunately, when he was no longer the chairman of that board that industry collapsed with the money that the farmers had invested in this industry. The farmers lost a lot of money. Any attempt today, to try and revive the cotton industry, people remember of what happened in the past.

I hope that this Bill will be able to address those concerns of farmers, particularly the farmers who lost so heavily in this crop. They had faith in this crop and put over their resources. Whatever savings they had saved from other crops; they had put it in this industry. When it collapsed, they became very scared. They were not ready to invest anymore.

Madam Temporary Speaker, when this Bill becomes an Act of Parliament, one of the things that both the national Government and the County Government will have to do is civic education, to educate the farmers of the goodness that is contained in the various articles of this Bill. If the provisions of this Bill are properly implemented, then the farmer stands to gain. However, if they are poorly introduced to the community and to the public, am afraid it may find the same fate like the former cotton industry limited went at that time when it was being promoted by the Kenyan Government.

Production is a very important stage. You must have certified seeds, properly sorted out and planted so that you do not have anybody planting any breed because the yield will be very low. You require high breed yielding of this cotton plant, so that the farmer is able to get additional of resources from this.

The second stage is processing. Once you get the crop and the cotton wool, how do you process it? Which means there is need for the establishment of ginneries. You cannot tell the farmer to produce then he has nowhere to send that crop. That becomes a deterrent for that farmer.

Madam Temporary Speaker, one of the most important element is that whereas we are going to encourage farmers to grow this crop, we must at the same time, know where this crop is going to be processed. This means transportation element and the kind of societies they should develop to become cost effective so that they can get their cotton yarn from the farmers' farm to the cotton ginnery. Therefore, the transportation element in that region, both the transport and delivery of that cotton, must be properly considered and organised.

Today, where we have the tea factories, we also have planting of tea leaves for production. Therefore, it should have similar approach to cotton planting and to cut out the middle men who tend to get so much, particularly in the transportation sector. The farmer ends getting a third of his labour, efforts and his sweat while the middlemen gets the cream of the profit. The farmer spends so much time and energy growing that cotton yarn. Sooner or later, the farmers become discouraged and are unable to continue with the industry. That is how the industry collapses.

The question of production and means of transportation and the organisation must be very critical. The question of processing is value addition is important. When you are adding value, how much do you plough back to the farmer? That is where it is contentious.

That is where we have problems today even in the tea industry. Today, if a tea farmer delivers tea leaves to the factory, it is being processed because the auction market is in Mombasa and the transportation cost are very high. The transport person is the one who takes the cream. The auction market or the people who are auctioning the tea on behalf of the farmers take particular percentage. There are taxes that also levied left, right and centre. This is what makes the tea industry unattractive at the moment because the farmers are not getting their returns for their tea that they expect as farmers.

I hope that the cotton industry will not fall in the same pit that we have today. We must cut the middleman cost who has the potential of taking the cream of the farmers sweat then the farmer is left with the pittance of about 10 to 25 per cent which is not sustainable. When getting to this industry, we must be very careful on how this cotton raw material is transported to the factories and ginneries. The method of transportation must be cost effective so that we do not take away what the farmer expects to get as an earning.

In the value addition, the farmer must be given a particular percentage because that is his sweat. Without the farmer's sweat, they would not reach the ginnery in the first place. Therefore, whatever profits they make, they must appropriate a reasonable amount of money to go to the farmer so that he gets the element of his sweat.

There is the third stage of distribution. Once this value addition has been done, how do you distribute this commodity? What are the marketing channels? When we talk of distribution of cotton in Kenya and its products, we are talking about marketing. Marketing must be created. We must create the domestic channels and the channels for the domestic markets. We must also create the international market for the production of the excess cotton which is grown in this country.

The development of the industry and the creation of cotton industry development board is a welcome sign with a proviso that they must look at those elements that I have already explained. If we do not do so, we are doomed to fail. That is the thing that the farmer wants to venture into. If they suspect that in one way or the other that the farmer will fail, they will not even grow that crop. They will uproot it. That is why the incentives must be attractive enough that the farmer will put his investments and work plan into that position.

Clause 3 of this Bill provides the legal framework under which this Bill must be promoted. The objects of this Act is to provides a framework where to promote a globally competitive cotton industry. For instance, you get that Egypt are using irrigation methods yet they grow one of the finest cotton. The cotton strands are one of the finest strands. That is why you see the cotton industry is very buoyant in Egypt. That is why, when you look at the apparels coming from Egypt or some of these cotton growing areas, are some of the most beautiful productions that you can ever get for shirting, suiting, school uniform materials and everything else. Look at India. They are growing cotton and they are getting very high yields of cotton with a very high quality productions being churned out.

It is important that we take into account, that, if we are going to use irrigation; because a rain fed cotton growing industry here is becoming a menace here because we

cannot predict. It was only earlier on today when we talking about the weather and the Meteorological Department.

There was a question raised here that we are not able to predict the kind of rains we are going to get and everything that is going to be available at that time. Therefore, when we become globally competitive, it must be able to plow in and invest in the production of this aspect of the cotton growing.

As we add value to this cotton we must take into account that the processing of safe and healthy products is critical. You do not get products which are laced with mercury, lead and then this leads to some other public health problems of diseases that we may have. Therefore, it will be rejected once this is subjected to international standards. The chemistry of the yarn will be tested and if it contains these impurities, we run into difficulties.

I am glad that it has been incorporated in Section 3 Bill of the three. Of course to promote the generation of high income for cotton farmers and traders I have already spent quite a great deal of time on that level.

Clauses 4-22 are basically talking about the maintenance and the creation of the Board, the Executive, the Board Members, the Chief Executive Officer (CEO) and everybody else. This is a standard format and I do not want to spend time trying to criticise what we think it is a standard format.

The most important part is the operational aspect of this format. That, the people who are appointed to these positions must be people of high integrity to be able to advance this cotton which once upon a time was one of the most thriving industries in this country. Unfortunately, it was run down by people who were not very clear.

Clause 23 is the responsibility of the county governments. That is where they come in because agriculture is basically a devolved function. Therefore, the county government must take a very prominent role in ensuring that this crop is properly looked after, the value for the farmers is achieved and the farmers are well treated. They must also ensure the seeds and fertilizers are well provided and extension officers are available to the farmers for advice on how to grow quality cotton. It is so important.

Therefore, the county governments play a critical role in either the success or the failure of this crop. It is important that we maintain those standards. The county governments must be bequeathed with enough budgetary provisions to be able to do enough extension work for the farmers to realise the benefits and the potentials of this Bill.

Finally, Madam Temporary Speaker, one of the things that I have looked at is the regulatory provision. Clause 24. (1) says-

“A person or entity shall not carry out the business of a cotton grower, cotton ginner, commercial cotton nursery, cotton cooperative society or cotton association unless such person is registered by the respective county government in which the business is to be undertaken”

This is really housekeeping. You must have order in any industry in any place where you have these aspects of growing. Therefore, Sections 31-35 is talking about ---

The Temporary Speaker (Sen. Nyamunga): Sen. Farhiya, what is your point of order? Sen. (Prof.) Onger, just give her one minute.

(Interruption of debate on the Bill)

PROCEDURAL MOTION

EXTENSION OF SENATE SITTING

Sen. Farhiya: Madam Temporary Speaker, pursuant to Standing Orders no 31 (3) (a) and 31 (4), I beg to move that the Senate resolve to extend its sitting until the conclusion of business listed number 21 on today's Order Paper and request Sen. (Dr.) Musuruve to Second.

The Temporary Speaker (Sen. Nyamunga): Sen. (Dr.) Musuruve, do you second?

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, I second that we extend the House until we dispense off the matters that we have in our business today.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Nyamunga): Sen. (Prof.) Ongeru, you can proceed.

(Resumption of debate on the Bill)

(The Temporary Speaker (Sen. Nyamunga) left the Chair)

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

Sen. (Prof.) Ongeru: Thank you, Madam Temporary Speaker, now the microphone is even much better. Thank you for that intervention, I was struggling.

Clauses 31-35 set out the financial provisions of the board and how the money is being appropriated to the board. I believe; being a national government function, it will have to come from the National Treasury for the provisions, for the running of this board which is a very important board like any other board in the agricultural sector. There are very many boards in the agricultural ministry and therefore I hope that it will be properly and adequately funded so that this board does not become crippled right from the start of these events.

I therefore suggest that if there is no enough funding ---

(Technical hitch)

The Temporary Speaker (Sen. Lelegwe): Senator, your microphone is off. Yes, now you are on.

Sen. (Prof.) Ongeru: Thank Mr. Temporary Speaker, Sir, if there is no enough fund, I suggest that Board and this fund should not even be established. I hope that treasury will put enough money to resuscitate and ensure that the people have been motivated to grow the cotton so that the cotton industry becomes a gainful industry for our consumption.

With those few remarks, I support.

The Temporary Speaker (Sen. Lelegwe): Sen. Farhiya, you may have the Floor.

Sen. Farhiya: I had risen for the other Motion.

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

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker Sir, for giving me this opportunity to support this Bill by Sen. Ndwiga. This Bill is very important especially given the fact that Kenya is predominantly an agricultural country.

We need to diversify and see how to encourage our farmers. It is very clear that as Kenya we signed international treaties that affirmed that we are going to support agriculture. One of the treaties that Kenya signed was the Maputo Declaration. The declaration said that about 10 per cent of the National Revenue would go to farming.

When it comes to agriculture, Kenya is bound by international laws. Therefore, as the Senate, we have to ensure that we deliver the international commitments that we have made in regards to supporting our farmers.

Mr. Temporary Speaker, when I was a young girl, my mother, who had been very active from her early years used to work in a cotton factory called *Maridadi* Fabrics. When I used to visit, I would see a lot of works going on. The produce she got at the end of the month helped us. She was able to pay fees together with her husband, Mr. Inima.

We need to see how to revive the cotton industry because it will be a win-win situation for everyone. It will employ skilled, semiskilled and unskilled personnel. One of the things that we are looking at as a country is to create employment. The illiterate and literate will get some employment from the revival of the cotton industry.

I remember there was a manufacturing industry called Kisumu Cotton Mills (KICOMI) that was doing so well. It was predominantly cotton based and had employed so many people.

We must defend this Bill and make sure that it sees the light at the end of the tunnel because it is clear in what it is proposing.

One of the things that it proposes is production of cotton which means that we will own the cotton that we will produce. We do not have to buy from elsewhere or import. It will be raw material that is Kenyan based.

Apart from production, the Bill also proposes also the processing of cotton. We have seen products that are made and grown in Kenya but are processed abroad. For example, coffee, is processed abroad and when it comes back, it is very expensive. Even the farmer who planted it is unable to afford it.

This Bill is very clear that apart from production of cotton, we shall have processing, marketing and distribution of cotton and its products. This is a very rich Bill that is fully fledged. It will protect the farmers from middle men and also ensure that they get value for their sweat. Many times, farmers do a lot of work but when it comes to benefiting, middlemen and brokers benefit more.

If this Bill is really followed to the latter, cotton farmers will have value for their money. It also means that we will not have to import cotton. In any case, we shall be exporting what we have.

In the many times I have gone abroad, I have seen many people liking the Kenyan products like the real cotton and so on. The by-products also come in handy. They make

curtains for the houses, fishing nets and other things. The clothes and underwear that we wear are made of cotton. The clothes that are made of cotton are more expensive than other materials.

I am defending this Bill because if it is executed and sees the light at the end of the tunnel, we shall benefit as a country. We must be alive to the fact that one of the Big Four Agenda is manufacturing. So, if we are able to manufacture our own cotton and clothes, it will be a plus for this country. We have to see to it that we are not always consumers of products. We should not always be ready to import.

Many are times, I see people importing products from China and other countries and this boost their economies. If we are able to produce our own, it will be a win-win situation for us. This is because farmers will come on board and will be paid for their work. Machine operators, drivers, accountants, sweepers and people of other carders will be employed.

One thing I like about the Bill is that it gives status to the industry. The board will be composed of people who have an education; well-read and informed.

The cotton industry needs to be a big manufacturing industry which is a big employer. Some years back, KICOMI and the rest were employing quite a number of Kenyans. However, when they collapsed, they were unable to provide for their significant others.

Revival of this industry will ensure that it is not only the farmers that will benefit but also the traders because they will be able to sell the processed goods and by-products. There is need to ensure that the objects of the Bill are followed to the latter. When this Bill comes into fold, Kenya will become a global competitive market. When you go out of the country, you realize that people really love Kenyan products.

We must be happy about our own. When we buy cotton clothes from Kenya, we are building Kenya. We must be egocentric when it comes to protecting our own economically and financially.

The objects of this Bill are well meaning. We want to be competitive in the globally market. If this industry is managed well, farmers will get high incomes. Many times, we have talked about the collapse of some industries in the country such as the sugar industry. We must diversify so that Kenyan farmers see what suits them best. That is, whether they will plant maize, sugarcane, cotton or flowers depending on the climate and land.

Let us encourage our farmers wherever they are. This is because they play a big role in of building the economy and contributing to the Gross Domestic Product (GDP).

I congratulate the farmers in Kenya because they put in a lot. They look at the climate and know when they are supposed to plant. They plant on their own will; they are not obliged or forced by anyone. They also create employment in the neighborhood by employing people and tractors to weed the farms.

Mr. Temporary Speaker, Sir, even as we talk about the cotton industry, we must know that there is value addition. For example, the wool and the seeds require value addition. Seeds have value because oil can be extracted from them. When reviving the cotton industry, there is need to ensure that all the by-products are utilised well for the purpose of ensuring that we get maximum benefits.

I am happy about the Bill because it obligates county governments to play a role. When the two levels of government are involved and have a role to play, then this industry will mushroom and it will be of benefit to all Kenyans.

Mr. Temporary Speaker, according to this Bill, relevant county governments will need to have a register of cotton farmers which is important. Apart from cotton farmers, even those dealing in businesses to do with cotton will be required to be registered. If they are registered and licensed, then there will be sobriety in the industry and we will not have a situation where middlemen exploit farmers.

County governments must ensure that they protect cotton farmers by identifying them. When cotton is harvested, it should be weighed and the farmer compensated for his work. Cotton seeds can be used to extract oil and used for other beauty products.

A farmer also needs to gain from that because many times farmers are exploited from their hard work. You will find joyriders and people who are good at calculating how to get money from farmers benefitting. When county governments ensure that farmers are brought on board, compensated and encouraged, it will be a win-win situation. We have to look for ways of enticing farmers to do what they do. They need to get incentives.

Fertiliser is also important. Sometimes you will find farmers planting maize but they cannot afford fertiliser. When prices of fertiliser are high, it becomes a big issue for the farmers. For example, a bag of fertiliser is going for Kshs6,000. A bag of fertiliser may just be used for maybe half or at most one acre, but you will find that some farmers have 10 acres.

The Government should protect and help farmers because Kenya, which I really love, is among the countries that signed and ratified the Maputo Declaration that affirmed that 10 per cent of the national revenue should go to agriculture. If 10 per cent of the national revenue goes to agriculture, it means that when money is disbursed to counties, county executives need to consider agriculture.

Even as they bring farmers on board, there is need for county executives to ensure that they set aside funds for farmers when they come up with County Annual Development Plans (CADPs).

There is need to have an advisory board for cotton farming, so that it advises the executive on how to make cotton industry enticing and ensure it is productive. There is no need of reviving cotton industry only to have it collapse again. We have to avert a situation where it will start and collapse, like it did some years back.

KIKOMI was there. It was doing very well but it eventually collapsed. My mother, Ms. Damaris, worked at Maridadi Fabrics, which is the one I am talking about but it also collapsed. We do not want it to collapse. For the purpose of posterity, let us pass this Bill because it has worked well and it will help our generations.

I support this Bill and I hope that it will see the light at the end of the tunnel.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Kavindu Muthama, proceed.

Sen. Kavindu Muthama: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to this Bill. Some years ago, I remember the cotton industry was revived but collapsed again within a very short time.

According to me, maybe there were other reasons but farmers were not very well paid. For this industry to pick up and continue well, we must look after the cotton farmers

and facilitate them, so that they can continue with farming. Farming is not cheap. It is expensive.

You will find that the middlemen are the ones who benefit more than the farmers. Therefore, we must encourage farmers to do farming so that they continue to provide food for this country. We must look at the wellbeing of the farmers by giving them seeds and fertilizers. We should also encourage them with good prices for their farm produce.

When this industry is revived, people will have work to do. They will earn a living from it and even be able to support their families. We hear that there is unemployment in our country. However, there is a lot that can be done to enable majority of Kenyans to get jobs. This cotton industry is one of them.

Mr. Temporary Speaker, Sir, this country also used to have the sisal industry when I was growing up. During the colonial period and even after, sisal was being grown and harvested. Unfortunately, the industry collapsed and died.

If the cotton, sisal and coffee industries can be revived, then we will create jobs for Kenyans. You know majority of the people stopped coffee farming because of poor prices. If the farmers can be looked after and their produce bought at good prices, they can be motivated to do farm without being discouraged.

They key people to revive this are the farmers, only if they are fully supported. It does not matter which kind of farming, even livestock, maize and beans farming need to be supported in order to produce enough for our people.

I support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ochillo-Ayacko, proceed.

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker Sir, thank you, for giving me the opportunity. From the outset, I declare that I am supportive of this Bill.

Agriculture is the past, present and the future. Without agriculture, we become a sinning nation. Remember in all narratives of creation, God created the earth, meaning soil, water, human beings and the environment. So, it means that God's gift to us are the raw materials used in Agriculture.

As a nation, we have immense untapped potential in terms of agriculture. We have human skill and human resource that should be utilised to engage productively in agriculture. If we do this as a nation, we will be able to use our resources like land, water and population. Our purchasing power in of what has been produced.

So, when we are talking about cotton, the young people of today do not even know how the crop looks like. Most young people of today know that what they are wearing is made out of cotton but they have never seen the crop, never cultivated it and they have never been part of that process. In short, cotton died yet we continue wearing apparels or outfits that are made out of cotton. In fact, the world over what is 100 per cent cotton is only second to silk in terms of value.

Mr. Temporary Speaker, Sir, cotton is a very valuable crop. It is highly priced in terms of what is produced out of pure cotton. In Migori County where I come from, we used to grow cotton. We also used to grow cotton in Homabay, Siaya, Kisumu, Busia and other counties of Kenya. We no longer do that. We have runaway unemployment and poverty because some of these cash crops that ought to have actively and intensively

engaged our people are no longer being produced. These crops like cotton which would have engaged our people as farmers, traders and business people are no longer been produced. Part of the reason for which we have runaway employment is because we are not growing cash crops that were hitherto putting monies in our pockets.

This is a good Bill because it is giving us an opportunity to bend backwards into the past, pick up from where we went wrong, engage in remedial activities and give the future a chance to earn from what God gave us by way of land, people and international market for crops like cotton.

Mr. Temporary Speaker, Sir, my county has a vast area called Nyatike which is several square miles. It borders Lake Victoria. It has black cotton soil. It has many people who, if given a chance would be able to grow this crop, profit from it and be productive citizens of Kenya and therefore citizens of the world.

So, I welcome the propositions in this Bill that we need to relook at as a House of law that allocate resources in matters cotton so that we fix the legal issues and do the legal engineering that has not been done in the past. The failure to do so has contributed to the dwindling fortunes that people who depend on cotton are being subjected to. So, it is a good Bill and I want to support it unreservedly.

Those who understand agriculture, it is about two things. It is about production and market. What a county government and the National Government should do is to enhance the capacity and ability to create an enabling environment so that productivity is made possible or increased among the people who want to engage in that activity.

Mr. Temporary Speaker, Sir, the county governments and the National Government must ensure that cotton farmers have access to the best quality of seeds, fertilizers and extension service workers. After receiving services from those people or institutions, farmers should be in a position to produce good quality and high quantities of cotton. Once, that happens it is still the obligation of the county governments and the National Government to ensure that what has been produced in the quantities that we call high and the in the qualities that we say is good has access to market and market that gives return that enables the farmer or those involved in the value chain what is called reasonable returns. If there are no reasonable returns, then just like any other business the person involved in that excursion gets disinterested.

What needs to be done and has not been done in the past is to give the cotton growers, farmers and the associated industries access to markets that would pay handsomely or beautifully. If I say handsomely some people think that I am not appreciating the feminine gender. We want a cotton industry that pays beautifully for the output the farmers give when it comes to crops. Once that is done then the engagement becomes self sustaining. We previously had arrangements such as the African Growth and Opportunity Act (AGOA) and the World Trade Organisation (WTO) not just for Kenya but for other places to access the international market so that our farmers would be assisted, put together in cooperative societies, in groups in order to access the international market.

Mr. Temporary Speaker, Sir, such arrangements failed by the wayside and farmers were left to hang dry out there without guaranteed returns for their output. That contributed heavily to the demise of the once or previously robust cotton industry.

We talk about devolution of agricultural services. We know very well we are living in a global setting. As such, the most important function of the National Government is international trade and relation. Although agriculture is a devolved function, it is the responsibility of the National Government – particularly the government we are looking forward to establish on the 9th August this year – to ensure that, we have access to international market. It is the international market that pays well and is unlimited.

We need to encourage both levels of Government through legislation and support policies that would urge or nudge the National Government to build bridges towards having a conducive international trade agreement that would favour the cotton industry.

Mr. Temporary Speaker, Sir, Migori County where I come from is inhabited by nearly 1.2 million people. The future of Migori County lies only in agriculture. There are many sugarcane farmers in Awendo Constituency. We have land that is rich, fertile.

We have people who are able, but our farmers still have their cane stuck in their farms for more than 36 months when it ought to have been harvested when it was 18 months old.

It is still in the farms for 36 months and has to be maintained. It was planted at the expense of other crops and it is very frustrating for a farmer who has done his or her bit to have his or her land occupied by a crop that has no access to the market.

As a nation, we are sugar production deficient. We have to import sugar yet farmers in Rongo, Uriri, Awendo, Suna East, Suna West, Kuria East and Kuria West have cane lying in their farms. What we hear the National government doing is inviting bids to import sugar all the time.

When you import sugar from Brazil or wherever because of some arrangement that favors you, you create unemployment and entrench poverty among your people who have put you in office. They would have been self-reliant or self-dependent if you had engaged in supporting them when it comes to aspects of production and accessing international markets where profit or right price is guaranteed.

It is a shame for us to be importing sugar from Uganda when Uganda is so far physically from international markets. If they are to import anything needed for production, they would still have to traverse Kenya for over 1300 kilometers. They have to pay the cost of ferrying or transporting that item, put it into agriculture then make it part of the production.

I do not know what arithmetic they use or what their government has created that makes their agricultural produce more competitive than they are in Kenya. It does not make logical sense for an egg from Uganda to cost less than one from Busia. When you have to transport it all the way from Malaba border physically to Kisumu. It is still cheaper than the one produced by farmers in Kisumu.

We as a people are as good, if not better, than Uganda in terms of research. We are as educated, if not more educated, than they are. We are coming from the same environment where they come from. Unless there is some hidden politics or some trick being visited on us by our government, we should be the ones exporting our produce to Uganda and importing from Uganda.

In Migori County, we have had tobacco for many years. It just disappeared like that the same reasons that cotton disappeared. We had tobacco growing in Awendo in the wards

of West Sakwa, Uriri and all the wards east, central, north, south and West Kanyamkago. We had tobacco in Nyatike in North Kadem and in Macalder Kanyarwanda. We had tobacco in Suna East, Suna West, Kuria East and Kuria West.

We no longer have such crops and we have done nothing both as County government and the National government to introduce another cash crop. In the absence of all these cash crops, a time has come when we must walk the talk of returning cotton and its profitability to our region and our people.

This piece of legislation is the right step in the right direction of engaging our people in the production of cotton. It is the right thing to do in engaging our people in terms of creating jobs in the agricultural sector. What we need to move to as a process after returning cotton growing and profitability, is the value addition.

We need to have our young people utilize the cotton that has been grown locally. They should design clothes. We should have manufacturing and designing of clothes and other cotton fabrics by our local people.

It is shameful that our Government is more than 60 years old yet we still give accolade to designers from places we have never known. People still wear Tommy Hilfiger and other characters that we do not know whether they come from Embu or Migori Counties. We will never meet them; we celebrate people we do not know.

It is time we interest our young people to produce cotton. Secondly, we encourage value addition so that we have agri-based industries which will employ them. Then we encourage them to be local designers so that they proudly wear what has been designed locally.

I hear some slogan here “*buy Kenya, build Kenya*”. This should be extended to cotton, sugar growing and milling and fish. It is sad that we buy fish farmed in China. We are not even buying fish farmed in Meru, Nyeri or Kiambu. It travels several thousands of miles to Kenya. It is probably stale but we still buy it. We do not even encourage our own production of fish. We do not brand it. This also goes to areas like coffee and tea.

Agriculture is the giant that if we were to wake it up as a nation, we may not have to jump over one another to come and live in small houses in Nairobi. We would live in big mansions.

If you go to New Jersey or Montpellier in Northern France, you will see the larger estates of crops that they have and the houses. These would bring development to rural areas. It would increase our national revenue and generally engage us in productive activities.

I support this Bill and unreservedly. I encourage those who are seeking the Presidency and myself as the next governor of my area. Once I get into that office, in as far as implementation of---

(Technical hitch)

The Temporary Speaker (Sen. Lelegwe): Thank you, Senator. There are no more requests. I, therefore, call upon the Mover, to reply.

Sen. Ndwiga: Thank you, Mr. Temporary Speaker. I would like to first of all thank my colleagues, the Senators who have contributed and supported this Bill.

From what the Senators have said in their contribution, it is apparent that this Bill is long overdue. The cotton industry is a giant that ought to have woken this country many years ago.

I quite agree with Senator for Migori that Migori used to be a major cotton producing area.

Southern Nyanza had four ginneries but none exists today. This is because production of cotton was affected after liberalization of the agricultural sector, which killed agriculture in this country.

As I thank the Senators who have contributed, I wish to appeal to those who are going to become governors and our county governments that this is the time to develop and support cotton industry. You remember that in the olden days, we never used to sell raw cotton. Every product in the country had its own manufacturing sector.

In Western Kenya, we had the likes of KICOM and Rivatex East Africa Limited. We also had Mount Kenya Textiles (Mountex) around Mount Kenya, including Nanyuki. That is where cotton products were being processed.

Mr. Temporary Speaker, Sir, it is regrettable that since the collapse of these industries, there has been no initiative to revive the cotton industry in this country. Today, the cotton industry would be employing a mammoth number of the youth. Apart from creating employment in the industries created, it would also have been an avenue for textile cottage industries.

If you walk around Nairobi, you will find our ladies and gentlemen clad in regalia from West Africa and other places. During this campaign period, if you are keen, you will find both male and female politicians wearing designs from West Africa. It is a shame that many years after Independence, we have not gotten a grip of what would create major employment in this country and an avenue for national pride, in terms of designing our own costumes.

Mr. Temporary Speaker, Sir, I do not wish to revisit what I said when I was moving this Bill. I wish to thank Senators who have supported this Bill. Once this Bill is assented to, I hope our county governments will take heed of what has been said here today and massively engage in cotton development where cotton can be developed because it is not everywhere.

In my own county, we have a large area where cotton used to be grown. When you use Nairobi-Nyeri-Meru route, from the Sagana Bridge up to Mwea, Makima, going towards Ishiara, they used to produce a lot of cotton.

It is my appeal that whichever county government is voted in this time, they will focus on cotton development.

Mr Temporary Speaker Sir, for those of us who are not going to be directly involved in cotton development, we also want to make sure that the Bills and the policies which are passed by this House, are not tampered with in the next House. That is why some of us want to come back to this House so that we make sure whatever we have passed here, stays and is properly implemented.

The Committee on Agriculture, Livestock and Fisheries has passed quite a number of crucial Bills. One of them is the mung beans, coffee and the tea Bills. Since the mandate

of checking implementation is with the Committees, we want to make sure those Bills are properly implemented and that the country moves on in the right direction.

Mr. Temporary Speaker, Sir, we can have Export Processing Zones (EPZs) in all our counties and nothing stops that. In fact, I would hope that in Migori County, where my good friend is going to be the next Governor, that there will be a major EPZ. They can have cotton is grown, ginned and processed there.

Young people will be employed there so that we can only worry about the market. The market for cotton products is mammoth world wide. You can imagine that the people who are doing that work in Athi River today, are using the benefits and the protocols that this country has, signed with other countries like the United States of America (USA) like the African Growth and Opportunity Act (AGOA).

They are using these components to process their textile and export, using Kenya as the country of origin. That cotton does not originate from here and it is a shame. It is now time that we reverse that process and have our own cotton, process and export.

With those few remarks, I beg to move and request that you put the vote on another day.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I defer putting of the question to a letter date.

(Putting of the Question on the Bill deferred)

(The Clerk-at-the-Table consulted the Temporary Speaker)

The Temporary Speaker (Sen. Lelegwe): Sen. Olekina, proceed.

POINT OF ORDER

SUSPENSION OF THE SENATE TO ALLOW FOR CONSULTATIONS

Sen. Olekina: Mr. Temporary Speaker, Sir, I would like to request that the Senate Sitting be adjourned for about 30 minutes so that we can have consultations and try to come up with a way forward. We know we have extended the time past 6.30 p.m. However, this is a very important matter that affects the country. So, we would like to request that you give us about 30 minutes then following that we will be able to come back.

Mr. Temporary Speaker, Sir, I beg your indulgence.

The Temporary Speaker (Sen. Lelegwe): The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Poghiso): Mr. Temporary Speaker, Sir, I second.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, the House stands suspended for 30 minutes.

(The Senate was suspended temporarily at 6.52 p.m.)

(The Senate resumed at 7.30 p.m.)

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we are now going to the Committee of the Whole, to consider the Division of Revenue Bill (National Assembly Bills No. 8 of 2022).

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair)

IN THE COMMITTEE

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

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)

*(The Clerk at the table consulted the Temporary
Speaker (Sen. Dr.) Lelegwe)*

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, we now need to proceed to consider the Division of Revenue Bill (National Assembly Bills No.8 of 2022).

Clauses 3-5

(Question, that Clauses 3, 4 and 5 be part of the Bill, proposed)

Division will be at the end.

Schedule

Sen. Kibiru: I had filed an amendment to the schedule, but I take this opportunity to withdraw it.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the proposed amendment is therefore withdrawn.

(Proposed amendment to the schedule withdrawn)

(Question, that the Schedule be part of the Bill proposed)

Clause 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

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Division at the end.

(Voting in progress)

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we now move to the Divisions and we have one Division because the first Division on the schedule was dropped.

I order that the bell be rang for 5 minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Lelegwe): Hon. Senators, we are now going to begin voting. Let us get the Tellers for the Ayes and the Noes.

(Loud consultations)

Order, hon. Senators. We now proceed to vote and I call upon the Clerk to read out the names.

(Roll call voting in progress)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, those online, kindly remain because we have one more vote.

(Voting in progress)

Sen. (Dr.) Musuruve: I vote yes on behalf of the Kakamega delegation.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Order, Senator! You do not have a vote.

(Voting in progress)

COMMITTEE OF THE WHOLE

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.8 OF 2022)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 3-5, the Schedule,
Clauses 2, the Title and Clause 1 be part of the Bill, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. M. Kajwang', Homa Bay County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. Kibiru.

NOES: Nil

Teller for the Noes: Sen. Farhiya.

The Temporary Chairperson (Sen. Lelegwe): Hon. Senators, these are the results of the Division.

AYES: 34

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 34 votes to Nil)

*(Clauses 3-5, the Schedule,
Clauses 2, the Title and Clause 1 agreed to)*

The Temporary Chairperson (Sen. Lelegwe): I now call upon the Mover.

Sen. Kibiru: Mr. Temporary Chairperson, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Division of Revenue Bill (National Assembly Bills No. 8 of 2022) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE DIVISION OF REVENUE BILL

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(NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)

The Speaker (Hon. Lusaka): Hon. Senators, I call upon the Chairperson to report.

Sen. Lelegwe: Mr. Speaker Sir, I beg to report that the Committee of the Whole has considered the Division of Revenue Bill (National Assembly Bills No. 8 of 2022) and its approval thereof without amendments.

The Speaker (Hon. Lusaka): I call upon the Mover to move agreement to report.

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I ask Sen. Madzayo to second.

Sen. Madzayo: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that the Division of Revenue Bill (National Assembly Bills No. 8 of 2022) be now read a Third Time.

I ask the Senate Minority Leader to second.

I thank you.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I beg to second. This is phenomenal and great. It is in defense of the Senate. I beg to second.

(Question proposed)

The Speaker (Hon. Lusaka): I direct that the Bell to be rung for 30 seconds.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Those who are online, kindly, remain online because this is the last voting.

We proceed. The doors look locked. Let us proceed to vote.

(Voting in progress)

THIRD READING

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)

DIVISION

ROLL CALL VOTING

*(Question, that the Division of Revenue Bill
(National Assembly Bills No.8 of 2022) be read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Haji A, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisiu, West Pokot County; Sen Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Kibiru.

NOES: Nil

Teller of the Noes: Sen. Olekina.

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

AYES: 33

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, having concluded the business appearing as Order No.21, as earlier resolved, the House stands adjourned until Tuesday, 5th April, 2022, at 2.30 p.m.

The Senate rose at 8.48 p.m.