

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 20th June, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Kindly, proceed to call the first Order.

COMMUNICATIONS FROM THE CHAIR

RESOLUTION TO VARY THE CRITERIA FOR SCHEDULING QUESTIONS

The Speaker (Hon. Kingi): Hon. Senators, kindly, take your seats.

Hon. Senators, as you may recall, on 28th March, 2023, I issued guidelines for processing of Questions filed pursuant to Standing Order No.51(A). These guidelines were issued subsequent to amendments to the Standing Orders made on 23rd March, 2023. Whereupon, the Senate passed a resolution adopting the report of the Procedure and Rules Committee whose effect was to provide a framework for the processing of Questions in the Senate.

On 25th April, 2023, I issued further guidelines on the procedure for processing Questions detailing the key aspects relating to the consideration of Questions at Plenary. These further guidelines were issued in preparation for the sitting of the Senate held on Wednesday, 26th April, 2023 being the first day upon which Questions to Cabinet Secretaries were scheduled in the Order Paper.

I undertook to give any further guidelines on the procedure for processing and marshalling of Questions as the practice evolves.

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(Several Senators stood at the Bar)

Senators, kindly, walk in and take your seats.

(Several Senators walked into the Chamber)

Hon. Senators, pursuant to Standing Order No.51(A)(5) and (6), the Senate Business Committee (SBC) resolved that a maximum of three Cabinet Secretaries would be scheduled to appear before the Senate at any one sitting. This was necessary in order to ensure adequate time for the Cabinet Secretaries to respond to the Questions filed, as well as any supplementary Questions from the Floor.

From 11th April, 2023, being the effective date on the application of the procedure on Questions, there are 37 Questions filed on the first subjects to respective Cabinet Secretaries. Of these, 23 have been scheduled in the Order Paper and 12 have been responded to by the respective Cabinet Secretaries. Three Questions were withdrawn by the respective Senators. A total of 22 Questions are pending scheduling for reply in the Senate.

However, Hon. Senators, there has been a challenge in the application of the procedure on Questions, which if not addressed may bring difficulties in the future. A number of Cabinet Secretaries have severally requested that Questions scheduled on a particular day be rescheduled for a number of reasons. The major one being the unavailability of the Cabinet Secretary due to other schedules and engagements.

The Senate has been gracious enough to accommodate such requests in view of the nature of the work of the Government. However, this must not be used as an excuse to perpetually absent one from the sittings of the Senate to respond to Questions.

Another challenge that has been observed is Senators making requests to the Speaker for deferment of Questions scheduled on the Order Paper. While it is commendable to notify the Speaker of one's absence, Senators are encouraged to use provisions of Standing Order No.51(c)(2).

Hon. Senators, as the application of Standing Order No.51(A) evolves, more Questions are being filed and the Senate may run a risk of a high number of Questions pending to be answered by the conclusion of the Second Session in December, 2023.

For this reason, at a special sitting of the SBC held on Thursday, 15th June, 2023, the Committee resolved to vary the criteria for scheduling Questions. Effective 28th June, 2023, the Committee will prioritize and schedule all Questions addressed to a relevant Cabinet Secretary, while maintaining the principle that not more than three Cabinet Secretaries will appear before the Senate.

This implies that in the coming weeks, a Cabinet Secretary will appear before the Senate at a sitting to respond to all Questions that have been addressed to a particular Ministry, approved by the Speaker and scheduled by the SBC.

The Senate Majority Leader will be required to give advance notice to Hon. Senators on the Cabinet Secretary's schedule to appear at a sitting of the Senate, so that Senators may file any Questions related to the Ministry. Such Questions will need to be

filed not later than Monday preceding the week, which the Cabinet Secretary is to appear before the Senate.

This measure will facilitate adequate time for a Cabinet Secretary to prepare for all Questions that have a bearing on the Ministry to be addressed and replied to in the Senate. It will also reduce the number of times a Cabinet Secretary will be required to appear before the Senate, should there be more than one Question addressed to such a Ministry.

Hon. Senators, for this procedure to be effective, Senators whose Questions have been scheduled on the Order Paper are advised to observe the requirements of Standing Order No. 51(c) (2) in the event of an absence from the sitting of the Senate when such Question is scheduled.

The provision of Standing Order No. 51(c)(3) shall take effect where notification contemplated under Standing Order No. 51(c) (2) is lacking, and the responsible Senator shall be required to file the Question afresh.

I thank you.

(Applause)

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank you for your Communication. I want to react to something that you have said in the Communication for emphasis sake and ease of operability, especially with our colleague Senators.

Mr. Speaker, Sir, you have mentioned the re-arrangement of the process through which we get Cabinet Secretaries to appear before this House.

It will serve colleague Senators well to note that this is not a departure in any way from the obtaining practice presently. It is only for ease of operation, both for us, as Senators, and for the Cabinet Secretaries as well.

We have seen a situation in certain Ministries, for example, those that touch on administration, security, education and health related matters. The way in which Senators are filing Questions, then it will mean that those Cabinet Secretaries appear here almost every other two or three weeks.

Therefore, it will make more sense to do what you have guided the House. Through proper information, Senators will be notified way in advance of the schedule of the Cabinet Secretaries appearing, and have them present and compile all the Questions and topics that will relate.

I know there are 22 Ministries, and as per our Standing Orders, we have a maximum of three Cabinet Secretaries per sitting. In fact, now that we are moving to this direction where we have more Questions from one particular State Department, then it might take slightly longer before certain Cabinet Secretaries appear. However, I believe that this system will work more efficiently than what we had previously. Should we encounter any challenges, as they say in the Bible, it is not the law for man, rather it is man for the law. So, I am sure we will back in your office again to seek your wisdom so that you guide the House into a practice that will help Senators perform their constitutional duties better.

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Thank you, Mr. Speaker, Sir, for this Communication.

The Speaker (Hon. Kingi): Very well.

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

VISITING DELEGATION FROM COUNTY
ASSEMBLY OF NAKURU

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting officers from the County Assembly of Nakuru. The officers are in the Senate for benchmarking visit.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, wish them a fruitful engagement.

I will allow Sen. Orwoba, one minute, to welcome them.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I take this chance to welcome the delegation. This is the Upper House. As you can see, we have different Senators representing their counties.

It is good to note that this is one of the Houses that is strong in ensuring that devolution is protected. So, you are in the right place for benchmarking.

Karibu Sana.

The Speaker (Hon. Kingi): Clerk, proceed to the next Order.

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

The Speaker (Hon. Kingi): Sen. Kinyua, you cannot rise on a point of order at this juncture. You know what the Standing Orders provide as far as standing on a point of order. You can only stand on a point of order if another Senator is on the Floor.

Sen. Kinyua: Mr. Speaker, Sir, I put my intervention when Sen. Cheruiyot was speaking but you did not pick it. It is concerning the---

The Speaker (Hon. Kingi): Then, I am afraid, if it did not catch my eye then, you cannot proceed now.

Sen. Kinyua: Mr. Speaker, Sir, you tell us that we should not shout but put---

When I talk, you say I am not following the correct procedure---

The Speaker (Hon. Kingi): We are long past that stage.

Sen. Kinyua: Mr. Speaker, Sir, it is concerning tomorrow.

The Speaker (Hon. Kingi): Kindly, just take your seat. Please, let us stick to our rules and Standing Orders.

Next Order.

PETITIONS

MISMANAGEMENT OF FOOTBALL BY KENYA
FOOTBALL FEDERATION

Sen. Faki: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 232(1)(b), I hereby present to the Senate a Petition submitted by the County Sports Associations, who are citizens of the Republic of Kenya.

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As you are aware, under Article 119 one of the Constitution, and I quote-

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation.”

The salient issues raised in the Petition are as follows-

THAT, the Football Kenya Federation (FKF) is a registered national sports organization, and since the year 2018, they have never had elections as required under the Sports Act, 2013.

THAT, in November, 2021, the FKF National Executive Committee was dismissed from office by the then Cabinet secretary for Sports, Culture and Heritage, and replaced with a caretaker committee as a result of the violation of the Sports Act, 2013.

THAT, upon removal from office, FKF appealed the removal from office to the High Court, and the High Court upheld the removal in their judgment delivered on 10th May, 2022.

THAT, the current Cabinet Secretary for Sports, Culture and Heritage has subsequently reinstated the suspended FKF and its National Executive Committee unprocedurally, despite a ruling of the Sports Dispute Tribunal that stated that the FKF National Executive Committee was illegally in office.

THAT, the Cabinet Secretary for Sports, Culture and Heritage has continued to act in violation of the High Court and the Sports Dispute Tribunal judgments and rulings respectively, and has declined to facilitate the Office of the Sports Registrar to conduct county-wide football association elections.

THAT, the county sports associations are yet to benefit from the Sports Arts and Social Development Fund established under the Public Finance Management Act, Regulations 2018.

THAT, the issues presented in this Petition have been raised with the relevant bodies but have not been adequately addressed.

THAT, none of the issues raised in this Petition are pending before any court of law, constitutional or any other legal body.

THAT, subsequently the petitioners pray that the Senate-

(a) Investigate this matter with a view to ensuring that the current FKF National Executive Committee is disbanded and subsequently elections of the new FKF Committee are carried out.

(b) Overhaul the Public Finance Management, Sports Arts and Social Development Fund (Regulations 2018), to cater for sports and arts exclusively.

(c) THAT, through the oversight mandate of the Senate ensures that the Cabinet Secretary for Sports, Culture and Heritage obeys Court Orders on Football Kenya Federation (FKF).

(d) Finally, recommends that the alignment of FKF Constitution with the Kenyan and international sports laws as ratified by Kenya.

The Speaker (Hon. Kingi): Hon. Senators, I am afraid that I may not allow intervention pursuant to Standing Order 237 because of the packed Order Paper that we have today.

Instead, I will proceed to commit the Petition for consideration. In this case, I direct the Petition be committed to the Standing Committee on Labour and Social

Welfare for its consideration. In terms of Standing Order 238 (2), the Committee is required in not more than 60 calendar days from the time of reading this prayer to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate. It is so directed.

Hon. Senators, there is another Petition that I will proceed to read it out.

DELAYED DEGAZETTEMMENT OF
LAND IN LUGARI, TURBO FOREST

I hereby report that a Petition has been submitted to the Senate by Mr. Charles Kunuka Kofia and others concerning delayed degazettement of approximately 1,577.86 hectares of land in Lugari Turbo Forest.

As you are aware, under Article 109(1) of the Constitution, and I quote “Every person has the right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

Hon. Senators. The salient issues raised in this Petition are as follows;

(1) THAT, the petitioners are amongst squatters from Mautama Central Settlement Scheme in Lugari Constituency in Kakamega County. They were legitimately settled in the land, measuring approximately 1,577.86 hectares in Lugari Turbo Forest in the year 1992.

(2) THAT, the number of squatters in the settlement scheme has since risen after the first allotment, hence a further 2,482.12 hectares of land in Lugari Turbo forest have been identified to settle the growing population.

(3) THAT, the squatters do not have legal title deeds and they have been denied their right to property as provided for in the Constitution of Kenya and the benefits that come with ownership and title to land.

(4) THAT, all due processes of the gazettement of the said piece of land have been followed, including public participation, environmental impact assessment and approval by the Cabinet Secretary.

(5) The Cabinet Memorandum has been forwarded to the Kenya Forest Service for submissions to Parliament and that the petitioners have made efforts to have this matter addressed by the relevant authorities but there have been delays by the Cabinet Secretary of Environment, Climate Change and Forestry, and that the responses have been inadequate.

The petitioners therefore pray that the Senate intervenes in this matter with a view to:

(1) investigate the delay to issue the recommendation to Parliament by the Ministry of Environment, Climate Change and Forestry and Kenya Forest Services and fast track the recommendation for the gazettement of the 1,577.86 hectares in Lugari Turbo Forest comprising the Mautama Central Settlement Scheme; and,

(2) make any recommendation that it deems fit on the matter.

Hon. Senators again, for the same reasons as the earlier Petition, I will not allow comments on this because of the heavy agenda before us. I will therefore proceed straightaway to commit this Petition as pursuant to Standing Order No.238(1).

In this case, therefore, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order 238(2), the Committee is required in not more than six calendar days from the time of reading this Prayer to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate. It is so directed.

Next Order.

The Speaker (Hon. Kingi): The Senate Majority Leader, please, proceed.

PAPERS LAID

THE CROPS (MIRAA) REGULATIONS, LEGAL NOTICE NO. 41 OF 2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 20th June, 2023 –
The Crops (Miraa) Regulations, Legal Notice. No.41 of 2023.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Still on laying of Papers, the Chairperson of Standing Committee on Education, proceed to lay your Paper.

REPORT ON THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO.9 OF 2023)

Sen. Tobiko: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, 20th June, 2023:

Report of the Standing Committee on Education on the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023).

(Sen. Tobiko laid the document on the Table)

The Speaker (Hon. Kingi): Chairperson Standing Committee on Information Communication and technology (ICT), please, proceed.

REPORT ON THE KONZA TECHNOLIS BILL (SENATE BILLS NO. 2 OF 2023)

Sen. Miraj: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 20th June, 2023 –

Report of the Standing Committee on Information, Communication and Technology on the Konza Technopolis Bill 2023 of the Senate Bill No.2 of 2023.

(Sen. Miraj laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order 53(1). The Hon. Sen. (Prof.) Tom Ojienda Odhiambo SC, please, proceed.

OWNERSHIP AND REGISTRATION OF LAND ON THE IRRIGATION SCHEMES IN KISUMU COUNTY

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda Odhiambo, SC is not in the Chamber. That Statement is dropped.

(Statement dropped)

Sen. (Prof.) Tom Ojienda Odhiambo, SC, has two more Statements and they are equally dropped.

STATE OF INSECURITY IN KATITO TOWNSHIP IN KISUMU COUNTY

(Statement dropped)

RAMPANT INCIDENCES OF POLICE BRUTALITY IN KISUMU COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): Sen. Wakoli, please, proceed.

CONDUCT OF POLICE OFFICERS DURING A CRACKDOWN ON ILLEGAL BREWS IN BUNGOMA COUNTY

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the inappropriate conduct of police officers while on a crackdown on illegal brews in Bungoma County.

In the Statement, the Committee should -

(1) state the circumstances under which police officers from Chwele Police Station pursued two motorbikes suspected to be transporting illicit brews along the

congested Chwele Kimilili Road in Bungoma County on 7th June, 2023, as a result of which five persons lost their lives;

(2) outline the appropriate procedure for conducting crackdowns on illegal brews, indicating whether the procedure was followed in this particular case;

(3) state the actions being taken to bring the concerned officers to book to ensure justice for the victims of the illegal conduct of the officers;

(4) specify the compensation that will be extended to the bereaved families who lost their breadwinners in the accident, specifically, the two boda boda riders and the two women.

The Speaker (Hon. Kingi): I will allow only four comments. Two from the Majority side and two from the Minority side. Sen. Cheruiyot, please, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a very interesting Statement. One may wonder why my good friend, Sen. Wakoli, will bring a dispute that happened in Chwele Market involving what others will simply dismiss as *boda boda* people and village drunks.

Mr. Speaker, Sir, this is the beauty of our Constitution. Everybody is equal under the law.

In this House, we represent professors, doctors, engineers and any profession that you would revere.

By the same stroke of imagination, we represent the village drunks and all those considered inconsequential. When they have an issue, it should be treated with the same seriousness as would, if members of what we regard as high ranking in social status had been affected, like these two *boda boda* men.

Mr. Speaker, Sir, do you imagine for a minute what it would mean if Sen. Wakoli was to go back to Chwele market, meet those drunks whose afternoon brew was interrupted by those police officers and tell them, ‘good citizens of this country, your matter is before the Senate. I want to assure that you will get your right and the police officers will never interfere with you again’. That is the beauty of our Constitution.

I hope this question will not be treated with casualness and that it shall be granted the seriousness it deserves because it is as important as any other conversation we have had in this House such as impeachment or even public debt. Every citizen of this country, whichever way they have chosen to live their lives notwithstanding, has a right to Petition this House, seek a Statement and be guided appropriately.

I hope that the Chairperson of the Committee on National Security, Defence and Foreign Relations will quickly dispense with this matter. They should go to Bungoma with Sen. Wakoli, address those affected persons and assure them of their security as they enjoy their afternoon brew, for that is how they have chosen to live their life in this country.

Thank you.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I start by supporting the Statement by the Senator for Bungoma County on the conduct of police officers when conducting a crackdown on illegal brews.

This problem does not just affect Bungoma. In my own county, police officers focus too much on following people who are enjoying their brews and conducting their

business in their normal way instead of providing security and ensuring crime levels go down.

Last week, police officers went around Luanda Market and arrested women who were doing their businesses peacefully in the name of looking for brews. Police officers need to style up and focus on doing their job, which is to provide security to our people. The level of insecurity in my County has gone up because, instead of the police focusing on their primary duty, which is to provide security, they are busy following people who are producing and consuming *busaa* and other brews.

Whereas I understand there is increase in the illicit brews in our counties, the police officers are also a problem. They are the ones allowing illicit brew business to flourish, especially in border point towns like Luanda Market. Importantly, they need to focus on addressing insecurity matters in the various parts of the county. They should reduce the focus on the producers and consumers of illicit brews.

In our place, we have *busaa*, which is a traditional drink. It is not proper to look for people enjoying *busaa* which is not an illicit drink. It is a traditional drink that Sen. Wakoli and my big brother, Sen. (Dr.) Khalwale, understand. Our people consume *busaa* during celebrations and functions. The police who are focusing on looking for *busaa* consumers have lost it. They need to focus on protecting the people, their property and providing security.

As we talk about the conduct of police, it is important for us to note that we have officers who have stayed in one location for many years. I know of officers who have been in Luanda Market for 10 years. These are the people who facilitate crime. All they do is look for those engaged in producing and consuming *busaa* and *changaa* and do nothing else. This Statement should not just apply to Bungoma but we want it to apply to other counties that have a similar problem like mine where police spend more time looking for people enjoying their drink, *busaa* in this case.

I support.

Sen. Kinyua: Bw. Spika, nachukua fursa hii kuunga mkono Taarifa iliyoletwa na Seneta wa Bungoma County.

Ni kweli kwamba mambo ya pombe haramu yameathiri watu engi katika sehemu zote. Ni vizuri ijulikane wazi kwamba Serikali imejizatiti kupambana na jambo hili. Hivi majuzi, tulikuwa Nakuru kama viongozi wa Bonde la Ufa, kama ilivyokuwa ikijulikana, ili tuweza kupigana na pombe haramu. Lakini, pombe haramu isiwe kisingizio kwa polisi kuwashambulia wananchi wanaoendelea na shughuli zao za kawaida.

Ukitembea sehemu nyingi, utapata vijana wameketi katika mitaa wakiwa walevi chakari. Ni vizuri pombe haramu zipigwe vita kama tunataka kupiga hatua kimaendeleo. Wakati mambo haya yanapofanywa, ni vizuri vijana wetu watafutiwe kazi. Hii ndio sababu serikali inasema ni vizuri nyumba zijengwe ili vijana waweze kupata ajira. Vijana wengi wanakaa mitaani na mijini bila kazi na wanakunywa pombe; ni vinyo kila mahali.

Kuna zile pombe za kitamaduni zinazokubalika zisizoathiri afya ya watu. Lakini, hata hivyo, serikali imejizatiti na kujitolea kupigana na pombe haramu. Naunga mkono Taarifa hii kwa sababu ukitembea sehemu za Laikipia, utapata vijana wamelala na hawafanyi chochote. Naunga mkono serikali kuendelea kupigana na hizi pombe haramu lakini wasiwavamie wananchi wasiokuwa na makosa yeyote.

Nikiwa papo hapo, ningependa kuongelea jambo ambalo ulisema ya kwamba utataja wakati *Senate Business Committee* (SBC) watakapoketi. Niliangalia vikao vya kesho asubuhi; nilikuwa na maswali ambayo nilikuwa nimeuliza Waziri wa Usalama, Prof. Kindiki; swali nambari 11 na 12. Hayo maswali yamekuwa yakiahirishwa kila wakati kwa sababu Waziri amekuwa hapatikani ata ijapokuwa katika taarifa yako ulisema wanatoa sababu za kutokuja. Nashukuru kwa sababu umesema hivyo visiwe vijisababu vya mtu kuwa na shughuli nyingi kwa sababu hata kuja Seneti ni shughuli anayopaswa kuzingatia.

Nilitaka kujua SBC ilisema vipi kuhusu haya maswali yangu Nambari 11 na 12 kwa Waziri wa Usalama. Nikiangalia taratibu za shughuli za kesho katika Kikao cha asubuhi, maswali hayo hayako. Sijui SBC ilisema vipi kwa sababu wiki jana ulipokuwa ukitoa taarifa yako, ulisema tunaweza kutumia Kanuni za Kudumu No. 51(d) tuweze kumng'atua Waziri ambaye hatakuwa akija kujibu maswali kama inavyozingatiwa na taratibu za Bunge.

Nashukuru, Bw. Spika.

The Speaker (Hon. Kingi): As Sen. Madzayo makes his intervention, Sen. Kinyua, you can approach the Clerk.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Namshukuru ndugu yangu kwa kuleta Taarifa hiyo muhimu sana.

Tunajua ya kwamba ni makosa sana kusumbua wale watu wakiwa katika hali zao za starehe. Watu wakiwa katika hali zao za starehe katika *bar* zile kubwa kubwa hawasumbuliwi kama wale wadogo wanaoketi katika zile *bar* ndogondogo kama zile ziliko Kakamega; wale wanakunywa *busaa*, *muratina* na pombe zingine. Sheria inafaa izingatiwe kwa hao watu pia.

Bw. Spika, pombe yote inasafarishwa kwa boda boda. Mimi natoka eneo la Kaunti ya Kilifi. Wazee hukaa chini sababu ile pombe ya mnazi imebarikiwa sana. Ikiwa ni harusi, mazishi na mazungumzo ya aina yoyote ni lazima iweko. Katika zile hali, wazee hukaa na hata kubariki kijana anayeenda kuoa na hiyo.

Mara nyingi tunaona askari wakitumia hiyo sheria vibaya kwa sababu wanaenda kufurusha wale halafu wanaacha wale mabwenyenye. Kazi yao ni kutafuta mashamba kwa wale wamepata amri za bandia kutoka kortini, kuvunja watu nyumba ama kufanya vitu vyo vyote vya kufukuza wananchi katika hali yao ya starehe.

Kuna umuhimu katika ile Hoja aliyosema Sen. Wafula, kwamba wale watu wote wanaokuwa vijijini na starehe zao hawana fujo. Pia kuna wale waendeshaji boda boda wanachukua kile kinywanji na kusafirisha, wakifikisha kule na kupata riziki zao za kusaidia nyumbani. Ni muhimu kuwe na sheria mwafaka ambayo inaweza kuwalinda.

Bw. Spika, naunga mkono Sen. Wafula vile alivyosema na ninatarajia kwamba ile Kamati itakayokwenda itazingatia suala hilo.

Ahsante.

The Speaker (Hon. Kingi): We have expended the 15 minutes allowable under Standing Order No. 53(3)(a) and, therefore, we will move to the next Statement.

Sen. Chute.

STATUS OF CONSTRUCTION OF AN ABATTOIR
IN SEGEL AREA IN MARSABIT COUNTY

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the status of construction of an abattoir in Segel Area in Marsabit County.

In the Statement, the Committee should -

(1) Explain how the project for the construction of an abattoir in Segel was tendered for, providing details of the number of bids received, contractor who won the award, the bid amount, initial price variation and actual price variation.

(2) Report on the source of funding for the project indicating the contribution if any, by the County Government of Marsabit and any other donor to the project.

(3) Provide a comprehensive update on the current status of the project completion, including an in-depth explanation of the factors leading to the delay in the construction.

(4) Outline the actions taken to revive the construction efforts and guarantee the timely completion of the project, thereby, avoiding any additional delays.

Thank you.

The Speaker (Hon. Kingi): Next Statement is by Sen. Kisang'. He is not present. The Statement is dropped.

Next Order.

*(The Speaker (Hon. Kingi) consulted with
the Clerk-at-the-Table)*

(Sen. Kisang' walked to the Dispatch Box)

The Speaker (Hon. Kingi): Sen. Kisang', you will have your time. I am consulting with the Clerk to read your Statement. You are very lucky.

(Laughter)

CONTRIBUTIONS IN LIEU OF RATES PAID BY THE
NATIONAL TREASURY TO COUNTIES

Sen. Kisang': I am Sorry, Mr. 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 regarding the contributions in lieu of rates paid by the National Treasury to the Counties.

In the Statement, the Committee should -

(1) Clarify whether the national Government has met the required annual contributions in lieu of rate to respective counties since 2013, following the promulgation of the Constitution of Kenya.

(2) Provide a comprehensive schedule of the contributions in lieu of rates paid by the national Government to each of the 47 counties since 2013.

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(3) State measures in place, if any taken by the national Government to ensure that any outstanding contributions in lieu of rates have been paid to the respective counties, particularly, if such payments have not been made.

Thank you.

The Speaker (Hon. Kingi): Next Order, Clerk.

BILL

Second Reading

THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Kamar on 3.5.2023)

(Resumption of debate interrupted on 13.6.2023)

The Speaker (Hon. Kingi): Serjeant-at-Arms, ring the Division Bell for five minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats so that we can proceed to dispense with this business. I now proceed to put the Question, but before I do that, Serjeant-At-Arms, proceed to close the Doors and draw the Bar.

(The Bars were drawn and the Doors locked)

The Speaker (Hon. Kingi): Voting shall be done electronically. Therefore, I ask you at this juncture to pull out your cards and log out totally. Serjeant-At-Arms, kindly collect all the remaining unattended cards in the units. Just pull them out.

(Sen. Chesang walked in the Chamber)

The Speaker (Hon. Kingi): Sen. Chesang, you are out of order. Freeze! I shall give you caution for the day. If you proceed to breach any other Standing Order, the natural consequences will follow.

(Laughter)

Hon. Senators, kindly log in now.

(Loud Consultations)

The Speaker (Hon. Kingi): Senators, having logged in, kindly proceed to vote either ‘yes’, ‘no’, or abstain. Kindly proceed.

Hon. Senators, as you are voting, remember you are still in Plenary. Sen. Methu, desist from shouting across the Floor of the House.

The Speaker (Hon. Kingi): Sen. Okiya Omtatah and Sen. Abass, kindly proceed to the Dispatch Box and exercise your right to vote.

(Sen. Okiya Omtatah proceeded to the Dispatch Box)

The Speaker (Hon. Kingi): Sen. Abass, proceed to the Dispatch Box.

(Sen. Abass spoke off record)

The Speaker (Hon. Kingi): Sen. Okiya Omtatah, you are out of order. You do not pace from one aisle to the other. I am giving you the first caution of the day. If you proceed to offend any other Standing Order thereafter, you know what exactly will befall you.

(Sen. Cherargei walked to the Dispatch Box)

Sen. Cherargei, Tellers are not necessary when voting electronically.

(Laughter)

DIVISION

ELECTRONIC VOTING

*(Question, that the Learners with Disabilities Bill
(Senate Bills No. 4 of 2023) be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Thang’wa,

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Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua; Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon, Senators, the result of the Division are as follows—

AYES: 32

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 32 votes to 0)

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

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may open the Doors and draw the Bar.

(The Doors were opened and the Bars drawn)

Next order.

COMMITTEE OF THE WHOLE

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

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Wakili Sigei)
in the Chair]*

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, I request that you remain in the Chamber as we consult. We will proceed once done with consultations.

*(Sen. Methu, Sen. Thang’wa, Sen. Cherargei, Sen. (Dr.) Murango,
Sen. Munyi Mundigi consulted the Temporary Chairperson)*

Hon. Members, resume your seats. Order Members, let us resume our seats. Sen. Maanzo, Sen. Munyi Mundigi and your friend, kindly take your seats. Members, let us be orderly. We want to proceed to Division. Senate Minority Leader, kindly take your seat.

Hon. Members, we are now dealing with The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022). Serjeant-at-Arms, kindly ring the Bell for five minutes.

(The Division Bell was rung)

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

(Sen. Mungatana on 23.3.2023)

(Resumption of debate interrupted on 14.6.2023)

(Division)

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, kindly ring the Bell for five minutes.

(The Division Bell was rung)

Order, Hon. Members, let us be seated. Sen. Chimera, kindly take your seat. direct the Sergeant-at-Arms to draw the Bar and close the Door. We are now going to Division.

Sen. Munyi Mundigi, kindly take your seat.

(The Bars were drawn and the Doors closed)

Hon. Members, we will vote electronically. I request that you all log out and pull out your cards. Sergeant-at-Arms, take the cards from the unattended seats.

Sen. Madzayo, kindly log out.

The Senate Minority Leader (Sen. Madzayo): Mr. Temporary Chairperson, I have logged out.

The Temporary Chairperson (Sen. Wakili Sigei): Thank you Senator. Now Senators, log in afresh. There will be three questions in this particular Bill that deal with several Clauses. Members, you may start voting now.

(Electronic voting in progress)

Sen. Ogola, please approach the Chair.

Hon. Senators, we will now proceed to the next Question. We will repeat the same process for purposes of electronic voting. Therefore, you can log out. I will put the Question and then we proceed to vote.

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You may proceed to vote once the Question is displayed on the screen. Senators, please vote.

(Voting in progress)

Hon. Members, may the Senate Minority Leader, Sen. Madzayo; Sen. Onyonka, Sen. Ogola and Sen. Kavindu Muthama approach the Clerk-at-the-Table.

(Voting in progress)

Sen. Madzayo, you may also proceed to vote.

Hon. Senators, we now proceed to the third question on all clauses.

(Voting in progress)

Sen. Onyonka, Sen. (Dr.) Murang'o, Sen. Ogola, Sen. Faki, you may approach the Clerk.

Sen. (Dr.) Murang'o, please approach the Chair.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 20 be deleted as proposed, put and the Senate proceed to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we have got the results of the voting. The results for Question one are as follows: -

AYES: 32

NOES: Nil

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ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 32 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 7, 9, 12, 13, 14, 19, 22, the Schedule, Clause 2, the Title, and Clause 1 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson: The results for the second question are: -

AYES: 31

NOES: 0

ABSTENTIONS: Nil

The “Ayes” have it

(Question carried by 31 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3 (as amended), Clause 4 (as amended), Clause 5 (as amended), Clause 6, Clause 7 (as amended), Clause 8, Clause 9 (as amended), Clause 10, Clause 11, Clause 12 (as amended), Clause 13 (as amended), Clause 14 (as amended), Clause 23, Clause 24, the Schedule (as amended), Clause 2(as amended), the Titles (as amended) and Clause 1 (as amended) be part of the Bill, put and the Senate

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proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): The results for question three are: -

AYES: 32

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it

(Question carried by 32 votes to Nil)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we shall now proceed to report progress. Reporting of the Bill by the Committee of the Whole, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7/2022).

I call upon Sen. Okenyuri the Mover to move on behalf of Sen. Mungatana of Tana River County.

Sen. Okenyuri: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7/2022) and its approval thereof with amendments.

(Question Proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, you may now draw the bars and open the doors.

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(The Bars were drawn and doors opened)

(The House resumed)

*[The Temporary Speaker (Sen. Veronica Maina)
in the Chair]*

REPORT AND CONSIDERATION OF REPORT

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

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, I now call upon Sen. Wakili Sigei to report progress.

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.7of 2022) and its approval thereof with amendments.

The Temporary Speaker (Sen. Veronica Maina): I now call upon Sen. Okenyuri, the Mover of the Motion standing in on behalf of Sen. Mungatana MGH.

Sen. Okenyuri: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover.

Sen. Okenyuri: Madam Temporary Speaker, I beg to move that the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7of 2022) be now read a Third Time.

The Temporary Speaker (Sen. Veronica Maina): Who is seconding that Bill?

Sen. Okenyuri: I call upon Sen. (Dr.) Khalwale to second.

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Khalwale, you may Second.

The Senate Majority Whip (Sen. (Dr.) Khalwale): Thank you, Madam Temporary Speaker, I second the Bill as moved.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Let us move into Division. Serjeant-at-Arms, can you please ring the bell for three minutes for those who have walked out to come back.

(The Division Bell was rung)

Serjeant-at-Arms, close the Door and draw the Bar.

(The Door was closed and Bar drawn)

We are going to Division and voting will be done electronically. Hon. Senators, please log out. Can you maintain silence as I put the question?

You can log out and log in if you have not done that. Serjeant-at-Arms, pick all the unattended cards. Please, collect all of them.

Hon. Senators, you may proceed to vote.

(Voting in progress)

Could the following Senators approach the Dispatch Box and vote manually; Sen. Ogola, Sen. (Dr) Oburu, Sen. Maanzo and Sen. Dullo.

(Several Senators approached the Dispatch Box and proceeded to vote)

THIRD READING

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

DIVISION

ELECTRONIC VOTING

(Question, that the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.7 of 2022, be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherarkey, Nandi County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. Seki, Kajiado County; Sen. Maanzo, Makeni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen.

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Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua; Kitui County.

The Temporary Speaker (Sen. Veronica Maina): Hon, Senators, the results of the Division are as follows–

AYES: 28

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 28 votes to nil)

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

The Temporary Chairperson (Sen. Veronica Maina): Serjeant-at-Arms, kindly proceed to withdraw the Bar and open the Doors.

(The Bar was withdrawn and Doors opened)

Next Order.

I have directed that we move to Order No.18

MOTIONS

STATE OF MENTAL HEALTH OF POLICE OFFICERS

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 per cent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide, which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;

3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and,
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

(Sen. Kibwana on 4.5.2023)

*(Resumption of debate interrupted on
14.6.2023 - Morning sitting)*

The Temporary Speaker (Sen. Veronica Maina): Sen. Kibwana has now an opportunity to reply. You have 15 minutes.

Sen. Kibwana: Thank you, Madam Temporary Speaker. I appreciate all the Members who responded to my Motion, especially led by Sen. (Dr.) Khalwale. It is a Motion that we all hold dearly regarding the state of mind of police officers. I am looking forward to this Motion going through, so that issues that the police have been holding can be looked into.

I appreciate everyone who contributed to this Motion. I have taken all their feedback seriously and I am going to work on them. I am done with the discussions on this Bill.

Madam Temporary Speaker, I beg to reply.

The Temporary Speaker (Sen. Veronica Maina): Hon. Members, pursuant to Standing Order No.84(1), I hereby make a determination that this matter does not affect counties.

(Question put and agreed to)

Next Order.

Sen. Kavindu Muthama, please, approach the Chair.

(Sen. Kavindu Muthama approached the Chair)

COMPENSATION TO KENYAN VICTIMS OF THE 1998
BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan

casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs:

- (i) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

(Sen. Kavindu Muthama on 16.3.2023)

(Resumption of Debate interrupted on 2.5.2023)

The Temporary Speaker (Sen. Veronica Maina): Sen. Kavindu Muthama, you may proceed.

Sen. Kavindu Muthama: Thank you, Madam Temporary Speaker. Pursuant to Standing Order No.71, I rise to withdraw the Motion appearing No.19 on the Order Paper.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the Motion is withdrawn.

(Motion withdrawn)

Next Order.

Hon. Senators, we have reorganised the Order Paper. I request the Clerk to call out the Next Order; Order No.11.

BILL

Second Reading

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THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO.12 OF 2022)

(Sen. Tabitha Mutinda on 14.05.2023)

(Resumption of Debate interrupted on 14.6.2023)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, many Senators had contributed to this debate. We will proceed with the debate.

Sen. Oketch Gicheru had 14 minutes, but he is not here. So, we will have Sen. Cherarkey.

(Sen. Cherarkey spoke off record)

Sen. Ogola, you may proceed.

Sen. Ogola: Thank you, Madam Temporary Speaker for the opportunity to contribute to this discussion. I congratulate Sen. Tabitha Mutinda, the Mover of this Motion on agricultural extension services.

It was not for nothing that services like agriculture were devolved down to counties. Other than agriculture, health and water are critical to our people. Our people in the countryside, especially farmers, have suffered because of lack of the extension services for agriculture and livestock. I support this because it will enhance quality, quantity and productivity in general.

Long ago, while growing up, some officers would come to our villages on motorbikes. As young people, we would tell it was an extension officer even without seeing the rider. It was a joy to the farmers because at the end of it, they knew they would get a solution to most of the challenges they had with their crops.

Several people take farming just as routine, but farming is also as serious as any other venture. Farmers in this country have a right to be guided on the type of crops that they should plant in different regions. Even when they have been guided and given seeds, there is need for supervision as the crops grow.

Madam Temporary Speaker, in the village, farmers are on their own. When diseases and pests invade their farms, they do not need to be technical people to know what kind of diseases affect their crops. When farmers start the farming process, they are on their own until harvest time. This is why I support this Bill. At long last, our farmers will have the right to get guidance.

I support the agricultural extension officers. The Bill should spell out that their services should be devolved up to ward levels. This Bill will give the solution that our farmers need. I would also like the sponsor to consider farmers training institutes in each county and ensure that they are spelt out in the Bill.

Some time back, in my county, there was a farmers' training center. Farmers benefited because they would be called upon periodically and taken through emerging issues in the farming sector. The Mover should consider including the establishment of agricultural farmers' training centers in each county.

Other than agriculture, I am also impressed that this Bill cures the issue of livestock farmers. When you go out in our counties, livestock farmers are on their own. Long time ago, livestock farmers occasionally took their cattle for cleaning. It was a very important occasion because the diseases that animals passed from one to the other would be cured. However, we do not see that in the counties.

It is important to have livestock extension services. This is because as crop farmers get attacked by different diseases, so are livestock farmers. Therefore, livestock farmers will have access to extension officers whom they will be approaching.

Our livestock farmers in the counties only rely on private investors or shops around shopping centers, where they go for medicine and services. If you look around the counties, it is pathetic. Most of the sub-county and ward level agriculture and livestock offices that would give them services are not operational.

The Mover should consider that it is included and engrained in the Bill, that all extension services must be devolved to the sub-county and ward offices, and as close as possible to the livestock and crop farmers.

Madam Temporary Speaker, I support this Bill.

Sen. Methu: Thank you Madam Temporary Speaker for giving me an opportunity to contribute to this particular Bill on the formulation of the agricultural extension officers' services.

I do not want to repeat what most of my colleagues have spoken about. In Kenya, we always overstress the reliance of our economy on agriculture. Thirty three (33) per cent of our Gross Domestic Product (GDP) is a contribution from agriculture. We must be deliberate in ensuring that we advance our agriculture to improve on crop and livestock production.

Statistics have not been fair. My colleagues have said that agriculture is a devolved function. However, statistics are not very forgiving to the change of times since we got the devolved system of Government. It is a sad state of affairs that in 2006, before devolution, Kenya produced 33.6 million bags of maize. Many years later, in 2022 - 16 years later - Kenya produced 34.3 million bags of maize over the same time. It begs the question; how and why should crop production reduce after 16 years? What are we doing wrong?

I would like to cite the second example. I sit in the County Public Accounts Committee. One of the audit issues we are dealing with is a case explained by a county government. They had a very good idea of changing the breed of cattle in that particular county and they gave out 90 new breeds of cows.

When the auditors went on the ground, unfortunately, all of them had died. They had given thousands of poultry and all of them died. Something is wrong. It is out of this that this service and Bill would be very timely. Since devolution came, as many of my colleagues have pointed out, services that were being offered by agricultural extension officers---

I come from an agricultural county. I represent the people of Nyandarua in this Senate. We are the leading producers of many things especially horticultural products. For example, potatoes, carrots, cabbages, French beans, name them. We are the second leading producer of dairy products. Since devolution set in, there has been a significant

reduction of advice we have been getting as farmers from the agricultural extension officers.

One of the major components of crop agriculture is crop rotation. There is a reason different crops are grown in the same area at different times. When agricultural extension officers used to visit our farms, there are many things that they used to test. One of them was soil acidity.

It is basic knowledge that crop rotation is pegged on correcting soil acidity. We are planting the same crop over the same area for a very long time using acidic fertilizers. We sometimes grow grass or legumes like cowpeas. If we are not advised accordingly, our harvest will continue to go down. It explains the reason we were harvesting 34 million bags of maize in 2006 and 34 million bags, 16 years later in 2022.

Madam Temporary Speaker, as I wind up, when we speak about the establishment of this service, there is one key component that came up with the 2010 Constitution – devolution. If we shall not devolve these extension officers to the lowest available unit of service such as a ward, location or a village, we shall have missed on the thought and idea here.

I enrich the mind of this Mover of this Bill that this service should be express even if it will be a collaboration between the national and the county government. It should be explicit and very direct that these services will be offered at the lowest level – ward, location and village. This is so that we will correct two things.

The first is crop production and the second one will be livestock production. These days because of growth of population, our land is shrinking. The land that everybody tills now is not the same as it was 10 or 15 years ago. Therefore, if we do not invest in getting the very best breed of dairy cattle in dairy farming, so that one cow can produce 30 litres of milk instead of keeping 10 heads of cattle, which produce three litres each, so that for the same production, we get one--- This can only be enhanced if we deal with our breed and this shall be informed by advice and services of agricultural extension officers.

Madam Temporary Speaker. I would not want to belabour this, but a framework on the funding of the two is and should be very explicit in the Bill. We should know how much the counties shall be doing because this is a devolved function and how much the national Government shall be doing because we also have a Ministry of Agriculture, Livestock, Fisheries and Cooperatives at the national level.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Methu.

Sen. Mwaruma, proceed.

Sen. Mwaruma: Asante, Bi. Spika wa Muda, kwa kunipa hii fursa ili kuchangia Mswada huu. Kwanza nashukuru Seneta Mteule aliyeleta huu Mswada, Sen. Mutinda. Mswada huu unahusu wahudumu wa kilimo. Si mara ya kwanza tumekuwa na wahudumu wa kilimo. Wamekuwa tangu zamani nikiwa mtoto mdogo.

Tulikuwa na Serikali ya kitaifa, walikuwa wakisaidia sana wakulima wetu. Ile kazi walifanya ilikuwa kazi kubwa sana. Afisa hao walisaidia kuendeleza kilimo katika jamii. Hiyo huduma ilififia na kwa saa hizi haeleweki vizuri kama hawa wahudumu wa kilimo bado wako ama hawako.

Ninakumbuka kuna wakati nilikuwa mkulima miaka 20 iliyopita. Nilipanda nyanya nyingi sana kama ekari tatu. Ilikuwa ni nyingi kulingana na mimi nikiwa kijana mdogo. Nilitafuta mhudumu wa kilimo na ilichukua siku mbili yeye kuja sababu nyanya zangu zilikua zimepata ugonjwa siuelewi, uliokuwa kama *blight*.

Bi. Spika wa Muda, alipokuja baada ya siku tatu, nilipoteza nyanya nyingi ilhali makisio yangu nilikua nipate kama tani tano. Huyu mhudumu alikua mgonjwa na alikua mmoja na kwa kuchelewa kwake, nilivuna nusu tani peke yake. Lazima niseme hawa wahudumu ni wa muhimu sana. Nashukuru Sen. Mutinda kwa kuona kwamba ni vyema aweke mswada ambao unaleta sera na sheria ya kuangazia hawa wahudumu.

Malengo ya huu Mswada ni kwamba ya kwanza, ameangazia vile Serikali za Kitaifa na kaunti zitakavyo shirikiana ili kuhakikisha ya kwamba hii huduma ya kilimo kwa hawa wahudumu imewekwa vizuri zaidi. Kwa kuweka wahudumu wa kilimo vizuri, basi kutaenda kutokea mapato ya juu zaidi.

Bi. Spika wa Muda, kwa sasa hivi, kulingana na vile Sen. Methu amesema, yale mavuno tunayopata kwa mifugo na kilimo yamekua yakididimia vile miaka inavyoenda. Ukipanda ekari moja ya mahindi unatakikana kupata kama magunia ishirini. Lakini kwa sasa hivi na kwa sababu ya kukosa huduma ya hao wahudumu, unaeza pata magunia matano au manane.

Kuna ile tunaita *Gross Domestic Product* (GDP) inashuka chini. Ukiangalia kwa upande wa mifugo, tukiwa na wahudumu, wanatuelezea mbinu nzuri za ukulima. Kwa mfano kwa kufuga ngombe. Yale maeneo ninayotoka Wundanyi, tunafuga ng'ombe. Kitambo ukiwa na ng'ombe angetoa lita 20 au 30 na kadhalika. Lakini, kwa sababu ya kukosa hizi huduma na ushauri wa hawa wahudumu, unapata yale mazao yanadidimia.

Bi. Spika wa Muda, kitu moja wakulima wetu walikua wanafundishwa ni kuweka wanyama wasikae pamoja na wazazi wao ndio wasizae pamoja. Kwa Kizungu inaitwa *in-breeding*. Mswada huu ukipita vizuri na kuwe na wahudumu basi mazao yataenda kuendelea.

Mswada huu pia unaangazia lengo la kuwa na utafiti ambao ni kiungo muhimu kabisa katika kuongeza mazao sababu tutapata *breeding* katika mazao yetu na mifugo yetu. Ni lazima tuekeze kwa utafiti.

Lengo lingine ni kwamba hao wahudumu hawajapatiwa fedha za kutosha. Kilimo kimegatuliwa lakini huu Mswada unaangazia maswala ya vile kutakua na kushirikiana kati ya Serikali ya kitaifa na ya kaunti ili kuhakiki kwamba hii huduma ya wahudumu wa kilimo inapatiwa pesa zaidi kwa upande wa utafiti.

Tumeona kwamba Mswada huu unapendekeza kuwe na huduma ama *National and County Extension Service* ambayo itakua ni kama *body corporate* au shirika linaloweza kushtakiwa na kuangazia mbinu za kukuza kilimo. Mswada huu umeelezea sifa au *qualifications* za hawa wahudumu katika hii huduma.

Bi. Spika wa Muda, naunga mkono huu Mswada kwa sababu kilimo ndicho uti wa mgongo haswa kwa nchi kama Kenya. Kama kutakua na viwanda, vitakua *agri-based*; viwanda kutokana na ukulima. Kwa mfano, tukiangalia Kaunti kama Makueni, wameweza mambo ya ukulima na sasa hivi kuna kiwanda cha maembe kiko kule Makueni, na kwa sababu hio, Kaunti ndiyo inazalisha maembe kwa wingi.

Ninakubaliana na wasemaji wengine ya kwamba zamani tukiwa wadogo, kulikua na shule za kufunza wakulima au *Farmers Training Centres*. Saa hizi nyingi zimetelekezwa, zikaachwa na haziendelei. Labda hio bodi ya *National and County Extension Service* inatakiwa iangazie kuwa na zile shule mashinani ili kuhakikisha ya kwamba wakulima wetu wanafunzwa mbinu tofauti tofauti za ukulima.

Bi. Spika wa Muda, nakuabaliana na huu Mswada sababu kilimo kimegatuliwa na kuna huduma fulani zinatakikana zifanyike Serikali ya kitaifa. Kwa mfano, Waziri wa Serikali ya kitaifa anatakikana kuandika sera na sheria za kuangazia ama kuhakikisha hii huduma kwa wakulima iko sawa kwa kaunti zote 47.

Je, serikali za kaunti zinafaa kufanya nini? Wanafaa kuangazia na kuweka bajeti za kutosha ili kuhakikisha kuwa huduma za jamii zimegatuliwa pia katika kata.

Bi. Spika wa Muda, huu ni Mswada mzuri na ningepomba tuunge mkono. Tukitaka nchi hii ifike katika kiwango kingine, kilimo lazima kistawishwe. Kwa hayo machache, naunga huu Mswada.

Asante.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mwaruma. Proceed. Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Asante, Bi. Spika wa muda, kwa kunipa nafasi hii nichangie Mswada huu wa kuboresha kilimo ulioletwa na Sen. Tabitha Mutinda. Niruhusu nirudi nyuma kidogo wakati nilipokua mtoto kule kijijini. Nilipokuwa mtoto, tulikuwa tunatazama magari mengine madogo yaliyokuwa yakiitwa Suzuki. Maafisa wa kuboresha ukulima katika jamii walikua wanazunguka kila siku na magari yale.

Ng'ombe walikua wanaelekezwa kwenye zizi kando ya barabara na ulipotaka mbegu ulizipokea. Haya yote yalifanywa ili kuboresha mbegu za ng'ombe. Huduma ile ilikua inapatikana katika kaunti zote. Haya ni mambo ambayo sijawahi ona katika kaunti nimetoka. Nauunga huu Mswada mkono. Kuna umuhimu mkubwa wa kuweka maafisa wa kutosha ili waeneze huduma bora.

Mwaka huu, Kaunti ya Kirinyaga imetoa mazao mengi ya kahawa nchini. Tunakuza pia majani chai. Tunazo shamba kubwa sana za kukuza mchele kwa njia ya umwagiliaji maji. Wakulima hawa wanafaa kupewa huduma za kilimo ya kuwaelimishwa aina ya mbegu ambayo ni mzuri kupanda. Wanafaa kuelezwa ni mikakati gani wataweka ikiwa udongo umezidi asidi au PH. Wakulima wale bado wanalia.

Ni muhimu hiyo ifanywe kwa sababu ugatuzi upo. Kaunti zinafaa kuongeza wale maafisa ili wahudumie wakulima katika sehemu zile. Wakati uliopita haukuwa na shida nyingi. Ng'ombe na mbuzi walikua na afya nzuri. Nilipopitia katika mji wa Kutus juzi, nilipata "kuku mbuzi". Hawa ni mbuzi ambao wamepungua kilingo na kutoshana na jogoo.

Katika kilimo kama ya kahawa, panafaa kuwa na maabara maalum ya wale maafisa ili waupime ule udongo bila kuwalipisha wakulima. Hii itawapa wakulima ufahamu wa kile ambacho wanafaa kuongeza katika mashamba yao. Ukosefu wa lishe bora katika jamii unachangiwa sana na kukuza mimea kwa udongo unaokosa virutubisho vinavyohitajika katika mwili wa binadamu.

Najua kuna pesa ambazo zinafaa kwenda katika Kaunti. Hizo pesa zinafaa kutumika vizuri ili ziwapatie wakulima huduma bila malipo yoyote. Sio huduma pekee,

pia mitambo ya kisasa. Huduma hizi zinafaa kuwa katika ugatuzi ili wakulima waepuke kusafiri hadi maabara ya Serikali Kuu ambayo yako mbali ili kupata huduma.

Hivi karibuni nilizuru kiwanda cha kusaga kahawa ya Kibirigwi. Wanapambana sana kule. Wameajiri mtu ambaye wanamlipa wenyewe ili kuboresha miche ya Kahawa, ile ili watoe mazao mengi ya kahawa ya Arabica. Kama Mwenyekiti wa Kamati ya Kudumu ya Kilimo, Mifugo, Uvuvi na Umwagiliaji Maji, nauunga mkono Mswada huu ili ufaidi watu wetu.

Nachukua nafasi hii kushukuru Serikali Kuu kwa sababu nimekuwa nafuata kwa karibu bei ya mbolea ya ruzuku ambayo inaenda kulima mchele kule kata ya Mwea. Kilio nilichotoa kimefika na ifikapo kesho au kesho kutwa wakulima watapata ile mbolea kwa bei ya Kshs2,000 sio Kshs3,500. Hii ni mbolea wanayoita ya sukari au *sulphate of ammonia*. Kwa hayo machache, naunga mkono Mswada huu.

Asante.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. M. Kajwang’.

Sen. M. Kajwang’: Madam Temporary Speaker, I rise to support the Agricultural and Livestock Extension Services Bill brought before this House by Sen. Tabitha Mutinda. If there was ever any business for the Senate, then this is it.

Agriculture is a devolved function and what remains at the national Government level is only policy. Execution, strategies and everything that brings fruition to our farmers is at the county governments. This is a Bill that touches the core mandate and nerve of the Senate. It is rather unfortunate that 10 years since devolution, we have not thought of a similar Bill.

Indeed, what has happened in the 10 years since the onset of devolution is that the extension services have virtually disappeared. There are those that were raised in rural economies. Even though I went to school in towns, I spent my holidays in the rural areas. My father had the fortune of having cows. At regular intervals, we would see the cattle in our village being brought to one center and agricultural and livestock extension workers coming to administer oral and all sorts of medication to the cattle.

In fact, even things such as branding were done by the extension workers. They would encourage that it was an important way of making sure that you were managing livestock as an asset, and also able to tell them apart from your neighbors so as to minimize conflict. We grew up knowing farmers needed to get support from the Government. That is the essence of extension workers. No one is born with knowledge of milking a cow. Someone will have to teach you. Humans only know how to milk their mothers. They do not know how to milk cows, sheep, camels and other animals. Someone must teach you that.

No one is born with innate knowledge on how to rear chicken. In fact, if no one told you eggs are supposed to be eaten, you would probably never touch them because the chicken egg would not be any different to a snake egg. Someone must teach you that the snake egg is dangerous and a chicken egg is edible. Those of us who come from areas surrounding the lake sometimes come across crocodile eggs and we know and have been taught that it is for your own good not to touch them.

Someone must teach you and this is where the extension workers come in. They are the ones who teach our farmers the best husbandry practices and that bees are not

necessarily an enemy to mankind. They teach us that bees can be harnessed, mobilized to provide honey and need not to be fought by humans. These services used to be there before devolution.

It is sad when many citizens think that devolution killed extension services. We have to put legal framework and that is what Sen. Tabitha Mutinda is proposing. We need to have structures. We also need to link what extension workers are doing with what county governments are doing. We also need to link policy on extension workers with the national Government policy.

Madam Temporary Speaker, this country must realise that our comparative advantage lies in agriculture not in our beaches. We have visited countries with better beaches. Zanzibar just next door and Australia have better beaches.

I have not been to Brazil but the distinguished Senator for Kilifi Sen. Madzayo told me of a time he visited Brazil and he almost never came back; even though he came back with one extra traveler from Brazil. He confirmed that the beaches there are wonderful and beautiful.

Our comparative advantage is not in our parks. South Africa, Namibia and other countries have better parks. Our comparative advantage lies in our geographical location which allows us to have the best tea and coffee that you cannot find elsewhere.

We went to Costa Rica to check their coffee industry and they envy us here is Kenya. They say even though they have a nascent coffee industry, it cannot beat Kenya because Kenya is gifted by nature by virtue of its geography.

It is our geography that allows us to produce and make agriculture one of the most significant contributors to our GDP and the largest employer. Even if we wanted to increase our tax revenue, we must promote and spur productivity, particularly in agriculture.

When Mwai Kibaki took over power, one of the first things he came up with was not strategy on optimization of taxes, but revitalization of the economy. In so doing, he set up various task forces. One of them came up with something we still remember called the Strategy for the Revitalization of Agriculture (SRA).

As a result of this there were legislative reforms. There were more than 30 Acts of Parliament that guided or governed the space in agriculture. The SRA collapsed almost 30 parastatals and state corporations into one instrument that was called the Agriculture Food and Fisheries Authority Act.

This led to the consolidation and the circumvention of duplication of roles that were draining the Consolidated Fund. This brought focus which enabled the National Government to look at agriculture as a strategic enabler to the well being of the economy and provision of employment in this country.

The SRA has undergone several metamorphoses. The Uhuru Kenyatta Government came up with the Agricultural Sector Transformation and Growth Strategy (ASTGS). The current Government must either adopt ASTGS as it is - even though I have severe reservations on ASTGS as being the strategy that will revitalize and ensure that the agricultural sector becomes as productive as it ought to be. We must rethink how to ensure that agriculture continues to be the core and backbone of this economy.

We have seen the services sector growing at the expense of agriculture. It should not be that way. Even though we are expanding the services sector, we must start seeing the agricultural sector giving rise to value addition.

If the agricultural sector will not grow as expected, we need to see industrialization or the manufacturing sector expanding. We want to start seeing fish farmers becoming fish processors and dairy farmers becoming milk processors.

This is a very important Bill that will make sure our fish farmers can get extension workers who can teach them about the best feed available, link them with markets and help them look at fish farming not as a hunting and gathering experience but as a commercial enterprise.

It is extension workers who will convince our dairy farmers or people who keep cattle, camel, sheep and goats, that it is no longer a symbol of wealth, a tool for dowry and acquisition of wives and replication of Deoxyribonucleic Acid (DNA). It is a commercial enterprise which if well managed can bring wealth, ensure there is good nutrition and grow the economy of this republic.

I do hope that when we are looking at the details of the proposals that have been made by Sen. Tabitha Mutinda, at the point of Third Reading, we will ensure the Council of Governors (CoG) and those who have the mandate of running counties have got a clear role in ensuring the regulation, the supervision, financing and funding of the extension workers.

Many counties have lost extension workers because they have not been prioritized in the staff establishment and there is no corresponding training.

Many of our counties are converting our Farmers Training Colleges (FTC) into universities. When counties convert our FTCs to branches of universities, they make them teach procurement and supply chain management, bachelor of education, Information Technology and other courses.

Those courses are not inferior but you cannot kill a farmer or agricultural training college and substitute it with procurement and supply chain management. This is why we are slowly becoming a country of *tenderpreneurs because* many of our children have been trained in the art craft of supplies and procurement and this is what they are thinking about.

(Sen. Nyamu walked out of the chamber without bowing)

The Temporary Speaker (Sen. Veronica Maina): Sen. Nyamu please follow procedure. Serjeant-at-Arms approach the Chair.

Sen. M. Kajwang’: Madam Temporary Speaker, I hope “livestock” are not leaving the House. Farmers Training Colleges (FTC) must be encouraged and established in each county. Counties must stop this habit of converting FTC into campuses that are training our children in all sorts of things. These courses should be taught in established universities.

We must pass a Motion in this House resolving that each county or each regional bloc must have a well-established and financed agricultural training center. Agriculture still remains the backbone of this economy and the biggest employer. Many of us in this

House, with very few exceptions went to school and have prospered on the back of agricultural productivity.

I support this Bill and hope that once it is promulgated into law we will see a return of the services we used to see where communally we would go to cattle dips, ensure cattle are sprayed, vaccinated and taken care of against the pests and ticks.

Once this Bill is promulgated we will see maize farmers getting quality support. The National Government will provide fertilizer that is relevant to ecological zones. You have a National Government that buys one batch of fertilizers and applies it to the entire country. That is madness because each county has got different requirements. The soils in different parts of this country have different deficiencies.

Once this Bill is assented to, I hope that our extension workers will advise and guide the government to ensure that agricultural areas receive fertilizer, seed and input that is relevant to them.

Madam Temporary Speaker, once this is passed, I hope that we shall no longer have this conversation, where we are consuming fish from China, and yet we have such a huge potential as a country to produce fish and meet the demand that we have.

The reason our people are not producing enough fish is that the National Government has never seen it fit to educate them on modern ways of fish production.

The reason why China is the largest producer, processor, and exporter of fish globally today is because the Government took a deliberate effort to encourage aquaculture.

Madam Temporary Speaker, we are proud today that Nyanza and Coast produce more fish, but who said it should always be like that? There are other areas around Central Kenya, Northern Kenya, and Southern Kenya which if provided with the right skills, education and facilitation, can practice aquaculture and can far outstrip the productivity that is coming from Lake Victoria in Nyanza, Lake Turkana and the Indian Ocean.

Madam Temporary Speaker, that only happens if you have extension workers who can train, support and mentor farmers on best practices.

I support this Bill and I highly congratulate the Senator who has moved it. When all aisles and other chambers are fighting over budgets, taxes and so on, it is the core business of the Senate to ensure that the agricultural sector is streamlined.

I hope that the message will get to the Executive that the agricultural sector transformation and growth strategy that was signed by Cabinet Secretary Munya, must be revised and relooked at to ensure that devolution and hustlers are put at the centre.

If you are talking about hustlers, it is extension workers. This is a Bill that deals with the people at the bottom of the pyramid and it is a Bill that has got the potential of creating an economic miracle within the agricultural sector.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator. Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, very much Madam Temporary Speaker. This Bill could not have come at a more appropriate time. Therefore, I want to thank Sen. Tabitha Mutinda for coming up with this appropriate Bill at the right time.

Madam Temporary Speaker, I sit in the Agricultural Committee and since we joined this House, we have gone around the country to do public participation with regard to Cotton Bill, Tea Bill and Coffee Bill.

One thing that we have come to notice as Senators is that farmers do not have the services of agricultural extension officers. We have also realised that the crop and livestock yield has declined over the years. Therefore, as we embark on laws to ensure that the cartels that have replaced the coffee and tea sector are done away with, we should come up with good marketing laws. We must also ensure that farmers have the produce to sell.

Therefore, agricultural extension officers both in livestock and crop, must do this. Agriculture is a devolved function and the demographic shape of the Kenyan population is changing by the day. It is high time we came up with strategies that will incorporate the ever-growing younger population into agriculture.

It cannot happen unless we embrace new technological approaches and methods. Agribusiness stands as one of the single biggest opportunities to employ most of our youth. However, that cannot happen unless we also put in a concerted effort and deliberately introduce agriculture and livestock extension officers who will work together with the communities so that they give agriculture a new face that it must get. This Bill is timely and agriculture being a devolved unit, it is high time that we started investing more into it as a country.

As I was growing up, I do recall that we could drive all our livestock, cattle and goats to one cattle dip. We would get the services of the Institute of Agriculture and Engineering (IAE) and therefore the breed could be brought systematically.

Madam Temporary Speaker, that has ceased to be. It is high time we reintroduce that. The only way to reintroduce that is to ensure that we have agricultural extension officers.

By so doing, we must also ensure that the Technical and Vocational Education and Training (TVET) Colleges that have been opened across the country in all the constituencies start offering the services of agribusiness so that the younger generation can find it more attractive and maybe even go high-tech.

As we try to get them in that employment sector, we must also ensure that the yield in our farms and from our livestock has been improved. That cannot happen when we still insist on the traditional methods of farming.

Therefore, it is high time that we moved as a Nation and improved the sector that has the potential to not only employ many people but indeed, also to earn the country foreign exchange.

Madam Temporary Speaker, we have seen what is happening in the foreign exchange market. The dollar is continuing to gain strength against the Kenyan currency. It is because we have nothing to export.

We know that we have export opportunities in the African Growth and Opportunity Act (AGO). However, we know that the Pakistani's have been taking advantage of this because our cotton yield has gone down.

Therefore, this is the very appropriate Bill. I take this opportunity to thank Sen. Tabitha Mutinda for introducing it and we look forward to actualising it.

This is actually what you would call, the role of this House per se because it is addressing an issue that is not only life-changing to the young generation but also increasing income in the sector and at the same time reinforcing our economy by ensuring that we can export more of our farm yield.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator. Proceed, Sen. Faki.

Sen. Faki: Asante Bi. Spika wa Muda, kwa kunipa fursa hii kuongeza kauli yangu katika Mswada ambao umeletwa bungeni na Sen. Tabitha Mutinda.

Bi. Spika wa Muda, Mswada huu wa maafisa wa nyanjani wa ukulima na ufugaji ni Mswada ambao utasaidia pakubwa kuongeza mazao katika sehemu ya ukulima na vile vile pia mazao katika sehemu ya ufugaji wa wanyama katika nchi yetu ya Kenya.

Kwa sasa ijapokuwa huduma za ukulima na ufugaji zimegatuliwa, tukiangalia ile bajeti ambayo inatolewa katika nyanja hizo, katika kaunti zetu ni ndogo sana. Ni kiasi ambacho hakiwezi kufanya jambo lolote la kuweza kusaidia ukulima katika sehemu zile.

Kwa mfano tukiangalia Mombasa, nimeona kwamba ni asilimia ndogo sana ya bajeti ambayo inakwenda katika ukulima. Ijapokuwa wengi wanasema kwamba Mombasa ni mji na kwamba hakuna ukulima unaofanyika, kuna sehemu nyingi kama vile Mwakirunge na Likoni ambapo wananchi wanafanya ukulima. Iwapo hawataweza kusaidiwa na maafisa kama hawa, basi kilimo kitaweza kufa kabisa katika sehemu zile.

Kitaifa tumeona pia kwamba pesa zinazopelekwa katika taasisi za utafiti kama vile Mtwapa na Msabaha, tumeona kwamba zinazidi kupungua. Kwa mfano, kwa mwaka huu wa 2022/2023 hakuna pesa zozote ambazo zilitolewa kwa ufadhili wa utafiti kuhusiana na minazi na mikorosho katika sehemu zile. Ihali hiyo ndio mazao makubwa ambayo yanatengemewa katika sehemu za Pwani ili kuongeza mapato ya wakulima.

Mimi nina shamba ndogo kule sehemu ya Kwale. Juzi tuliitwa na Kaunti ya Kwale kuenda kupewa mimea. Tulipewa miche ya minazi na vile vile mikorosho. Jambo la kusikitisha ni kwamba mtu ambaye ana shamba la ekari kumi anapewa miche miwili ya minazi na mikorosho.

Bi. Spika wa Muda, hiyo ni kama kejeli. Lakini pia hatuwezi kulaumu sana kwa sababu ya hizo fedha ambazo zimetolewa na serikali ambazo zimeweza kufadhili ukulima na utafiti katika sehemu zile.

Jimbo la Pwani lina uwezo wa kuuza kila aina ya mimea. Tukizungumzia mchele, mchele unalimwa sehemu za Kwale, Kilifi na Tana River. Tukiangalia masuala ya uvuvi, tuna sehemu nyingi ambazo tunaweza kufanya uvuvi wa kisasa ile ambayo wazungu wanaita *aquaculture*.

Sehemu ya Tana River kuna ardhi ambayo inashikana na bahari na vile vile Mto Tana ambao unaweza kutumika kuzalisha samaki ambao wataweza kusaidia kukimu mahitaji ya wananchi na chakula katika taifa letu.

Bi. Spika wa Muda, ni lazima tuunge mkono Mswada huu na tuhakikishe kwamba kaunti zetu zinatoa ruzuku ili ukulima na ufugaji unakuzwa katika sehemu hizi. Kwa mfano, nchini Uganda kuna utafiti hadi wa mihogo. Mihogo ni *cassava*. Sasa hivi, mihogo mingi katika soko za Kaunti ya Mombasa, inatoka nchini Uganda na pia Kaunti ya Busia.

Kuna mambo mengi sana ambayo tunaweza kuzungumzia lakini tunachunga muda. Mswada huu utachangia pakubwa kuongeza mapato ya wakulima na ya kaunti zetu. Vile vile, itazuia uagizaji wa chakula kama mchele, ngano na vinginevyo kutoka mataifa mengine.

Bi. Spika wa Muda, hapo zamani, mchele mzuri kama Basmati ulikuwa unatoka Mwea. Kwa wale ambao wanakumbuka, kulikuwa na Mwea Pishori ambayo ilikuwa inauzwa mpaka soko za nje. Lakini hivi sasa, mchele wetu unatoka Pakistan kwa sababu ukulima wetu umezorota miaka nenda, miaka rudi.

Ninaunga mkono Mswada huu.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator. Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker, for giving me this opportunity to also contribute to this Bill.

Most of us who grew up in the days of agricultural extension and artificial insemination officers, know that these extension services are a must for our farmers today. That time, these officers would come to small farmers and advise them on how to dig trenches in order to prevent soil erosion. They would also advise on best crops to plant in the soils that were there.

The officers who performed artificial insemination used to give us the first challenge on hygiene. They would require that we provide very clean water after inseminating an animal. It was an inspiration to us who were growing up then.

That notwithstanding, most importantly, they used to give quality seeds to our animals. Therefore, the animals that would come out of this were of a better breed. It would be a big plus for our farmers if we can go back to that and, of course, make it now better.

Today in the village farms, especially after fragmentation of parcels of land that exist, people do not have information on what, where and how they can grow the same crops in order for it to be beneficial for them. These services are lacking and they should come back. Our 47 county governments can have these extension officers.

Madam Temporary Speaker, all of us here in the Senate as people who deliberate more on what happens in counties, we need to support this Bill. When it passes, then these officers will come back. They will employ most recent technology and the advice which they will give to our farmers, will also be of big benefit. This cannot be gainsaid.

Madam Temporary Speaker, for these and many other reasons, I support this Bill. If we have to continue saying that agriculture is the backbone of our economy, then the same backbone should have small-scale farmers with the right knowledge and information about farming.

Thank you.

Sen. Murgor: Madam Temporary Speaker, thank you for giving me an opportunity to also voice my opinion along with my colleagues.

It is a shame that as a country, we face shortage of food from time to time. It is as if we do not know that there are places in this country that face drought from time to time. Instead of taking interventions to alleviate the situation, we wait until the cycle is

back again. Our people then go without food and some of them even die from starvation. Therefore, we should take precautions and find ways of providing food for our people.

It is said that agriculture is the backbone of this country because we depend on it for food and even for making a little bit of money. So, we should take a lot more interest in alleviating and lifting the face of agriculture so that every place has food.

It is said that Uganda can never run short of food because it has resorted to having traditional foods all over the country. Every place has their own traditional foods. Kenya has left it up to the farmers to fend for themselves, thereby creating food shortage in the country. The Government is not keen on availing technology and production of food so that there is food in the country.

Madam Temporary Speaker, we can learn from Israel, a very small country compared to Kenya. Israel produces a lot of food for themselves and even sells to other countries, despite their poor soils. I visited Israel a while ago and saw that they bring soils from wherever it is possible. They just lay it on top of rocks and that is where they plant and produce food.

Apart from Galilee and maybe upper Tel-Aviv towards Golan Heights, the rest of the country is really dry. When you come southwards towards Beersheba, it is very dry and yet that country produces a lot of food, keep very good dairy cows and so on.

Therefore, we should aim to improve both production of crops and sizes of our animals, be it cows, goats or sheep. This will improve the prices that a farmer earns out of selling the livestock.

These days, there should be more extension officers that are skilled. We have many universities that can teach students and offer skilled labour. Many of my colleagues have talked about extension workers that they used to see when they were young. I also saw the same.

These are people that helped farmers to understand the kind of terrain they are in. Therefore, they advised on digging trenches to prevent soil erosion so that the soil is not swept away when it rains.

You find that when a farm is first tilled, it is very fertile but by and by, the top soil that is good and fertile gets washed away into the streams. Therefore, extension officers will help the farmers to manage their own soils and pieces of land so that they can adequately manage to keep the farms fertile.

On the kind of seeds that should be planted and the fact that seeds are different from one area to another, some farmers do not understand the differences that are in these regions. So, extension officers are key people in advising the farmer to plant the correct type of seed that can do well in a given area.

In addition, they will also advise farmers on the type of fertiliser that they should use in areas. It is really important that we have extension officers and technologically skilled people to help people in this time and era. They will also give advice on what is marketable today so that cash crops are appropriately planted and produced by farmers.

I support this key Bill and congratulate the Mover for bringing it.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wakili Sigei, please proceed.

Sen. Wakili Sigei: Madam Temporary Speaker, from the onset, I wish to appreciate and applaud Sen. Tabitha Mutinda for the timely Bill that she brought to the Floor of the House. The Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022) Bill purposes to advance and ensure that agriculture, one of the pillars of the Kenya Kwanza Government is implemented.

It has come at the right time. In the bottom up economic model of the Kenya Kwanza Government, besides transformation of Information Communication and Technology (ICT) and Universal Healthcare Coverage (UHC), agriculture is touted as one of the four main pillars in the agenda that the current Government of the day is seeking to implement.

The reason why agriculture is on top of that list is because of its importance. All of us, in one way or the other, have before and outside this House practised agriculture in many ways.

I recall when we were growing up we experienced, in very many ways, the services of extension officers. This particular Bill will cure what has been missing in the field and the market.

It cannot be gainsaid that when the extension officers were present and able to visit farmers in the field, the production levels, whether tea, coffee, milk or maize, were up. It cannot only be because of the change in the climatic conditions that production went down but also because of the absence of extension officers.

This Bill will cure that deficiency. It will ensure that our farmers get first-hand information on the latest technologies that are to be applied in their farms. It will also ensure that the modalities to do with the farming methods, fertiliser to utilise and any relevant technological interventions to ensure that production level of animal products or crops in the farms is enhanced.

Madam Temporary Speaker, where I come from, agriculture is 60 per cent the basic source of economic activity for the people. Whether it is tea, we need these extension officers. Their relevance is very important from the time a farmer is preparing to plant until the marketing of the product. The presence of these officers will open a lot of avenues for marketing once the product has already been taken through that particular process.

I have gone through this Bill. The objective that has been listed under Clause 3 of the Bill seeks to support over 2 million poor farmers whose statistics we have in our data, to ensure that they are promoted in the sector that they entirely rely on.

The objective as listed under Clause 3 (a) (e) seeks to ensure that the industry and the farmer are protected so that at the end of the day, the sector benefits the farmer.

There is a deliberate move by the Kenya Kwanza Government to invest over Kshs250 billion in the five years starting 2022 to 2027. The amount has been deliberately put in order to ensure that at the end of the five year period, the sector will have been funded to that tune.

Madam Temporary Speaker, there is an extension of what was picked up in 2019. That is the agricultural sector strategic plan 2019-2029 where agriculture was placed to be a top priority item.

Deliberate policy framework was put in place. This is what the Kenya Kwanza Government is seeking to ensure that funding is put in place so that by 2029, farmers will not only have benefited but also the economy of this country would have been expanded especially within the agriculture sector.

Information relevant to each and every extension officer in this particular Bill will help the farmers to ensure that they achieve the services of these people.

As I support this Bill, I propose to the promoter of the Bill an amendment to Clause 11 of this proposed Bill. Prior to Clause 11, Clause 10 creates a board that is called Agricultural and Livestock Extension Services Board established under Clause 6.

The membership to the board is established under Section 11. I urge the mover of the Bill to amend the provisions of Clause 11(1)(b) which requires that membership to the board be persons holding a degree from a university recognized in Kenya, and extend that to be persons holding relevant degrees in the field.

Madam Temporary Speaker, when you look at Clause 10, the nominees under Clause 10(1) (d, e, f, g and h) require persons who are trained in a relevant field. For instance, one person representing national farm or producer organisations must be an individual qualified to be in that particular sector. The other person nominated by the Kenya Agricultural and Livestock Research Organisation (KALRO) must someone with expertise in that particular area. The reason I am proposing this is to ensure that we do not just put in political friends to run this board.

It would only serve the purpose when we nominate persons with very relevant skills and expertise to ensure their performance the moment they get in. Whoever is going to represent the National Association of Agriculture and Livestock Extension Service Providers must be somebody with those qualifications and skills. Similarly, representations of any other organ that is listed under Clause 10, (d, e, f, g and h) must be with relevant skills in that particular sector. As we have all said, agriculture is the backbone of our economy.

I applaud Sen. Tabitha Mutinda for bringing this timely Bill. I urge the county governments also, whose responsibility has been placed in the relevant section, they have been given specific roles because agriculture is a devolved function. The County Executive Committee Member (CECM) of that particular field must be supported by relevant regulations and legislation at the county level. We do not want this to become another Act of Parliament that will gather dust at both the level of the Senate where we will fully support, and at the county level.

Madam Temporary Speaker, I support. Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Seki is not here. He was the final Senator who wanted to contribute to this Bill.

I call upon the Mover of the Bill, Sen. Tabitha Mutinda to reply.

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker, I am happy this particular evening. I rise with a lot of humility and gratefulness to all my colleagues, most of the very senior, who have really supported this Bill. All colleagues have supported this Bill.

I thank Sen. Cherarkey who was the seconder of this Bill. I keenly noted some of the areas that the Members have pointed out. He talked about the diversity of products to

be increased, which will increase the nutritional value among other issues. The climate change issue is also going to be addressed in this Bill.

I thank Sen. Maanzo, who sought amendments as far as the service board is concerned. He talked about drip irrigation issues because in his county, we have the Thwake Dam, which is supposed to offer irrigation services.

I thank Sen. Okenyuri so much for emphasising that this is one of the manifestos of the Kenya Kwanza Government, and that agriculture is also urban. Those were the sentiments and I note them very keenly. I thank Sen. (Dr.) Oburu who mentioned that agriculture is the backbone of the economy. He requested for some amendments in terms of the officers who are going to be in place. They should strictly come from specific counties.

Madam Temporary Speaker, Sen. (Dr.) Khalwale requested the change of the name of the Bill. That it should start with name "County" agricultural extension service. These are the issues that I have noted and I look forward to follow on amendments. He also talked about the educational qualifications of the Chief Executive Officer (CEO). I have noted that. Sen. Wambua, the Senator from my home county of Kitui. I thank him because he looked into this Bill. He talked about the recruitment process, the district officers and the development of the board. He said development should be from within. Sen. Wambua, I noted that and I appreciate your contribution to this Bill.

Sen. Mungatana, MGH, also requested that the title of the Bill be changed. Further, he suggested that the extension officers should be at the ward level. I confirm that the Bill is focusing at the ward level to ensure we have extension officers who are equipped with the right information at the lowest level.

Madam Temporary Speaker, I acknowledge that Sen. Wafula said that the extension officers in office are idle and demoralized. There are gaps on how to communicate to the people. The Bill will be able to offer that through information technology. Sen. Beth Syengo, thank you so much for your contribution. I note that you said it is the agenda of the entire country and not just the agenda of the Kenya Kwanza Government.

Sen. Veronica Maina, our Temporary Speaker at the moment, I really appreciate you. You said that 33 per cent of the Gross Domestic Product (GDP) is dependent of agriculture. I noted that very well. You talked about the fund issue of Clause 27. I note that and look forward to the amendments. Sen. Mwaruma, thank you so much for your contribution. You appreciate that the farmers have an opportunity to increase their output.

Sen. Murango, as the Chair of the Committee I am very humbled that you have been here and also put your input and that of the Committee. You talked about soil PH and all that. Sen. M. Kajwang' I appreciate him on emphasizing that this Bill is the first one and it is going to give a framework. Sen. Osotsi, also talked about the same things that the extension officers should be at a central place within the bottom level of the different counties. Sen. Mungatana, MGH talked about the levels of education of the officers. Sen. Munyi Mundigi mentioned that agriculture is also mentioned in the Bible. I take note of that.

Sen. Oketch Gicheru, our good colleague, said that we should be able to categorise the large and small scale farmers. Sen. Methu, thank you so much. You emphasised that products on animal feeds have been low and can also be improved.

Madam Temporary Speaker, as I wind up, I also thank Sen. Wamatinga. He said that farmers do not have extension services. He also emphasised that the Technical and Vocational Educational Training (TVET) colleges that are in place should be able to offer these services. Sen. Faki, from Mombasa County said that there should be a budget on matters research in terms of methodologies of improving the agricultural sector. This needs to be considered; the right expertise to do good research and advise the farmers accordingly.

As I stated clearly, different counties have different products that thrive very well and research is very key. Sen. Nyutu has talked about the artificial insemination that he used to see at a younger age and how hygiene was also emphasised. Sen. Murgor talked about starvation to the extent that people die yet agriculture is the way to go. Sen. Wakili Sigei has also finished this particular debate and he has the same sentiments with the other colleagues. However, I also note the request for the amendment in Section 10, which talks about the board and the expertise of the board.

I promise to work on the many proposals made by my colleagues. I will work together with the legal team and the Committee to fasten the particular amendments that have been proposed.

At this point, Madam Temporary Speaker, I request that pursuant to Standing Order No.66 (3), you defer putting of the question to a later date.

I, thank you, Hon. Senators.

(Putting of the question on the Bill deferred)

Next Order!

I have reorganized the Order Paper. So, Clerk, call out Order No. 22. Sen. Tabitha Mutinda, I will give you very few minutes to move this Motion. Please exercise good discretion in the use of time.

MOTION

NOTING OF THE REPORT OF THE 61ST SESSION OF OACPS AND THE 42ND SESSION OF THE OACPS-EU JOINT ASSEMBLY

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. I note that we have the Bill for Sen. Wambua hence I will be very fast. Without wasting time, I beg to move-

THAT, the Senate notes the Report of the 61st Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS-EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November, laid on the table of the Senate today 20th June, 2023.

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The Cotonou Agreement is a treaty between the European Union and the African Caribbean Pacific Group of States. It was signed in Cotonou, Benin, by 78 OACPS countries. Just for the information of the House, the OACPS-EU Joint Parliamentary formerly referred to as ACP-EU is one of the organs of joint institutions established under the Cotonou Agreement.

The OACPS-EU Parliamentary comprise of more than 320 Members of Parliament and 49 organizations of African Caribbean Pacific States and Members of the European Parliament drawn from 27 Member States of the EU.

Negotiations have been ongoing for a new partnership agreement which will serve as the new legal framework for EU relations within the 79 African Caribbean Pacific States that will address global challenges together and prioritize these areas, including democracy and human rights, sustainable economic growth and development, climate change, human rights development, peace and security and migration and mobility.

The agreement will also replace the Cotonou Agreement, which will include a common foundation of ACP level combined with three regional protocols of Africa, the Caribbean and the Pacific with a focus on the region's specific needs.

It is based on three pillars including the development cooperation, economic and trade and political dimension. During the sessions highlighted in this Report, Parliamentary Assembly was informed that the deadline for signing the new post Cotonou was this month. That is why we have speeded up to put this Report.

The Assembly has heard that there has been a delay in signing the agreement. It is important to note that once the new agreement is in place by this month, 2023, OACPS-EU will meet once every year in Brussels and once in each of the three regional blocks; Africa, Caribbean and Pacific.

Three Standing Committees were established in the Joint Parliamentary Assembly. They include the Committee on Political Affairs of which Kenya is a member; the Committee on Economic Development, Finance and Trade and the Committee on Social Affairs and Environment.

The topic of enhancing cooperation on maritime security and promoting the rule of the law on the ocean was undertaken by Hon. Gladys Boss Shollei, the Deputy Speaker at the National Assembly and she was the leader of the delegation and made an intervention of the matters as follows: A complex and dynamic nature of maritime security. Maritime security is under new threat due to contested boundaries and navigation routes.

On matters political, I updated the meeting on the political situation in Kenya given that it was the first attendance of the meeting by the country following the August, 2022, elections. I reported that the process was peaceful before, during and after the elections and for the first time, the election results were transmitted electronically. The meeting also held an exchange of views on the report of chairpersons for the two Standing Committees.

On resolutions, the Committee was tasked with strengthening local mechanisms in dealing with maritime security as highlighted. I also enumerated Kenya's efforts to address these matters through the established Ministry of Mining at the Blue Economy

and Maritime Affairs and the establishment of the Kenya Coast Guard Service to deal with the issues of maritime security.

It was noted that Parliamentary diplomacy is an important aspect of the work of the House, which assists the country in fulfilling the international obligations and enhancing Parliament's role in international relations. During OACPS programs in Maputo, several important issues arose that require scrutiny and follow-up. They include climate change and ICG advisory.

It was highlighted that developed nations had not met the limits agreed upon regarding the reduction in emissions of greenhouse gases. Kenya is just like many other governments in the world that have legislation dedicated to the protection of the environment, experiences and challenges. It was reported that the OACPS Parliamentary Assembly in September, 2022, the Republic of South Africa wrote to OACPS indicating its intention to withdraw from the organization.

As I wind up, during this special session of OACPS, the Kenyan delegation thanked the OACPS states for their support during the term for Kenya's current presidency of OACPS Summit Heads of States, which came to an end in December, 2022.

I thank you and conclude by saying that many of the issues discussed at the recently concluded session are very relevant to our existing situation. It is hoped that the subjects covered will generate rich and meaningful debates and spur ideas that will help us resolve issues of international and national concerns.

I thank you Madam Temporary Speaker and call Sen. Wafula to second.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Wafula.

Sen. Wafula: Madam Temporary Speaker, I just want to say that the resolutions of the meeting about maritime laws, security, food sustainability, social welfare, cultural life, the economic value of avoiding money laundering and by extension ensuring that there is peace and tranquility across the Caribbean, African and Europe is what makes this association valuable and palatable to the Republic of Kenya. Therefore, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): Next Order!

BILL

Second Reading

THE MUNG BEANS BILL
(SENATE BILLS NO.13 OF 2022)

Sen. Wambua: Madam Temporary Speaker, the Clerk-at-the-Table is reminding me that I have one hour, but when I look at the clock, I have a few minutes. So, I will do my bit now then we will do the rest in the next sitting.

Madam Temporary Speaker, I beg to move that the Mung Beans Bill, 2022, be now read a Second Time. Before I go to the content of the Bill, I want to draw the attention of the Senate to Part II of the Fourth Schedule of the Constitution of Kenya, which lists the functions and powers of county governments. It goes ahead to list agriculture as the first function of county governments.

I have argued on this Floor and in other fora that you can never talk about counties or county governments and fail to talk about agriculture because the two are like siamese twins. Therefore, I beg to move that the Senate considers the Mung Beans Bill.

I realized there was a bit of confusion among Members. When you talk about mung beans, it is actually what we refer to as *ndengu*. At the Coast, they call it *pojo* and in common usage, it is green grams.

I beg to bring to the attention of this Senate a few background issues on mung beans. Research across the world has indicated that mung beans generate high financial returns. Perhaps, that is where my problem begins. These are beans that have for centuries or years on end enriched many people in this country and outside the country, but they continue to impoverish the farmers or people who grow the crop.

People who benefit from *ndengu* or green grams or mung beans do not grow the beans. They wait for the farmers to sweat on the farms, descend on the farms with trucks, buy the crop at throwaway prices, and sell the same beans at exaggerated prices in local and in international markets.

The reason I thought about bringing this Bill to the Senate and Parliament is a story that I will share in the remaining time before I continue moving the Bill in the next sitting.

In June 2019, I travelled to a place called Tseikuru, which is in Mwingi North of Kitui County. While at the market, I realized that there were so many trucks because it was a market day.

When I inquired from the residents about what was happening, I was informed that the trucks are brought by traders from outside the county who go to that market on Thursdays to buy *ndengu*. I made further inquiries and sent one of my assistants to buy me a kilogramme of green grams and they bought it at Kshs30.

When we came back to Nairobi, the following day I went to a leading supermarket in the City and randomly picked a package of one kilogramme of green grams. When I went to the till, I paid Kshs240 for the one kilogramme of green grams.

Since I am not a good cook, but I assure you my wife is, I took the two packages home; the one kilogramme that I bought at Tseikuru at Kshs30 and the other kilogramme that I bought from a supermarket at Kshs240. I asked her to tell me the difference between the two packages.

She took a keen interest and looked at the beans. According to her, the only difference between the two packages was that one was packaged in a simple cheap nylon paper and the other one was packaged in a branded expensive package. That is how the journey of the Mung Beans Bill started.

I realized that the same beans that were being sold at Tseikuru at Kshs30 per kilogramme, somebody transports them to Nairobi, perhaps just cleans them up and puts them in an expensive package relatively, and sells them at a supermarket at Kshs240. Essentially, that was eight times what they bought them from the market.

The same research findings show that, in fact, green grams across Africa are classified as women's crops. They are grown by women and the exploitation of women is so much that everyone seems to have resigned to the fate of the dictates of the middlemen. As a result of that, the crop continues to generate marginal returns for the farmers.

For the avoidance of doubt, this Bill was published in the Third Senate and received overwhelming support from the Senate, but did not proceed beyond the National Assembly.

In the contributions to this Bill by Members in the Third Senate, it was clear that green grams is a crop that can be grown in not less than 35 counties in this country. Currently, the crop is being grown extensively in Kitui, Makueni, Machakos, Tharaka Nithi, Meru, Embu, Taita-Taveta and sections of Kirinyaga County.

The most appalling statistics about this crop is that if you look at all the schedules of crops listed in the Crops Act No.16 of 2013, the ones that are supposed to receive attention from agricultural extension officers, the Ministry of Agriculture and Livestock Development and all sector of the Government that deal with agriculture and farming, mung beans is not even listed.

This crop has been trivialized in that list and in all those schedules, you will find in there dhanias and some other vegetables that we do not even consume in large quantities in this country listed as scheduled crops. However, mung beans is not listed.

As I move this Bill, we are not asking for the listing of mung beans or green grams as a scheduled crop. We want a standalone Act to regulate the production and marketing of green grams as a crop in this country with great market potential both locally, in the region and across the world. The crop is consumed in large quantities in Asian countries, the Middle East, in our country and in our region.

With that background information about mung beans, I want to move to the Bill, the Mung Beans Bill, 2022. So that we do not confuse our farmers, when we talk about mung beans, we are talking about *ndengu* or *pojo* or green grams.

The object of this Bill as captured in Clause 3 of the proposed Act is to provide a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung beans industry. The need for regulating this industry is long overdue.

Regulation of the mung beans industry should have happened many years ago. As I mentioned in my moving notes, if there is a section of agriculture where farmers have suffered the greatest exploitation by middlemen, it is in the production of mung beans. Therefore, we are bringing this Bill to regulate that industry and make sure that farmers get due benefits from their sweat on their farms.

Another object is to promote the use of mung beans, green grams or *ndengu* by the national and county governments in the implementation of feeding programmes.

Mung beans is listed as having the highest nutritional content compared to even the common beans we consume in this country. With a properly regulated mung beans industry, the import of this Bill is to ensure that both the national and county governments buy and package for use, mung beans in the school feeding programmes and for our military as well. That alone will enable us do a number of things. Firstly, it will stabilize the market prices for the beans. Secondly, it will create many employment opportunities in the process of value addition for packaging of these beans for feeding programmes.

That way, it will ensure handsome returns for farmers for their sweat on their farms. It will also boost the health of our children in schools and our military in the barracks and stations.

Another object of this Bill is to facilitate introduction of mung beans farming techniques and general modernization of the mung beans industry for cost control and productivity improvement.

Madam Temporary Speaker, I am happy to note that even though mung beans have not been listed in the scheduled crops, the Kenya Agricultural and Livestock Research Organization (KALRO) has undertaken extensive research on these beans. Out of that research, a lot of improvement has taken place and new varieties---

The Temporary Speaker (Sen. Veronica Maina): Sen. Wambua, sorry, we have to pause your debate. You will have 40 minutes to complete your debate.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 21st June, 2023, at 9.30 a.m.

The Senate rose at 6.30 p.m.