

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 1st December, 2022

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

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

PRAYER

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Hon. Members, we are short of quorum by two Members. Kindly ring the Bell.

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): I can now confirm that there is quorum. Let us now proceed to transact our business. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM BARINGO COUNTY ASSEMBLY

The Deputy Speaker (Sen. Kathuri): Hon. Senators we have a delegation visiting the Senate from Baringo County Assembly. I would like to acknowledge their presence in the Speakers gallery this afternoon. The delegation consists of the leadership of the County Assembly who are undertaking a capacity building program organized by the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, I request each member of the delegation to stand when called out so that they maybe acknowledged as per the Senate tradition.

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|--------------------------|---|---|
| (1) Hon. Vincent Kemboi | - | Speaker of the Baringo County
Assembly |
| (2) Hon. Kipruto Kimosop | - | Deputy Speaker |
| (3) Hon. Lawi Talam | - | Leader of Majority Party |
| (4) Hon. Daniel Tuweit | - | Leader of Minority Party |

- (5) Hon. Josphat Lokolio - Deputy Majority Leader
(6) Hon. Paul Lokiso - Deputy Minority Leader
(7) Hon. Earnest Kibet - Majority Whip
(8) Hon. Purity Tallam - Deputy Majority Whip
(9) Hon. Maria Losile - Minority Whip
(10) Hon. Solomon Makal - Deputy Minority Whip
(11) Ms. Winnie Chemase - Clerk
(12) Mr. Henry Tekeiwa - Assistant Director, Research
and Development
(13) Ms. Hilda Kiprono - Administrative Secretary
(14) Mr. Willy Koech - Serjeant-At-Arms

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

Thank you.

I can see the Senator of Baringo wants to welcome his constituents. Sen. William, proceed.

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. You saw me smiling because I am a happy man to have the leadership of County Assembly of Baringo visit this 'Upper House'. I welcome them into this House to learn from your leadership and the debate of this House. We were together during campaigns seeking for votes to be elected.

Baringo County is on record in this country as the first in a very loud voice to refuse the very unconstitutional Building Bridges Initiative (BBI).

(Applause)

Initially, there was a feeling that Baringo was misled but ultimately when the High Court of the Republic, the Court of Appeal and the Supreme Court declared BBI unconstitutional, it became clear that Baringo County Assembly was right and was counted when history of this country was made.

I am happy with today's leadership. The Majority Leader then is still the Majority Leader this time round. The Deputy Speaker of Baringo County hon. Kimosop and hon. Lawi, was a Member of the Assembly and today is the Deputy Speaker. I do not want to mention all their names because time is limited.

We are proud. I am personally happy that my county was able to lead the country in refusing to force down the throats of Kenyans the unconstitutional BBI. As we move forward today as a country, we are happy as a county that we made our statement.

If you read the Constitution, the Senate is supposed to look at the interests of counties and the county governments. The County Assembly is in the front line of doing the oversight.

Therefore, as they visit here, I am confident that they will learn a lot from this House under your leadership. They are now able to see some of the Members they have been reading, perhaps in the dailies.

Sen. Dullo, Sen. (Prof.) Tom Ojienda SC, Sen. Cherarkey and the very popular Sen. (Dr.) Khalwale is here. They will see them live from this point. Sen. Lomenen and Sen. Shakila Abdalla are also there. Of course, Majority Leader Justice retired, my learned senior is also here. Indeed, all these Members of the House.

I am glad and welcome them again. We are happy to have them here and will learn more and be able to proceed.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Cheptumo. You know I was also trying to catch your eye so that you can also see that I am here.

(Laughter)

I also want them to know that Sen. Cheptumo is the Chairperson National Security, Defence and Foreign Relations. Therefore, any issues in Baringo can be sorted out once and for all, this time round.

Let me give the Minority Leader. I can see you are off. Proceed, Majority Whip.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. In the annals of the history of the Republic of Kenya, forever Baringo will be remembered because they gave us the second and longest serving president whose record of service shall never be surpassed.

I welcome and congratulate them. I assure them that as they go back, the issues of Baringo are right at the top of the mind of this Senate.

As evident by the following; I request the Honorable MCAs from Baringo to go and tell the governor that this House has passed the first law. It has received concurrence from the National Assembly. In the nearest future, it will be signed by His Excellency President Ruto. It is going to allow them to have additional resources and allocation that is going to unlock the challenges that the people of Baringo go through in accessing health.

Secondly, I want them to go back with the good news that none other than my able deputy, the position of Majority is the only one in this Parliament that has two doctors. One, the Majority Whip and the other doctor, the Majority Deputy Whip.

(Laughter)

It is a fact. They do not have that in Uganda or Tanzania. With due respect, the people of Isiolo also set a record. They elected a doctor to be the first Senator and the second governor.

We would like our MCAs to read with this Senate from the same page. It is so important. I would like them to know that the Deputy Whip Sen. (Dr.) Lelegwe spent the whole of yesterday convincing this House on the need to ensure that Baringo benefits from the Lamu Port South Sudan – Ethiopia Transport (LAPSSSET) Corridor Project, that is a project of Vision 2030.

Finally, I would like to inform them that the distinguished Senator of Turkana, Sen. James Lomenen Ekomwa spent time yesterday convincing this House to ensure that we have enough support to mitigate against hunger and drought, not only in Baringo but also in Turkana and all other Arid and Semi-Arid Lands (ASAL) areas.

I welcome them.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I see the Senator for Baringo County is trying to remind you that--- I was in this Chair. He said that when LAPSET went to Samburu, it was diverted. It went to Turkana and bypassed Baringo. The argument was from the Senator for Baringo County and it was supported by Sen. (Dr.) Lelegwe Ltumbesi.

(Laughter)

Okay, let us have your counterpart from the Minority side, Sen. Dullo, the Senate Minority Whip.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I think this is a day of praising everybody in this House. I do not know where I am going to start from. I do not know whether I should start with you.

Let me take this opportunity to welcome the delegation from Baringo County. Number one, this is my third term in this House and we have never had such a group with a high delegation from the Assembly visit the Senate. My congratulations goes to their Senator, who is the Chairperson of the Committee on National Security and Foreign Relations.

Number two, we have praised them a lot. I hope they will equally carry out their oversight role based on what they have learnt from here when they go back to Baringo for us to praise them more when they come back next time. There is a lot that they can learn from the Secretariat and this Chamber. I am sure they will only be around today.

Baringo has a lot of challenges, especially insecurity issues. If the leadership of the counties that are affected by insecurity come together and unify their voice, they will get a solution. They must be grateful that Sen. Cheptumo is representing - for the first time in this House - the issues of Baringo very well. I do not want to say the reasons as to why I say so.

(Laughter)

I welcome the Members of Baringo County Assembly. They should ensure that they deliver on their mandate. We will support them as a Senate, whenever we can. I can see they have very good gender balance. I wish they had given the position of deputy speaker to a lady. I think their first Speaker is a Member of Parliament from Baringo which is very good. It is like they are churning out people who are going to be great leaders, once again, in this country.

Karibuni. Thank you.

The Deputy Speaker (Sen. Kathuri): Let us make very brief comments. You can use two minutes, kindly. We have a lot of Business to transact. Let us hear from Sen. (Dr.) Lelegwe Ltumbesi, the Senate Deputy Majority Whip.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Deputy Speaker, Sir. I join you, the Hon. Senator for Baringo County and all the other Senators to welcome the Members of the County Assembly of Baringo led by the speaker, to the Senate.

I am very proud of Baringo County Assembly for rejecting the Building Bridges Initiative (BBI). They were the minority in Kenya at that time when they rejected that document. Some of us here, in the Senate, were in the minority at that time but we thank God BBI is no longer with us.

I know they will learn a lot here, in the Senate. Some of us served in the first assemblies before we came here. I served in the Samburu County Assembly as their first Speaker and I am here today.

Baringo is my neighbouring county and I welcome you to learn more from here. When they go back to Baringo, they should play oversight. Some of us are here because we played our oversight role very well. We urge them; the staff and the MCAs, to play their oversight role well so that our people benefit.

I also want to state that I presented a Statement here yesterday. That Statement was appreciated and supported by all of us. The Statement is intended to make sure that the implementation of projects such as the LAPSET Project benefits our people; the minority or the ASAL counties.

I appreciate the Senator for Baringo County for supporting us and for suggesting that we bring a Motion to establish an *ad hoc* Committee or a special committee to look into that project so as to make sure that it benefits our people.

Thank you.

The Deputy Speaker (Sen. Kathuri): Can we hear from the Senate Minority Leader, Sen. Madzayo?

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Naibu Spika. Kwanza, nataka kukushukuru kwa mwito wako wa kuwaalika ndugu zetu, waheshimiwa wa Kaunti ya Baringo. Vilevile, nikijiunga na wewe, ningependa kuwakaribisha hapa ndani ya Bunge la Seneti ili wajionee utaratibu wa kazi unavyoendelea.

Katika Bunge hili letu la Seneti, hakuna kuegemea upande ule ambao unajua inafanya makosa hata kama ni upande wako. Mtu ako na haki ya kusema kwamba upande wangu hauko sawa. Ikiwa upande ule mwingine pia unafanya makosa, huwa pia tunawaambia. Hili Bunge ni lile ambalo wazungu wanaita *bipartisan*. Ninawakaribisha sana. Najua wamekuwa hapa na wamejifundisha mengi.

Cha muhimu kuwakumbusha ni kwamba, walipopiga kura mnamo tarehe 9.8.2022 kumchagua ndugu yangu wakili Sen. Cheptumo, walipiga ndipo.

(Applause)

Kwa hivyo, wakae wakijua, huko nyumbani ya kwamba, wanawakilishwa hapa ndani ya Bunge la Seneti na Seneta mshupavu zaidi. Namtakia ndugu yangu kila la heri katika juhudi zake za kuleta maendeleo huko nyumbani.

Cha pili ni kuwakumbusha wabunge wa *County Assembly* ya Baringo kwamba wakati wa kampeni umekwisha. Mara nyingi tunaona ni kama tunaenda katika hali ya kampeni lakini mambo ya kampeni sasa yamekwisha. Kazi iliopo sasa ni hao kujitokeza wazi na kusaidia watu wa Baringo ambao waliwapeleka katika hilo bunge.

Mimi ninataka kusisitiza tu kitu kimoja. Tuwache kusema upande huu ulishinda na upande huu ulishindwa. Tunajua walioshinda. Kama kulikuwa na mambo mengine, basi hayako hivyo tena. Mambo yalikuweco lakini sasa tumeyawacha. Tumeyaweka nyuma na tunasonga mbele. Kenya ni moja. Kwa hivyo, tunataka kuona maendeleo ya Baringo yakiendelea sawa sawa. La muhimu ni kutunza zile pesa.

Tukiwa hapa, tunataka kuona kwamba wameangalia ripoti itakayotoka kwa *Auditor-General*. Kwa muhula huu ambao wapo ndani ya hilo bunge, itakuwa vyema kuona ya kwamba wameweza kutenda kazi, kulinda pesa na kutekeleza wajibu wao katika lile bunge la kaunti.

Lazima waone ya kwamba zile pesa hazijatumika kwa njia mbaya na miradi ambayo imewekwa ama imepangwa kufanywa imefanywa ili watu wa Baringo wafaidike na hizo miradi.

La mwisho, hatuko katika mashindano ya akili. Kama ni kushindana kwa akili, upande huu pia uko na profesa wa sheria. Tuko na watu ambao wamesoma zaidi na watu washupavu. Ndugu yangu, Sen. (Dr.) Khalwale, ni daktari na upande huu uko na profesa wa sheria. Ndugu zangu wengine kama Sen. Cherarkey, Seneta wa Nandi Kaunti, kijana mshupavu, wamesoma zaidi. Yeye ni mwanasheria. Ukiangalia upande huu, utapata jaji mstaafu na kuna dadangu mshupavu.

The Deputy Speaker (Sen. Kathuri): Asante Sana. Tumskize Seneta wa Kaunti ya Nandi. Kiswahili chako kinafika wapi? Sen. Cherarkey, *please proceed*.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I do not want to run the risk of speaking in Kiswahili because I am not good at it.

Let me join my colleagues in welcoming the Members of Baringo County Assembly to the 'Upper House', the House of union. I can assure them that they are in the right place. They are the ones who normally do primary oversight while we, the Senators, work together towards that end.

The problem in this country is that, most Members of County Assemblies (MCAs) have confused themselves to become public relations officers of governors and county governments.

I hope MCAs of Baringo County Assembly will continue distinguishing themselves. They must oversee governor Cheboi and his administration for the good and the benefit of their people.

Mr. Deputy Speaker, Sir, I have three things to say. One, is that we are proud and happy with the Baringo County Assembly. They were the first in the annals of history, they appeared minority then. They have proven to me that even if you are right but your

decision at that point is unpopular, you will be vindicated in the fullness of time. When they rejected the Building Bridges Initiative (BBI), some of the leaders - who are the sons of scions - asked why Baringo County is not passing the BBI yet it is one of the poorest counties in the Republic. It was a shocking statement but they were finally vindicated. I am happy and I want to urge them that when it is right to stand with the truth, please continue to do so.

Mr. Deputy Speaker, Sir, secondly, I want to thank them for electing my brother and senior, Sen. Cheptumo. When he was serving as the Chairperson of the Committee on Justice and Legal Affairs in the National Assembly, I was serving as the chairperson, JLAC in the Senate. I did not know Sen. Cheptumo would come to the Senate because he was not always excited to be with the Senators. However, now, he is one of us. I am happy he is here. He is one of the senior Members and we are proud of him.

Finally, is on the Salaries and Remuneration Commission (SRC). These MCAs are the first port of call. These are over-glorified social workers. Anything that happens in the village, the first call is the local MCA. When somebody wants to get married, dies or is caught with somebody's wife, the first port of call is the MCA. I am just describing how enormous the work of an MCA in this Republic is. So, when we see that SRC wants to deny them mileage allowance and other things like car grants---

The Deputy Speaker (Sen. Kathuri): What is your point of order Sen. Madzayo?

The Senate Minority Leader (Sen. Madzayo): Bw. Naibu Spika, sijui kama umeskia nilichoskia. Ni haki kwa ndugu yangu Sen. Cherarkey kusema ya kuwa, MCA ndio mtu wa kwanza wa kumuuliza kabla hujaenda kuoa bibi yako ambaye utaishi naye miaka yote mpaka ufe?

The Deputy Speaker (Sen. Kathuri): Vile umetafsiri, sijui kama ni kiingereza ndiyo inachanganya ama vipi. Sijaskia akisema hivyo. Sen. Cherarkey, *kindly have your seat for a minute.*

Sen. Cheptumo, *please proceed.*

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I am in this House now and I heard what Sen. Cherarkey said. He said it in English. I do not think that what my learned senior is saying is actually what Sen. Cherarkey said.

Is he in order to mislead the House by misinterpreting what the Senator for Nandi County said? I believe the Member should withdraw because that is really misleading this House.

The Deputy Speaker (Sen. Kathuri): Yes, I think it is an issue to do with the interpretation of English; it has something to do with the vocabulary. Maybe you can repeat what you said so that he can understand exactly what you meant.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, with all due respect to the Minority Leader and having been a senior practitioner in legal profession, what I meant is that the seat of the MCAs from 47 counties is one of the seats that can be equated to an over-glorified social worker, such that, when somebody wants to get married and is looking for dowry or fundraising for a glamorous wedding, they go to the MCA to get funds. That is what I meant. Even during funeral arrangements, they need to go to the MCAs.

Mr. Deputy Speaker, Sir, these are leaders who are at the grassroots level and yet you see the SRC denying them some of their basic rights. It is very unfortunate that they need to beg for car grants and mileage allowance yet they do a very important job. They are always there with the people. They know what the people need.

I hope the Gazette Notice that was issued by SRC is annulled by the Committee on Delegated Legislation so that our MCAs continue to get their rightful share so that they can serve our people with distinction. We need them to discharge their mandate. Some of us have been here long enough although our sister Sen. Dullo is the most senior now.

Sometimes we blame the MCAs for not doing oversight yet we do not give them the necessary capacity or resources to do it. That is why the governors turn MCAs into public relations officers for county governments and themselves. They become hero worshippers for governors because they have not been given sufficient capacity, resources, and abilities to deliver their oversight role.

To Baringo County MCAs, we wish you well. Thank you for also voting overwhelmingly for the Kenya Kwanza Government and for always standing with President William Ruto and his administration. We are proud of you. To paraphrase the words of the Minority Leader, elections are over, let us now get down to business to serve this nation. We are proud to have you in the Senate.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Prof.) Tom Ojienda, SC, please proceed.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, thank you for allowing me to join my colleague and classmate Sen. Cheptumo, the Senator for Baringo County, Sen. Cherarkey and the Leader of Minority in welcoming MCAs of the Baringo County Assembly to the Senate.

I am aware that a lot of accolades have now been given to the MCAs for rejecting the BBI Bill. I think the BBI Bill, though rejected, had a few good things. It may be work in the past but the clamor to amend the Constitution in certain parts is a going concern including what we have in the assemblies.

We therefore note that the Constitution of Kenya 2010 has certain shortfalls. Of course, any amendment that will put money into the hands of the assembly and will deliver for the people of this country, whether in Baringo County or elsewhere, is a welcome thing.

Mr. Deputy Speaker, Sir, the framework of law that was created to enable Chapter 11 take effect, that is the County Government Act No.17 of 2012 has ensured that counties function. I believe that even now, as we see what is going on in the Meru County Assembly where an impeachment is ongoing, I understand that yesterday, the court gave orders to stop that process; but essentially, the fact that MCAs and governance at the level of county assembly is one that supports the functioning of this House and vice versa cannot be gainsaid.

County assemblies must be equipped to perform their role and also to understand the role of Senate under Article 96. They should also ensure their primary role of oversight is undertaken in line with the law.

We do not want to have county assemblies that go to bed with the Executive and leave all the work to us. I laud the County Assembly of Baringo because I know the work that they are doing.

Mr. Deputy Speaker, Sir, Baringo is an interesting County. It is one of those counties where we have backs and forth. The first governor serves for a term and then it is as though they agree with the next governor to give space for the former governor to come back. So, we now have the first governor in office as the third governor. I am sure that next time the next governor will come back to finish his term.

It is in Baringo County where we had my classmate, Sen. Cheptumo floor a giant politician, the leader of Kenya African National Union (KANU).

(Laughter)

This county is interesting.

Since he is the Chairperson of the Committee on National Security, Defence and Foreign Relations, we hope it will work with county assembly to ensure that matters of security are brought to an end. That we do not have incessant insecurity in Baringo County because that affects the neighbouring counties as well.

As the Members come here, they should work with their Senator. If you have any Bills that need to be prioritized, please bring them here and we will deal with them so as to give capacity to your county and other counties. This is because it is our business to have strong counties that deliver for the people of this country.

I thank you.

(Applause)

The Deputy Speaker (Sen. Kathuri): Thank you, Senator.

The last one is from Sen. Tobiko.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir. I rise to welcome the delegation from Baringo County Assembly to the Senate.

I know that Baringo is an ASAL county like Kajiado County. So, they may be going through the effects of the current drought. I am sure that they will join us to urge the President to declare the current drought a national disaster.

I congratulate the team from Baringo for being elected and for electing Sen. Cheptumo who served with me in the National Assembly in the 11th and 12th Parliament. I know he is able and will definitely take Baringo county to the next level.

More importantly, I associate myself with Baringo County. This is because it is in Baringo that the political seed was planted in me.

I was a student in Moi High School Kabarak. I got to associate and closely see the second President of the Republic of Kenya taking *uji* with us in the morning. It is from there that I felt that I could also be a leader in this country.

So, the seed from Baringo---

Baringo is known for big things. For example, it has produced the first elected Maasai woman. I have an association with Baringo County because this is how I ended up in the National Assembly.

I welcome the team from Baringo County and tell them to take our greetings to their people.

I remember the people of Baringo also elected a lady, Grace Kipchoim, in the 11th Parliament. Being a lady constituency holder, was not a mean fit. So, Baringo County will go into the history of this country as a very special county.

The Deputy Speaker (Sen. Kathuri): That is enough for Baringo County delegation.

Now, let us retune back to the House.

Next Order.

PAPERS LAID

The Deputy Speaker (Sen. Kathuri): Senate Deputy Majority Whip, please proceed.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 1st December, 2022.

THE STATUTORY INSTRUMENTS REGULATIONS, LEGAL NOTICE NO. 217 OF 2022

The Statutory Instruments (Exemption from Expiry) Regulations, Legal Notice No. 217 of 2022.

REPORTS OF THE AUDITOR-GENERAL FOR VARIOUS COUNTY GOVERNMENTS

Report of the Auditor-General for County Governments (County Executives) Volume I for financial year 2019/2020.

Report of the Auditor-General for County Governments (County Executives) Volume I for financial year 2020/2021.

Report of the Auditor-General for County Governments (County Assemblies) Volume II for financial year 2019/2020.

Report of the Auditor-General for County Governments (County Assemblies) Volume II for financial year 2020/2021.

THE PARLIAMENTARY SERVICE COMMISSION
ANNUAL REPORT FOR FY 2020/2021

The Parliamentary Service Commission (PSC) Annual Report for financial year 2020/2021.

(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): There is another Paper on the Parliamentary Service Commission (PSC) Annual Report.

Okay, it has been laid.

Next order, please.

Proceed, Senate Majority Whip.

NOTICE OF MOTION

ESTABLISHMENT OF AN AD HOC COMMITTEE
TO AMEND THE CONSTITUTION TO ENTRENCH SPECIALIZED FUNDS

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motion -

THAT, ACKNOWLEDGING the resolution of the National Assembly on the establishment of an Ad-Hoc Committee on a legislative proposal to amend the Constitution to entrench certain specialised funds transmitted as a Message seeking concurrence of the Senate;

RECOGNIZING the need for a bicameral approach on the proposal prior to publication of the relevant Bill;

ACKNOWLEDGING THAT the subject matter of the legislative proposal is premised on the mandate of Parliament under Article 256 of the Constitution, on amendment of the Constitution by parliamentary initiative;

NOW THEREFORE the Senate resolves: -

(1) to establish a Joint Parliamentary Ad Hoc Committee on a proposal to amend the Constitution to entrench certain specialized funds, comprising eleven (11) Members from each of the Houses of Parliament to –

(a) facilitate collation of views from Senators during debate, and inviting Senators with similar or related proposals to make submissions before the Committee;

(b) invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform

mandate, including the Attorney-General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;

(c) in consultation with the sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and

(d) report to the Houses of Parliament within 90 days to enable the Speakers to decide and give direction on whether or not the legislative proposal is to be published into a Bill or not to be proceeded with.

(2) that the Offices of the Clerks of Houses of Parliament provide secretarial services to the Joint Parliamentary Ad Hoc Committee in accordance with the Standing Orders;

(3) that the following Senators represent the Senate in the Joint Parliamentary Ad Hoc Committee-

(1) Sen. Wakili Hillary Kiprotich Sigei, MP

(ii) Sen. Raphael Chimera Mwinzangu, MP

(iii) Sen. Veronica Waheti Nduati, MP

(iv) Sen. Samson Kiprotich Cherarkey, MP

(v) Sen. William Cheptumo Kipkiror, CBS, MP

(vi) Sen. Danson Buya Mungatana, MGH, MP

(vii) Sen. Fatuma Adan Dullo, CBS, MP

(viii) Sen. Hamida Kibwana, MP

(ix) Sen. Andrew Omtatah Okoiti, MP

(x) Sen. Catherine Muyeka Mumma, MP

(xi) Sen. Erick Okongó Mogeni, SC, MP

(xii) Sen. Paul Karungo Thangwa, MP – (Co-opted)

(xiii) Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP – (Co-opted)

The Deputy Speaker (Sen. Kathuri): Next Order.

There is a Statement from Sen. Crystal Asige who will be represented by Sen. Lemaltian.

Sen. Lemaltian, kindly proceed.

STATEMENTS

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Sen. Lemaltian: Thank you Mr. Deputy Speaker, Sir. On behalf of my colleague, Sen. Crystal Asige who is in Juba, I want to read her Statement on the matter of International Day of Persons with Disabilities (PWDs).

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52 (1) to make a Statement on a matter of international concern to commemorate the International Day of Persons with Disabilities that is celebrated annually on 3rd December. The theme this year

is “Transformative Solutions for Inclusive Development: The Role of Innovation in Fuelling an Accessible and Equitable World”.

The International Day of Persons With Disabilities was first established by the United Nations in 1992 and continues to promote disability mainstreaming and mobilise global support around disability advocacy and awareness.

On 3rd December every year, Persons with Disabilities (PWDs) across the world, as well as the non-disabled, come together to promote the rights and freedoms, dignity and well-being of approximately 1.2 billion persons with disabilities, which is 15 per cent of the population worldwide, in all spheres of society and to increase awareness of the historical exclusions and inequalities that have plagued persons with disabilities in health, political, social, economic and cultural life.

Mr. Deputy Speaker, Sir, the 2022 theme calls on countries to focus particularly on innovation for disability inclusive programs in line with Sustainable Development Goal (SDG) No. 8 on promoting inclusive and sustainable economic growth, plus full and productive employment for all, and SDG No. 10 on reducing inequalities within and among countries.

In this regard, government bodies as well as non-governmental organizations in various countries, are putting together different activities and events to join the rest of the world in emphasizing the importance of strengthening our collective efforts for universal access to essential services including; health, social protection, education, digital infrastructure, accessible information and the diverse socio-cultural opportunities that persons with disabilities have a legitimate right to enjoy.

Mr. Deputy Speaker, Sir, the desire toward a more equitable and inclusive Kenya is evident in our Constitution. Article 54 (2) which mandates that the State shall ensure that at least per cent of the members of the public in elective and appointive bodies are persons with disabilities. However, 12 years on, this has not come close to being achieved.

What has come to be known as “the 5 per cent rule” in Kenya has been ignored by our private sector, public sector and most unfortunately, by the Executive in the recent appointments of Cabinet and Permanent Secretaries, who are the key implementors of the inclusive development that persons with disabilities in Kenya are so adamantly after.

We urge our Government to be at the forefront of championing inclusive development, because when the state leads by example, our counties, and our African counterparts, will follow.

Mr. Deputy Speaker, Sir, I wish to laud Kenya on the achievements it has made so far in disability inclusion, such as the establishment of inter alia the Economic Empowerment Fund, the National Council of Persons with Disabilities Career Portal and the Access to Government Procurement Opportunities (AGPO) program.

However, these and other programs still face systemic challenges in being fully implemented, therefore, giving the current Government opportunities for improvement.

Additional areas that PWDs can be further empowered on include, progressive allocations of funds for assistive equipment, accessible infrastructure and inclusive

transport, subsidies in the purchase of technology software and hardware that are essential in transforming their experience when trying to perform simple and daily tasks - but need to be made more affordable, and adequate teacher training in inclusive education and healthcare at all levels for persons with disabilities.

Mr. Deputy Speaker, Sir, as I conclude, I wish to reiterate and call on us to be deliberate champions of disability inclusion and to become transformative problem solvers toward the realization of inclusive development. This can be achieved through the following -

(1) The Government calling for a recount with the aim of acquiring recent and accurate data on persons with disabilities in the country, acknowledging the disparity between the recorded 3.8 per cent of persons with disabilities in our 2009 census and the recorded 2.2 per cent of persons with disabilities in our 2019 census. It should be noted that any interventions in budgetary allocations, research into disability, outreach programs and the threshold in achieving the “5 per cent rule” by the Government will be hampered by inaccurate data;

(2) Ensuring the Ministries of Education, Public Service and Gender Affairs, and Health together with organizations of Persons with Disabilities continue to push for accessibility in our built environment, ensuring that all development projects adhere to international universal design standards;

(3) The Government creating frameworks for adequate assistive software technologies customized to suit different needs of PWDs. Ensuring that these technologies are made more affordable so as to reach all corners of the country, allowing PWDs to perform effectively in education, employment and accessing other essential services;

(4) Senators making use of their oversight mandate and calling upon County Governments, Ministries and State organizations to fulfil the mandatory requirements of Article 54 (2) of the Constitution of Kenya and to consistently ensure the full participation of PWDs in public life and their inclusion in Government positions;

(5) Ensuring that the Kenya National Bureau of Statistics together with the National Council for Persons with Disabilities undertake a fresh and progressive survey of PWDs in the Country, with clear indicators defining the types of disabilities, their varying degrees and other important intersectionality factors; and

(6) Developing innovative solutions through legislation, for the betterment of PWDs living in Kenya such as prioritizing the enactment of the long-awaited Special Needs Education Bill, the Social Assistance Amendment Bill and most importantly the Persons with Disabilities Bill.

Mr. Deputy Speaker, Sir, I hope that you and all Kenyans reach out to and appreciate a Person with Disability in a special way on this day and every day. I wish you all a Happy International Day for Persons with Disabilities.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Let us go to the next Statement by Sen. Mariam Omar.

COMPENSATION TO RESIDENTS OF
MIHANG'O WARD FOR ILLEGAL DEMOLITION OF HOUSES

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir.

I rise, pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the compensation due to Nairobi residents in Mihang'o Ward, Embakasi East Constituency for the illegal demolition of their houses by the Kenya Power Company in 2019.

In the Statement, the Committee should -

(1) Give reasons for the delay in compensating the residents of Mihang'o ward for the illegal demolition of their houses four years later;

(2) State steps to ensure that the Kenya Power company is held accountable in compensating the affected residents, as their houses were illegally demolished noting that the houses were beyond the boundary at 15 meters to 20 meters away from the wayleave;

(3) State short-term and long-term measures that the Company will implement to avoid future unnecessary loss of property and discourage illegal encroachment; and

(4) Finally, cause the Company to erect physical beacons on visible barriers to clearly mark the boundaries of the power wayleave.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you.

Next is the Statement by Sen. Cherarkey.

STATUS OF ATHLETICS AND
MANAGEMENT OF ATHLETES IN THE COUNTRY

Sen. Cherarkey: Thank you very much Mr. Deputy Speaker, Sir. I wish to request for a Statement on the status of athletics and management of athletes following poor performance at the 2021 Tokyo Olympics.

Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare.

It regards the status of athletics after poor performance at the Tokyo Olympic 2021 and the mismanagement of athletes by the Ministry of Youth Affairs, Sports and the Arts, Athletics Kenya and Olympic Committee of Kenya.

In the Statement, the Committee should -

(1) State the reasons for the dismal performance by the Kenya national team to the 2021 Tokyo Olympics in both track and field events including a historic loss of the steeplechase race, an event that Kenya has consistently won in Olympics and other major races since Independence.

(2) Explain the selection criteria of athletes, sports men and women and Government officials who accompanied the team to Japan, shedding light on the preparations the athletes went through.

(3) Reveal the terms of engagement between the public and private media and the Ministry of Sports, detailing the allowances paid and expenses incurred to facilitate the media and editors to cover the Olympics.

(4) Provide details of contracts signed between Ministry of Sports, Athletics Kenya, and Athletics Kenya, the National Olympic Committee of Kenya (NOCK) and NIKE with regard to the just concluded 2021 Olympics and its sponsorship.

(5) Finally, give the number of training kits, grants and donations from various international partners to Athletics Kenya, National Olympic Kenya and the Ministry of Sports, outlining the distribution criteria to the various training levels in Kenya.

I thank you.

The Deputy Speaker (Sen. Kathuri): I can see Sen. Orwoba. Do you want to make a comment on this Statement?

(Sen. Orwoba spoke off-record)

Kindly proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir and thank you, Sen. Cherarkey for bringing this to light. I think in this industry of sports, we have had a lot of hiccups in the past.

Therefore, before we are able to move forward and know how to further push our sports economy, it is important that we hold certain offices accountable. We need to conduct a proper audit, so that we know whether it is, indeed, the offices that had issues or the people who were holding the offices. We need to re-engineer the whole sports economy.

I hope that as this Statement is forwarded to the Committee, it will be dealt with swiftly because we are preparing for upcoming sporting events. I heard that Kenya is going to apply as a consortium, to hold the African Cup of Nations. Some of these things have to be looked into before we get to the point of discussing such major events.

Thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. (Dr.) Khalwale).

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. This Statement requires that we all stand behind it. Athletics is a major employer in Kenya. Those of us who come beyond the Rift Valley are true witnesses. These children are on their own. You pass Kapsabet at 4.00 a.m. in the morning and the children are on the road, doing their road works.

The Statement should tell us, what the Government is doing urgently, to erect street lights, all the way from Chebarbar up to Kapsabet because this is where you would see these children running on their own with no support.

Secondly, the Statement should tell us the support and protection the Government is giving to Ferdinand Omanyala - the first Kenyan to demonstrate that we can win a gold medal in 100-meter race. Since this is a jealously guarded sport so that he is not tricked into doping or some other form of injury.

Could the Government tell us what they are doing to protect Ferdinand Omanyala?

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you.

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

The Deputy Speaker (Sen. Kathuri): Is it a point of information? Sen. (Dr.) Khalwale, do you want to be informed?

Sen. (Dr.) Khalwale: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

(Sen. Cherarkey stood in his place)

I know you are used to the Dispatch Box. The microphones are now confused.

(Laughter)

Sen. Cherarkey: Mr. Deputy Speaker, Sir, just a point of information to the Senate of Kenya. He has mentioned something about doping. I am happy that the other day, the Athletics Integrity Unit (AIU) in Monaco, through President Sebastian Coe, declined to suspend Kenya from participation in World Athletic Championship. This was after the Kenya Government committed to allocate Kshs619 million per year, to fight the issue of rising doping cases in the Republic.

I am grateful to the Ministry of Youth Affairs, Sports and the Arts, Cabinet Secretary (CS) Ababu Namwamba - the new broom - also the World Athletics Championship Organizers, Athletics Integrity Unit (AIU) and the World Anti-Doping Agency (WADA). I hope the Ksh619 million that will be allocated annually to fight the rising cases of doping will assist to clean our sports.

I ask all sports men and women from athletics, football, volleyball and many other disciplines to play a clean game. It does not make sense to dope. As we fight the menace of doping in the country, I call upon the DCI and DPP ---

Mr. Deputy Speaker, Sir, as we fight the menace of doping in the country, we call upon the Director of Criminal Investigations (DCI) and Director of Public Prosecution (DPP) to prosecute anybody who assists our sportsmen and women to use bhang substances or to participate in doping. The ball is on the court of the DCI. Many cases were reported by the Anti- Doping Agency of Kenya (ADAK). We need heads to roll for us to have a clean game.

The Deputy Speaker (Sen. Kathuri): That is a cup full of information. The next Statement is from the Senator for Taita Taveta County and I can see he is not around. He

has two Statements. This also applies to the Senator for Mombasa County, Sen. Faki. Those Statements stand deferred until when they will be available to prosecute them.

COUNTY BOUNDARY OUTLINE BETWEEN
TAITA TAVETA AND NEIGHBOURING COUNTIES

(Statement deferred)

ACQUISITION OF LAND BELONGING TO RESIDENTS
OF IKANGA AREA BY THE KENYA AIRPORTS AUTHORITY

(Statement deferred)

UJENZI WA BARABARA YA MAKUPA
ENEO LA KIBARANI, KAUNTI YA MOMBASA

(Statement deferred)

Let us now listen to Sen. Tobiko. Sen. Tobiko, do you have a Statement?

IMPLEMENTATION OF THE WILDLIFE
CONSERVATION AND MANAGEMENT ACT, 2013

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the status of implementation of the Wildlife Conservation and Management Act, 2013.

In the Statement, the Committee should-

(1) Provide a detailed account on the implementation status of the Wildlife Conservation and Management Act, 2013 since its enactment;

(2) Indicate the steps taken, if any, to implement the National Wildlife Conservation and Management Strategy, stating whether a review of the strategy has been done as mandated every 5 years by the Act;

(3) Clarify whether the Wildlife Endowment Fund has been established and if so, provide a detailed breakdown of the disbursements made from the fund since its inception;

(4) Provide a per county, sub-county and ward breakdown of beneficiaries of the Wildlife Compensation Scheme established by the Fund since its establishment; and

(5) State the targeted interventions, guidelines and incentives the Ministry of Tourism, Wildlife and Heritage has in place to address emerging challenges of natural resource sharing amongst communities in Kajiado County and others bordering the

Amboseli National Park, who are victims of incessant Human-Wildlife conflicts and severe drought.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. We have a Statement under Standing Order No. 56(1)(a) from the Chairperson Standing Committee on Devolution and Intergovernmental Relations.

Sen. Abass.

THE BORDER DISPUTE BETWEEN KISUMU,
NANDI AND KERICHO COUNTIES

Sen. Abass: Thank you, Mr. Deputy Speaker, Sir. I beg to make a Statement pursuant to Standing Order No. 56 (1) (a) in response to the Statement by Sen. (Prof.) Tom Ojienda, SC regarding the border dispute between Kisumu, Nandi and Kericho counties.

Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No. 56 (1)(a) ---

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): What is it the Senate Majority Whip?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, unless the tradition has changed, our practice for many years has been that an answer to a Statement requested for by a Member is given when the Member is in the House.

Sen. Abass: What? Come again.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I have noticed that Sen. (Prof.) Tom Ojienda, SC, is not in the House. So, who is receiving the Statement?

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I also saw the Senator for Kisumu County in here and that is also the assumption of the Senator for Wajir County.

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

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, with all due respect to the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, I thought he was providing the Statement on the overview of the Committee. This is because, the tradition of this House - unless it has changed - is that whenever one seeks for a Statement from a Committee, the answer is handled at the level between the Committee and the Member.

However, if there is a Report, it is normally Tabled in the House in the later stage unless it was upon your directions. Since, this matter affects Nandi, Kericho and Kisumu counties, I thought it will be guided to the Member that requested for the Statement. That can only change if you gave direction that this particular Statement or the response from the Committee should come back to the House.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. The issue I want to speak on has been highlighted by the two Senators who have spoken before me. However, my question is; was the response shared with the relevant Senator before presenting the Report to the House? That is important and it has been the practice for some time now.

I thank you.

(Loud Consultations)

The Deputy Speaker (Sen. Kathuri): Where I sit, I am not sure who should inform the owner of the Statement. Is it the Chairperson of the Committee or the secretariat?

The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, is Sen. (Prof.) Ojienda, SC aware that you are presenting the answer to his Statement this afternoon?

Sen. Abass: Mr. Deputy Speaker, Sir, Sen. (Prof.) Ojienda, SC was supposed to appear before the Committee meeting but he was not present. However, he has been informed of the response on the findings of the Committee.

The Deputy Speaker (Sen. Kathuri): To give him some justice, I suggest we defer it until the next sitting so that he can be available. We will do him some disservice if he did not appear before the Committee and he is not in the Chamber right now.

Sen. Abass: Mr. Deputy Speaker, Sir, your point is noted.

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

The Deputy Speaker (Sen. Kathuri): Who do you want to inform Sen. Dullo? Do you want to inform me?

(Sen. Dullo spoke off record)

The Deputy Speaker (Sen. Kathuri): You may inform him. Maybe, he has no issue with you informing him.

Sen. Abass, the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, Sen. Dullo wants to give a point of information.

Sen. Abass: Let her go ahead, Mr. Deputy Speaker, Sir.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. The Speaker and Chairperson can share the response with Sen. (Prof.) Tom Ojienda, SC in order for him to look at it. If he has further questions to it, the Committee can summon him to appear before them for further discussion. If he is satisfied, then they can close the chapter.

I thank you.

Sen. Abass: Thank you. That will be handled.

The Deputy Speaker (Sen. Kathuri): Okay, Sen. Cherarkey, what is it again? What is your point of order?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, this is a very sensitive matter because it concerns Nandi County, where I am the representative. It also concerns Kericho and Kisumu counties.

Mr. Deputy Speaker, Sir, adding on your ruling, can you kindly direct the Committee and the Chairperson to also share with us the response so that we do not suffer unfairness in terms of the response. This is because they are discussing the boundary that we share. The Committee did not find it wise to even invite me through an SMS or a WhatsApp message. My people are also watching.

It will be unfair for us to address the issue of Kisumu County and not involve Nandi and Kericho counties. You know this is a very sensitive matter. I want to ask the Committee to come to the ground. *Vitu ni* different kwa ground.

This is so that when we have a message or a report--- The issue of boundary is so sensitive and it should not be taken lightly. As the Senator of Nandi County, I will not sit here and allow a prejudicial report to be tabled in the House. That report might in any case affect us in an unfair way.

Mr. Deputy Speaker, Sir, this is a very sensitive issue and it is beyond a man and a wife.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, I advise you to approach and share that content with the chairperson of the Standing Committee on Devolution and Intergovernmental Relations so that when he presents next time, you will be at an advantage.

Sen. Abass.

Sen. Abass: Mr. Deputy Speaker, Sir, this issue came up in the Twelfth Parliament and was discussed it a lot. Sen. Wakili Sigei is aware of what has been happening. We were only responding to Sen. (Prof.) Tom Ojienda's issue and we found that it had already been discussed. There is also a Bill being brought by Sen. M. Kajwang' on the same issue - he was the former chairperson.

The Deputy Speaker (Sen. Kathuri): Thank you. Let us go to the next Statement by the Senate Majority Leader under Standing Order No.57(1).

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.57(1) and I hereby present to the Senate, the status of the Business before the House.

Before I make the substantive Statement, allow me to make two short remarks. First, just 12 hours after the Hustlers Fund was launched, it is so exciting that already 408 million Kenyans have applied and have received Kshs1.14 million. I would like to amplify this and assure hustlers---

The Deputy Speaker (Sen. Kathuri): Sorry, Sen. (Dr.) Khalwale. There is a point of order from Sen. Wamatinga.

Sen. Wamatinga: Mr. Deputy Speaker, Sir, I want to correct Sen. (Dr.) Khalwale. It is not 408 million Kenyans, but 4.8 million Kenyans. This is the right information.

The Deputy Speaker (Sen. Kathuri): It is 4.8 million Kenyans. Proceed.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am not responsible for the misleading source that the distinguished Senator from Nyeri is using. I am quoting the Cabinet Secretary.

The Deputy Speaker (Sen. Kathuri): You could have done things the other way round; you first give us the Statement from the Senate Majority Leader because you are presenting it on his behalf and he did not instruct you to start the way you have started.

Sen. (Dr.) Khalwale: Then I come to this matter.

The Deputy Speaker (Sen. Kathuri): That is okay.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 14TH FEBRUARY, 2023

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, as we are all aware, today, Thursday, 1st December, 2022, is the last sitting day pursuant to the Senate Calendar for the First Session that was adopted on Wednesday, 12th October, 2022. As such, at the rise of the Senate later this evening, the Senate will proceed to recess until Tuesday, 14th February, 2022, God willing.

In the event that there will be need for sittings of the Senate during the recess period, Special Sittings will be convened pursuant to Standing Order No.33.

With respect to the business of this House, a total of five Bills have already so far been published. Out of this, one Bill has been concluded and referred to the National Assembly for consideration. I am aware that the National Assembly has concluded the consideration of this Bill and that a Message will be referred to the Senate within one day.

Mr. Deputy Speaker, Sir, one Bill is awaiting Second Reading and in this respect I urge the Standing Committee on Education to expedite consideration of the County Vocational and Training Bill, Senate Bills No.3 of 2022. Three more Bills had been scheduled in today's Supplementary Order Paper for First Reading at Order Nos.8, 9 and 10 following conclusion of the concurrence process under Article 110(3) of our Constitution.

There are a number of Bills that are now ready for publication. These are Enjoyment Amendment Bill, the Lifestyle Audit Bill, the Start-up Bill, the Treaty Making and Ratification Bill, the Prompt Payment Bill, the County Licensing Uniform Procedures Bill, the Office of the County Printer Bill, the Agriculture and Livestock Extension Services Bill, the Mung Bean Bill and the Kenya Immigration and Citizenship Amendment Bill.

The following legislative proposals have been referred to the relevant Standing Committees for pre-publication scrutiny pursuant to Standing Order No.131.

- (i) The Konza Technopolis Bill
- (ii) The Tea (Amendment) Bill
- (iii) The Constitution of Kenya (Amendment) Bill

The above listed proposals would be formally introduced in the Senate upon conclusion of the concurrent process pursuant to Article 110(3) of the Constitution.

The office of the Speaker of the Senate and those of the Senate Leadership have been engaging with our counterparts in the National Assembly to establish a structured

mechanism of concurrence on Bills, which will facilitate and expeditiously process. Suffice to say that in the meantime, the determination of the nature of procedure Bills is at the drafting stage and will be ready for publication very soon.

Mr. Deputy Speaker, Sir, we all appreciate and recognize the importance of Petitions, Motions and Statements as legislative tools to undertake our constitutional mandate. I would like to bring to the attention of this House that two Petitions have been presented to the Senate and committed to the Standing Committee on Roads, Transport and Housing and the Standing Committee on Agriculture, Livestock and Fisheries, respectively.

I urge the two Committees to consider these Petitions and to submit reports thereafter within 60 calendar days timeline required under Standing Order No.238(2).

With respect to Statements, a total of three Statements were sought under Standing Order No.52(1) and committed to the relevant Standing Committees. Nineteen Statements have been made under Standing Order No.52(1) on various matters of which, 12 have referred to the Standing Committees for consideration. I urge the Standing Committees to consider the Statements expeditiously and where necessary, table the reports.

Mr. Deputy Speaker, Sir, with regard to Motions, a total of 38 Motions were filed in the first Session. Out of these Motions, the Senate has debated and concluded on 32 of them and six are pending debate and conclusion, including the ones listed in today's Paper.

It is important for Senators to note that the Motions will lapse at the end of this Session. As such, therefore, respective Movers will be required to give notices afresh at the beginning of the Second Session in February, 2023. As we proceed for recess, it is my hope that we will be able to meet with our constituents, spend some time with our families and friends and also rest in preparation for the coming year of 2023.

Mr. Deputy Speaker, Sir, in conclusion, seeing as the month of December is always associated with three important holidays in the calendar year, allow me to end by wishing all hon. Senators, a happy Jamhuri Day, a Merry Christmas and a prosperous New Year 2023.

I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. (Dr.) Khalwale laid the document on the Table)

Mr. Deputy Speaker, Sir, as you had permitted me, I want to draw the attention of Kenyans in good light and in good faith to a breaking statement by the Cabinet Secretary for Cooperatives, Micro, Small and Medium Enterprises (MSMEs). Hon. Chelugui has announced that within 12 hours, Kshs408 million has been disbursed to 1.14 Kenyans. Therefore, I am inviting Kenyans to ignore conspiracy theories surrounding this Fund.

I also confirm that I have personally applied just for purposes of verification of the integrity of the process and also for remembering that I am a son of a hustler. I am

applying for Kshs500 in honour of my mother who was an industrialist; *a chang'aa* brewer.

(Laughter)

Sen. Cherarkey being a son of a wealthy Nandi farmer, he thinks this is a laughing matter. *Chang'aa* can actually educate somebody until he becomes a doctor the way my mother did.

Mr. Deputy Speaker Sir---

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, please protect me. The Senator is about to punch me in the back.

Finally, this is just an appeal to you. When the Statement was read on behalf of Sen. Asige, the Senator who discharged the honorable service forgot and she is a neighbour of the people of Baringo. She needed to introduce herself so that they know we have diversity in this House. Sen. Lemaltian is actually the reigning Miss Kenya.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Next Order.

BILLS

First Reading

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)

*(Order for the First Reading read - Read the
First Time and ordered to be referred to
the relevant Committee)*

Next Order.

First Reading

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 6 OF 2022)

*(Order for the First Reading read - Read the
First Time and ordered to be referred to
the relevant Committee)*

Next Order.

*First Reading*THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL
RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)

*(Order for the First Reading read - Read the
First Time and ordered to be referred to
the relevant Committee)*

Next Order.

MOTIONS

DROUGHT AND HUNGER MITIGATION IN TURKANA COUNTY

THAT, AWARE THAT Turkana County continues to experience extremely dry weather conditions with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reporting that the aggregate rainfall for the six-month period ending September 2022 represented only 21 percent of the normal rainfall;

FURTHER AWARE THAT the prevailing weather conditions have resulted in the drying up of wells, boreholes, loss of pasture, and crops, therefore, rendering any form of farming impracticable;

ACKNOWLEDGING THAT the residents of the County are predominantly pastoralists who keep cattle, donkeys, camels, and goats for food and income, and that the loss of these livestock is a loss of livelihood for them;

NOTING THAT the prevailing drought has resulted in the death of more than half of the livestock in the County thereby pushing eight hundred thousand residents to the brink of starvation and resulting in the highest ever rate of acute malnutrition in the County at 33 per cent;

FURTHER NOTING THAT residents have been forced into migration with their livestock in search of pasture and water which has exposed them to raids by bandits and resulting in children dropping out of school;

CONCERNED THAT droughts have been recorded in the County since the 1960s and that the frequency of their occurrences has progressively increased with drought in the County becoming a yearly phenomenon;

COGNIZANT THAT Article 43 of the Constitution of Kenya, 2010, stipulates the rights of every person to be free from hunger, to have

adequate food of acceptable quality, and to clean and safe water in adequate quantities, and obliges the State to provide social security to persons unable to support themselves and their dependents;

FURTHER COGNIZANT THAT Article 11 of the United Nation's International Covenant on Economic, Social and Cultural Rights (ICESCR) places further emphasis on the fundamental right to food and obliges the State to take progressive steps towards achieving full realization of the right to adequate food;

NOW THEREFORE, the Senate urges the Ministries of Agriculture and Livestock Development; Water, Sanitation, and Irrigation; Education, and the Ministry of East African Community (EAC), the ASALs and Regional Development through the National Drought Management Authority, to come up with a policy framework to address the perennial drought in the County and to come up with policy programmes addressing the current needs of the County to include:

- (1) A roll out of a Rapid Response Initiative (RRI) programme of providing foodstuffs to the affected residents of the County to address immediate critical needs.
- (2) An introduction of feeding programme in schools across the County.
- (3) The drilling of water boreholes.
- (4) An institution of a livestock off-take programme to buy weak livestock.

(Sen. Lomenen on 30.12.22)

(Resumption of debate interrupted on 30.12.22)

The Deputy Speaker (Sen. Kathuri): On this Motion, Sen. Tobiko had 11 minutes. You can proceed if you want to exhaust them.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir. Let me continue with the issue of the drought in Turkana County and majority of the Arid and Semi-Arid Lands (ASALs).

Many hon. colleagues spoke yesterday about how the severe drought has ravaged this country. We have concluded that there could be systemic failure. This is because the Government is not coordinating the food basket counties that have surplus food to have it distributed to the needy Kenyans.

By now, we have lost more than three quarters of the livestock that we had in this country. I foresee a situation where we have unprecedented levels of poverty coming in counties such as Turkana County and others.

There must be a way for the Government to address and forestall this kind of imminent poverty coming in.

Mr. Deputy Speaker, Sir, as I speak, it is no longer the threat of loss of livestock; it is a threat of loss of lives that we are facing in the ASALs counties. So far, the rains are not doing well. Hopefully, as we wait for the long rains in April, we do not see any livestock that will survive until then.

We are urging the Government and the President to declare the drought a national disaster pursuant to Article 58 of the Constitution, due to a natural occurrence. This is so that resources are mobilised towards helping out these communities that are facing hunger.

Article 43(1)(d) and Article 43(3) speaks about social security and the responsibility of Government to secure its constituents who are facing hunger.

I have been commuting daily from Kajiado because of this drought. I spoke to Mzee Timoi from Kajiado who told me to read his statement verbatim. It says:

“To address the recurrent and severity of droughts in pastoralists areas, it would require investment to widely, adequately and appropriately harvest and store rain water and wisely use it for the right purpose such as pasture and fodder production and livestock to step up food production. It would be wiser and more profitable as the situation stands, the future is dim, hunger poverty and conflict prevails.”

This is what is happening in all the counties that are faced with drought right now. There is conflict because of the scarce resources, hunger and desperation.

What I foresee happening, particularly in Kajiado County, which is the bedroom of Nairobi, there will be a lot of sale of land shortly after this. That is poverty coming in. These are communities that do not know any other way of livelihood apart from pastoralism. So, we should address this situation.

Just like we had fertilizers subsidized, it would be good to see the Government taking initiatives to subsidize animal feeds at this moment.

It is the hustlers who are suffering. They have sent us to tell the President that they are sleeping hungry right now. The President should possibly come up with a team across Ministries that will address this dire situation.

As we prepare to adjourn today, we do not know the kind of Christmas holiday we shall be going for in these counties. The situation is desperate. I rise to support the Motion by our colleague, Sen. Lomenen. I agree with him that this situation should be addressed urgently.

The peripheral counties matter to this country. Those are the ones securing the borders of Kenya from all corners. The rest of the counties that are in the middle, have infrastructure and food production cannot be safe when the rest of the country is not. We are all safe when we can feed our families. The Constitution states that we should be able as a country to feed our people.

We urge the Government and the Ministries concerned; the Ministry of Agriculture, Livestock, Fisheries and Irrigation, Environment and Forestry, Water and Sanitation and the counties to address this situation as a very urgent and dire need.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Senate Majority Whip, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I have waited for this chance since yesterday. I am glad that I can contribute. I tell the Government that I serve and represent in the House that the writing is on the wall. It is right there on the wall. If we do not take water and food to the ASAL areas then we might just as well admit that we are conspirators who are encouraging the vicious circle of poverty, insecurity and illiteracy.

I was talking to the distinguished Senator for Samburu County who comes from one such county. He told me something shocking yesterday. Sen. (Dr.) Lelegwe Ltumbesi said that illiteracy levels in Samburu County are as high as 87 per cent. If illiteracy levels in Samburu County stand at 87 per cent, it could be 91 per cent in Turkana County. What is wrong with us? If you want to see what a Turkana boy can become, the answer is right here. Look at Sen. Lomenen, thanks to education the distinguished Senator has come up with this great thinking.

(Applause)

Let us take food and water to Turkana, Baringo, Lamu, Garissa, Marsabit and Mandera counties so that the insecurity can end. Some of the top lawyers in this country such as Mr. Ahmednasir Abdullahi, comes from Mandera County, but thanks to education he broke through. You can see how he has defined the legal landscape in this country. One can cry, but we cannot cry because we are old men. We can only raise our voices.

This brings me to my first complaint, what are we doing as leaders? We come to Nairobi City County to cut deals and connive. The drafters of the Constitution created Article 204, which states, there shall be an Equalisation Fund that will deliberately take money to those counties to have water, health service, good roads and food.

What happens when we come to Nairobi City County? The ASAL Senators are here and the ASAL counties are known. Some leaders in Nairobi City County from the Commission of Revenue Allocation (CRA) supported by a few Senators go and increase the number of counties supposed to benefit from this money and fight for the money with Turkana County. You will cry. They are telling us that Bungoma County is one such county and it is listed. Kericho County is also supposed to compete for funds with the ASALs. Meru and Murang'a counties are also listed as part of the ASALs yet they are not.

(Sen. Cherarkey spoke off record)

Why would Murang'a County compete for the Equalisation Fund when it is the reason why those regions are unequal? We are going to stand in this House and refuse to allow money, which was meant for Turkana County to come to Kakamega County.

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

The Deputy Speaker (Sen. Kathuri): Proceed on your point of order, Sen. Cherarkey,

Sen. Cherarkey: Mr. Deputy Speaker, Sir, is it in order for Sen. (Dr.) Khalwale who is the Senate Majority Whip to mislead the House? Is he aware that in the shareable revenue formula; the counties that he is purporting do not get enough resources---. I said this on the Floor yesterday, they are the counties being ravaged by drought. For the last 10 years, Turkana County has received more than Kshs120 billion yet Nandi County has received less.

It is corruption that ails the counties. Most of the money being returned to the National Treasury comes from the ASAL counties. Mandera and Turkana counties are returning as high as Kshs4 billion of unused money to the National Treasury. Is it in order to mislead the House that counties that are purported not to have or counties that have or affected by drought are eating too much from these counties?

Secondly, Article 204 states that the Equalisation Fund is supposed to provide for basic services like water, roads, health facilities and electricity to marginalized areas. It does not provide for irrigation. It is the counties' work to use shareable revenues to come up with irrigation schemes to plant their food.

Even in Nandi County where I come from, part of Tinderet towards Kisumu, we have landslides. Article 204, also talks about marginalized and disadvantaged areas. It does not only restrict itself to drought and famine, but it talks about other disasters, including landslides, earthquakes, among others.

Mr. Deputy Speaker, Sir, we fought about this matter in the last Parliament over allocation of revenue. We came up with a win-win formula where every county benefits. Sen. (Dr.) Khalwale should be asking the counties affected by drought and famine where they put their money. Where is the Kshs120 billion that went to Turkana County? Where is one irrigation scheme? Why are there dry boreholes in Laisamis Constituency yet we have allocated billions of shillings over and above these counties that are being purported like Kiambu?

Mr. Deputy Speaker, Sir, we were fair in the distribution of shareable revenue. We would have said one man, one vote, one shilling, but we decide to overlook and give a chance to the counties that serve us. What you should be doing as counties affected by drought and famine is to address corruption in your counties. Let those Governors be held accountable. We cannot lie to Kenyans---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, is that a point of order or are you debating? You contributed to this Motion yesterday yet you are almost debating today.

Sen. Mariam Omar: Yes, he did.

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

The Deputy Speaker (Sen. Kathuri): There is a point of order from Sen. Abass. He has been agitated by that---

Sen. Abass: Mr. Deputy Speaker, Sir, Sen. Cherarkey is totally out of Order because what we are talking about today is something affecting 70 per cent of Kenyans. The people of Kenya together with their animals are dying. It is not kings who are dying--

It is not an issue of resource sharing, but the prevailing situation is dire. Telling us that we have taken our share and a lot of money from the coffers, is not true. I know that Kapsaret has been developed from the days before President Uhuru. President Moi developed it and the current Government can further develop it.

(Sen. Cherarkey spoke off record)

Mr. Deputy Speaker Sir, it is not a point of order.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I have no idea listening to the point of order from Sen---

The Deputy Speaker (Sen. Kathuri): Sorry, it is important to be on one side. Let us hear from Sen. Wamatinga Wahome. Is it a point of order?

Sen. Wamatinga: Thank you very much. It is a point of information as Sen. (Dr.) Khalwale addresses ASAL areas, he should not forget that 52 per cent of Nyeri County is ASAL.

The Deputy Speaker (Sen. Kathuri): Yes, Sen.(Dr.) Lelegwe Steve?

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Deputy Speaker, Sir. I want to inform the distinguished Senator for Nandi Sen. Cherarkey---

The Deputy Speaker (Sen. Kathuri): First hear whether he wants to be informed.

Sen. (Dr.) Lelegwe Ltumbesi: The drafters of the Constitution knew very well--

(Sen. Cherarkey spoke off record)

The Deputy Speaker (Sen. Kathuri): That is why I am asking because you also know---

Sen. (Dr.) Lelegwe Ltumbesi: Sen. Cherarkey, the Speaker has given me a chance to inform you.

The Deputy Speaker (Sen. Kathuri): You know you inform a Member when he is on the Floor. After sitting and finishing his contribution or his point of order, you do not inform him when he is not on that particular matter.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Deputy Speaker, Sir, for protecting me from Sen. Cherarkey.

The Deputy Speaker (Sen. Kathuri): No, I am not protecting you.

(Laughter)

Sen. (Dr.) Lelegwe Ltumbesi: I am informing Sen. Cherarkey that the drafters of our Constitution knew very well that there was inequality in Kenya.

(Applause)

They knew very well that they were putting a schedule in the Constitution that gives us counties as Kenya. They knew very well that these counties would be funded. They knew very well that after funding counties, there would be an Equalization Fund to bring these marginalized counties to the level of the developed counties.

So, he should not tell us that we tell Kenya or Senate where our counties put their resources because even those developed counties are given that resource.

I thank you.

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

The Deputy Speaker (Sen. Kathuri): No. Sen. Chute Mohamed, Lemaltian Hezena are both on request. I think that they want to contribute to the Motion. So, those are not points of order.

Sen. Chute: Mr. Deputy Speaker, Sir, Sen. Cherarkey is completely out of order. What we are discussing today here are issues affecting us. It is as if we have a wound. He is also touching that wound. He is hitting us.

Article 43 (1) (a to f), (2) and (3) of the Constitution is very clear. It says:

(1) Every person has the right-

(a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

(b) to accessible and adequate housing, and to reasonable standards of sanitation;

(c) to be free from hunger, and to have adequate food of acceptable quality;

(d) to clean and safe water in adequate quantities;

(e) to social security; and

(f) to education.

2. A person shall not be denied emergency medical treatment.

3. The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.

Sen. Cherarkey is telling us that we do not have a problem now. We have issues we have been talking about since yesterday. He was talking about bumper harvest, but we do not have anything. Give us food. If you can donate some food to Marsabit and Turkana counties, we will highly appreciate it.

Thank you, Mr. Deputy Speaker Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, according to the Constitution Article 202 (2) -

“County governments may be given additional allocations from the national government's share of the revenue, either conditionally or unconditionally.”

Article 203 says counties may be given further allocations.

While I empathize and sympathize with the over four million Kenyans that suffer from hunger, I am just calling out for accountability and transparency from county governments. Why are Senators protecting their counties yet we know money is going there?

What is Mandera County doing to provide food for the suffering Kenyans in Mandera? What is happening in Turkana in terms of---

As we talk about today in conclusion, the Office of the Deputy President has been providing food to these regions that are affected by hunger. I am calling for accountability and transparency of county governments that are affected by famine.

The Senator should be aware that no county governments need public relations officers in terms of protection on matters of accountability. So, we cannot sit here in Senate and say because county governments are affected by famine and drought they should be shielded during times of emergency

Accountability must be provided and those county governments must account for the money that we gave them. Otherwise, we shall revert to one-man-one-vote-one shilling.

(A Senator spoke off-record)

We defeated you.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have caused a lot of heat this afternoon. Therefore, I want us to proceed with the Motion. If you get an opportunity to debate, you can put in your issues as you debate, including the point of order from Sen. Hezena. I can see you want to contribute. There is time for you to contribute to this Motion and you have fifteen minutes.

(Sen. Tobiko spoke off record)

You are out of order Sen. Peris Tobiko. Sen. Peris, stop being emotional. You are out of order, Sen. Peris. Stop exchanging words with Sen. Cherarkey.

Let us first hear from Sen. Hezena then I will give you one minute.

Sen. Lemaltian: Thank you, Mr. Deputy Speaker, Sir. I feel very much attacked by Sen---

The Deputy Speaker (Sen. Kathuri): What is the Standing Order that you are now rising on? Not that you feel agitated, but you are on point of order.

Sen. Lemaltian: Yes, I am on a point of order---

(A hon. Senator addressed Sen. Lemaltian off record)

Pardon?

Mr. Deputy Speaker, Sir, I am on a point of order against Sen. Cherarkey for misleading the House. I remind him that the North can represent itself. That last week

when there was an issue concerning maize. These maize farmers were pastoralists who left their way of life and went into farming, Sen. Cherarkey does not understand where the shoe pinches. He cannot sit confidently beside Sen. Lelegwe and misrepresent Samburu and Turkana counties.

The North has sufficient Senators in this House to represent them and we are going to address our issues as we know. When you spoke about the maize, we did not interfere. However, now you are reducing the inequality in this country, especially in the North, to a mere issue of corruption.

It is not enough for him to allege that it is corruption that is delaying the North. It is false and unfounded. Sen. Cherarkey also needs to understand that there is a big difference between equity and equality and that is far from corruption. Corruption may have contributed, but you cannot reduce the issues of marginalization in the North to corruption.

Mr. Deputy Speaker, Sir, as far as they know, the Equalisation Fund by the national Government is supposed to address issues around water, healthcare and roads. I want remind Sen. Cherarkey that there are no roads in the north. The entire north is disconnected and we need water and health facilities.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaltian, I advise you to seat still and wait for your time to contribute so that you can give him the facts that you have. You have 15 minutes to debate this Motion.

Sen. Tobiko, are you now comfortable? I can see the steam is now out.

(Sen. Tobiko spoke off record)

(Laughter)

The Deputy Speaker (Sen. Kathuri): Okay, proceed for one minute. Please do not debate.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir. Is Sen. Cherarkey in order to mislead, not just this House, but the entire country? When we experience losses in the agricultural communities; coffee and maize farmers receive subsidies from the Government. Why is it that the same Government cannot cushion the livestock keepers? We all belong to this country. Is he telling us that we belong to another country? He is behaving like a very spoilt child with plenty.

(Applause)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you have 5 minutes. Please proceed.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I cannot argue with the Chair. However, the practice is that when such a point of order starts, they usually hold the clock.

The Deputy Speaker (Sen. Kathuri): They did.

Sen. (Dr.) Khalwale: If they did, then I will prosecute in five minutes. Just one sentence to respond to this troublesome point of order. We are where we are today---

(Sen. Cherarkey spoke off record)

(Sen. Tobiko spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, why are you stopping your point?

Sen. (Dr.) Khalwale: He is interrupting my flow of thought.

The Deputy Speaker (Sen. Kathuri): You are protected.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. Today, we are at a point where little girls and boys, the age mates of my daughters and grandchildren are dying because there is no food anywhere. It is not a laughing matter.

This arrogance was there in 1965. Jean-Marie Seroney from Nandi, Chelagat Mutai, Martin Shikuku, Dr. Chibule Wa Tsuma and J.M. Kariuki stood in this House and said no to Sessional Paper No.10 of 1965.

(Applause)

It was this kind of arrogance that brought us where we are. If the Deputy Speaker allowed me today, I would have sung you a one-minute Luhya song. However, I will not be allowed.

We sing and appeal to God that when your time finally comes and you lived on privilege, before the Lord opens for you, they will ask you to account for what you did for the poor because of your position or privilege.

'Ulirvwa marevo khuli wachenda yiwee; khuli wachenda yiwee. Ulirevwa marevo khuli wachenda yiwee---

The Deputy Speaker (Sen. Kathuri): Order, Sen. (Dr.) Khalwale!

(Laughter)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I stand corrected.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, this is not a market place. You cannot just start singing Luhya songs which nobody understands.

Sen. (Dr.) Khalwale: I stand corrected and guided. That brings me to my next point.

The Deputy Speaker (Sen. Kathuri): Can you withdraw the song because nobody knows what you have said?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I have retracted.

This brings me to an experience I had last month in Kigali. We were in an international conference of the Inter-parliamentary Union in Kigali. The people of Pakistan, experiencing a worse disaster than the one we are having because of drought, came up and asked the international leadership to make a resolution for the creation of a global fund that can be used to bring relief, not only to Pakistan, but also to Turkana County.

We had over 1,000 parliaments represented there. Do you know what happened, the Members of Parliament (MPs) from Africa refused due to arrogance. They said that it is Pakistan. I was there alone. I did not succeed for obvious reasons.

Before we could walk out, the debate on Ukraine came up. We were crying that Ukraine should be protected from attacks from Russia because it has occasioned shortage of fertilizer, food and other things. People from the developed world wondered whether we were educated leaders from Africa or something less.

I appeal to you, colleagues, Members of Parliament, the Senator is asking for only three things, which are rapid response, introduction of feeding programmes in primary schools and drilling of water. Let us support him so as to create a great Kenya that is equal. One day, when my son will have an opportunity to read the HANSARD of this nation, I want him to know that he had a father who was a man and cared about humanity.

(Applause)

If I cannot support this Motion, then I neither went to medical school nor practised medicine for over 30 years. However, because I have, I support and urge this House to also step up.

I thank you and I support.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaltian, please proceed.

Sen. Lemaltian: Thank you, Mr. Deputy Speaker, Sir. I rise again to reiterate that the north is fully represented in this House. I stand with the same agility that the Senator for Nandi County had when he was defending his people even against the ruling coalition's, Kenya Kwanza, position on the importation of Genetically Modified Organisms (GMOs). He defended his people because GMOs were going to directly affect his county because they are farmers. There are pastoralists who deviated from their way of livelihood to embrace farming but that does not give him any right to speak against the issues in the north.

Mr. Deputy Speaker, Sir, the Equalisation Fund will go a long way in ensuring that every Kenyan is put on an equal pedestal to enjoy the same rights as other Kenyan citizens.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Lemaltian.

Sen. Cherarkey, what is your point of order? I now have my Standing Orders here.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, is Sen. Lemaltian under Standing Order No.98 and 101 in order to state that a Senator belongs to only one region or county? When we seat here, we are the Senators of the Republic of Kenya and not the Senators of a tribal chiefdom somewhere in Samburu County.

Under Standing Order Nos.98 and 101, is she in order to mislead the House?

(Sen. Lemaltian stood up in her place)

She needs to seat down because you have given me a chance. She is violating the Standing Orders. She is out of order.

The Deputy Speaker (Sen. Kathuri): I do not see anything out of order.

Sen. Lemaltian: Thank you.

The Deputy Speaker (Sen. Kathuri): I am trying to align my thinking and my mind.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, also, is it in order to allege---

The Deputy Speaker (Sen. Kathuri): You are on a point of argument not a point of order.

Sen. Cherarkey: Is it in order---

The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, please proceed.

Sen. Orwoba: Mr. Deputy Speaker, Sir, I stand on a point of order under Standing Order No.98(4) which states as follows-

“The Speaker or the chairperson shall order any Senator who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 121 (Disorderly conduct) shall apply to any such Senator.”

Sen. Cherarkey today is completely out of order and under Standing Order No.98(4), we urge you to protect this House.

The Deputy Speaker (Sen Kathuri): Sen. Orwoba, if you read again Standing Order No.98(1), Sen. Cherarkey has all the privileges to stand as many times as possible because he is an elected Member of this House. So, we cannot limit him. That is why I was insisting that he should provide the point of order that he is rising against.

So, proceed and kindly finish up. You have some 12 minutes.

Sen. Lemaltian: Yes, Mr. Speaker, Sir, Sen. Cherarkey had interrupted me.

There is a reason why some counties are marginalized. When you call a county marginalized and being a marginalized minority county, we know where the shoe pinches,

The entire northern Kenya is affected by lack of equality in this country. If you look at our road infrastructure in the north is not sufficient. We do not have proper health facilities that are up to any basic standards. Some places do not have hospitals. There is also lack of water in the north.

So for a Senator who comes from a farming county with plenty within its borders to talk about the entire vast dry north is not in order. I wish that Sen. Cherarkey would

sometimes toe the line of his argument and know when to be a pastoralist and when to be a Senator.

The Deputy Speaker (Sen Kathuri): Sen. Lemaltian, I would advise that you just give you contribution without referring to the Member and then also address me. Look at me face to face

Sen. Lemaltian: Thank you, Mr. Deputy Speaker, Sir. As counties in the ASAL region, we are seeking that the Universal Health Care percentage be increased from 20 per cent to 100 per cent because a lot of people in the north are affected by lack of hospitals.

We have had initiatives like the one by our former first Lady called Beyond Zero Campaign. It aided us very much but in a way, it was not sustainable because the ambulances that were provided ended up being written off at some point. You cannot compare an ambulance you use from Chalbi to Merile or from Lodwar to Loyangalani to be in the same condition as that one that tours around tarmac roads.

Lack of water and lack of proper infrastructure has tremendously affected other development spectrums, for instance, education. The north is marginalized because there is poor education system and the level of literacy as quoted by Sen. (Dr.) Khalwale, stand at 87 per cent in Samburu County. I can say as a person who was born and raised in Samburu that one of the factors that has contributed to high illiteracy levels is poor infrastructure.

A lot of schools have been closed because some students cannot access school while some stay hungry. So, you are torn between thinking about whether to study or if you will have some food to eat.

[The Deputy Speaker (Sen. Kathuri) left the chair]

[The Temporary Speaker (Sen. Abdul Haji) in the chair]

I also want to highlight that marginalization has increased the poverty levels in our counties in the north. Inequality has brought about insecurity. This has also affected education and trade and our people are sitting idle at home.

When you just stay at home doing nothing, you lose hope of life because there is nothing to inspire you. You will not be inspired by people sitting under a tree the whole day because the environment is not comfortable enough to partake in trade or trading activities.

The marginalization in our county can only be addressed by the Equalization Fund because this will put us in the same pedestal as citizens from other well-off counties and then we can think about the future. Right now, we are thinking about how to survive from day today. We are thinking about where the world is going, we are not thinking about where we want to be in the near future.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): I call upon the Mover to reply.

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. I beg to reply this Motion. First and foremost, I want to thank my dignified and experienced colleagues who have contributed to support this Motion.

I want to give information to my colleagues. The northern part of Kenya, specifically Turkana, Marsabit, Samburu and other counties, we are not the manufacturers of drought, famine or hunger. This is an uncertainty.

Moreover, my brother Sen. Cherarkey, you were in this House for the last 10 years. When you were allocating funds to Turkana and Samburu counties, I was not there. I was a Member of the National Assembly for two terms.

What we are asking is that if that money was allocated and it was misappropriated where was the oversight role of the Senate? Why did you not oversight the misappropriation of funds in Turkana or any other county and you were in this House? That was your primary role.

You have said that you represent the whole country. You are a Member of the Senate of Kenya and not Nandi County or Turkana. You are given respect in the whole nation. Do you think it is fair for people to suffer from hunger? If God had created you to be a Senator for Turkana County instead of Nandi County, you would feel what we are feeling.

Moreover, I want to inform the House again that in this Motion, we are talking of issues that are current. People cannot afford a meal per day. People are thirsty and sick. Sen. Tobiko has talked about Economic and social rights in Article 45 and I want specifically to go to number (3) which says:

“The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.”

If pastoralists who depend on livestock have lost the same livestock, what should they do? What will they and their neighbours eat?

The Bible says you should love your neighbour as you love yourself. Do you love those counties? If you do, because you are a potential farmer, you could have donated 10 bags of maize to Turkana, Marsabit and Samburu counties? We could have respected you---

The Temporary Speaker (Sen. Abdul Haji): Sen. Lomenen, kindly address the Speaker.

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. To finalize, I am perplexed because oil was discovered in Turkana County.

(A Sen. spoke off record)

I am addressing the Speaker. Oil was discovered in Turkana County. Two years ago, this crude oil was sold to a company called ChemChina International and Kshs1.2 billion was acquired. However, not even a cent was taken back to the Turkana community.

We agreed in the Petroleum Energy Bill that 20 per cent of any revenue accruing from the minerals should go to the counties and 55 per cent to the community. Not

even a cent has gone to Turkana County. This means that the community was short-changed.

If we were given the Kshs1.2 billion, we could not be crying. We could have purchased maize and drilled boreholes. Justice was not given to the people of Turkana. Moreover, Sessional Paper No. 10 of 1965 denied the communities in northern Kenya justice. For over 50 years, they have been denied good hospitals, roads and clean water projects.

How much is that denial of justice? If we were to quote the 50 years of the former regimes that marginalized the northern part of Kenya, what is the cost? It is too much.

The Equalization Fund that is supposed to equalize and put us at par with these other regions is not enough. We still need more funds and interventions. We are not just competing as Kenyans, but with the rest of the world. Any individual created in the image of God needs water, food and health services.

The Bible says that when Jesus was teaching, he reached somewhere and saw people who were hungry and were not listening carefully. He told his disciples to feed them two pieces of bread and five fish so as they can listen to the word. This is what we are saying. There are people who are suffering. They have empty stomachs, are thirsty and we need them to vote for this Government, policies and participate in the community.

When you keep on losing the voters who are supposed to participate in devolution, do you think you have a future?

Yesterday, people were feeding on prosopis seeds. They grind, cook and feed on them. This is a reality. It is not an assumption. There are emergency issues that are emerging, for example, water. There are areas that do not have water. There are areas facing hunger and need food immediately. The relief food provided by the President was not enough.

I want to send a request to my President.

Article 58 of the Constitution states that-

“A state of emergency may be declared only under Article 132 (4) (d)”

Article 132 (4) (d) states that-

“The President may-

(d) subject to Article 58, declare a state of emergency; and”

This state of emergency has been supported by Article 58 which says-

“(1) A state of emergency may be declared only under Article 132 (4) (d) and only when--

(a) the State is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency”

So, we are requesting our President to declare the current drought and hunger as an emergency. We want to have Kenyans for Kenyans initiative so that we can commit ourselves to solve the problem. Our humanitarian organizations can also commit to offer help to this drought hit areas. Let the President declare the current drought a national disaster. This is an uncertainty; it is not man-made. It is as a result of global warming and

climate change. It is only God who knows how he organized these things because he is in control.

I concur with Senators who are here. If you are in a position to give help and assist, may the will of God be done.

Mr. Temporary Speaker, I rise to reply to this Motion.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, kindly take your seats.

(Several Senators walked in to the Chamber)

(Question put and agreed to)

Next order.

Sen. (Dr.) Khlwale: Thank you, Mr. Temporary Speaker, Sir. Before I move the Motion, allow me to seek the guidance of the Chair. This is a very long Motion to read. Our procedure is that, when moving a Motion, it must be read. I have just given the Notice of Motion and the House is aware of it. Is it okay if I just say, “as read” so that within the next two minutes, I would have finished and it has been seconded? We then vote, so as to allow the Adjournment Motion more time.

Mr. Temporary Speaker, Sir, I stand guided.

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

The Temporary Speaker (Sen. Abdul Haji): The Senate Majority Whip, having looked at the Motion, it is not that long to read. It is similar in length to the one I have just read. The requirement is that when it is moved, it has to be read as it is. So, please proceed.

ESTABLISHMENT OF AN AD HOC COMMITTEE
TO AMEND THE CONSTITUTION TO ENTRENCH
SPECIALIZED FUNDS

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, thank you for your guidance. I rise to move the Motion on establishment of the Joint Parliamentary *Ad Hoc* Committee, on a legislative proposal to amend the Constitution to entrench certain specialized funds,

I beg to move-

THAT, ACKNOWLEDGING the resolution of the National Assembly on the Establishment of an Ad-Hoc Committee on a Legislative Proposal to amend the Constitution to entrench certain specialised funds transmitted as a Message seeking concurrence of the Senate;

RECOGNIZING the need for a bicameral approach on the proposal prior to publication of the relevant Bill;

ACKNOWLEDGING THAT the subject matter of the Legislative Proposal is premised on the mandate of Parliament under Article 256 of the Constitution, on amendment of the Constitution by parliamentary initiative;

NOW THEREFORE the Senate resolves-

(1) To establish a *Joint Parliamentary Ad Hoc Committee on a Proposal to amend the Constitution to entrench certain specialized funds*, comprising eleven (11) Members from each of the Houses of Parliament to –

(a) Facilitate collation of views from Senators during debate, and inviting Senators with similar or related proposals to make submissions before the Committee;

(b) Invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform mandate, including the Attorney General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;

(c) in consultation with the Sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and

(d) report to the Houses of Parliament within 90 days to enable the Speakers to make a decision and give direction on whether or not the Legislative Proposal is to be published into a Bill or not to be proceeded with.

(2) that the Offices of the Clerks of Houses of Parliament provide secretariat services to the *Joint Parliamentary Ad Hoc Committee* in accordance with the Standing Orders;

(3) that the following Senators represent the Senate in the *Joint Parliamentary Ad Hoc Committee*-

- i.) Sen. Wakili Hillary Kiprotich Sigei, MP
- ii.) Sen. Raphael Chimera Mwinzangu, MP
- iii.) Sen. Veronica Waheti Nduati, MP
- iv.) Sen. Samson Kiprotich Cherarkey, MP
- v.) Sen. William Cheptumo Kipkiror, CBS, MP
- vi.) Sen. Danson Buya Mungatana, MGH, MP
- vii.) Sen. Hamida Kibwana, CBS, MP
- viii.) Sen. Fatuma Adan Dullo, MP
- ix.) Sen. Andrew Omtatah Okoiti, MP
- x.) Sen. Catherine Muyeka Mumma, MP
- xi.) Sen. Erick Okongó Mogeni, SC, MP
- xii.) Sen. Paul Karungo Thangwa, MP – (Co-opted)

xiii.) Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP – (Co-opted)

Mr. Temporary Speaker, Sir, this is procedural Motion. In the interest of time, I do not wish to deliberate the need for this *ad hoc* Committee because out there; CDF projects are stuck, contractors are expecting payments and pending bills are accruing. This cannot take place. We need to give it the best of our thoughts.

Secondly, the issue of the Senate Oversight Fund is critical because we are losing more money when the oversight role of the Senate is not properly powered by sufficient funds.

Mr. Temporary Speaker, Sir, with those many remarks, I move and invite the Deputy Minority Whip to second.

(Several Senators spoke off-record)

I am sorry, he has stepped out. I, therefore, ask, Sen. Cherarkey, the Senator for Nandi County to second the Motion.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, as the Senate Majority Whip has indicated, this is more of a procedural Motion. I will only say two things.

First, I am happy that for the first time, there is concurrence on the need for this *ad hoc* Committee. In the previous sessions, we have not been working together to ensure that we maximize on our collective legislative role because of sibling rivalry. I commend the National Assembly for ensuring that the *ad hoc* Committee involves both the Senate and the National Assembly.

Secondly, the amendment of the Constitution is an ongoing concern. There will always be proposals. Article 256 talks about amendment by parliamentary initiative whereas Article 257 talks about amendment by popular initiative. Kenyans should be aware that the amendment of the Constitution as provided by Article 255 is specific on when to amend either through parliamentary or by popular initiative.

The following Articles cannot be amended through parliamentary initiative. These are articles on supremacy of the Constitution, territory of Kenya, sovereignty of the people, national values and principles of governance, the bill of rights, term of office of the President, independence of the Judiciary, commissions and independent Offices, to which Chapter 15 applies.

Further, the functions of Parliament, objects, principles and structure of devolved governments cannot be amended through parliamentary initiative.

Mr. Temporary Speaker, Sir, these are specific chapters of the Constitution that we cannot amend through parliamentary initiative. Parliamentary initiative is what we are trying to entrench. We cannot underestimate the importance of National Government-County Development Fund (NG-CDF).

Although I have seen new developments by the advice from the Attorney General (AG), hon. J.B. Muturi, who has directed that the decision of the Supreme Court did not

affect the release of NG- CDF money. I have also seen that he advised the National Treasury to release a tranche of Kshs2billion per week to the CDF so that our children who depend on bursary development in schools---

I know Sen. Cheptumo used to serve as the Member of Parliament of Baringo North and, therefore, is well versed with issues of NG-CDF. There is a new development by the AG of the Republic of Kenya, hon. J.B Muturi, that the interpretation of the Supreme Court did not affect in any way the release of NG-CDF money.

I agree that Senate needs to be robust in its oversight role. We need to entrench ourselves. We have been having push and pull today over the role of the Senate in ensuring that we account for the money that we disburse to the counties. There is nothing to show for it. How do we facilitate and ensure Senators are able to do social and forensic audit and project inspection? It is by only ensuring that we are properly facilitated.

Mr. Temporary Speaker, Sir, therefore, I agree that this *Ad hoc* Committee will provide direction. As a Member of this Ad Hoc Committee, we will listen to all stakeholders. We will do our job as provided by Article 118 of the Constitution on public participation of Parliament. This is to ensure all Kenyans can give their views.

An amendment through parliamentary initiative is one of the bipartisan issues. I appeal to both the Minority and Majority side; let us come together, pass this amendment, amend the Constitution and entrench these specialized funds in terms of NG-CDF and funds that are meant for Senate oversight.

Mr. Temporary Speaker, Sir, with those many remarks and in the interest of time, I therefore, beg to second this Motion.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I propose the question.

(Question proposed)

I therefore, call the Senators to make contributions on this Motion. Proceed, Sen. Cheptumo.

Sen. Cheptumo: Mr. Temporary Speaker, Sir, I thank you for the upon opportunity to contribute. I support this Motion. The Motion is very clear as to the foundation why this *Ad hoc* Committee of the two Houses is established.

The Special Funds, for example, the NG-CDF has played a very critical role in the development of our country. I served in the National Assembly as a Member of Baringo North for three terms. What we were able to achieve as a constituency for those 15 years is clear to the society.

The status of our schools and other institutions depended heavily on the Constituencies Development Funds (CDF) as it was then called. That was until 2013 when the new Constitution came on board so that then matters devolved to the county governments were removed from the funding of NG-CDF. It has done a lot.

When the Supreme Court gave a ruling that suspended the disbursement of NG-CDF, from where we sit as leaders, it was a big challenge to our people. The bursary, for

instance, was at the range of Kshs35 million and above, if you apply the percentage that is allowed in the law.

This has caused a lot of suffering especially in the pastoral areas where the livelihood of our people to pay fees and have food is dependent on livestock. Now, they have all gone because of the drought. There is no hope and other means to educate their children. The bursary through the NG-CDF was a really a key source of school fees.

Mr. Temporary Speaker, Sir, there is a serious justification to really ensure that NG-CDF continues to be applied not to mention this Houses. We are given power under the Constitution to oversight together with the County Assemblies on the expenditure of the resources allocated to the county governments. However, we have no means of being able to do so.

Mr. Temporary Speaker, Sir, some counties like the one I come from or even where you come from, Kitui and many other counties, are so far. We are unable to execute our function under the Constitution of overseeing the usage and application of the resources that are given to the county governments.

There are other specialized funds such as the one for the women representatives and so on. All these in totality go a long way in improving the wellbeing of our people and enabling us to follow as Sen. (Dr.) Khalwale said. This is so that we are able to execute our function in overseeing.

I am happy also the way this Motion is drafted because it will not be the views of the few Senators forming this Committee.

We are receiving views to invite, engage and consider submissions from stakeholders, relevant constitutional statutory bodies like the Kenya Law Reform Commission and the Attorney General (AG) who has given directions on release of Constituencies Development Fund (CDF). The Committee would like to hear from the AG himself on the legal foundation and why he allowed that. It means that he did his work well and advised Treasury to release the money.

Mr. Temporary Speaker, Sir, this is the fulfilment of Article 118 of the Constitution. Public participation is not optional. We have to allow Kenyans, stakeholders and interested parties to come before this Committee and give their views. The Membership of this Senate Committee has Senators with legal background. We also have Sen. Okiya Omtatah who has been instrumental in filing petitions on public interest. I am happy he is a Member of this Committee. Most of those Members will definitely add value to the Committee as we go to speak to our people.

Over the years, we have had a bit of conflict between the two Houses. We would say that we are the 'upper house' and the other House would say that we are not. There has been that confusion. Seeing the establishment of an *ad hoc* Committee today from the two Houses sets the right standard. From now henceforth, we should not look at each other as different Houses and with suspicion but we should realize that we have equal mandate to serve our people in both Houses under Article 95 and 96 of the Constitution.

Mr. Temporary Speaker, Sir, I support and plead with Members to pass this. I am sure the other side has already approved the Members and we should do it here for us to come back to the House with a report within 90 days and move forward.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion.

Looking at the composition of the Members, I have no doubt they have what it takes to do the mandate that has been given to them in that *ad hoc* Committee.

I served for five years as the Chairman of the Mathira Constituency National Government-Constituencies Development Fund (NG-CDF) when the current Deputy President was the Member of Parliament. We changed all the 75 primary schools in Mathira Constituency. We improved the security and the housing of chiefs and sub-chiefs. We also did impactful development and infrastructure development projects for the people of Mathira.

The NG-CDF is one of the most impactful funds that the Government has given to the people down there at *Mashinani*. I am alive to the fact that the role of the Senate is to oversight the execution of the works at the county level. The Senate has in the past been left with the role of doing postmortem of what has been done by the governors. They have been left to either okay it or say that it was done wrongly.

Mr. Temporary Speaker, Sir, this is an intervention that comes too late when money has been lost. The establishment of oversight funds to enable Senators participate in oversight right from conceptualization of the project, public participation and implementation of the project will go a long way in preventing funds from being lost or misappropriated by undertaking the wrong projects.

This is also important in respect of the way our Constitution is currently composed. Without risking court litigation, it can only be done through a constitutional amendment. This is the right time to do the right thing because the Constitution as it is, does not allow us to do so without someone going to court. The fact that both Houses of Parliament, the National Assembly and the Senate, are working together in an *ad hoc* Committee is a good move. Moving forward, this should be the spirit in order to avoid the back and forth. We should work on it, execute and fulfil the mandate the people of Kenya gave us to represent them.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Abbas.

Sen. Abbas: Mr. Temporary Speaker, Sir, I rise to support this timely Motion. These oversight funds; the NG-CDF and other funds, are oversights by the Senate.

I thank the two Speakers for harmonizing the Standing Orders in order for the two Houses to work together. We are meant to compliment and not compete with each other. The Senators that have been nominated to work in this Committee are able. They are lawyers and they will reach a conclusion and understanding between the two Houses for us to get the money that is required for oversighting.

Kenyans are affected by the drought. Students are not going to school for lack of fees and we need to expedite this process so that it helps our communities that are in dire need. Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): I call upon the Mover to reply.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I thank all distinguished Senators for their contributions, both in secondment and support of this Motion.

I have got only one word. I appeal to Members of this *ad hoc* Committee that we are not playing games with public funds. We are not attempting to mutilate the Constitution. We do not want to do work in futility. I, therefore, appeal to them to anticipate all legal loopholes that can be used by unscrupulous Kenyans, who are keen on things sticking in courts all the time. This will ensure they do not give a window through which the courts can stop what we shall have passed.

Mr. Temporary Speaker, Sir, with those few remarks, I move.

(Question put and agreed to)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, considering the time and in consultation with the leadership and the House Business Committee, we have decided to defer Motions Nos.13, 14 and 15. The Movers of those Motions will have to refile them when we come to the next session of Parliament.

Next Order.

ENHANCING HIGHWAY SAFETY AND CONVENIENCE

THAT, AWARE THAT the majority of highway users, most of whom are long distance travellers and some of whom are children, elderly, and sick, face a myriad of challenges including traffic delays and breakdown of their vehicles that cause them to spend long hours on the road exposing them to starvation, insecurity threats, and to the need for sanitary and medical facilities;

FURTHER AWARE THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel

stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

COGNIZANT THAT the current road-side amenities operated and maintained by private companies, majorly oil companies, are located in

urban centres while in the countryside there are inadequate numbers offering limited variety of facilities;

ACKNOWLEDGING THAT the cost of such developments and the uncertainty of the returns on investment restrict the supply of the facilities, the risks too great for small companies and the returns too meagre for large companies, some amenities remain unviable, and insufficiently provided for by commercial companies necessitating government intervention;

FURTHER COGNIZANT THAT governments across the world such as France and Germany have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that the Ministries of Roads, Transport and Public Works, Health, the Kenya National Highways Authority, and the National Transport and Safety Authority to come up with a policy framework to include: -

- (1) the incorporation of road reserves for road-side amenities in all highway designs;
- (2) undertaking a survey to ascertain the specific amenities required but not available on the existing highways and the most convenient locations to develop them; and
- (3) development of a Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

(Motion deferred)

INCESSANT HIGH ELECTRICITY COSTS IN KENYA

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth, increased efforts towards rural electrification, and reinforcement of the transmission and distribution grids while the supply has been constrained majorly due

to the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28% of power to KPLC but account for 47% of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that:

- (a) the Standing Committee on Energy to undertake an inquiry into:
 - (i) Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;
 - (ii) Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
 - (iii) The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, noting that Marsabit and Samburu counties are inadequately supplied.

- (b) the Ministry of Energy to come up with a policy framework aimed at:-
 - i.) Lowering the cost of electricity as a way of addressing the high cost of living; and
 - ii.) Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon foot print.

(Motion deferred)

INTEGRATING CLIMATE EDUCATION
INTO NATIONAL EDUCATION CURRICULUM

AWARE THAT climate change is a complex social and scientific issue which is characterized by uncertain and context specific knowledge,

demanding that educators engage in inquiry and co-learning with students, while noting the lack of time and curriculum opportunities to address climate change in the classroom;

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations;

NOTING THAT Climate change is a global nightmare with consequences that are already quite visible and should be a priority for the national education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

FURTHER NOTING THAT climate change education explores mitigation and adaptation at both local and global level, critical and creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine are appropriate actions to respond to climate change;

ACKNOWLEDGING THAT the Climate Change Act 2016 addresses the integration of climate change into various disciplines and subjects of the national education curriculum at all levels, as well as requiring that the National Climate Council advises public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula;

NOW THEREFORE the Senate calls upon the Ministry of Education in liaison with the Kenya Institute for Curriculum Development to:

- (1) Mainstream climate change education throughout formal education systems through integrating climate education in the school curriculum to creatively prepare children and young people for a rapidly changing, uncertain, risky and possibly dangerous future; and
- (2) Train and equip teachers and school administrators with the necessary information and skills to teach climate education and explore new approaches to learning that can contribute to the transformation of unsustainable climate systems, values and routines.

(Motion deferred)

MOTION FOR ADJOURNMENTADJOURNMENT OF THE SENATE PURSUANT TO
THE APPROVED CALENDAR FOR THE 2022 SESSION

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise to move the Motion of Adjournment of this Senate this afternoon; the Motion being: -

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 14th February, 2023.

Mr. Temporary Speaker, Sir, this is a very important Motion. It has to be very clear to the members of the public why this Senate would like to adjourn this afternoon. We are not adjourning because we do not want work; we are not adjourning because of fatigue, but we are adjourning for important reasons. Many Members of this House will speak to those reasons but if you may just allow me to mention but a few.

This being the month of holidays, if we do not manage our calendar properly, we will be interrupted with holidays and since sometimes family calls more than duty, we will run into a quorum hitch.

Secondly, we respect our families. If we are not free to join family during these national and international holidays that fall on this month, then we do not want to build a strong nation. Strong nations are built on the unit of family.

As we speak, if you go to my home, the children are back from school. The ones who are at the university are soon closing and coming home. There is no greater joy of a father than sitting with all those children when they are back home. I therefore want to request Members to support this Motion for the sake of the family.

Secondly, this House has distinguished itself in the last few months as a working House. We have already been able to handle five Bills and they have been published. Out of these, one Bill has been transacted and we have got the concurrence from the National Assembly, it is going to be signed into law anytime from now.

Why is this Bill that will be signed into law by the President important? It is releasing hundreds of millions to the counties in the form of additional allocations.

In the case of Kakamega County; through this Act, in the next few days, we are going to release Kshs892,90,690 to Governor Barasa of Kakamega County. This is a lot of money.

Since this is the first time I am taking money to Governor Barasa, I want to be there breathing down his neck so that he knows there is a new son of Kakamega who has come and believes in oversight.

I am going to support Governor Barasa. We have already taken the money to him in record time. I will be taking tea at his place. If all goes well, then it will be well. If anything goes wrong, I should be forgiven if I resort to my bullfighting tactics.

Mr. Temporary Speaker, Sir, in this short time, we have received a record number of Statements already. I have never seen such a huge number of Statements. Eighty-three Senators have risen up and raised matters of grave national importance through

Statements and we have transacted. These Statements are being worked on and we look forward to reasonable answers.

The Government never goes to holiday and because we do not want to rush it, we will give it time to process our Statements as we are on holiday doing the other work.

Mr. Temporary Speaker, Sir, we have done so well. We deserve a pat on the shoulder. By way of Motions, we have done 38 already in this short time. What an impressive performance by this Senate?

The long short of it is that I have demonstrated that we are not fatigued but we are up to the task. We want to go and give the system time to reconcile with our very fast pace so that we move together with the departments of Government.

Finally, but not least, as we go on recess, I want to use this opportunity to go and tell the people of my region and Kakamega County in particular three critical things. The first one is; today I met Prof. Munavu, the Chairman of the Special Committee on reviewing our syllabus at State House; he was there with his team. I told him “No” to CBC. CBC is going to create a social divide in this country.

We who are able to pay for our bills, our children will go through public and private schools but what about the poor? If children in Kakamega normally drop out of school because in one year, the parents are unable to buy uniform worth Kshs500 or Kshs600, how about in CBC where you do shopping of Kshs12,000 at the beginning of the term?

This is going to stop the worldwide principle that education is a social equalizer. Education under CBC will never be a social equalizer.

Competency Based Curriculum (CBC) is attempting to take 10-year-old children to boarding school where they will be in the same compound with boys who are aged 17 and 18 years old. It cannot work.

CBC is attempting to re-train teachers. A teacher aged 55years old is being told to go back to school and he has five children aged between 20 to 25 waiting to go to Teachers Training College (TTC). Who will sponsor them? CBC has eroded the spirit of free primary education that was rolled out by the late President Mwai Kibaki and his Vice President Michael Kijana Wamalwa. We must say no to CBC.

The second thing I want to discuss with the people of Kakamega County is the innovative Hustlers Fund. We encourage our people to take it up. Hustlers Fund is important.

I have seen laughable things on social media where some rich people are asking what you can do with a loan of Kshs500 or what you can do to repay a loan of Kshs20,000 in two weeks. I tell our people that we should take a mug of *busaa* in celebration.

When Geoffrey Abuna or Tom Makhaya, one of the youths in Malinya will go to that Lubao Market and ask for Kshs20,000, they will fall on the phone instantaneously and he will buy cheap cattle from Nandi County. They come there every Thursday. He will buy a cow for Kshs20,000 and the following day, he will drive it to the next market

at Malimili and sell it for Kshs22,000. In one day, Mr. Abuna would have made Kshs2000.

Instead of having nothing, on day two, he will be having Kshs22,000. If he goes a second round, he is going to have Kshs24,000. What will stop him on day four from paying back the Kshs20,000 and being Kshs4,000 richer? While still there, he can instantly re-apply for the money and because he has paid on time, he will qualify for a slightly higher figure. Do not sell fear to our lowly educated people; some of whom are hustlers.

I have a cousin who hawks and sells boiled eggs in Kakamega County. If you give this guy Kshs500, he buys a tray of eggs, boils them and sells. He makes profit at the end of the day. I have another cousin called Shinabukoshi. He pushes a hand cart in Kakamega Town.

In the morning when he wakes up, he is supposed to pay Kshs100 to get the handcart. If he borrows Kshs1000. He will use Kshs100 to pay and get the handcart.

He will quickly run with it to the market and pick bags full of Irish potatoes which have been brought in by trucks from Nyandarua. He will then drive the cart very fast to Khayega and there he will sell some.

At the end of the day, Shinabukoshi who does his business between Khayega and Kakamega Town, four Kilometers apart; in the evening when he goes home, he will have Kshs2500. This is the way to go.

Thank you, President Ruto, for this.

My final comment on this is to thank the President for making his Government all inclusive.

Mr. Temporary Speaker, Sir, since Independence, my region had never found a foothold in Government the way we do now. The Chief Cabinet Secretary (CS); the Speaker of the National Assembly; Hon. Susan Nakhumicha, the CS for Health; Hon. Ababu Namwamba, the CS in charge of Youth Affairs, Sports and the Arts; Ms. Susan Mang'eni, Principal Secretary (PS) in the State Department for MSMEs and Development; Dr. Beatrice Inyangala, PS in the State Department for Higher Education and Research; Mr. James Muhati, PS in the State Department for Economic Planning; Dr. Juma Mukhwana, PS in the State Department for Industry, Prof. Edward Kisiangani, PS in the State Department for Broadcasting and Telecommunications and Madam Khadija Nganyi, Commissioner for Revenue Allocation are all from my region.

We want to go home and celebrate with our people. We now have a President who knows that we exist. Not to forget my friends with whom I have worked for six years. I am sure that the late Chokwe, the first Speaker of the Senate of Kenya from the people of Mijikenda, danced in his grave. His bones cracked like this when he saw a man from the Mijikenda become the fourth Speaker of the Senate of Kenya. We have never had such levels of inclusion.

I do not understand what Justice Madzayo is still doing in the Opposition with all these affirmative action for Kilifi County; Kilifi, Kilifi! The Speaker of the Senate and

CS Aisha Jumwa are from Kilifi. Sen. Madzayo should run and come to the Government side. However, because Sen. Madzayo is not Murife, he should not run.

With all those remarks, I move and invite---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Madzayo?

The Senate Minority Leader (Sen. Madzayo): Hoja ya nidhamu, Bw. Spika wa muda. Bahati mbaya, ndugu yangu amemaliza kuongea. Katika uwanja wa siasa, kila mtu ana majukumu ya kuchagua pale anataka.

Sen. (Dkt.) Khalwale akipewa nafasi ya kuongea hapa, huo si uwanja wa kuanza kutongoziona, kuitana na kusema kuja upande huu. Mimi nafikiria niko vyema na niko sawa kabisa nikiwa upande huu wa upinzani; upande wa Baba Raila Amollo Odinga.

Asante.

The Temporary Speaker (Sen. Abdul Haji): The Senate Majority Whip, who is seconding your Motion?

Sen. (Dr) Khalwale: Bw. Spika wa Muda, namshukuru ndugu yangu Justice Madzayo kwa msimamo wake. Sina shaka naye. Lakini ningependa kumkumbusha kwamba wale ambao walimtangulia kama sisi, tumekuwa huko, tukajaribu. Kuwa huko upinzani ni sawa na kuoa mwanamke mwanamwali ambaye ni tasa.

Ninamwomba Seneta wa Baringo kuafiki Hoja hii.

Sen. Cheptumo: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. This is my first term in this House. We have been here for close to three months now. The Mover of this Motion has demonstrated to this House our performance for that short period of two-and-a-half to three months of this House.

Prior to the Constitution of Kenya 2010, Parliament did not have a calendar. Members did not know when they would commence a session, when it will go into recess, when it will adjourn, and so on. That decision was purely left to the Executive those days.

However, today, this House is able to determine its calendar. So, as the Majority Whip said, we are not adjourning because we lack what to do. We are adjourning in accordance with our calendar. As we begin a session, a calendar is set so that our time here and programs are clearly laid out in the Calendar of the House.

As we adjourn this House today, it is important to know that we have achieved a substantial degree of work in terms of Motions already passed. This Committee has been able to visit some parts of the country.

Mr. Temporary Speaker, Sir, I travelled all the way to Kitui County with you to witness the security situation. Today, we were able to lay the report of that visit before the House. We were also able to propose to the national Government certain recommendations.

When my Committee had a session with the Cabinet Secretary (CS) for Interior and National Administration, we were able to share some of the proposed recommendations with him. So, as a House, we have been able to respond to the situations arising in various counties.

Yesterday, we had a debate on the drought situation in Turkana County. We were able to discuss the issue about LAPSSSET Project. In those three months, this House has been able to demonstrate its ability to deal with matters touching on our people.

As said again by the Mover, we already passed the additional revenue to our counties. A county such as Baringo receives about Kshs6 billion. That is not enough to deal with the challenges we have in the county in terms of health, Early Childhood Development (ECD) classes, matters of water and so on.

Before this House proceeds on recess, it has been able to pass additional revenue to our counties. This would go a long way in supplementing the already allocated Kshs6 billion for Baringo County so that we are able to achieve some of the needs of our people.

Mr. Temporary Speaker, Sir, this House has again been able to respond to the insecurity and drought situation in the country either through Statements or Motions. So, from where I sit - being a new Member in this House, not in Parliament- I think we have a reason to appreciate this House for the work it has done.

Mr. Temporary Speaker, Sir, even yourself, I believe you have done well as a Member of the Speaker's Panel Chairing our committees and so on. This House has been able to take us through.

Something new is also beginning to arise in this House. The anticipated harmonious existence between this House and the National Assembly is something we have witnessed. That is why today, we have been able to pass a Motion where we have a Joint Committee of the National Assembly and of the Senate. These are signs of a progressive and united House as we deal with challenges facing our people.

I thank Members for the wonderful performance and I believe that as we go on this recess, we will not stop working. Our work does not stop with this Plenary. We will still go back and interact with our people and when we come back after recess, we will enrich the House with the various issues that we will have learnt during recess. We will bring more agenda for the House.

I beg to Second.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): The Senate Minority Leader, you may proceed and since there is a lot of interest in the Motion, we will each have five minutes.

The Senate Minority Leader (Sen Madzayo): Asante, Bw. Spika wa Muda. Mimi kama kiongozi ninaomba nipewe muda kidogo hata nikizidisha dakika tano, sita, saba ama nane. Asante kwa nafasi.

Ndugu yangu, Sen. Cherarkey, anafuraha sana. Sijui kama ametoka huko kwenye vinywaji ama ni namna gani?

Tangu kura zipigwe na maseneta wachaguliwe wakaingia ndani ya bunge na kuketi hapa, tumekuwa na ratiba ya kazi nyingi. Tumekuwa na shughuli nyingi na

Maseneta wote katika hii Bunge wamekuwa wakishirikiana kuona kuwa wameenda njia moja mwanzo wa safari hii. Maseneta wametaka kuona kuwa tumefanyia Wakenya juhudi wanazozihitaji katika utendakazi wetu kama Maseneta.

Sisi bado hatujafanya kile ambacho Seneti iliyopita ilifanya na ninatumaini kuwa wakati wetu ukifika, tutafanya hivyo. Ninatumaini ya kwamba tutapeleka Bunge la Seneti mashinani. Tumekuwa hapa Nairobi na ingekuwa vizuri tutakaporudi, tupate nafasi ya kuenda mashinani ili Bunge letu la Seneti lijulikane kule mashinani kwa kazi ambayo tunafanya.

Hivi sasa, ninaona muda umeenda. Tumekuwa hapa pamoja karibu miezi mitatu au nne na sasa ni wakati wa kuenda mapumzikoni.

Ninaunga mkono Hoja hii ya kuenda mapumzikoni ili watu waketi na familia zao, wakisherehekea Krisimasi na kukaribisha mwaka mpya pamoja. Hii ni kwa sababu wengine waliondoka nyumbani na mpaka sasa hawajarudi yapata miezi mitatu ama nne. Ikiwa hauko kwa nyumba yako, basi wewe kama Seneta unajua ni nani anaweza kuwa anafanya kazi hiyo.

Tunapoenda likizoni, tunaomba serikali izingatie janga la njaa ili lisipatakaa kila mahali katika nchi yetu ya Kenya. Watu ambao wanaishi katika ardhi ambazo hazipati mazao ama mimea wameathiriwa sana na janga hili la njaa.

Njaa imekithiri zaidi mahali kama Kaunti ya Kilifi, Garissa unakotoka, Wajir na Turkana na serikali inatakikana iweke mkazo zaidi. Hayo ni maeneo ambayo yamekumbwa sana na baa la njaa. Haitakuwa vyema iwapo tutakwenda kwa Krismasi wengine wakiwa wanafuraha na wengine wakifa kwa njaa. Haitakuwa vyema Serikali ikiangalia watu wake wakifa. Ni jukumu la Serikali kuona kuwa hakuna Mkenya atapoteza maisha yake kwa sababu ya njaa katika ya nchi yetu.

Bw. Spika wa muda, umenipa muda kidogo lakini nataka kuongezea zaidi kwa kusema kwamba tumekua tukiona wakati wa likizo kama Krismasi, polisi wanafurahia sana kushika watu waliochelewa ama kushika watu ovyo ovyo kwenye vilabu.

Huu ni wakati wa Wakenya kufurahia juhudi zao za mwaka mzima na itakuwa jambo la kusikitisha ikiwa polisi wataregelea ule mfumo wao wa kushika watu Ijumaa na kuwaachilia Jumatatu au kushika watu kiholela na kuwaambia watoe pesa. Ni jambo la kusikitisha.

Umesikia ukiwa hapa kuwa kuna jambo la kununua watu. Wanasiasa wengi wanakumbwa na shida na inafika wakati wanaambiwa waende upande fulani. Tumeanza kuona hiyo ni hatari kwa sababu kuna nia au njama ya kuvunja upinzani katika taifa letu. Tunawaambia ndugu zetu walio katika mamlaka, waendeleo lakini tunawaangalia.

Mambo ya kuruka upande huu na kuanza kununua wanasiasa ni jambo la aibu. Utapata kiongozi aliyechaguliwa na wananchi akifika bungeni, anageuza msimamo wake na kuwa rangi nyingine; anaenda upande ambao hakuchaguliwa kwa ajili ya kusisitiza maslahi yake. Ninawaambia ndugu zangu ambao wako na tabia kama hizi waziwache. Hakuna kitu kizuri maishani kama kuwa na msimamo.

Hata kama wameshinda au kuchukua uongozi, hawakuchukua uongozi kwa sababu hawakuwa na msimamo. Walikuwa na msimamo. Baada ya kukaa kwa mamlaka, sisi kama wanasisia, tujifunze kuwa na msimamo. Tusiende upande huu ama ule.

Ukiwa umechaguliwa na chama fulani, itakuwa jambo la kusikitisha wewe kuondoka na kuenda chama kingine baada ya kupita au kuangalia sera za chama kingine na kusema ndicho chama chako.

Asante.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker. I rise to support this adjournment Motion as per the tradition of the House.

This was our first session post-election and I want to thank Kenyans for conducting a peaceful election, before, during and after the elections. Secondly, the new Members have learnt a lot in the House. This is part of the calendar of the Senate and Parliament as a whole.

Even as we go on recess, this will be a working recess. This is the opportunity to spend time with your family and be able to listen to the concerns of your constituents so that as we begin the next session in February 2023, we are able to get the true picture of what is happening on the ground.

Going into the future, we might be recalled to come for special sittings for various issues that may arise that may require the attention of the Senate and the Republic of Kenya. This is a working recess. I want to wish my colleagues well and I know we will continue interacting. There will be business for the committees and others that may come up.

I thank the President for launching the Hustlers Fund yesterday. We have seen a significant number of Kenyans, above one million, have borrowed money through the Kshs50 billion Hustler Fund. What is disappointing to our colleagues in the Minority side, especially the Minority Leader, is that we are fulfilling the manifesto promises that we gave to Kenyans.

They had started accusing our Government of not fulfilling the promises we made. I want to urge all Kenyans from across the political divide that this Hustler Fund belongs to them. Take it, do business and change your life.

Mr. Temporary Speaker, Sir, 1.2 million young people enter the market every year. Therefore, this Hustler Fund will go---

I assure the country, that going into the future, President William Ruto's administration will fulfill its campaign promises, including the issues of farmers.

We have already received subsidies. The fertilizer price was Kshs7,000 but in 2023 planting season, we will be buying a 50 Kilogramme bag at Ksh3,500.

Thirdly, I thank the Government for allowing us, maize farmers, to harvest, dry and deliver our maize, up to February, 2023.

I call upon farmers, especially maize farmers, to harvest their maize, dry and take them to millers or the National Cereals and Produce Board (NCPB), so that they can get good prices.

When the Cabinet Secretary (CS) for Trade and Industry said that they were importing 10 million bags of duty-free maize, the prices of maize fell down to Kshs4,500. However, after the Cabinet of President William Ruto sat and agreed with us, the prices have now risen to Kshs5,400. Nonetheless, we are looking at Kshs7,000 per bag because it was expensive to plant.

The other issue is about road safety, during this festive season. I urge our former colleague, Sen. (Prof.) Kithure Kindiki and other top organs in homeland security, to put the necessary measures and mechanisms.

It is sad that we lose most of Kenyans during the festive season, while they travel home. I appeal to the police and other sectors to make our roads safe to ensure that we reach our destination.

I ask Kenyans who take one or two for the road, please, do not drink and drive. Even if you drive slowly, you will still arrive to your destination. So, why do you want to cause accidents and die by drunk driving? You not only kill yourself but also other road users.

I urge Kenyans to drive safely. If you have to take one or two for the road, get a designated driver or use an Uber or Bolt, so that you can be dropped at your place.

Mr. Temporary Speaker, Sir, somebody said on a light note, that this is the time when Kenyans who live abroad come back. They have been promising our girls marriage but now, we will know. This is the season to know the truth.

This is the second Christmas, post-covid, that we are allowed to move across the country without restrictions. Let us enjoy with our families.

As we also celebrate this festive season, let us kindly spare something for our brothers and sisters who are suffering across the country because of hunger. The Deputy President launched a pay bill. Let us contribute. We from the North-Rift, if given an organized way to contribute our donations, I can assure you we will contribute.

Mr. Temporary Speaker, Sir, as we go for recess, I wish you and all our colleagues well. I hope to see you in future, as we continue making sure that the Senate works for us.

Mr. Temporary Speaker, Sir, I thank you for the opportunity.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Proceed, Sen. Abass.

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion on Adjournment.

This is a House of records. It has its own timeliness. This is the right time for the programme of the first session to come to an end. It is not that we are tired but we want to join other Kenyans and walk with them.

Some of us come from counties with stress because of drought. We want to go and visit them. We have not visited some parts of our counties because of their vastness.

Mr. Temporary Speaker, Sir, I thank the Senate. This is my first time at the Senate having come from the National Assembly. I was actually impressed with the seriousness and soberness of Senators when debating and the way they are committed to

House debates, rules and regulations. Therefore, I want us to continue with the same spirit.

Mr. Temporary Speaker, Sir, one other thing, during the festive month of December, people travel a lot while going for holidays. There are a lot of accidents because of bad roads, weather and careless driving. Those traveling need to exercise caution.

My friend Sen. Cherarkey has just gone out. He said that there is bumper harvest from Rift Valley. I urge the people of Rift Valley and the Kikuyu, Embu Association (GEMAs) to be kind enough to support their next of kins who have been seriously affected in Turkana because that will be good neighborliness. They should show other Kenyans that because of the bumper harvest, they send at least 100 tonnes of maize and other produce to Turkana.

Our brother, Sen. Cherarkey, should lead the exercise to show the good gestures that Kenyans are taking care of one another. Build Kenya, feed Kenya. With those few remarks, I beg to support the Motion of Adjournment.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Let us now, listen to Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion.

First, I thank all the Members of this House for the maturity they have shown in the last three months. Being a new Member of the Senate, I expected politicians from both political divides to display some animosity. I must say that all of us conducted ourselves with a lot of decorum. I therefore, say thank you very much.

I take this opportunity to thank all Kenyans for having maintained peace during and after the elections. I specifically thank the people of Nyeri County for overwhelming electing me as their Senator.

I would also like to warn Kenyans at large that we are going into the Christmas festivities; there is always a tendency to spend like as if it is last day. We must never forget that January is coming when we will take kids back to school. As people engage in the mood of celebrating Christmas, it is important for us to remember in January, we are taking kids to secondary schools. This time around, it is going to be the lower secondary and the upper secondary and that is going to be quite demanding on the part of the parents. The parents should therefore be very prudent and to know that there is life after Christmas.

Mr. Temporary Speaker, Sir, I commend the Chairs who have sat on that Chair. You have guided us well, specifically, the new Members. I thank the staff of the Parliamentary Service Commission (PSC) who have shown a lot of dedication towards guiding us into the right path. It would not be in order not to mention that I have never seen Kenyans committed in showing other Kenyans the right way as I have seen in the PSC. We should deploy PSC officers elsewhere to show people what service with dedication means. I thank them for their service.

It is important to say that the leadership of the House; both the Minority and Majority have also been very effective in conducting the House business. I am very impressed with the way we have regulated business in this House right from the induction, the Motions, Statements and House business that has been brought before the House. However, it is with a lot of disappointment that I have realized that the time dedicated to the committees is a little bit too short for the business that needs to be transacted. I wish that when Senators go to recess, they would be allowed one or two weeks to finalize on the business before various Committees so that when we resume in February, we will have enough business in the House.

It has been very exciting to be around and I am looking forward to resuming in February. As we take this recess, it is time to engage our constituents and the people who elected us. It is the time to go and explain what the manifesto of Kenya Kwanza Government has achieved so far.

The excitement of the Hustlers' Fund that was launched yesterday, gives us a lot of work to explain to people how to go about and maybe even discuss with young one on what kind of business and ventures they can undertake to benefit from the venture.

Mr. Temporary Speaker, Sir, I support this Motion.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I support the Motion of adjourning the business of the House. As Kenyans, we have to try and focus on the wins. It has not been all doom and gloom this year. We have gone through an election year, come peacefully and even united the country even after the elections.

We need to focus on the wins and that finally, we have a Government that respects law and order. It is a Government that decided to respect the processes within the Judicial Service Commission and appointed the judges that were pending.

We need to understand that there are some wins in terms of women being recognized and being allowed to sit at the table. Look at how many women we have in the Cabinet and in the Houses' leadership; we are making progress towards the right direction.

Mr. Temporary Speaker, Sir, we have to celebrate the fact that this country has started dealing with issues-based politics. Looking at the short time that the Kenya Kwanza Government has been in place, we have got strategic partnerships with the United Kingdom (UK), Korea and with the United States (US). It is not all doom and gloom.

The biggest achievement and celebration we should be talking about especially this week is the Hustler Fund. The people said it was not doable and that it was impossible to uplift the people at the bottom of the food chain but we finally have the Hustler Fund. As we go on this recess, I urge Kenyans to reflect on how we can try to be patriotic. It is time we loved our country and pushed for its development.

Mr. Temporary Speaker, Sir, I thank our President for working and deciding that even after a sensitive election year, he chose to work with every single party and everyone in this country regardless of their political divide.

We should come back ready to legislate, play oversight to our counties and to fight corruption with new energy and spirit so that funds do not get misappropriated.

We should come back ready to eradicate poverty and hunger. It can be done through legislation and by pushing policies to ensure that they are using funds effectively.

We should also come back ready to build this nation. It is not all about politics. We are elected and nominated to be change-makers through this House and through the positions we hold.

Mr. Temporary Speaker, Sir, I am looking forward to being in the House again. Being a new Senator, I would say the Senate is active and vibrant.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Tobiko.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. I rise to support the adjournment Motion. I am grateful to God for getting this time and for being here. It has been an amazing three months at the Senate. I thank my party, the United Democratic Alliance (UDA) and my Party Leader that I found my way into the Fourth Senate of the 13th Parliament.

It is really amazing. We have passed legislation and seen the diversity of the various regions of this country and of the counties; their needs, priorities and aspirations.

I thank the President for the Hustler Fund. The most exciting thing about this Fund is that there are no committees or boards. It is between you, your handset and your faithfulness to repay the loan. I urge young Kenyans and people of small businesses to take advantage of this Fund. It is better than *Fuliza* and any other existing facility so far.

We have also passed Motions and Statements in this House. In the last three months, we have been speaking about drought that has affected more than half of this country.

As we go on recess to be with our families, individually and collectively, we need to address the issues of climate change. We should encourage all Kenyans and all of us to plant trees so that we can bring back our environment into livable standards and situations because the environment is not friendly for our survival at the moment.

I am also excited to have been part of a very exciting campaign time. It was not easy. We all went through it and the tempers were glaring but we are all together now as a country and ready to move forward. It is exciting to see that we relate well together with Members of the Minority side and that we are all speaking on issues that affect Kenyans.

Mr. Temporary Speaker, Sir, as we go back to our counties, we need to urge Kenyans to drive safely on our roads. We should seriously think about how we are going to organise our education system next year because there is a lot to be addressed. We also need to address the issue of joblessness in this country.

There are quite a number of issues but we have begun well. We are right on track and I am sure the Kenya Kwanza Government is going to take this country to another level.

I thank you for this opportunity.

The Temporary Speaker (Sen. Abdul Haji): Thank you Senator.

Sen. Murgor, you may have the Floor.

Sen. Murgor: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I too join my colleagues in supporting the Motion on recess. I am very grateful to my people of West-Pokot County for giving me the opportunity to represent them in this great House.

I also thank Kenyans, generally, for the election period that we had. It was an election that was not like any other because of the peacefulness. There was not even one stone thrown at any Kenyan. Our President talked about it before and said that no blood of a Kenyan will ever be spilled again because of elections. It actually came true. I am very grateful to all Kenyans because we held a very peaceful election. We actually became an example in the whole of Africa and the world. The experiences that we had before were not realised this time. We thank God for that.

For some of us, though I am not that new because I was in the 10th Parliament, being in the Senate was a learning experience especially for the new colleagues. They have expressed the fact that this time of Parliament became a learning session and time.

When I first came here, there was sort of an activity from the opposition or Minority side that I thought it was going to be the practice. When they walked out of a session, I thought it was going to be the practice but good enough things have changed such that we have peacefully co-existed and debated well in the House.

We are going into recess which is full of work to do with the Hustler Fund. We are the ones who are going to answer the *wananchi*. A lot of questions will be asked and we shall be placed in the position of answering those questions. We are also going to be faced with a lot of situations about hunger, famine and starvation. It will be a break for us and also a lot of joblessness. Therefore, we will have a lot of responsibility as Senators.

I join hands with my colleagues to support this Motion of adjournment.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): We still have two Members who would like to contribute. Therefore, we shall extend the sitting for another five minutes so that we can rush.

Proceed, Sen. Chute.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I rise in support of the adjournment Motion. I thank the Almighty God for this opportunity and also at the same time, thank the people of Marsabit County for electing me into this hon. House.

I would also want to thank our President for the Hustlers Fund which looks quite successful for now. I also want to thank the Speaker and Hon. Members of this House.

As we celebrate this festive season, I urge the Inspector General (IG) of Police to secure the road between Archers Post and Merille which is prone to bandit attacks. The people are suffering, losing their lives and property. We have 17 police barriers between Moyale and Isiolo. I urge the IG of Police to use resources to assist on securing that road.

I also want to thank the President for appointing the Deputy President to manage the disaster fund. I request the Deputy President to call leaders from those affected areas so that we can discuss and deliberate on this issue of famine. Our people are suffering. At the same time, I would request the Deputy President to look at the issue of animal feeds. The President in his wisdom reduced the prices for fertilizer from Kshs6,500 to less than Kshs3,500.

Yes, our brothers in the Rift Valley and Central Kenya are farmers. However, we are also livestock farmers. We need incentives from the President through the Deputy President to see if the prices of animal feed will be reduced to almost about 50 per cent.

The prices currently are running at Kshs2000 per bag. If the prices are reduced to Kshs1000, we will be helped a lot.

I would want to support what one Senator has said. When we started this Senate, our friends walked out. Today, I am happy to see that we are working together as one people from one country.

Finally, I would like to say happy Jamhuri Day, Merry Christmas, and a happy prosperous new year to all Kenyans.

I beg to support the Motion on Adjournment.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. James Lomenen, proceed.

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion on Adjournment.

First and foremost, I want to thank the Almighty God for giving us this opportunity to discuss crucial and fundamental issues that concern our respective counties.

The Bible says seek ye the kingdom of God first and the other things will come later. I thank God because he has strengthened us. He has given us enough energy to withstand the challenges faced by this nation.

I know the recess is not just to go to our respective counties and rest. It is a second phase. We have started the first phase. The second phase is a phase of consulting with the people who voted for you.

They are supposed to evaluate and assess you. After consulting them, we come with a new spirit because they will have given us the mandate to come in another chance to sit in this House and contribute to very important issues.

I know that we are in recess. However, the problems encountered by our counties are not in recess. For example, drought, hunger, diseases and corruption are not in recess. So, it is ample time that God has given us to meditate on emerging critical issues that affect this community.

I also want to congratulate this House. This is my third term. For the first two terms, I have been in the National Assembly. I, however, want to put in on record that we were 349 Members of Parliament (MPs). So, for you to just get an opportunity to say a Statement, it was so difficult like going to Heaven or Canaan. However, here, it is so

simple. There is no discrimination or biasness. The people are committed to the issues you raise.

They do not see your face, they do not see your dress, and they do not know where you come from. They see the facts and the premises on the table. So, it is very important to be happy.

Since I came to Parliament to represent people of Turkana County, this is the first time that I have moved a Motion.

(Applause)

It is not that I did not have content but the opportunity to do so was not there. I thank God because it was the will of God for me to be here. This is the best time, moment and place to represent the people of Turkana County. Wherever they are, I praise, thank and congratulate them. We will be together now and then.

May God bless them and bless our Speaker.

(Applause)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 14th February, 2023 at 2.30 p.m.

I take this early opportunity to wish you all a peaceful and restful recess, happy holidays, a Merry Christmas and a prosperous New Year come 2023.

Thank you all.

The Senate rose at 6.36 p.m.