

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 7<sup>th</sup> 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 with the Speaker)*

Serjeant-at-Arms, kindly proceed to ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Serjeant-at-Arms, I am informed we have the quorum now. So, you may stop ringing the Quorum Bell.

Clerk, read the First Order.

### COMMUNICATIONS FROM THE CHAIR

#### UNTIMELY DEMISE OF MRS. MARYA ELIZABETH ADJIBODOU

**The Speaker** (Hon. Kingi): Hon. Senators, it is with deep sorrow that I notify you of the untimely demise of Mrs. Marya Elizabeth Adjibodou, Principal Clerk Assistant I, P/No. 99003735, serving in the Directorate of Legislative and Procedural Services in the Senate. Mrs. Adjibodou passed away in the evening of Tuesday, 6<sup>th</sup> June, 2023.

Hon. Senators, the Late Mrs. Marya Elizabeth Adjibodou was born on 24<sup>th</sup> December, 1968. She held a Master's of Science degree in Community Economic

Development and a Bachelor of Science degree in Marketing, both from the New Hampshire College in Manchester. The departed officer obtained her “O” and “A” levels at the Hillcrest Secondary School in Nairobi.

The Late Mrs. Adjibodou joined the Parliamentary Service Commission on 6<sup>th</sup> December, 2005, as a Personal Assistant in the then Office of the Vice President and Leader of Government Business. On 21<sup>st</sup> April, 2009, she joined the Directorate of Legislative and Procedural Services in the National Assembly as a Clerk Assistant, serving in the Table Office in Room 8.

Following the promulgation of a new Constitution in 2010, Mrs. Adjibodou joined the Senate Service in February 2013, as a Senior Clerk Assistant in the Directorate of Committee Services. She later joined the Directorate of Legislative and Procedural Services, where she rose to the level of Principal Clerk Assistant I, heading the Journals, Procedural Research and Records Department, where she served until her demise.

Indeed, Mrs. Adjibodou was on duty and called out the Orders at the Table in this Chamber yesterday afternoon. The late Mrs. Adjibodou has been an exceptional parliamentary officer who personified commitment and diligence in service.

Her death is indeed a big loss to the Parliamentary Service Commission, the wider parliamentary fraternity and the Senate in particular. Our thoughts and prayers are with her family, friends and colleagues at this most trying time.

A condolence book has been opened in the Office of the Clerk on the 1<sup>st</sup> Floor of the Main Parliament Buildings, for Members and staff who wish to convey their condolences to the family and friends.

Hon. Senators, on behalf of all Senators and the entire staff of Parliament and on my own behalf, I wish to take this opportunity to condole with the family of Mrs. Adjibodou, parliamentary staff and all her friends in this most difficult time.

The Parliament of Kenya has indeed lost a diligent and committed staffer. In honour of our departed staffer, I request that in the usual tradition, we all stand and observe a minute of silence.

*(Hon. Senators stood up and observed a minute of silence)*

Thank you. You may be seated.

May the soul of the late Mrs. Marya Elizabeth Adjibodou rest in eternal peace.

Hon. Senators, we need to agree that we restrict time. I know if not all of you, many of you would wish to say a word of condolence. Therefore, I will restrict to two minutes per person. I will start with the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir, for indulging us. This is a very sad day indeed for the Senate. When the news broke out this morning, it took a while for those of us who have served with Ms. Adjibodou over the years in this House, to come to terms with the fact that we now have to speak about her in past tense.

This sounds and looks like a description of a bad dream. Someone I sat 10 meters away from yesterday, looking fully energetic and served us well here, is no more. It

reminds us of the frailty of life and the fact that just like a candle, we can easily be switched off.

We celebrate Ms. Adjibodou. She was a very humble lady. I say this having served as the Chairperson of Staff Welfare for five years and interacting with many staffers here in Parliament, knowing each of their giftings and backgrounds. You would never know that she comes from one of the most respected families in the country. She would easily keep calm, serve Senators and members of staff equally and respected everybody that sought her services.

The Senate is all the poorer right now because of her absence from now going forward. We join the rest of the staffers in Parliament together with you in passing a word of condolences to her immediate family and friends. I hope that God will grant us fortitude to bear this loss.

Rest in peace our dear sister, Ms. Adjibodou.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I take this opportunity to condole with the family of our late friend and colleague, Ms. Adjibodou. For some reason, I just learned of that news about 30 minutes ago. So, the reality is still sinking.

Ms. Adjibodou served with distinction. She was a committed staffer and very amiable. I called her our daughter because of our origins.

Mr. Speaker, Sir, through you and the Office of the Clerk, I pass my condolence to the staff of Parliament, especially those who served at the Clerk's Table with Ms. Adjibodou. To the Director and colleagues, *poleni*. As the news sinks, as the Senate, we shall all unite to give Ms. Adjibodou a decent and befitting farewell.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, you have just broken the news to me. In fact, I was shocked when you mentioned her name. This is a lady who joined Parliament when she was a young person. I was a young person too.

You would never have known that Ms. Adjibodou was the daughter of Hon. Moody Awori. My special condolences to Uncle Moody and the rest of the family. Fare thee well, my sister.

**Sen. Osotsi:** Mr. Speaker, Sir, I join my colleagues to send my sincere condolences to the family of Ms. Adjibodou, for the untimely death of one of our most dedicated staffers here in the Senate.

I actually spoke to her yesterday when she was seated there. This morning, I was very shocked to hear that she is no more. This clearly demonstrates that life is a gift and can be turned off at any time.

I pray for Hon. Moody Awori's family at this mourning time, so that God gives them strength to endure the pain of the loss of one of our very great personalities in this Senate.

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I also rise to join my colleagues in expressing my deepest condolences to the family of Ms. Adjibodou and, indeed, her closest colleagues.

Mr. Speaker, Sir, this is a lady that was very composed. This is not to mean that our colleagues who wear blue are not composed as her. She was very serious with her job and duties.

Just like Sen. Osotsi has said, this is a lesson to all of us that death can knock at the door of anyone at any time. Though we may not preach in the Senate, we need to be sure of our destiny any time that we leave.

I do not want to take much time but to say it is a great loss to the Senate. To the staff, led by the Clerk, may God rest her soul in eternal peace.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I wish to join you and the entire family of the Senate in passing sincere condolences to the family of Mrs. Adjibodou, especially Uncle Moody who was the father and a very close friend of Mrs. Adjibodou.

Yesterday, I attended the Speaker's Panel where Ms. Adjibodou was and she did not look sick. When we came to the House, I saw her with the mask. I think she had a bit of flu. This morning, I went off to the United Nations (UN) Habitat. I got the news of her passing while I was trying to register in Gigiri. Of course, she passed yesterday but the news came out to the wider community today.

Mr. Speaker, Sir, I am personally devastated. Mrs. Adjibodou and the rest of the team have been handholding me in terms of learning the ropes in the Senate. She has been a friend. Beyond that, her daughter, Sade, was classmates with my daughter. Her sister-in-law, Ms. Mercy Awori, is a good friend of mine. So, I feel the loss.

I know it is extremely devastating to the Awori family and to her husband. I wish to ask that we continue praying for the family and put them before God. May her soul rest in peace.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. On my own behalf, that of my family and the people of Nandi County, I take this opportunity to pass my deepest condolences.

Yesterday, our sister was here. Although she was wearing a mask, she looked okay. I was shocked to receive the sad news in the morning that she is no longer with us.

Mr. Speaker, Sir, coincidentally, I intended to bring the Petition about MCAs that I brought about yesterday as a Motion. However, I sat down with Marya and she took me through the entire process. She advised me that it will be better for it to come as a Statement for it to receive the necessary attention.

For us who have worked with her, she was always composed and respectful to all Members. She was a stickler to the parliamentary procedures. We looked up to her, most of the time, for consultation on what we intended to present before the House.

Mr. Speaker, Sir, I remember whenever I passed around the offices of parliamentary staff here in the Senate, she was always standing, moving from one desk to another, trying to make things in order. So, it is shocking that we have lost her. We have lost an epitome of experience in this House.

My condolences to the Clerk and the rest of the staff.

Mr. Speaker, Sir, I am not saying our staff are not well catered for. However, as a House, through the Parliamentary Service Commission (PSC), going into the future, we must ensure that the welfare of our staff is our top priority alongside ours.

*Poleni sana* to the family.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. My deepest condolences to you, Clerk. This Table of the Clerk will never be the same again.

I remember Marya very well. At any time when I was in doubt and needed clarity, I would always approach her and she would be fast to guide me correctly.

Mr. Speaker, Sir, her death reminds me, and it ought to remind all of us that we are all passing through. There is a lot that is happening in this country. Families are going through a very hard time. People are falling. It is time we ask ourselves what is going on.

Today, it has hit so close to us. That is why in the entire precinct of Parliament there is a sombre mood. I walked into the Secretariat offices and everyone is sad.

We are sad because we have lost someone very close to us. I hope that for the time that she has served this country, because being here as a Principal Clerk Assistant having started from being a personal assistant, she has learned a lot.

Most of us will miss her agility and dedication to service. That is something that we must learn. Today is a very sad day. I hope that her family will know that the family here in the Senate, whether we debate vigorously or not, we condole and share with them their joy and tears.

I pray that God may receive her soul and rest it in eternity.

**Sen. Mungatana, MGH:** Bwana Spika, ningependa kuchukua nafasi hii kutoa salamu za rambirambi zangu pamoja na familia yangu na watu wa Kaunti ya Tana River, kwa jamaa na marafiki wa familia hii ya Seneti.

Sisi tukiwa hapa ni wachache. Lakini, Mwenyezi Mungu, kwa mipango yake ametuondolea mmoja wetu katika familia hii. Wakati mwingine hatuna majibu kwa maswali maanake kuna wale wengine ambo ni wengi zaidi. Hatusemi angechagua kule lakini ni wengi zaidi kuliko huku. Lakini, Mwenyezi Mungu aliona achukue mmoja wetu.

Tunasema pole kwa sisi sote haswa wale waliokuwa wakifanya kazi karibu na yeye.

Pili, ninatoa pia rambirambi zangu kwa familia ya Makamu wetu wa Rais wa zamani, Mzee Moody Awori, ambaye tulifanya kazi naye. Tunasema pole sana.

Sisi ambao ni wazazi, hua hatuombi na hatutarajii ya kwamba watoto wetu watatembea kwenda mbele ya haki kabla yetu.

Kwa hivo tunasema pole sana kwa Mzee, familia na sisi sote. Mungu atupe nguvu kwa wakati huu mgumu na atupatie neema tuweze kupitia wakati huu.

**The Speaker (Hon. Kingi):** Sen. Sifuna.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. Let me join the rest of my colleagues in passing my condolences to the family of the late Marya.

Mr. Speaker, Sir, every now and then, life will serve us these little reminders that, in fact, life itself is very fickle.

The Office of the Clerk and our colleagues here will remember that, earlier this year, we lost another colleague in similar circumstances. That, we could be here today with you and the very next day, it is a Speaker making that Communication about me. That really raises difficult questions in our minds on the meaning of all this. Sometimes, we ask ourselves: Why are we even here and what is our purpose?

The fact that Marya was working in the service of the Senate and in the service of her country until the very last day is a testament to her dedication.

We say *pole* to the family of the late Marya and to the colleagues who worked with her.

Always remember that this could be our very last day, each one of us, and that tomorrow, we could be having this conversation about one of us. It is an eerie *deja vu* for me because people have been dying when least expected.

I remember when we were in Dubai, we lost our brother Wellington. It did not seem like something was wrong with him, and so with Marya.

Mr. Speaker, Sir, allow me to just pass my gratitude for her service and to pass my condolences once again.

May the Lord rest her soul in eternal peace.

**The Speaker** (Hon. Kingi): Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker, Sir. I pass my condolences to the family of Marya, the husband and the children that she has left.

It is quite sad. This is my first time to stand in this House to give condolences. You never know when the bell will ring.

As the Senator for Nairobi City County has mentioned, we lost another colleague by the name Wellington, a few months ago in Dubai. He was a colleague and a staff in this Senate. It is quite a sad state. It is quite shocking. However, I am happy that we have good words for Marya.

She was dedicated, eloquent and good in the roles that she was undertaking. As we continue delivering our services, it is good to ask, what you will say about me when you will be talking about me one day.

One day, we shall all go. Therefore, it is important to always try and make sure whatever opportunity that God has given to us, we do our best so that we leave a legacy for tomorrow.

We celebrate Marya. We continue to celebrate Wellington because we did not have an opportunity to celebrate him. We continue to work together with the Office of the Clerk. From the time we came to this Parliament, you have always supported us.

I appreciate your office. May God bless you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Oburu.

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir, for the opportunity. I also join the voices of my colleagues in passing condolences to this great family, hon. Awori's family. I knew this lady. She was very humble, hardworking, and simple. These are the qualities for which the Awori are known. She was a replica of her father.

Her father loved her dearly; her mother also loved her dearly. This is a family with whom we have had a very long relationship as a family. Her grandfather; Cannon Awori, is the one who baptized me when I was a small child. This is a great loss to us, as a Senate, and to the family. I join the rest of the Senators in asking that the Almighty God rest her soul in peace.

**The Speaker** (Hon. Kingi): Sen. Wamatinga, you may proceed

**Sen. Wamatinga:** Thank you very much, Mr. Speaker, Sir. I also like to join my colleagues in passing my message of condolences to you, to the Clerk, and to all of us. I may not have interacted with Maria personally, but since we joined the Senate a couple of

months ago, the Parliamentary Service Commission (PSC) has stood out in one thing. They have held their hands with a lot of kindness to the new Members and most importantly, with a very humble approach and attitude and a lot of respect.

As my colleague, Sen. Sifuna has said, we lost another colleague just a few months ago in Dubai, and it was very hard as it is now. The late Wellington was someone who had no signs of any illness or sickness and he passed on just like that. It is a reminder to us all that we are just transiting in this world and it is not our home.

I challenge us all to start defining our relationship with ourselves and most importantly, with our maker because this world, as much as it is not our home, we may not know who is next. I take this opportunity to pray that God gives the family and the colleagues solitude and fortitude to overcome these hard moments.

May her soul rest in peace. I thank you.

**The Speaker** (Hon. Kingi): Sen. (Prof.) Kamar, please, proceed.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for the opportunity to join you and my colleagues in condoling the family of Mrs. Marya. It is so shocking; It is difficult to imagine that Mrs. Marya is now late, very shocking.

I have known Mrs. Marya since I came to the Senate. I have been very fortunate to work closely with her. She was in charge of the Organisation of African, Caribbean and Pacific States (OACPS) and desk of Organisation of African, Caribbean and Pacific States – European Union (OACPS- EU). I travelled with her to unique countries. She was a very diligent, respectful, jovial and happy person. She was such a beautiful heart.

As Sen. (Dr.) Khalwale has said, there was no Hon. Awori in Mrs. Marya. She was her own person. She worked for herself; something that all of us in this House would wish our children to have so that they are not an attachment to the legacies of their parents, but become themselves. Whenever we travelled, Mrs. Marya was an amazing person. You will not believe that this was a Senator and a staff. We were like friends. We were very fortunate to go to unique countries. I travelled with her to Slovenia and Hungary. When we decided with Ms. Marya to go shopping, we always enjoyed ourselves. The latest was when we went to France last year, the last meeting of the OACPS- EU before the House went on recess.

**The Speaker** (Hon. Kingi): Your time is up!

*(Sen. (Prof.) Kamar's microphone went off)*

**Sen. (Prof.) Kamar:** Give me one minute, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed.

*(Sen. (Prof.) Kamar's microphone was switched on)*

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for giving me one more minute. The late Marya was just a wonderful person. I say pole to the Awori family and the staff because she was a friend to everybody. I think there is nobody whose heart she did not touch, be it her fellow staff and the senators.

May her soul rest in peace. I thank you.

**The Speaker** (Hon Kingi): Sen. Kinyua, you have the Floor.

Hon. Senators, let us keep it two minutes or under.

**Sen. Kinyua:** Asante sana, Bw. Spika, kwa kunipa fursa hii. Ninachukua fursa hii kuleta risala za rambirambi za familia yangu pamoja na watu wa Kaunti ya Laikipia.

Bw. Spika, ninataka kuungana nawe kusema pole kwa familia kwa sababu ninamjua vizuri sana Bi. Marya. Muda uliopita, nilipokuwa Spika wa Muda, tulifanya naye kazi vizuri kwa karibu na nilimjua kama mtu aliye makinika katika kazi yake. Sitasahau ya kwamba, Bi. Marya aliongea kwa lugha ya Kiingereza akimakinika kabisa.

Ninakumbuka vizuri sana kila wakati nilipokuwa pale akija, alikuwa akinileleza kwa sababu ilikuwa mara yangu ya kwanza kuketi katika kiti hicho, nilimtegemea yeye sana. Namkumbuka nikiwa na uchungu kwa kumpoteza.

Ni jambo la kuvunja moyo wakati sisi tunaongea hapa kila wakati tukiomboleza ndugu zetu. Nakumbuka nilisimama hapa mara ya kwanza nikimwomboleza Mheshimiwa Ben Aluoch, tena nikasimama nikimwomboleza Mheshimiwa Sen. Kabaka. Tena nikasimama hapa nikimwomboleza Bw. Wellington Namenge. Na hivi sasa kwa uchungu tena ninasimama kumwomboleza Bi. Marya.

Ijapokuwa Bibilia inasema kuwa Mungu hajibu maswali ila hujibu maombi, sisi kama binadamu tuna uchungu kwa kumpoteza mmoja wetu ambaye tulifanya naye kazi. Kwa familia, ninawaambia pole, hata ijapokuwa hiyo ndiyo njia hata sisi ambao tunangoja tutaipitia, tujiulize tu maswali, wakati wetu utakapofika, mimi Sen. Kinyua, nitakuwa ninamjua Mungu kwa njia gani? Kwa sababu hiyo ndiyo njia na ninangojea---

*(Sen. Kinyua's microphone was switched off)*

**The Speaker** (Hon. Kingi): Sen. Kibwana, you have the Floor

**Sen. Kibwana:** Thank you, Mr. Speaker. Sir. I also rise, to condole with the Senate family; the Clerk, Deputy Clerk, you, Mr. Speaker, Sir, colleagues, directors and everyone else.

Death is inevitable, but how cruel it seems at times. It is unfortunate that we have lost Mrs. Marya. I used to joke with her; I used to call her Madam Abuju Buju and also called her Madam Motion. It is really unfortunate and on behalf of Kenya Women Senators Association (KEWOSA) *tunasema pole sana*.

Sen. Mumma and I managed to go to Lee Funeral Home and join our colleagues. We met the husband and the brother. It was very sad the way the husband narrated; it was just a sudden death. We say *pole* to the family. As Muslims, we say, 'From thee, we come from and from thee, we shall return.'

May her soul, rest in peace.

**The Speaker** (Hon. Kingi): Sen. Munyi Mundigi, you may proceed.

**Sen. Munyi Mundigi:** Asanta Bw. Spika. Mimi na Jimbo la Embu, tunaleta rambirambi zetu kwa familia na pia kwa Seneti na pia kwa wafanyi kazi.

Mimi sijaongea na Bi. Maria sana lakini jana, mwendo was saa sita, nilikuwa ninahitaji uzaidizi wa Clerk lakini wakati nilifika pale akaniuliza kuwa ni usaidizi upi



nilitaka. Nilimwambia kuwa hata yeye angeweza kunisaidia kwa sababu ilikuwa kuhusu kesi ya kushtakiwa na *Personal Assistant (PA)* wangu. Marehemu Maria alinielekeza kwa ofisa mwingine na tukaongea. Afisa huyo aliniambia nilete makaratasi leo ili niweze kusaidiwa. Ujembe kuhusu kifo cha Marehemu Maria uliponifikia, niliangalia picha hiyo na nikasitikika nikaona kuwa ni yule *Madam* niliyezungumza naye jana. Ningependa kutoa rambirambi zangu na kusema pole.

Kifo kinatufunza sisi sote kwamba kinaweza kuja wakati wowote, hata kama umejiandaa kwenda kazini. Kifo kinatufunza tuwe tayari wakati wowote, iwe usiku au mchana, kwa sababu tunaweza kutoka katika ulimwengu huu.

Asante sana, Bw. Spika.

**The Speaker** (Hon. Kingi): Proceed, Sen. Faki.

**Sen. Faki:** Bw. Spika, asante kwa kunipa fursa hii ili niweze kujiunga na wenzangu kutoa rambirambi zetu kwako, kwa Katibu wa Bunge na familia ya mwendazake, Bi. Marya Adjibodou.

Bw. Spika, kwa hakika ni pigo kubwa, sio kwa familia yake peke bali pia kwa Bunge hili la Seneti. Bi. Marya alikuwa mfanyikazi ambaye alikuwa anafanya kazi yake kwa uangalifu zaidi na kwa haraka, iwapo atahitajika kufanya hivyo kwa haraka.

Bw. Spika, nilimjua Bi. Marya kutoka mwaka wa 1980 tulipokuwa wanafunzi katika Chuo Kikuu cha Nairobi. Alikuwa akisomea Bachelor of Arts na mimi nilikuwa nikisomea uanasheria. Nilimpata hapa nilipokuja kwa muhula wangu wa kwanza na baada ya kuzungumza na yeye, tukajuana kwamba ni kweli tulikuwa mwaka mmoja katika Chuo Kikuu.

Mwaka uliopita, tulisafiri nayee kwenda France kwa maswala ya ACP-EU. Kwa hakika, mara nyingi alikuwa mtu mwenye usaidizi mkubwa katika safari hizo, sio tu kwa mambo ya kawaida ya usaidizi wa protocol, lakini pia kwa yale maswala ambayo yanayozungumziwa katika mikutano hiyo. Alikuwa na umahiri na kwa hivyo, alikuwa wa msaada mkubwa kwetu sisi ambao tulikuwa tunashiriki katika mikutano ile.

Bw. Spika, hiyo ndiyo njia yetu sote. Sisi Waislamu husema, "*inna lillahi wa inna ilayhi rajioon.*" Mwenyezi Mungu alilaze roho yake pahali pema peponi.

Asante.

**Sen. Wafula:** Bw. Spika, asante sana kwa nafasi hii. Kwa niaba yangu, familia yangu na watu wa Bungoma, ninatoa rambirambi kwa familia ya mwendazake. Nilimjua kama mama mcheshi, mkarimu na mpole, ambaye hakuwa na majivuno ama kujigamba. Alikuwa mchapakazi ambaye alijitolea kwa hali na mali kuhakikisha kwamba mchango wetu katika Seneti inahakikiwa na kunakiliwa kwenye kumbukumbu za Jumba la Seneti na kuhakikisha kwamba Kenya inapata haki kwa kipato kidogo, kile ambacho Wakenya wanatozwa.

Bw. Spika, vile vile, ningependa kutoa rambirambi kwa familia ya mwendazake, kwa sababu wahenga walisema kwamba tunda hili la binti huyu lilianguka kwenye shina la mti na ukiashiria vyema, unaona taswira ya Mhe. Moody Awori. Ni kielelezo kwa wengi wenye tajriba, pesa, uzoefu wa kisiasa na uzoefu wa kushika hela. Kwamba, japo hadhi ya wazazi wako katika nchi yetu, ni lazima tuwe wapole, wakarimu na wachapakazi, kama vile marehemu alivyojieleza na kufanya kazi katika Seneti.

Tunamwombea kwamba safari yake iwe nyepesi. Afikapo kule katika mkono wa kiume wa Maulana, amwambie kwamba tuko safarini kutenda wema kwa walio wema na kutenda wema kwa wasio wema. Wahenga hawakukosea waliposema tenda wema nenda zako.

Asante sana, Bw. Spika.

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I have been sitting here trying to find the right words because sadness and shock does not cover it. I am still feeling a bit sick to my stomach as I stand with the idea that Marya is not here.

Mr. Speaker, Sir, from the very first day that I walked into the Senate and Parliament in general, Marya was the first person that I met. She was one of the first persons to call me Senator. She was the one who stood here with me for over an hour, helping to rehearse before my swearing in. She is the one who was calming my nerves, telling me, "You will do great, Senator." We have an inside joke actually, that I was one of the few Senator that she has ever seen in her time here that actually pronounced the word "conscientiously" correctly during oath.

Mr. Speaker, Sir, in one of the first workshops that we had in Mombasa, it was Marya who stood up for me in meetings and said: "Why do we not ask Sen. Crystal Asige to Chair one of these sessions?" That was the first and only session that I have ever chaired since becoming a Senator. It was because of Marya; because she saw me out of everybody else.

Mr. Speaker, Sir, just recently as Azimio was rearranging the committee membership; I remember sitting in the Senate lounge and trying to think which committee might I want to offer myself to. Marya came and sat down with me and I asked her what she thought. She said, "Senator, I think you should try one of the big ones. Do not be scared. I think you will do great on the Speaker's Panel." I said no---

*(Sen. Crystal Asige's microphone was switched off)*

**The Speaker** (Hon. Kingi): Please, conclude.

**Sen. Crystal Asige:** Thank you. She said that I would do great on the Speaker's Panel. Actually, her words were, "Senator, I think you will kill it." So, I applied.

Mr. Speaker, Sir, my point is that she extremely encouraged me. She saw past the disability and just saw a woman; somebody who like her, has humor. We connected on wit. Generally, she has been extremely encouraging and supportive in my life here. If I do not say this directly to her family; I am so sorry to her husband, daughter who is in college and son who is still in high school. We are so sorry for your loss.

I thank you.

**Sen. Wakili Sigei:** Thank you very much, Mr. Speaker, Sir. Indeed, it is a sad day. The person who held my hand from the first time I came into the Senate and also during the first meeting of the Speaker's Panel and has been reaching out over time was Marya. It is sad that we have lost her.

She dropped me a message yesterday, inviting me to join the rest of the team of the Speaker's Panel. I told her I was not going to be available. I did not know that today, she will be no more. Indeed, this world is not our world.

Mr. Speaker, Sir, I join you and the rest of my colleagues in the Senate to condole with the family. I ask God to grant them grace to mourn the loss of Marya. We are all mourning and we pray that her soul rests in eternal peace.

I thank you, Mr. Speaker, Sir.

**Sen. Shakila Abdalla:** Bw. Spika, asante kwa kunipa nafasi hii, kutoa rambirambi zangu kwa familia ya Marya. Tulijuana na Marya nikiwa Bunge la Kitaifa kabla nje hapa Seneti. Tulifanya na yeye kazi vizuri sana. Nimewahi kusafiri na yeye. Hata nilipokuwa nikipata mjukuu wangu wa kwanza, Marya aliwahi kumnunulia zawadi nilipokuwa nikimfanyia shopping.

Bw. Spika, Marya alikuwa karani mtaalamu ambaye alikuwa akifanya kazi yake kwa uadilifu sana. Ni masikitiko kwamba hayuko na sisi leo. Alikuwa karani ambaye ni msaidizi mkubwa kwa kila mfanyikazi na kila Seneta. Leo hii hayuko na sisi lakini tunasema sisi waislamu, "*kulu nafs dhayigat al mawt.*" Kila nafsi itaonja mauti. Binadamu wote watakufa, kila mtu na siku yake. Jambo la muhimu ni sisi sote kuhakikisha na kudhibitisha kwamba tunawacha mambo mazuri nyuma baada ya kuondoka, kama vile tunamwongelelea mwenzetu Marya kwa uzuri. Sisi sote ni mashahidi wa Marya kwa sababu aliishi na watu vizuri. Sisi ndio tutakuwa mashahidi wake kule aliko, mbele ya Mwenyezi, kwa kumwongelelea vizuri kwa sababu aliishi vizuri.

Natoa rambirambi zangu kwa familia, bwana yake, watoto, Katibu wa Seneti na pia kwako Bw. Spika.

Asante sana.

**Sen. Miraj:** Asante, Bw. Spika. Ninatoa rambi rambi zangu kwa Bunge la Seneti, wewe, Spika wetu, Clerk wetu, wafanyikazi wenzake, jamii yake, mume wake na watoto wake. Kwa hakika ni pigo katika Bunge hili.

Alikuwa mfanyikazi mzuri. Japo sikuwahi *interact* naye, ninasimama kutoa rambi rambi zangu.

Mwenyezi Mungu amweke mahali pema peponi dada yetu.

**The Speaker** (Hon. Kingi): Sen. Montet Betty, you may have the Floor.

**Sen. Montet Betty:** Thank you, Mr. Speaker, Sir. Indeed, it is a sad day especially looking at that desk where Marya was yesterday and she is no more today. I send my condolences to you, Mr. Speaker, Sir, the Office of the Clerk, the family of the Senate, her family and her larger family. May God comfort them from above and may her soul rest in peace. Amen.

**The Speaker** (Hon. Kingi): Sen. Okenyuri, you may have the Floor.

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I join the rest of the Senate fraternity in sending my sincere condolences to the family of Marya.

I, actually, first had an interaction with Marya when I had come up with a Statement on civic education which was not later processed. After advising me, they actually thought the Statement would make a very good Bill proposal. After that

guidance, Marya took me through and I had an opportunity of now drafting the County Civic Education Bill through her inspiration.

Marya was a very diligent, decent and dedicated staff member. As a young legislator, I really had quite some inspiration from her because she really encouraged me. She thought there was so much I could do on this Floor of the House and serve Kenyans in general.

Upon learning about her sudden demise, I was really shocked. I feel sorry that we have lost her at such a time. In all that, I will share the memories we had for the short time we interacted.

May the good Lord rest her soul in eternal peace.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Beth Syengo, you may have the Floor.

**Sen. Beth Syengo:** Thank you, Mr. Speaker, Sir. I join my colleagues to pass my condolences, first, to you, the Clerk, the entire staff of Senate and all of us as a House.

I knew Marya as a very cool and composed staff who was very dedicated to serve even us who have just joined the Senate. She was ready to guide us in so many areas. I am also shocked to learn of her demise. I send my condolences to the family.

May her soul rest in peace.

**The Speaker** (Hon. Kingi): Sen. Kisang, you may have the Floor.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. On behalf of my family, the people of Elgeyo-Marakwet County and myself, I wish to convey sincere condolences to you, the Clerk, the staff of Senate, ourselves and the family for the loss of Marya.

I have seen Marya since I came to this Senate this year, always ever present in the House. We pray that the Almighty God will comfort the family, give them peace and strength during this difficult time.

May her soul rest in eternal peace.

**The Speaker** (Hon. Kingi): Sen. Onyonka, you may have the Floor.

**Sen. Onyonka:** Bw. Spika, kwa niaba yangu kama Seneta wa Kaunti ya Kisii, kama kijana wa aliyekuwa Mbunge wa Kitutu Chache zamani, Dr. Zachary Onyonka, ambaye alifanya kazi na mzee Moody Awori, ningependa kutoa rambi rambi zangu kwa familia ya mzee Awori, kwako wewe binafsi kama Spika wetu na wafanyikazi wote wa Seneti.

Bw. Spika, mama Marya ni mtu tulikuwa tunamheshimu. Unavyojua, nimekaa hapa kwa muda na nimekuwa nikimwona wakati Seneti ilipofunguliwa. Amefanya kazi tangu nikiwa Mbunge katika Bunge la Kitaifa.

Pole kwa familia, marafiki na wale wote ambao wamehusika kwa kuchangia na kuhakikisha kuwa amefanya kazi nzuri kwa hili Bunge la Seneti.

Mwenyezi Mungu aiweke roho yake mahali pema peponi. Shukrani.

**The Speaker** (Hon. Kingi): Sen. Veronica Maina, you may have the Floor.

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir. I take this opportunity to offer my deepest condolences to the Speaker, the Clerk and the entire fraternity of the staff members in the Senate. I specially offer my heartfelt condolences to Marya's

husband and the daughter, the wider family and friends and all those who cared for her and her friends.

When I first came to this House and I was placed in the Speaker's Panel, Marya was among the first people I dealt with in the Senate. She was very kind. I told her of my fears that I was not sure how I was going to perform on that seat. She gave me such an assurance and kept saying that I should not worry since they would give me all the guidance I needed. When we finished with that session, she waited for me outside after I had completed the first day and she assured me once again that we had done okay.

Mr. Speaker, Sir, she was one of those very kind souls that I have met; an intelligent woman and very hardworking. I believe she was one of the best staffers in the Senate and her departure lives a very big gap.

We wish her family God's grace and fortitude as they mourn and prepare for the burial of our sister Marya. I assure the family, friends and the Senate fraternity that we are praying for them.

May her soul rest in eternal peace.

**The Speaker** (Hon. Kingi): Sen. Abdul Haji, you may have the Floor.

**Sen. Abdul Haji:** Mr. Speaker, Sir, thank you for giving me this opportunity to send my condolences to the family, friends and colleagues of Marya.

I knew Maria very well. In my last foreign trip, we actually travelled and spent a lot of time together. I always wondered about her second name which she explained to me. She even went into details to tell me how she met with the husband and how she changed her name, which sounded very foreign to me at that time.

It is indeed very sad that we learnt of the news of her demise today. All I can do is wish the family peace and patience during these tough times that they will be going through.

I finish by saying that to God, we belong and to God we shall all return.

Thank you.

**The Speaker** (Hon. Kingi): Thank you, Senators, for those very touching, warm and moving condolences. The Office of the Clerk will be communicating to us about the arrangements as we prepare to take our sister to her final resting place.

Clerk, kindly proceed to call the next Order.

VISITING DELEGATION FROM KORIEMA  
SECONDARY SCHOOL, BARINGO COUNTY

**The Speaker** (Hon. Kingi): Before I call the Senate Majority Leader to lay the Papers, allow me to make this Communication.

This afternoon, I would like to acknowledge the presence of visiting teachers and students from Koriema Secondary School, Baringo County in the public gallery. The group comprises five teachers and 57 students who are in the Senate for a one-day academic exposition.

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

Senate Majority Leader, take a minute to welcome the guests as you proceed to lay the papers.

## PAPERS LAID

### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the table of the Senate today, Wednesday 7<sup>th</sup> June 2023

Report of the Auditor General for the County Governments (County Executives) (Volume 1) for the Financial Year 2021/2022.

Report of the Auditor General for the County Governments (County Assemblies) (Volume 2) for the Financial Year 2021/2022.

The Office of the Controller of Budget's (CoB) Annual Report and Financial Statements for the Financial Year 2021/2023.

Report of the Auditor General on the Financial Statements of the County Facilities Improvement Fund Board for the County Government of Taita Taveta for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of the Municipality of Rongo for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Migori County Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Kikuyu Water Company Limited for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Karuri Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Kiambu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements on the Receiver of Revenue – Revenue Statements for the County Government of Kiambu for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Kiambu County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor General on the Financial Statements of Kiambu County Emergency Fund for the year ended 30<sup>th</sup> June, 2022. (The Senate Majority Leader)

Mr. Speaker, Sir, I beg to lay.

*(Sen. Cheruiyot laid the documents on the Table)*

Mr. Speaker, Sir, I also want to join you in welcoming the students from Koriema Secondary School in Baringo County. I wish them a fruitful tour as they take a study of the Senate. I hope that they get to maximize their stay here, learn and interact with Members. I have not seen their Senator, Sen. Cheptumo. I was with him earlier today, but I guess he is held up elsewhere.

Mr. Speaker, Sir, I do not know if you know this fact that no matter where you travel in this world, you will never eat sweet goat meat than that of Koriema where this school is located. I know that for a fact. I have tasted goat meat all over the world. It is unfortunate that they did not carry some for me and Sen. Sifuna. I know how sweet their goat meat is.

As Kenya Kwanza administration, we are pushing for the idea of having county aggregation centres. Apart from the many things that Baringo County will do, they will be able to package that sweet meat safely and have it delivered to our various addresses. We will pay premium amounts for it because it will be worth every penny spent.

To the students, I wish you well. May you succeed and dream beyond your wildest imagination. Do not be limited by anything. You can achieve whatever you dream and set out to do.

Thank you, Mr. Speaker, Sir.

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

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker (Hon. Kingi):** Statements Pursuant to Standing Order No. 52(1). Sen. Cherarkey.

#### EXEMPLARY PERFORMANCE BY FAITH KIPYEGON AT THE WANDA DIAMOND LEAGUE 2023

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I confirm what Sen. Cheruiyot is saying about the meat from Koriema.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52 (1) to make a Statement on an issue of general topic of concern and national importance, namely; the exemplary performance by Kenyan athletes and smashing of the women's 1,500 metres world record by Faith Kipyegon at the Wanda Diamond League 2023 Golden Gala at Ridolfi stadium in Florence, Tuscany in Italy.

It was a great moment for Kenya when history was made by our very own Faith Kipyegon when she shattered the world record for the women's 1,500 metres race, setting a new record time of 3.49.11. Ms. Kipyegon smashed the record of 3.50.07, previously set by Ethiopia's Genzebe Dibaba in Monaco in 2015.

Mr. Speaker, Sir, Ms. Kipyegon, an Olympian and current world 1,500 metres champion, has gone on to assert her position as one of the all-time greatest women

athletes in the 1,500 metres race, breaking the world record which has been elusive and missing in her career.

Mr. Speaker, Sir, Kipyegon's journey to the top is like a fairy tale, having started with a sweep of the world under-18 and under-20 titles in 2011 and 2012, respectively and 17 Diamond League victories since her debut in the League in 2015. With her latest results, she has become the greatest woman runner of all time in the 1,500 metres race in Kenya and the world.

Mr. Speaker, Sir, I also wish to congratulate Ferdinand Omanyala, the fastest man in Africa for finishing second at the same Diamond League in Florence by clocking 10.05 seconds.

This superb performance by our athletes has shown our upcoming athletes that through determination and hard work, everything is possible and that more world records are coming our way.

Mr. Speaker, Sir, I continue to call on our athletes to remain clean and dedicated in their careers by avoiding the doping menace that has ended careers and dented the image of many athletes and the country at large.

I also call upon the Government, Athletics Kenya (AK) and the National Olympics Committee of Kenya (NOCK) to engage these upcoming and promising athletes as Kenya's brand ambassadors in sports, tourism and in marketing Kenya abroad. Issue them with diplomatic passports and ensure that their finances and rewards are proper and well-structured to keep them motivated at all times.

Finally, on behalf of the great people of Nandi, the Source of Champions, I wish to congratulate our own Ms. Faith Kipyegon, Ferdinand Omanyala and all our athletes and wish them well, assuring them of my commitment and support at all times as they continue representing of our nation.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Next Statement by Sen. Tabitha Mutinda.

REGULATION OF SAND HARVESTING  
IN KITUI COUNTY

**Sen. Tabitha Mutinda:** 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 on the regulation of sand harvesting in Kitui County.

In the Statement, the Committee should-

(1) Outline the actions undertaken by the National Environment Management Authority (NEMA) and relevant county departments to ensure sustained enforcement of laws and regulations pertaining to natural resources, including sand harvesting in Kitui County, in order to eliminate cartels exploiting the country's natural resources without benefiting the resident host counties and the national Government.

*(Sen. Cherarkey consulted loudly)*



**The Speaker** (Hon. Kingi): Sen. Cherarkey, kindly consult in low tone so that we can hear the Senator.

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker, Sir.

(2) Provide details of guidelines formulated and implemented by Kitui County and the NEMA in relation to sand harvesting, with a specific focus on managing and mitigating the impact of sand harvesting on the environment of the host communities.

(3) State measures being taken by Kitui County and the NEMA to carry out regular monitoring and inspections in order to guarantee compliance with environmental regulations regarding sand harvesting.

(4) Recommend measures to stop illegal sand harvesting in Kitui County and the country at large, including ensuring illegal harvesters are brought to book.

**The Speaker** (Hon. Kingi): Proceed, Sen. Kibwana.

#### CHALLENGES IN ISSUANCE OF PASSPORTS AND ALLEGED CORRUPTION

**Sen. Kibwana:** Mr. Speaker, Sir, I have three Statements to make. I will start with the first one on challenges in passport issuance and claims of bribery.

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 challenges in passport issuance and claims of corruption in the Directorate of Immigration Services, particularly the passport section.

In the Statement, the committee should-

(1) Outline the measures being implemented to combat alleged instances of corruption within the Directorate of Immigration Services, particularly the practice of expediting passport issuance for those who can afford to bribe officials.

(2) Explain the immediate and long-term measures put in place by the Government to address cases of frequent machine breakdown as well as supply chain challenges for passport production.

(3) State plans in place by the Immigration Services to clear the substantial backlog of approximately 60,000 pending passport applications and expedite the processing of these applications in strict adherence to the stipulated 21-day processing time.

#### ACCESSIBILITY AND AFFORDABILITY OF FISTULA CARE

**Sen. Kibwana:** The second Statement is on accessibility and affordability of fistula care in Kenya.

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the actions being taken by the Ministry of Health to make fistula care more accessible and affordable in Kenya.

In the Statement, the Committee should-

(1) Provide an assessment of the current status of fistula care facilities and resources in Kenya, including the number of trained medical personnel and specialized centres capable of providing comprehensive fistula care, prevention, repair, and social reintegration services.

(2) Explain the strategies in place to address the barriers that prevent victims from accessing necessary healthcare and resources, including efforts to improve geographical accessibility, affordability of services, and the availability of specialized equipment and supplies.

(3) State measures being implemented to ensure comprehensive care for all victims of obstetric fistula, including the number of surgeries performed every quarter, rehabilitation and reintegration programmes, and ongoing efforts to increase the capacity and efficiency of fistula treatment services.

ACTIONS TO MAKE CANCER TREATMENT  
ACCESSIBLE AND AFFORDABLE

**Sen. Kibwana:** The last Statement regards actions to make cancer treatment accessible and affordable in Kenya.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the actions being taken by the Ministry of Health to make cancer treatment accessible and affordable in Kenya.

In the Statement, the committee should-

(1) State the plans the Ministry of Health has made to declare cancer a national disaster in Kenya and allocate sufficient budgetary resources to support cancer awareness, diagnosis and treatment initiatives.

(2) Explain interventions that the Ministry of Health has put in place, if any, to subsidize the cost of cancer care and treatment.

(3) State actions that have been taken by the Council of Governors (CoG) to prioritize the establishment and equipping of cancer diagnosis and treatment centres in every county to enhance accessibility to these essential services.

(4) Explain measures taken by the CoG aimed at increasing budgetary allocation towards cancer awareness among populations and clinicians in each county in order to achieve early diagnosis and improved treatment outcomes.

Mr. Speaker, Sir, I thank you.

**The Speaker** (Hon. Kingi): The next Statement is by Sen. Beth Syengo.

*(Sen. Wambua stood in his place)*

Sen. Wambua, are you holding brief for Sen. Beth Syengo?

**Sen. Wambua:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Then read her Statement and proceed to read yours.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I will read Sen. Beth Syengo's Statement and mine as well.

PROMOTION AND MARKETING OF TOURIST  
SITES IN EASTERN REGION

**Sen. Wambua:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the promotion and marketing of rocks and hills in the Eastern Region of Kenya as tourism sites.

In the Statement, the Committee should-

(1) Outline the findings of surveys and assessments conducted, if any, for rocks and hills in the Eastern Region, including Ngomeni Rocks and Nzau Hills in Kitui and Makueni counties, respectively, to evaluate their potential for tourism.

(2) State the criteria used in identifying areas for promotion and marketing as tourist sites, clarifying whether the rocks and hills meet these criteria.

(3) State measures put in place by the Ministry of Tourism, Wildlife and Heritage to develop tourism infrastructure and attract local and international visitors to rocks and hills, noting that they offer outdoor recreational opportunities such as hiking and climbing.

Mr. Speaker, Sir, that is the Statement as requested by Sen. Beth Syengo. With your permission and indulgence, I will proceed to seek my Statement under under Standing Order No.53(1).

ISSUANCE OF TITLE DEEDS TO  
KITUI COUNTY RESIDENTS

**Sen. Wambua:** 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 issuance of title deeds to the residents of Kitui County.

*(Sen. Maanzo and Sen. M. Kajwang' consulted loudly)*

Mr. Speaker, Sir, Sen. Maanzo and Sen. M. Kajwang' are consulting in high tones.

**The Speaker** (Hon. Kingi): Sen. Maanzo and Sen. M. Kajwang', you are out of order. I am giving you the first caution.

**Sen. Wambua):** Thank you, Mr. Speaker, Sir.

In the Statement, the Committee should -

(1) State the number of title deeds that have been issued to the residents of Kitui County since 2017 to date, providing a year-by-year breakdown.

(2) State the number of adjudicated areas in Kitui County where title deeds are yet to be issued and the number of areas that are yet to undergo adjudication.

(3) Indicate steps being taken to expedite the adjudication process in Kitui County, especially areas covering Kibwezi-Mutomo-Kitui-Migwani Road where land was compulsorily acquired for the construction of the road, and residents are yet to be compensated on account of this non-adjudication and non-issuance of title deeds.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Sifuna proceed.

NON-PAYMENT OF DAIRY FARMERS'  
DUES BY NEW KCC

**Sen. Sifuna:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries; regarding the non-payment of dairy farmers' dues by the New Kenya Co-operatives Creameries Ltd. (New-KCC).

In the Statement, the Committee should-

(1) Indicate how much milk is collected on average by New KCC in a day.

(2) Explain why farmers selling their milk to New KCC have not been paid since March of this year to date.

(3) State how much money is owed to farmers by New KCC and indicate when they should expect to be paid.

(4) Provide a detailed report on the financial position of the New KCC.

Thank you.

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.56(1). Sen. Methu, proceed.

WORLD ENVIRONMENT DAY, 2023

**Sen. Methu:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(a) to make a Statement relating to a matter for which the Committee is responsible. I rise as the Chairperson of the Committee on Lands, Environment and Natural Resources to make my remarks on the World Environment Day, 2023.

The World Environment Day is the largest global event celebrated by millions on June 5<sup>th</sup>. The event led by the United Nations Environment Program (UNEP) was first celebrated on 5<sup>th</sup> June, 1973. This year, it marks its 50<sup>th</sup> anniversary.

This year's theme for World Environment Day will focus on 'Solutions to Plastic Pollution'. World Environment Day helps to highlight the urgent challenges we currently face. The challenges include climate change, biodiversity loss and pollution. Plastic pollution touches on all three of those challenges.

It is crucial that as Kenyans, we continue raising awareness, collecting best practices and ensuring commitment from all stakeholders. Today, we are seized of the opportunity to address a critical issue that plagues not only Kenya, but the entire world; plastic pollution.

Under this year's theme of focusing on solutions to plastic pollution, we aim to delve into the unique context of Kenya and explore the legislative approach to combat this menace in our beloved nation. Kenya, like many other countries, has been severely affected by the adverse impacts of plastic pollution. Our rivers, lakes and coastlines are being suffocated by plastic waste, endangering our precious ecosystems and marine life.

Plastic pollution poses a significant threat to human health, sustainable development and the overall well-being of our society. However, it is not a challenge that cannot be overcome.

To effectively combat plastic pollution in Kenya, a multifaceted approach that combines legislative measures, public awareness campaigns and sustainable practices is essential. Let us focus on the legislative aspect and explore how our laws and regulations can pave the way towards a plastic free future.

First, it is imperative to strengthen existing legislation related to plastic waste management. This Committee, during the 12<sup>th</sup> Parliament, passed the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021). We will be looking into the Act to ensure it adequately responds to the challenges we have in the present day. However, there is a need for stricter enforcement, enhanced penalties and comprehensive guidelines that specifically target plastic production, consumption and disposal.

Additionally, introducing a ban or restrictions on single use plastics can significantly reduce the amount of plastic waste generated. Several countries have successfully implemented such measures and Kenya can draw inspiration from these experiences. By prohibiting the production, importation and use of certain single use plastic items such as plastic bags, straws and water bottles; we can encourage a shift towards more sustainable alternatives and promote a circular economy.

Mr. Speaker, Sir, to support the implementation of these bans and restrictions, it is crucial to establish a robust regulatory framework. This framework should outline the responsibilities of various stakeholders, including manufacturers, retailers and consumers; and provide guidelines for waste management, recycling and the development of sustainable packaging materials.

By fostering collaboration between the Government, industry, and civil society, we can ensure the effective implementation of these regulations. Moreover, incentivising the recycling industry through legislation can play a significant role in reducing plastic pollution. By offering tax breaks, subsidies or grants to businesses engaged in plastic recycling, we could stimulate investment and innovation in this sector. Creating a favourable environment for recycling companies will not only create job opportunities, but also promote a circular economy, where plastic waste is seen as a valuable resource rather than a disposable commodity.

In conclusion, as we commemorate World Environment Day, 2023, let us recognise that the battle against plastic pollution requires a comprehensive legislative approach in the Kenyan context. By strengthening existing laws, introducing bans and restrictions, establishing a regulatory framework and incentivising recycling, we can pave the way towards a cleaner and healthier environment for ourselves and future generations.

Remember, the power to protect our environment lies within each one of us. Let us be the change we wish to see and inspire others to join us on this transformative journey together. That is my humble submission.

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', what is your intervention?

**Sen. M. Kajwang’:** Mr. Speaker, Sir, I beg your indulgence to allow me a minute or two to support what the substantive Chairperson of the Committee that deals with climate change matters. It is with regards to the Statement on World Environment Day, 2023. As you know, you have granted me the opportunity to convene the climate change caucus within the Senate. It is one caucus that draws membership in a bipartisan manner.

World Environment Day, 2023 fell on Monday as has been communicated by the Chairperson. The caucus had made certain arrangements to plant trees around Uhuru Park. We did not execute because one of our main partners, UNEP, had expressed their willingness to support us in that activity. We decided to postpone our tree planting activity to afford the UNEP Executive Director an opportunity to come to the Senate to meet the Speaker and other Senators. We think a partnership between the Senate and UNEP would be mutually beneficial, considering that UNEP is headquartered in Nairobi City County.

On behalf of the caucus, we shall be communicating the new date on which we, as Members of Parliament (MPs), can join the global effort towards combating climate change through planting of trees and elimination of waste plastic.

Mr. Speaker, Sir, this year’s theme was around plastic. There are important and interesting innovations that we have come across as a caucus. Ghana is proposing a global plastic pollution fee at the UN. The fee will be levied on some of the big users of plastic such as Coca Cola, the global beverage manufacturer.

In as much as Kenya has gone for the ban on single use plastic, there are other innovations that we can consider like imposing higher levies. I would be happy if we are increasing the taxes on producers of plastic which end up choking the environment.

Mr. Speaker, Sir, with your permission, I also want to encourage that when African leaders meet in Nairobi in September under the leadership of President William Ruto, as the Chair of Climate Change Committee of the African Union, Members of Parliament (MPs) should not be left behind. As the Presidents and Cabinet Secretaries (CSs) have a conversation on climate action, as legislators, we should also ensure that our voices are heard.

This week the UN Habitat Conference is going on and we have been lucky to get invitations. In fact, this afternoon, Sen. Mumma and Sen. Kibwana had registered to represent the Senate at the UN Habitat. It is the news of the untimely death of our staff Ms. Adjibodou. I could never get to call her anything besides that. The news pulled Sen. Mumma and Sen. Kibwana out of the UN Habitat meeting. I just wanted to encourage that when the world converges in Africa later on in September, MPS should be involved.

Finally, I would like to encourage multilateralism. The Paris Agreement is an important tool for multilateral action around climate related causes.

We know that when the President was opening the UN Habitat Conference, he made critical remarks about the processes that go about the Paris Agreement. I do not want to believe that the President might be directing us towards a withdrawal from the Paris Agreement which is part of national laws because it has been ratified and domesticated in Kenya.

I would like to encourage us that even as we approach multilateralism and Conference of Parties (COP) under the Paris Agreement COP28 or COP29, we do not go as beggars with an inferior attitude or inferiority complex. I believe that is what the President has been calling out. That when we go for COPs and global climate meetings, we should not go as beggars, on our knees and with a begging bowl.

The impact of climate change is devastating upon us. The people to blame are the same who want to give us aid, conditions and put us as small beggars in light of the Paris Agreement and multilateral arrangement. We should never pull out of the multilateral arrangements like the US did during the time of President Donald Trump.

I hope the President will encourage Kenya to be part of future COPs. This is because this is where decisions are made in a multilateral manner that can help us to combat the global climate challenges.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, on a point of information.

**The Speaker** (Hon. Kingi): What is your point of information? Sen. M. Kajwang' would you wish to be informed?

**Sen. M. Kajwang':** Yes, Mr. Speaker, Sir. I accept to be informed by Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I would like to allay the fears of my colleague, Sen. M. Kajwang'. The President is not pulling us away from COP28. The President addressed this issue in the Climate Change Conference in Midrand, South Africa and the whole of Pan African Parliament (PAP). There is a thinking among some African nations that they should not attend Paris and frustrate the meeting. This is the COP that Sen. M. Kajwang' is talking about. However, there is another thinking that says that we be felt in every meeting on climate change.

I want to inform my learned friend and colleague that the President of Kenya stated that we must be present in every meeting so that our position as Africa and Kenya is felt. Kenya will be there. I want to allay those fears.

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', kindly proceed to conclude your contribution.

**Sen. M. Kajwang':** Mr. Speaker, Sir, I appreciate that information from Sen. Mungatana.

I conclude by saying that I could have many areas where I disagree with the President. However, when it comes to climate change and action our interest converges. This is an area where when called upon to undertake action and work together, we should approach in a bipartisan manner because it afflicts all of us irrespective of our political convictions.

**The Speaker** (Hon. Kingi): I had skipped a Statement by Senator for Murang'a. Sen. Joe Nyutu, proceed to request your Statement.

SAFETY AND EVACUATION OF KENYANS  
STRANDED IN SUDAN

**Sen. Joe Nyutu:** 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 safety and evacuation of Kenyans stranded in Sudan following the security situation in the country.

In the Statement, the Committee should—

(1) Outline actions being taken by the Government to ensure the safety of Kenyans currently in Sudan.

(2) State the number of Kenyans evacuated from Sudan since the conflict started in the country.

(3) Explain plans by the Government to safely and swiftly evacuate the remaining Kenyans.

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM NGURWEINI  
MIXED SECONDARY SCHOOL, MURANG'A COUNTY

**The Speaker** (Hon. Kingi): Hon. Senators, before I call upon the Clerk to call the next Order, allow me to make this Communication.

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from Ngurweini Secondary School, Murang'a County. The group comprises one teacher and 154 students who are in the Senate for one-day academic exposition.

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

Sen. Joe Nyutu, take under one minute to welcome the guests.

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to welcome teachers and students from Ngurweini Secondary School in Murang'a County.

This school is located in Gaichanjiru Ward in Kandara Constituency. It is a mixed day school. We have both boys and girls in the school.

As they were getting in, I saw that girls outnumber the boys in this school. This is a matter we should all start thinking about. The male gender is at risk. The girls were first ones to get in and the boys were taking a back seat. As a former boy and now man, this is concerning. I welcome these students to the Senate. This is a big day secondary school whose future is bright.

I encourage the boys and girls that the future is bright. They can make it in Ngurweini. We know many students who have joined the university from day schools.

Mr. Speaker, Sir, I am also a high school teacher. Anytime I get a chance to speak to students from a mixed school, I tell the girls that chances are that the boys they attend



school with will not be their husbands. I normally advise them to concentrate on their studies. The boys do not like it when I say this, even though I say it many times.

Mr. Speaker, Sir, as we appreciate our boys, we must tell our girls to take care because adolescence is a risky age. Without taking too much of Senate's time, I welcome the boys and girls from Goroini Secondary School. I thank the teachers for choosing the Senate. Here is where we make laws concerning counties.

Thank you, Mr. Speaker, Sir.

**Sen. Crystal Asige:** On a point of order Mr. Speaker Sir.

**The Speaker** (Hon. Kingi): What is your point of order Sen. Crystal Asige? You know, the risk of talking for so long, you expose yourself to points of order.

*(Laughter)*

**Sen. Crystal Asige:** Mr. Speaker, Sir, I welcome the students as well to the House. However, I feel as though the direction in which this advice to young female students is not going to the right place.

Sen. Joe Nyutu says specifically to the girls that they should focus implying that it is our obligation as girls and as women to temper their adolescent wants and needs of young boys. Why does he not tell the boys, "Hey boys! Why do you not focus on yourself and girls you focus on yourselves" rather than putting the burden on young girls as if it is their duty.

It is not my duty as a young woman or a young girl to stay off the young men and fend them off. As a former teacher, that is a wrong message he is sending. As a champion of inclusive education, he should refrain himself. I feel very strongly from that line and that direction.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Valid concerns. Next order, Mr. Clerk.

*(Clerk at the Table consulted with the Speaker)*

Hon. Senators, pursuant to Standing Order No.45 (2) at this juncture, allow me to rearrange the sequence of today's business in the Order Paper to start with Order Nos.9, 10, 11 and then we resume as per the Order Paper.

Clerk, kindly call the orders as rearranged.

## COMMITTEE OF THE WHOLE

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

**COMMITTEE OF THE WHOLE**

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

**COMMITTEE OF THE WHOLE**

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

**COMMITTEE OF THE WHOLE**

*(Orders for the Committee read)*

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

**IN THE COMMITTEE**

*[The Chairperson (Sen. Kathuri) in the Chair]*

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

**The Chairperson** (Sen. Kathuri): Hon. Senators, let us start this business. Hon. Senators, we are considering The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022)

*Clause 2*

**The Chairperson** (Sen. Kathuri): The Standing Committee on Justice, Legal Affairs and Human Rights (JLACHR) has amendments.

**Sen. Wakili Sigei:** Mr. Chairman Sir, I beg to move –

THAT Clause 2 of the Bill be amended by inserting the words “The Parliamentary Powers and Privileges (Amendment) Act, hereinafter referred to as” at the beginning of the introductory clause.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 3*

*(Question, that Clause 3 be part of the Bill, proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end

*Clause 4*

**The Chairperson** (Sen. Kathuri): The Mover has an amendment to this Clause 4.

**Sen. Wakili Sigei:** Mr. Chairman, Sir. I beg to move-

THAT Clause 4 of the Bill be amended—

(a) in the introductory clause by deleting the words “Parliamentary Powers and Privileges Act hereinafter referred to as the” appearing immediately after the word “The”;

(b) by deleting the proposed new section 23A and substituting therefor the following new section –

23A. In this Part, “responsible officer” means –

(a) a Cabinet Secretary;

(b) a county governor;

(c) the chairperson of a commission established under the Constitution

(d) the Auditor-General;

(e) the Controller of Budget;

(f) the chairperson and the accounting officer of a corporate body; and

(g) a public officer to whom a resolution or report of a House or a Committee of Parliament is submitted in accordance with this Act.

(c) in the proposed new section 23C –

(i) by renumbering the existing provision as subsection (1); and

(ii) inserting the following new subsection immediately after the new subsection (1)–

(2) A person liable for an offence under subsection (1) shall be personally liable for the fine and public funds shall not be used to pay such a fine.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.  
I do not see any interest or comment and so I put the question.

*(Question of the amendment proposed)*

Division will be at the end.

*New Clause 3A*

**The Chairperson** (Sen. Kathuri): Chairperson of the Standing Committee on Justice, Legal Affairs (JLAC), please, approach the Table first.

*(Sen. Wakili Sigei the Dispatch*

*Table and consulted the Chairperson)*

**Sen. Wakili Sigei:** Thank you, Chairman, Sir. I beg to move: -

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

3A. Section 16 of the principal Act is amended in paragraph (d) by deleting the expression “38” appearing immediately after the words “under section” and substituting therefore the expression “37”.

Mr. Chairman, Sir, since this is a new introduction to the Bill, I move that it be read a second time.

*(Question of the New Clause 3A proposed)*

*(New Clause 3A was read the First Time)*

*(Question, that the New Clause 3A be read a  
Second Time proposed)*

*(Question, that the New Clause 3A be part of the  
Bill proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Title and Clause 1*

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

Division will be at the end.

*(The Chairperson (Sen. Kathuri) consulted  
the Clerk-at-the-Table)*

**The Chairperson** (Sen. Kathuri): Hon. Senators, from where I sit, we have no numbers to go to Division. Therefore, I request that we proceed to report progress on the Bill.

**Sen. Mungatana MGH:** Mr. Chairman, Sir, pursuant to Standing Order No.153, I beg to move that the Committee do report progress on its consideration of the

Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.5 of 2022) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

**The Chairperson** (Sen. Kathuri): Now, let us proceed to the next Bill.

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

**The Chairperson** (Sen. Kathuri): Chairperson of the Senate Standing Committee on Land, Environment and Natural Resources, please, approach the Chair first.

*(Sen. Methu approached the Dispatch Table  
and consulted the Chairperson)*

*Clause 3*

**Sen. Methu:** Thank you, Mr. Chairman, Sir. I beg to move: -  
THAT clause 3 of the Bill be amended by—

- (a) deleting paragraph (b) and substituting therefor the following new paragraph (b) —
- (b) surface and underground water;
- (b) inserting the following new paragraphs immediately after the paragraph—
- (g) geothermal resources;
- (h) minerals; and
- (i) petroleum.

*(Question of the amendment proposed)*

*(Sen. Maanzo stood in his place)*

**The Chairperson** (Sen. Kathuri): Sen. Maanzo, do you want to speak on this amendment?

*(Sen. Maanzo spoke off record)*

*(The Clerk-at-the-Table consulted the Chairperson)*

Hon. Senators, there was an amendment by the Senator for Nakuru County, Sen. Tabitha Keroche, but since her amendment has been taken care of by the Committee, we drop that amendment

*(The proposed amendment by*

*Sen. Tabitha Keroche was dropped)*

*Clause 4 and Heading to Part II*

**Sen. Methu:** Mr. Chairman, Sir, I beg to move that

THAT clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f)—

(g) environmental protection and restoration.

## **HEADING TO PART II**

That the Bill be amended by deleting the heading to Part II.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division with be at the end

*Clause 5*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move: -

THAT the Bill be amended by deleting clause 5.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 6*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move: -

THAT Clause 6 of the Bill be amended -

(a) in sub-clause (1) by –

(i) deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”; and

(ii) inserting the words “and upon conducting public participation” immediately after the words “national government entities”;

(b) in sub-clause (3) by deleting the words “payments or benefit sharing” appearing immediately after the words “the royalty, fees,” and substituting therefor the words “or payments”; and

(c) in sub-clause (4) by -

(i) deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”; and

- (ii) deleting the words “or any other written law” appearing immediately after the words “to this Act”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 7*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 7 of the Bill be amended -

- (a) deleting subclause (2) and substituting therefor the following new subclause -

(2) The Kenya Revenue Authority shall declare and pay monies collected under subclause (1) to the Consolidated Fund by the fifth day of every month.

- (b) in subclause (4) by deleting the word “Commission” appearing immediately after the words “account to the” and substituting therefor the word “Authority”; and

- (c) inserting the following new subclauses immediately after subclause (4) -

(5) The Authority shall submit to the respective county government declarations received from the Kenya Revenue Authority under subsection (4) at least once every quarter.

(6) The county executive committee member in the respective county shall submit to the respective local community declarations received from the Authority under subsection (5) within twenty-one days of receipt.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 8*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 8 of the Bill be amended -

- (a) by deleting subclause (1) and substituting therefor the following new subclause -

(1) The revenue collected under this Act shall, subject to subsection (3), be shared between the National Government and respective county governments in the ratio of sixty per cent to the National Government and forty per cent to the county governments.

- (b) by deleting subclause (2);
- (c) in subclause (3) by—
  - (i) deleting the word “forty” appearing immediately after the words “At least” and substituting therefor the word “sixty”; and
  - (ii) deleting the word “sixty” appearing immediately after the words “community projects and” and substituting therefor the word “forty”;
- (d) in subclause (4) by deleting the word “Commission” appearing immediately after the words “more counties the” and substituting therefor the word “Authority”;
- (e) in subclause (5) by deleting the word “Commission” appearing immediately after the words “subsection (4) the” in the introductory clause and substituting therefor the word “Authority; and
- (f) in subclause (6) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 9*

*(Question, that Clause 9 be part of the Bill, proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 10*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 10 of the Bill be amended –

- (a) in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph (b) -
  - (b) the county executive committee member responsible for matters relating to natural resources;
- (b) in subclause (3) by inserting the words “be appointed by the county governor and” immediately after the words “subsection (2)(d) shall”; and
- (c) by inserting the following new subclause immediately after subclause (5) -
  - (5A) The county chief officer responsible for matters relating natural resources shall serve as the secretary to the County Benefit Sharing Committee.



*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 11*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 11 of the Bill be amended in paragraph (a) by inserting the words “in consultation with the respective local community and upon conducting public participation” before the words “negotiate the terms”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 12*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 12 of the Bill be amended in subclause (2) by deleting the word “Commission” appearing immediately after the words “deposited with the” and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 13*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 13 of the Bill be amended in subclause (3) by inserting the words “be appointed by the respective county executive committee member responsible for matters relating to natural resources and” immediately after the words “sharing forum shall”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Hon. Senators, you will realize that I put the question because there is no Senator who is interested to make a comment or contribute to the amendments.

Therefore, Division will be at the end.

*Clause 14*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT the Bill be amended by deleting clause 14 and substituting therefor the following new clause -

Funds of the  
Authority.

**14.** The funds of the Authority shall consist of -

- (a) such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) such money as may be provided by the National Assembly for defraying expenses incurred in the implementation of this Act;
- (c) all monies from any other source provided for or donated or lent to the Authority; and
- (d) such other monies that may lawfully accrue in the discharge of functions of the Authority under this Act.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 15*

*(Question, that Clause 15 be part of the Bill proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 16*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT clause 16 of the Bill be amended in subclause (1) by deleting the word “Commission” appearing immediately after the words “furnished to the” in paragraph (a) and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 17*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause 17-

Transitional  
provisions.

**17.** (1) An affected entity that, immediately before the commencement of this Act, was lawfully authorised to exploit a natural resource under this Act shall be deemed to be authorised to conduct such exploitation under this Act.

(2) Despite subsection (1), an affected entity shall

comply with the provisions of this Act within two years of the commencement of the Act.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Proceed, Sen. Kisang.

**Sen. Kisang:** Mr. Chairperson, Sir, I rise to support. This is a transitional Clause to ensure that those who already have licenses to exploit natural resources continue to enjoy the same.

**The Chairperson** (Sen. Kathuri): Division will be at the end.

*Clause 18*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT Clause 18 of the Bill be amended in subclause (1) by inserting the words “in consultation with the Authority and the Council of County Governors” immediately after the words “Cabinet Secretary may”.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Again, Sen. Kisang.

**Sen. Kisang:** Mr. Chairperson, Sir, I rise to support the amendment by the Chair because, as you know, these natural resources are exploited in the counties.

In the past, the county governments were not there and, therefore, it was only in consultation with the Cabinet Secretary (CS). However, since this law affects the counties, then it is important that the Council of Governors (CoG), and especially that particular county with resources are consulted.

Thank you, Mr. Chairperson, Sir.

**The Chairperson** (Sen. Kathuri): Very well. Division will be at the end.

*Clause 19*

**Sen. Methu:** Mr. Chairperson, Sir, I beg to move:

THAT the Bill be amended by deleting clause 19 and substituting therefor the following new clause 19 -

Amendment to section 183 of Act No. 12 of 2016. **19.** Section 183 of the Mining Act is amended by deleting subsection (5) and substituting therefor the following new subsection (5) -

(5) The royalty received by the State under this section shall be paid into the Consolidated Fund and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

*(Question of the amendment proposed)*

**The Chairperson** (Sen. Kathuri): Proceed, Sen. Mungatana, MGH.

**Sen. Mungatana, MGH:** Mr. Chairperson, Sir, this is a very good proposal. It is actually the crux of this Bill because under the Mining Act, you would see that there were different formulae for distributing the benefit. There was also a different method of apportioning benefit to the communities in the Petroleum Act. Therefore, this one has sort of tried to streamline the benefit sharing formula, so that every Kenyan can understand it.

I support it, Mr. Chairperson, Sir.

**The Chairperson** (Sen. Kathuri): Thank you, Sen. Mungatana, MGH. Therefore, Division will be at the end.

*New Clause 5*

**The Chairman** (Sen. Kathuri): The Chairperson, please move.

**Sen. Methu:** Thank you, Mr. Chairman Sir, I beg move that New Clause 5 be read a Second Time;

Establishment of the Benefit Sharing Authority.

**5.** (1) There is established the Benefit Sharing Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding,

charging and disposing of movable and immovable property;

- (c) borrowing or lending money; and
- (d) doing or performing such other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

*(Question of the New Clause 5 proposed)*

*(New Clause 5 read the First Time)*

*(Question that New Clause 5 be read a Second Time proposed)*

**The Chairman** (Sen. Kathuri): Sen. Mungatana, MGH, you may have the Floor.

**Sen. Mungatana, MGH:** Mr. Chairman, Sir, this authority that has been established is very important. When you look at the earlier formation, it was a bit cumbersome because it seemed like there were committees that were to be formed both at the local and the national level.

I think this is a very good proposal that the Committee through the Chair, proposed. Now, we shall have a centralized authority that deals with benefit sharing for the whole of Kenya. This is because this is where all the divisions of the benefits whether it be resources from the extractives or natural resources that occur on the ground. This authority will also create a knowledge reservoir.

Instead of various committees coming up just for the purposes of benefit sharing, this authority within it will create a knowledge reservoir so that many people and different parts of the country that will have issues of benefit sharing, will have a place. We will develop the capacity like it is in other countries.

Mr. Chairman, Sir, I also note with much appreciation that it has not also been left floating. The issue of dispute resolution has been dealt with. I think that was a very good suggestion that this authority has been given the power to resolve disputes. If a community in Tana River County is having mining issues with the exploiters, it is not left hanging or to ordinary courts to resolve these matters. There will be a specific authority that will have the first say in resolving disputes. This goes to every part of the country.

*[The Chairperson (Sen. Kathuri) left the Chair]*

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

Mr. Temporary Chairperson, Sir, joined with the knowledge reservoir of dispute resolution that will be created by this Act, I am sure it will serve as a better way to resolve the many disputes in this area of benefit sharing of resources that are extracted from our different counties.

I support.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. Mungatana, MGH.

*(Question, that New Clause 5*

*be read a Second Time proposed)*

*(Question, that the New Clause 5  
be part of the Bill proposed)*

Division will be at the end.

*New Clause 5A*

The Hon. Chairperson, you may have the Floor.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move the following New Clause 5A:

Functions of the  
Authority.

**5A.** (1) The functions of the Authority shall be to—

- (a) coordinate the preparation of benefit-sharing agreements between an affected county and an affected entity;
- (b) review, and where appropriate, determine the royalties payable by an affected entity engaged in natural resource exploitation;
- (c) identify counties that are required to enter into a benefit-sharing agreement under this Act in consultation with the respective county governments;
- (d) oversee the administration of funds set aside for community projects to be implemented under a benefit-sharing agreement;
- (e) facilitate and monitor the implementation of a benefit-sharing agreement entered into between a county government and an affected entity;
- (f) conduct research regarding the exploitation and development of natural resources and benefit sharing

- in Kenya;
- (g) determine appeals arising out of conflicts regarding the preparation and implementation of benefit-sharing agreements;
  - (h) advise the national government on policy and the enactment of legislation relating to benefit sharing in resource exploitation;
  - (i) oversee the establishment of benefit-sharing committees and forums established under this Act;
  - (j) ensure the proper and timely payment of funds to counties and local communities as provided under this Act;
  - (k) build the capacity of local communities in negotiations for benefit sharing and implementation of related projects;
  - (l) prepare national guidelines on benefit sharing in consultation with the relevant stakeholders;
  - (m) identify, in consultation with sector specific organizations, incentives and benefits to promote the conservation of natural resources;
  - (n) promote value addition in natural resources;
  - (o) promote local content initiatives on the exploration and exploitation of natural resources under this Act; and
  - (p) promote the restoration of the environment after the exploitation of a natural resource in an affected county.

(2) The Authority may, in furtherance of its functions, collaborate with such other bodies or organizations within or outside Kenya as it may consider necessary for the better performance of its functions under this Act.

(3) The Authority shall have regard to the following in the performance of its functions—

- (a) all existing laws regulating the natural resources sector in Kenya;
- (b) all existing arrangements for benefit sharing between local communities and an affected entity

- under any law in Kenya; and
- (c) obligations imposed on Kenya under any international treaty or agreement relating to the exploitation of natural resources.

*(Question of the New Clause 5A proposed)*

*(New Clause 5A read the First Time)*

*(Question, that New Clause 5A  
be read a Second Time, proposed)*

*(Question, that New Clause 5A  
be part of the Bill proposed)*

**The Temporary Chairman** (Sen. Wakili Sigei): Division at the end.

*New Clause 5 B*

**The Temporary Chairman** (Sen. Wakili Sigei): The Chairperson, you may have the Floor.

**Sen. Methu:** Thank you, Mr. Temporary Chairperson, Sir. I beg to move that Bill be amended by inserting the following New Clause 5B:

Board of **5B.** (1) The management of the Authority shall vest in a Board  
the which shall consist of—  
Authority.

- (a) a chairperson appointed by the President with the approval of Parliament;
- (b) the Principal Secretary responsible for finance or a designated representative;
- (c) the Principal Secretary responsible for mining or a designated representative;
- (d) the Principal Secretary responsible for petroleum or a designated representative;
- (e) the Principal Secretary responsible for energy or a designated representative;
- (f) two persons of opposite gender nominated by the Council of County Governors to represent such communities as the council shall determine;
- (g) one person nominated by a registered association representing a majority of members of county assemblies to represent local communities;
- (h) one person nominated by an umbrella body representing the interests of the private sector in Kenya; and



- (i) the Director-General appointed by the Board in accordance with section 5K.
- (2) The chairperson shall be competitively recruited by the Public Service Commission and appointed by the President by notice in the *Gazette*.
- (3) The Cabinet Secretary shall, with the approval of Parliament, appoint the persons nominated under subsection (1)(f), (g) and (h) by notice in the *Gazette*.
- (4) In nominating and appointing persons as members of the Board, the nominating authorities and the Cabinet Secretary shall—
  - (a) have regard to—
    - (i) the principles of non-discrimination on the basis of gender, disability, youth and marginalized persons under the Constitution; and
    - (ii) the requirements of chapter six of the Constitution; and
  - (b) ensure that the nominations reflect the regional diversity of the people of Kenya.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, the Hon. Chairperson.

Division will be at the end.

**Sen. Mungatana, MGH:** On a point of order!

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Mungatana, what is your point of order?

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, I feel like you are moving too fast. Some of these issues are critical. These are new Clauses. I wanted to specifically comment on New Clause 5B.

**The Temporary Chairperson** (Sen. Wakili Sigei): Actually there was no indication by anyone to contribute.

Now I can see a request by Sen. Kisang.

*(Sen. Kisang spoke off record)*

There was no one at that time. Nonetheless, your point of order is noted. We will---

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, allow us to raise a few things.

**The Temporary Chairperson** (Sen. Wakili Sigei): Proceed.

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, the constitution of the Board is innovative. The reason I support it is because it will take specific interest in the counties.

It is proposed to have two persons of either gender nominated by the CoG. In fact, apart from the CoG to represent communities, there is also a proposal to have one person nominated by the organization of Members of the County Assemblies (MCAs) in this country. So, we believe that this Board will serve its purpose. It is not like the usual boards that simply have Permanent Secretaries or Cabinet Secretaries.

Mr. Temporary Chairman, Sir, there is a specific application to allow for MCAs as well as the CoG to be part and parcel of the Board and that is a good thing. Therefore, I support.

I thank you.

**Sen. Kisang:** Mr. Temporary Chairman, Sir, I wanted to raise the same sentiments. This is an important Authority that is going to ensure that counties and the communities benefit. Therefore, it is important that we have representatives of the CoG and county assemblies.

Sen. Lomenen, the Senator for Turkana, complained about oil that was exported but the county did not get anything. As we do regulations for this Bill, we should ensure that before investors recoup from the investments, counties and communities should get something small progressively.

Counties and communities should get something minimal, as investors take more to recoup their investments. With time, counties and the communities will surpass what they would have received originally.

Mr. Temporary Chairman, Sir, counties should benefit from natural resources that God gave communities especially where they are not endowed with rain. I am saying this because in Elgeyo-Marakwet County, there is expression of interest by the Ministry of Mining, Blue Economy and Maritime Affairs. I hope this law will be fast-tracked, so that by the time an investor comes, it will be in effect.

I thank you.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you so much Sen. Kisang.

*(Question of New Clause 5B proposed)*

*(New Clause 5B was read the First Time)*

*(Question, that New Clause 5B be read a Second Time, proposed)*

*(Question, that New Clause 5B be part of the Bill, proposed)*

The Division will be at the end.

*New Clause 5C*

**Sen. Methu:** Mr. Temporary Chairperson, I beg to move that the Bill be amended by inserting the following New Clause 5C-

Tenure of  
office.

5C. (1) The members of the Board other than the Director-General shall—  
 (a) hold office for a term of three years and shall be eligible for reappointment for one further term; and  
 (b) serve on a part-time basis.  
 (2) Paragraph (1)(a) shall not apply to principal secretaries who serve as members of the board.

If you indulge me, all the other New Clauses that are appearing all the way to Q are in regard to the Authority. It is exactly what I have read about the functions. That is why I have stated “as it appears on the Order Paper.”

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Cheptumo, proceed.

**Sen. Cheptumo:** Mr. Temporary Chairman, Sir, I wanted to contribute to the previous amendment and not this one. I wanted to say something on the one that has just been concluded.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. Cheptumo.

*(Question of New Clause 5C proposed)*

*(New Clause 5C read the First Time)*

*(Question, that New Clause 5C be read a Second Time, proposed)*

*(Question, that New Clause 5C be part of the Bill, proposed)*

The Division will be at the end.

*New Clause 5D*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5D-

Qualifications  
for appointment

5D. A person is qualified for appointment as the chairperson or a member of the Board under section 5B(1) (f), (g) and (h) if that person—

- (a) holds a degree from a university recognised in Kenya; and
- (b) has knowledge and at least seven years' experience in—
- (i) law;
  - (ii) environmental management;
  - (iii) economics;
  - (iv) public finance;
  - (v) mining;
  - (vi) community development; or
  - (vii) any other related field.

**The Temporary Chairperson** (Sen. Wakili Sigei): Yes, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairman, Sir, I appreciate what this Clause is attempting to achieve. It is good for people to have at least a university degree. However, when you move on and say one should have some knowledge of at least seven years' experience in all these, as somebody from a gold mining community, it concerns me. We might run the risk that in my community, you might not have somebody with the experience. They may have a degree, but without experience. Therefore, we will be locked out and the Bill will not have achieved its purpose.

Mr. Temporary Chairman, Sir, I do not know how we want to deal with it, but let it be on record that I am worried about it.

I thank you.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Khalwale.

*(Question of New Clause 5D proposed)*

*(New Clause 5D was read the First Time)*

*(Question, that New Clause 5D be read a Second Time, proposed)*

*(Question, that New Clause 5D be part of the Bill, proposed)*

The Division will be at the end.

*New Clause 5E*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by the following inserting New Clause 5E-

Vacation of office.      **5E.** The office of the chairperson or a member of the Board appointed under section 5B(1)(f), (g) and (h) shall become vacant if the chairperson or member—

- (a) is unable to perform the functions of the office by reason of mental or physical incapacity;
- (b) is otherwise unable or unfit to continue serving as the chairperson or member of the Board;
- (c) is adjudged bankrupt;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (e) is absent, without reasonable cause, from three consecutive meetings of the Board;
- (f) resigns in writing addressed, in the case of the chairperson, to the President and in the case of a member appointed under section 5B(1) (f), (g) or (h), to the Cabinet Secretary;
- (g) fails to declare their interest in any matter being considered by the Board; or
- (h) dies

*(Question of New Clause 5E proposed)*

*(New Clause 5E was read the First Time)*

*(Question, that New Clause 5E be read a Second Time, proposed)*

*(Question, that New Clause 5E be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*New Clause 5F*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5F.

Powers of the Board. **5F.** (1) The Board shall have all the powers necessary for the performance of the functions of the Authority under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have the power to—

- (a) enter into contracts;

- (b) manage, control and administer the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established;
- (c) receive any gifts, grants, donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements therefrom in accordance with the provisions of this Act;
- (d) require from any person such information as it considers necessary for the performance of its functions under this Act; and
- (e) open and operate a bank account for the funds of the Authority into which all moneys received by the Authority shall be paid in the first instance and out of which all payments made by the Authority shall be made.

(2) The Board shall consult the respective Cabinet Secretary responsible for an affected natural resource in carrying out its functions under this Act.

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, I stand to support this particular Clause.

The original format of the Bill was a bit unclear as to who would enter into those resource sharing benefit contracts. The initiators were the County Executive Committee Member (CECM) in charge of the county treasury together with the local communities. They were to finally take this to the National Treasury and that was a bit cumbersome.

In this particular proposal, it is clear that it will be the Authority and the Board that will enter into contracts and prepare them for resource benefit sharing with the communities. That will make it much faster and easier. It will change the whole resource sharing procedure between the local communities at the county level and the Authority.

I support.

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. (Dr.) Oburu, proceed.

**Sen. (Dr.) Oburu:** I am sorry, Mr. Temporary Chairman, Sir. You moved a bit fast on 5E. I have heard you move to 5F.

I wanted some clarity on the issue of conviction, where someone is convicted on a criminal offence and sentenced to a term of imprisonment of not less than six months. If someone is convicted, say, for three months, will that person continue to serve? If you are convicted and given a custodial sentence of even a month, you cannot continue to serve. I do not know why they are---

**The Temporary Chairperson** (Sen. Wakili Sigei): Allow the Chairman of the Committee to make remarks about the justification of the six months.

Mr. Chairman, any remarks on it?

**Sen. Methu:** Mr. Temporary Chairman, Sir, I invite the Senator to read the heading of this sub-section.

It is the same thing for us, Members of Parliament (MP). If you are convicted for more than six months, your position becomes vacant. It is the same thing for board member. If you are board member for this Board and you are convicted for any offence for six or more months, your position becomes vacant. If you are convicted for three months, you shall serve your term and come back to continue.

It is the same case for any MP. If Sen. (Dr.) Oburu is convicted to a sentence of three or four months, they shall serve their term and come back as a Senator and continue. That was the thinking.

**Sen. (Dr.) Oburu:** Mr. Temporary Chairman, Sir, I appreciate the thinking, but it is skewed. I was elected by 285,000 people of Siaya County. These are people who are appointed and on issues of appointment, you do not give people so much leeway if they get convicted.

I have been a civil servant and once you are convicted for a criminal offence, you do not continue to serve as a civil servant. You do not serve a sentence of three months and come back to continue to serve in a Board. That is not right.

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. (Dr.) Oburu, I believe the Chairperson has noted your comments.

*(Question of New Clause 5F proposed)*

*(New Clause 5F was read the First Time)*

*(Question, that New Clause 5F be read a Second Time, proposed)*

*(Question, that New Clause 5F be Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

**Sen. Methu:** Thank you, Mr. Temporary Chairman, Sir. I thank the Senator for Siaya County. I am persuaded that the position he is pursuing is the right one. That is my opinion. Once you are convicted, it means you are not a good person and you should vacate your office.

*New Clause 5G*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5G-

Committees of  
the Board .

**5G.** (1) The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act.

(2) The Board may invite any person whose knowledge and skills are found necessary for the performance of its functions to sit in any committee established under subsection (1).

*(Question of New Clause 5G proposed)*

*(New Clause 5G was read the First Time)*

*(Question, that New Clause 5G be  
read a Second Time, proposed)*

*(Question, that New Clause 5G be  
Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.  
Hon. Chairman.

*New Clause 5H*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5H-

Power to  
delegate.

**5H.** The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

*(Question of New Clause 5H proposed)*

*(New Clause 5H was read the First Time)*

*(Question, that New Clause 5H be  
read a Second Time, proposed)*

*(Question, that New Clause 5H be  
Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

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*New Clause 5I*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5I-

Remuneration and allowances.

**5I.** The remuneration, allowances, expenses and other emoluments of members and staff of the Authority shall be determined by the Salaries and Remuneration Commission.

*(Question of New Clause 5I proposed)*

*(New Clause 5I was read the First Time)*

*(Question, that New Clause 5I be read a Second Time, proposed)*

*(Question, that New Clause 5I be Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5J*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5J-

Conduct of business and affairs of the Board.

**5J.** The Board shall conduct its affairs in accordance with the provisions of the Schedule.

*(Question of New Clause 5J proposed)*

*(New Clause 5J was read the First Time)*

*(Question, that New Clause 5J be read a Second Time, proposed)*

*(Question, that New Clause 5J be Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5K*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 5K-

Director-General .

**5K.** (1) There shall be a Director-General of the Authority who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

(2) A person qualifies for appointment as a Director-General under subsection (1) if such person —

- (a) holds a degree from a university recognized in Kenya; and
- (b) has knowledge and at least ten years' experience in —
  - (i) law;
  - (ii) environmental management;
  - (iii) economics;
  - (iv) public finance;
  - (v) mining;
  - (vi) community development; or
  - (vii) in any other related field.

(3) The Director-General shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

*(Question of New Clause 5K proposed)*

*(New Clause 5K was read the First Time)*

*(Question, that New Clause 5K be read a Second Time, proposed)*

*(Question, that New Clause 5K be Part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Mungatana proceed.

**Sen. Mungatana MGH:** Mr. Temporary Chairman, Sir. I propose that the record should reflect so that the intention of the legislation can be known, in case interpretation is required, where people are seeking interpretation.

The wording on the person being recruited says:

“has knowledge and at least 10 years' experience in law, environmental management, economics---”

It should be understood to mean it is either of those. The way it is put, someone can correctly interpret that they must be having 10 years' experience in law, environmental management and economics.

The only thing it says is:  
"or any other related field."

This is what was worrying Sen. (Dr.) Khalwale when he said these qualifications may lock out his people from his gold-mining area. I want it to be on record that any of these should be understood to mean that they qualify, if they have the degree and they have 10 years' experience in law or 10 years' experience in environmental management and those other listed areas.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. Mungatana. Kindly approach the Chair.

*(Sen. Mungatana approached the Chair)*

Sen. (Dr.) Oburu, proceed as Sen. Mungatana approaches the Chair.

**Sen. (Dr.) Oburu:** Thank you, Mr. Temporary Chairman, Sir. I support this amendment. However, I am concerned about the long period of experience of 10 years. It is an act of exclusion when we put long periods of experience. That is excluding the youth. We want the youth to come up in leadership.

There is no youth with 10 years of experience. We will be giving these jobs to people of our age. This period of 10 years has been there in our laws and statutes for too long. It is time we considered reducing this. When you advertise and state '10 years', young people look at it and say it is not for them but for people who have worked and are almost retiring.

Mr. Temporary Chairperson, Sir, it takes a long time for people to acquire these qualifications. By the time they are qualified, they are 35 years old and soon to be specialists. If they have those 10 years, they will be almost 50 years. I do not think it is a fair provision. Anyway, I am not proposing any amendment. I am just giving my comments.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Oburu. Clause 5 K, that you have spoken to, will be recommitted. Your comments and concerns about the number of years required will be reconsidered so that the objective of the particular Clause is achieved to accommodate the youth that you have made reference to so that they qualify.

The Chairperson indicates that after he serves 10 years here, he will not be qualified if he were to seek for the position because of the 10-year requirement.

I thank you for that.

*(Question of the New Clause 5K proposed)*

*(New Clause 5K was read the First Time)*

*(Question, that the New Clause 5K be read)*

*a Second Time proposed)*

*(Question that the New Clause 5K be part of the Bill proposed)*

Division will be at the end.

*New Clause 5L*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I thank Sen. (Dr.) Oburu for that insightful comment. I am happy that it has been recommitted because I was locking myself out of that job. Even after serving as Senator for five years, I cannot qualify to become the Director General (DG) of that board.

It shall be looked into.

Mr. Temporary Chairperson, I beg to move-

THAT, the Bill be amended by inserting the following New clause 5L-

Tenure of office of  
the Director-  
General .

**5L.** The Director-General shall be appointed for a term of four years and shall be eligible for reappointment for one further term.

*(Question of the New Clause 5L proposed)*

*(New Clause 5L was read a First Time)*

*(Question, that the New Clause 5L be read a Second Time proposed)*

*(Question, that the New Clause 5L be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5M*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-

THAT, the Bill be amended by inserting the following New Clause 5M-

Functions of the  
Director-General .

**5M.** (1) The Director-General shall be the chief executive officer of the Authority and secretary to the Board.

(2) The Director-General shall, for the effective performance of the functions under this Act and subject to the direction of the

Board, —  
 be responsible for the day-to-day management of the Authority;  
 manage the funds, property and affairs of the Authority;  
 be responsible for the management of the staff of the Authority;  
 cause to be prepared for the approval of the Board—  
 the strategic plan and annual plan of the Authority; and  
 the annual budget and audited accounts of the Authority; and  
 perform such other duties as may be assigned by the Board.

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*(Question of the New Clause 5M proposed)*

*(New Clause 5M read the First Time)*

*(Question, that the New Clause 5M be read a Second Time proposed)*

*New Clause 5N*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-  
 THAT, the Bill be amended by inserting the following New Clause 5N-

Tenure of office of the Director- General .	5N. The Board may terminate the appointment of the Director-General in accordance with the terms and conditions of service for— <ol style="list-style-type: none"> <li>(a) inability to perform the functions of the office arising              out of physical or mental incapacity;</li> <li>(b) gross misconduct or misbehaviour;</li> <li>(c) incompetence or neglect of duty; or</li> <li>(d) any other ground that would justify removal from office              under the terms and conditions of service</li> </ol>
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*(Question of the New Clause 5N proposed)*

*(New Clause 5N was read the First Time)*

*(Question, that the New Clause 5N be read  
 a Second Time proposed)*

*(Question, that the New Clause 5N be*

*part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5O*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairperson, I beg to move-

THAT, the Bill be amended by inserting the following New Clause 5O-

Common seal of the  
Authority .

5O. (1) The common seal of the Authority shall be kept in the custody of the Director-General or such other person as the Board may direct and shall not be used except with the express authority and direction of the Board.

(2) The common seal of the Authority shall be authenticated by the signature of the chairperson and the Director-General of the Board or in the absence of either person, such other member of the Board who shall be designated by the Board for that purpose.

(3) The common seal of the Authority shall, when affixed to a document and authenticated, be judicially and officially noticed and unless the contrary is proved, any order or authorization by the Board under this section shall be presumed to have been duly given.

*(Question of the New Clause 5O proposed)*

*(New Clause 5O was read the First Time)*

*(Question, that the New Clause 5O read  
a Second Time, proposed)*

*(Question, that the New Clause 5O be  
part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5P*

**The Temporary Chairperson** (Sen. Wakili Sigei): Chairperson, proceed.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-

THAT, the Bill be amended by inserting the following New Clause 5P-

Staff of the

5P. (1) The Board may employ such officers, agents and staff

Authority as are necessary for the proper and efficient discharge of the functions of the Authority under this Act.

(2) The staff employed under subsection (1) shall serve on such terms and conditions as the Board may, subject to section 5I, determine.

**The Temporary Chairperson** (Sen. Wakili Sigei): Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Temporary Chairperson, Sir, I support Clause 5P. However, this is not an ordinary board. We must put a Clause that forces the board to recruit with regional balance in mind.

The likelihood of this organization having claims from all over the country is very high. From Turkana to Nakuru County for geothermal issues, Baringo County on the ginning and manufacturing company taking away things from the lake, Tana River County on gypsum mining and the Coast, on coal mining.

We want an authority that is specifically forced to recruit sensitively on regional balance. I would like us to find wording that will box this authority. There have been accusations that in some authorities' people speak in mother tongue and exclude others. This is such an important authority that it must have a spread.

It would be so bad for the Senator of Tana River County to have fought for this and then there is no single person from the county employed in the authority. It happens. I have many examples that I can give you.

Authorities have been converted into tribal organizations in some places. They even speak mother tongue in some places. This authority is too important for us to leave to the board. The board must have regional balance in terms of recruitment. We must find the wording. Note the way it is.

I stand guided on how to do it. Maybe we recommit it? I do not know. I submit.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. Mungatana. The comments you have made in regards to New Clause 5P shall be recommitted.

*(Question of the New Clause 5P proposed)*

*(New Clause 5P was read the First Time)*

*(Question, that the New Clause 5P be read a Second Time proposed)*

*(Question, that the New Clause 5P be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end. Hon. Chairperson proceed.

**Sen. Methu:** Thank you, Mr. Chairperson, Sir, for recommitting Clause 5P. The Senator for Kiambu had sought intervention. He wants to have a Clause that would give the board some sort of leeway to give opportunities to the youth and women in terms of recruitment as has been the case for every Government agency.

*New Clause 5Q*

**Sen. Methu:** Mr. Chairman, Sir, I beg to move-

THAT, the Bill be amended by inserting the following New Clause 5Q-

Protection from personal liability. 5Q. No matter or thing done by a member of the Board or by any officer, employee or agent of the Authority shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand.

*(Question of the New Clause 5Q proposed)*

*(New Clause 5Q was read the First Time)*

*(Question, that the New Clause 5Q be read a Second Time proposed)*

*(Question, that the New Clause 5Q be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 5R*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-

THAT, the Bill be amended by inserting the following New Clause 5R-

Liability of the Authority to damages. 5R. Section 5Q shall not relieve the Authority of liability to pay compensation or damages to any person for any injury to them, their property or any of their interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

*(Question of the New Clause 5R proposed)*

*(New Clause 5R was read the First Time)*



*(Question, that New Clause 5R be read a Second Time, proposed)*

*(Question, that the New Clause 5R be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*New Clause 14*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson proceed.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby move-

THAT the Bill be amended by inserting the following New Clause 14A immediately aft Clause 14—

Financial year.

**14A.** The financial year of the Authority shall be the period of twelve months ending on thirtieth June in each year.

*(Question of the New Clause 14A proposed)*

*(New Clause 14A was read the First Time)*

*(Question, that New Clause 14A be read a second time proposed)*

*(Question, that the New Clause 14A be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end

*New Clause 14B*

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Chairperson, proceed to Move the New Clause.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following New Clause 14B-

Accounts.

**14B.** (1) The Authority shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Authority.

(2) Within three months of the end of each financial year, the Authority shall submit to the Auditor-General, the accounts of the

Authority together with—

- (a) a statement of the income and expenditure of the Authority during that financial year; and
- (b) a statement of the assets and liabilities of the Authority as at the last day of that year.

No. 34 of 2015. (3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act.

(4) The Authority may establish, control, manage, maintain and contribute to pension and provident funds for the benefit of employees of the Authority and may grant pensions and gratuities from any such fund to the said employees upon their resignation, retirement or separation from the service of the Authority or, as the case may be, to the dependants of any such employee upon such employee's death.

*(Question of the New Clause 14B proposed)*

*(New Clause 14B was read the First Time)*

*(Question, that New Clause 14B be read a second time proposed)*

*(Question, that the New Clause 14B be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*New Clause 14C*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby Move that the Bill be amended by inserting the following New Clause 14C-

Annual Report. 14C. (1) Within three months of the end of each financial year, the Authority shall submit—

- (a) to the Auditor-General, the accounts of the Authority in respect of that year together with—
  - (i) a statement of the income and expenditure of the Authority during that year; and
  - (ii) a statement of the assets and liabilities of the Authority as at the last day of that financial year; and

- (b) to the President and Parliament, an annual report in respect of that year containing—
- (i) the financial statements of the Authority including—
    - (A) a statement of the income and expenditure of the Authority during that year; and
    - (B) a statement of the assets and liabilities of the Authority as at the last day of that financial year;
  - (ii) a list of institutions contributing to benefit sharing under this Act, the proportion of benefit and the local community that benefited;
  - (iii) the total sums contributed towards benefit sharing and its distribution;
  - (iv) the progress made in the implementation of the Authority's functions; and
  - (v) any other information that the Authority may consider necessary.

(2) The Authority shall publish the annual report in the *Gazette* and in at least one newspaper of national circulation.

*(Question of the New Clause 14C proposed)*

*(New Clause 14C was read the First Time)*

*(Question, that New Clause 14C be read a second time proposed)*

*(Question, that the New Clause 14C be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end

*New Clause 20*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to Move – THAT the Bill be amended by inserting the following new clauses immediately after clause 19—

Amendment to 20. Section 76 of the Wildlife Conservation and section 7 of Act Management Act is amended by—  
No. 47 of 2013.

- (a) deleting subsection (1) and substituting therefor the following new subsection —
  - (1) The revenue received by the National Government under this Act shall be paid into the National Treasury and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.
- (b) deleting subsection (2);
- (c) deleting subsection (3); and
- (d) deleting subsection (4).

*(Question of the New Clause 20 proposed)*

*(New Clause 20 was read the First Time)*

*(Question, that New Clause 20 be read a second time proposed)*

*(Question, that the New Clause 20 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The New Clause 20 had a proposed amendment by Sen. Tabitha Keroche who is not in and the same amendment is subsumed in the chairperson's proposed amendment in the next clause. For the record we are dropping the proposed amendment by Sen. Tabitha Keroche. Her proposed amendments are fully taken care of in the next proposed amendment by the chairperson.

*(Proposed amendment by Sen. Tabitha Keroche dropped)*

Sen. Mungatana, proceed.

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, I had put my microphone on for an intervention. On this Section, we propose to amend the Wildlife Conservation and Management Act. Then it is followed by the amendment you have referred on the Energy Act and the other one on the Petroleum Act. This captures the whole essence of this Bill.

This Bill is about streamlining the resources to be beneficial to the nation and communities. There are different formulas Under the Petroleum Act, the Wildlife Management Act and the Energy Act. Now, we have a Bill that states the way we will share natural resources. I support these clauses because they capture the spirit of what the proposed law is about.

**The Temporary Chairperson** (Sen. Wakili Sigei): Thank you, Sen. Mungatana. The Division will be at the end.

*New Clause 21*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby Move that the Bill be amended by inserting the following New Clause 21-

Amendment to section  
85 of Act No. 1 of 2019.

21. Section 85 of the Energy Act is amended by—

(a) deleting subsection (3) and substituting therefor the following new subsection (3)—

(3) The royalty received by the National Government under this section shall be paid into the National Treasury and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

(b) deleting subsection (4).

*(Question of the New Clause 21 proposed)*

*(New Clause 21 was read the First Time)*

*(Question, that New Clause 21 be  
read a second time proposed)*

*(Question, that the New Clause 21  
be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*New Clause 22*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby Move that the Bill be amended by inserting the following New Clause 22-

Amendment to section 58  
of Act No. 2 of 2019.

22. The Petroleum Act is amended by deleting section 58 and substituting therefor the following new section 58—

*(Question of the New Clause 22 proposed)*

*(New Clause 22 was read the First Time)*

*(Question, that New Clause 22 be read*

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*a second time proposed)*

*(Question, that the New Clause 22  
be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*New Schedule*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby Move –  
THAT the Bill be amended by inserting the following new Schedule—

### **SCHEDULE**

**(s.5J)**

#### **PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE BENEFIT SHARING AUTHORITY**

Meetings of the Board. 1. (1) The Board shall meet at least once in every three months to conduct the business of the Board of the Authority.

(2) The first meeting of the Board shall be convened by the chairperson and the Board shall meet subsequently at such a time and place as it shall determine.

(3) Notwithstanding the provisions of subparagraph (1), the chairperson shall, upon a written request by at least five members of the Board or at any time where he or she considers it expedient for the transaction of the business of the Authority, convene a special meeting of the Board.

(4) The members of the Board shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Board; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(5) A meeting shall be presided over by the chairperson or in her or his absence by the vice-chairperson.

(6) Unless three quarters of the total number of the members of the Board otherwise agree, at least five days written notice of every meeting of the Board shall be given to every member of the Board by the Director-General.

(7) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Board.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

Quorum.                   2. (1) Subject to subparagraph (2), the quorum of a meeting of the Board shall be not less than half of the appointed members.

(2) Where there is a vacancy in the Board, the quorum of the meeting shall be not less than three appointed members.

Voting.                   3. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a simple majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.

Conflict of interest.   4. (1) A member of the Board who has a direct or indirect personal interest in any matter being considered or to be considered by the Board shall, upon the relevant facts concerning the matter having come to their knowledge, disclose the nature of their interest to the Board.

(2) A disclosure of interest made by a member of the Board under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, unless the Board otherwise determines—

(a) be present during the deliberation on the matter by the Board; or

(b) take part in the decision of the Board on the matter.

(3) A member of the Board who makes a disclosure under subparagraph (1) shall not—

(a) be present in the meeting of the Board held to determine whether or not the member should take part in the deliberations or decision of the Board in relation to the matter;

(b) influence any other member of the Board in arriving at a particular decision in relation to the matter.

(4) A member or staff of the Authority shall not transact any business or trade with the Authority.

Rules of Procedure and minutes.   5. (1) Subject to provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board.

(2) The Board shall cause the minutes of all proceedings of its

meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the chairperson or the person presiding at the meeting.

*(Question of the New Schedule proposed)*

*(The New Schedule was read the First Time)*

*(Question, that New Schedule be read  
a second time proposed)*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*Clause 2*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I hereby Move –

THAT Clause 2 of the Bill be amended by—

- a) deleting the definitions of the terms—
  - (i) Commission;
  - (ii) fund;
  - (iii) futures fund;
  - (iv) natural resources fund; and
  - (v) sovereign wealth fund;

- b) inserting the following new definitions in the proper alphabetical sequence—

“Authority” means the Benefit Sharing Authority established under section 5;

“Board” means Board of the Benefit Sharing Authority constituted under section 5B; and

“Director-General” means Director-General of the Benefit Sharing Authority appointed under section 5K (1).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.



*Title and Clause 1*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): The Division will be at the end.

*(The Temporary Chairperson consulted the Clerk-at-the-Table)*

Sen. Mungatana, Kindly approach the Chair.

*(Sen. Mungatana walked to the Dispatch Box)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, before we move on to report to the Committee of the Whole, I would like to indicate that we are stepping down consideration in the Committee of the Whole of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) for purposes of consideration of proposed amendments which came in and thereafter we commit it to the Committee.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, now we are reporting on the progress by the Committee of the Whole on The Natural Resources (Benefit Sharing) Bill (Senate Bills No.6 of 2022). I call upon the Mover, Sen. Mungatana, to proceed.

**Sen. Mungatana, MGH:** Thank you Mr. Temporary Speaker, Sir.

Pursuant to Standing Order No. 153, I beg to move that the Committee of the Whole do report progress on it is consideration of the Natural Resources Benefit Sharing Bill (Senate Bills No.6 of 2022) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## **PROGRESS REPORTED**

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

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, I now invite the Chairperson to give the report.

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Sen. Wakili Sigei, you may proceed.

**Sen. Wakili Sigei:** Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022) and seeks leave to sit again tomorrow.

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

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Sen. Thang'wa to second.

**Sen. Thang'wa:** I second.

*(Question proposed)*

*(Question put and agreed to)*

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

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, I now call upon the Chairperson, Sen. Wakili Sigei to report on The Natural Resources (Benefit Sharing) Bill (Senate Bills No.6 of 2022).

**Sen. Wakili Sigei:** Madam Temporary Speaker, Sir, I wish to report that the Committee of the Whole has considered the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) and seeks a leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Veronica Maina): I call upon the Mover of the Motion, Sen. Mungatana.

**Sen. Mungatana, MGH:** Thank you, Hon. Madam Temporary Speaker. I beg to move that the House do agree with the Committee of the Whole on the said report subject to recommitment of New Clauses 5(e), (g), (k), and (b)

I thank you

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mungatana, can you invite a Seconder?

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I would like to invite the Hon. Senator for Kiambu County, Sen. Thang'wa, to Second;

**Sen. Thang'wa:** Thank you, Madam Temporary Speaker. I do Second.

*(Question proposed)*

*(Question put and agreed to)*

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

**BILL***Second Reading*THE EMPLOYMENT (AMENDMENT) BILL  
(SENATE BILLS NO. 11 OF 2022)

(*Sen. Cherargei on 6. 06. 2023*)  
(*Resumption of debate interrupted on 6. 06. 2023*)

(*Mover to Reply*)

**The Temporary Speaker** (Sen. Veronica Maina): We will defer the resumption of debate on that Bill as the Mover is not here.

(*Bill deferred*)

**The Senate Majority Leader** (Sen. Madzayo): On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order Sen. Madzayo?

**QUORUM**

**The Senate Minority Leader** (Sen. Madzayo): Madam Temporary Speaker, I rise under Standing Order No.41(1) if you allow me, will read: -

“If at any time in the course of the proceedings of the Senate, a Senator objects that there is not a quorum present, the Speaker or the Chairperson shall count the Senators present in the Senate or the Committee as the case may be.”

I do not want to go to the second paragraph because it involves you. I would leave it at that and request that you could be kind enough to take note of that and make a ruling on it.

**The Temporary Speaker** (Sen. Veronica Maina): What is your comment, Sen. Methu?

**Sen. Methu:** Madam Temporary Speaker, I did not stand to disagree with the provision of the Standing Order on the quorum of this House. However, in the same spirit, I am looking at the side of the Senate Minority from which the very distinguished Sen. Madzayo is a leader. He is the only one in the Chambers; just one person out of the many who are on that side.

As we ring the Quorum Bell, it is also a challenge to him. As the leader, he should speak to his colleagues and tell that they should not desert duty and run away so that we are having these quorum hitches every time.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Methu, you are out of order because I was going to rule on the issue of quorum.

*(Sen. Madzayo stood up in his place)*

Sen. Madzayo, please, resume your seat. I am dealing with it. Resume your seat. I am dealing with the proceedings.

*(Sen. Madzayo resumed his seat)*

I want to deal with the question of quorum that has been raised under Standing Order No.41(1).

It is confirmed that there is no quorum in the House. Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

### **ADJOURNMENT**

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, pursuant to Standing Order No. 41(2)(a), there being no quorum, the Senate stands adjourned until tomorrow, Thursday 8<sup>th</sup> June, 2023 at 2.30 p.m.

The Senate rose at 5.59 p.m.