

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 26th September, 2024

*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? Serjeant-at-Arms, kindly ring the quorum bell for 10 minutes.

(The quorum bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we do have quorum now, kindly take your seats.

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MAKUENI COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the County Assembly of Makueni, comprising Members of the Committee on County Public Investment and Special Funds Account and its secretariat.

The delegation is undertaking a benchmarking visit in the Senate. I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

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|----|-------------------------------|---|------------------|
| 1. | Hon. Brian Kello Nzioka | - | Chairperson |
| 2. | Hon. Jonathan Muoki Mwaniki | - | Vice-Chairperson |
| 3. | Hon. Wakatete Kisungi Mulinge | - | Member |
| 4. | Hon. Meshack Kalii Ndambuki | - | Member |

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| 5. | Hon. Jackson Ndolo Kimunyi | - | Member |
| 6. | Hon. Janet Mwikali Kitunga | - | Member |
| 7. | Hon. Magdalene Nduku Mulwa | - | Member |
| 8. | Hon. Jacqueline Muthini Kamula | - | Member |
| 9. | Mr. George Maseka Mutuku | - | Secretariat |
| 10. | Mr. Chris Mutava | - | Secretariat |
| 11. | Mr. Japheth Ndambuki | - | Secretariat |
| 12. | Mr. Benedict Mutua | - | Secretariat |
| 13. | Mr. Stephen Nyamasyo | - | Secretariat |

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

Likewise, I have another Communication to make.

VISITING DELEGATION FROM BUREAU OF THE AFRICAN
NETWORK OF PARLIAMENTARIANS ON CLIMATE CHANGE

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Bureau of the African Network of Parliamentarians on Climate Change (ANPCC) and its secretariat. The delegation is undertaking a benchmarking visit in the Senate.

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

1. Hon. Guirieoulou Kohou Emile, MP - Member of Parliament, Cote d'Ivoire and Chairperson ANPCC
2. Hon. Mainzana Mapoko Nene, MP - Member of Parliament, Democratic Republic of Congo, Vice-Chairperson, ANPCC
3. Hon. Jacqueline Amongin, MP - Member of Parliament, Uganda, Secretary General, ANPCC
4. Hon. Clifford Andre, MP - Member of Parliament, Seychelles, Deputy Secretary General, ANPCC
5. Hon. Mayiik Deng, MP - Member of Parliament, South Sudan, Bureau Member, ANPCC
6. Hon. Sello Hakane, MP - Member of Parliament, Lesotho, Bureau Member, ANPCC
7. Hon. Adamu Saba, MP - Member of Parliament, Nigeria, Bureau Member, ANPCC
8. Hon. Ngouala Antoine, MP - Member of Parliament, Congo, Bureau, Member, ANPCC
9. Hon. Issa Mardo Djibir, MP - Member of Parliament, Chad, Bureau Member, ANPCC
10. Hon. Aisatta Camara, MP - Member of Parliament, Guinea, Bureau Member, ANPCC
11. Mr. Sylvester Kaonga - Parliamentary Staff, Parliament of Zambia

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12. Mr. Emmanuel Sebastian - Sound Technician
13. Mr. Kenneth Kuria - Sound Technician
14. Ms. Caroline Oyugi - Language Interpreter
15. Mr. Vincent Nyatuka - Language Interpreter
16. Mr. Abraham Kamuratsi - Staff, African Group of Negotiators Experts Support (AGNES)
17. Mr. Leon Mulama - Staff AGNES
18. Mr. Festus Langat - Staff AGNES
19. Mr. Shadrack Arum - Staff AGNES
20. Ms. Christine Maroa - Staff AGNES

Hon. Senators, the AGNES I am talking about here is African Group of Negotiators Expert Support.

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

I will allow the Senate Minority Leader, Sen. Kajwang', Sen. Boni---

(Sen. (Dr.) Khalwale consulted loudly)

I wish you were in the Chamber, I could have thrown you out, but you are still out of the Chamber.

The four Senators to extend a word of welcome on behalf of the two delegations. Thereafter, the Sen. for Makueni will wrap it up.

So, it will be Sen. Madzayo followed by Sen. (Dr.) Khalwale, Sen. Tabitha, Sen. Maanzo and, lastly, the Chairperson, Sen. Methu, whose docket handles matters climate change.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Tuko na wageni kutoka nchi mbalimbali za Bara letu la Afrika. Kuna watu kutoka nchi ambazo zinaongea Kiingereza, wengine wanaongea Kifaransa na pia Kiswahili, kwa upande wa watu wa Congo Brazzaville. Kwa ujumla, ni bora uniruhusu niongee kwa lugha ya Kiswahili.

Kwanza, najiunga na wewe kuwakaribisha hawa wageni wetu kutoka Makueni kwa ndugu yangu, Sen. Maanzo, na vilevile wale kutoka Bara la Afrika wa ile Kamati ya Tabia Nchi. Tunaona Afrika sasa inakuwa kitu kimoja. Ni muhimu kuwa tunalinda mazingira yetu.

Tunawaunga mkono kwa safari yao ya kutoka nchi zao za mbalimbali za Afrika. Wamekuja hapa kujionea Bunge letu la Seneti linafanya kazi namna gani. Nina matumaini ya kwamba, wakirudi nyumbani, watakuwa wameona vile Bunge la Seneti linavyofanya kazi.

Karibuni sana ndugu zetu kutoka Makueni; tunawakaribisha katika Bunge la Senate. Mko na Mbunge wenu, ndugu yangu, Sen. Daniel Maanzo. Hapa, mlipiga ndipo, hamkukosea. Ikiwa itawezekana tena, basi mmrejeshe huyu Sen. Maanzo.

Bw. Spika, mwisho, ningependa kuwaambia hawa ndugu zetu ambao wametoka Bara nzima la Afrika, karibuni sana katika Bunge letu la Seneti. Najua mkifika nyumbani, mtawajulisha ndugu zetu vile mmeona kazi ikiendelea katika Seneti ya Kenya.

Karibuni Kenya, ni nchi iko huru. Mnaweza kuzunguka mpaka saa kumi au saa tisa. Kuna mahali kwingi pa kwenda hapa Nairobi. Nairobi ni kwenu. Jisikieni kabisa kwamba mkiwa Kenya, ni kama mko nyumbani katika nchi zenu tofauti tofauti za Afrika.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Bonny, proceed.

Hon. Senators, keep it under one minute.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for this opportunity. I would like to request the delegation from Makueni County to go and deliver our greetings to the Governor of Makueni who has been our colleague in this House for a long time. Do remind him that the high standards he left are still being maintained by Sen. Maanzo.

Makueni is a unique place in Parliament because that is the place where we had Sen. Mutula Kilonzo Snr., one of the most polished leaders of the Republic of Kenya.

Finally, our visitors from Africa; you are most welcome. Allow me to use this opportunity to request the parliamentarians of West Africa, the western part of Africa, to come together and ensure that the fighting in Congo comes to an end. It is over 70 years when Patrice Lumumba died because of the rich gold and mineral deposits in the Democratic Republic of Congo (DRC). It cannot continue forever.

In fact, to the Member of Parliament from DRC; when you go back, send my greetings to my cousins there. The people in Eastern Congo are the same ones who are in the Western part of Kenya. That is why there is respect for the Congo Forest and Kakamega Forest, the only existing tropical forests in the continent of Africa.

Thank you, Mr. Speaker, Sir.

Sen. M. Kajwang': Mr. Speaker, Sir, I join you and the House to welcome the delegation from the Africa Parliamentarians Network on Climate Change (APNCC) as well as the delegation from Makueni.

Allow me also to take this opportunity to wish you a happy birthday.

(Applause)

I know there are some old men such as Sen. Abass, who do not know their dates of birth. So, he is not very amused.

(Laughter)

Mr. Speaker, Sir, as we welcome the delegation, I also thank you for creating time. I know that at four o'clock, you will be having a conversation with the hon. MPs. I want to thank you that when Kenya hosted the African Climate Summit last September, this Parliament brought together MPs from 28 African countries. The meeting was held under your direction and patronage. Today, we have MPs from 12 African nations who have come here to strategize on how MPS can be players in the climate change conversation.

Yesterday, the President of the Republic of Kenya, His Excellency William Ruto, was hosting African Heads of State in New York, in his capacity as the Chairperson of the Heads of State Climate Change Committee.

Kenya has always provided leadership on climate change matters. I know at the right time, you will allow me to make a substantive statement on the reason why the MPs are here.

Mr. Speaker, Sir, I join you in welcoming them so that I do not waste a lot of time. If you may have noticed, the Member from Guinea Bissau drew the loudest applause, especially from Sen. Madzayo.

Sen. Madzayo also reminds me that, now that I have the Floor and we have 12 African countries in the Speaker's Gallery, it would be proper to ask for their support for a Raila Odinga Chairmanship of the African Union (AU).

Thank you and welcome, hon. Members.

The Speaker (Hon. Kingi): Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I take the opportunity to welcome the delegation from Makueni County Assembly and also MPs from various countries of Africa. I welcome and wish them well in Kenya. We are doing very well when it comes to matters dealing with climate change. I am sure you will learn a lot more during your stay here.

I have been to quite a number of their countries, such as the Congo, where I usually represent this House in the prayer breakfast. I wish them a good stay here in Kenya and hope to interact and share more in relation to climate change.

Similarly, to the team from Makueni, we send you home with greetings to the people of Makueni. I hope you have learnt a lot from the Hon. M. Kajwang' whose Committee is hosting you and the other MPs on how best to check the Executive in Makueni County.

I thank you.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir. I also take the opportunity to welcome our own Makueni Members of County Assembly (MCAs).

I congratulate and urge them to continue doing the good job that they are doing. Ensure you play the mandate given to you by the people of Makueni so that you do not give a hard job to the Senator for Makueni.

Ensure also that the Governor uses money allocated by this House for the benefit of the people of Makueni.

I also take the opportunity to welcome the African Group of Negotiators of Experts Support (AGNES) and African Union Development Agency to Kenya; feel at home. Africa is our business and wherever we are, we work hard to ensure that we make Africa better than how we found it.

Thank you, Mr. Speaker, Sir.

Sen. Methu: Thank you, Mr. Speaker, Sir. I also want to start by wishing you a happy birthday. I also do not remember mine, but it is on a very special day. I was born on Valentine's Day of 1991.

I welcome the MCAs and staff from Makueni County Assembly.

I also very quickly welcome the MPs from the 12 nations that are in the Speaker's Gallery. Allow me to reiterate the position that I have mentioned in the past and has been mentioned by the Chair of the caucus, that, parliaments are major players in the space of climate change because the work of preparing budgetary allocations and budget is always a preserve of parliaments in almost all our democracies.

It is for this reason that we then must ensure that we learn from each other. We should do exchange programmes between countries; the 12 countries that are here and the MPs from Kenya so that we get to know what is in Malawi, Congo and other countries that we can borrow.

Mr. Speaker, Sir, finally, allow me to appreciate the AGNES Group for being at the forefront of ensuring that they build the capacity of MPs. Even as I speak about the space of climate change, our members are well equipped with the information that they require. It is not just a question that comes at the tail end of the conversations, but something that is at the centre of all the conversations that we shall be having as a people, a country and a continent.

I thank you.

The Speaker (Hon. Kingi): The Senate Majority Leader?

PAPERS LAID

REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 26th September, 2024-

These are the Reports of the Auditor General on the financial statements of the following hospitals for the year ended June 2023-

Report of the Auditor General on Financial Statements of Marsabit Level 5 Referral Hospital - County Government of Marsabit for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Kalacha Level 4 Hospital - County Government of Marsabit for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Msambweni County Referral Hospital - County Government of Kwale for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Lunga Lunga Sub County Level 4 Hospital - County Government of Kwale for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Samburu Sub County Level 4 Hospital - County Government of Kwale for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Kinango Sub County Level 4 Hospital - County Government of Kwale for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Marafa Sub County Referral Hospital - County Government of Kilifi for the fourteen (14) months period ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Mtwapa Sub County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2023.

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Report of the Auditor General on Financial Statements of Othoro Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Rachuonyo County Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Rangwe Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Nanyuki Teaching and Referral Hospital - County Government of Laikipia for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Nyahururu County Referral Hospital - County Government of Laikipia for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Nakuru County Teaching and Referral Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Soin Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Annex Hospital - Nakuru Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Gilgil Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Olenguruone Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Molo Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Njoro Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Mirugi Kariuki Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Elburgon Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Mukurwe-ini Sub County Level 4 Hospital - County Government of Nyeri for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Othaya Sub County Level 4 Hospital - County Government of Nyeri for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Karatina Sub County Level 4 Hospital - County Government of Nyeri for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Mt. Kenya Sub County Level 4 Hospital - County Government of Nyeri for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Kiambu Level 5 Hospital - County Government of Kiambu for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statements of Igegania Level 4 Hospital - County Government of Kiambu for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statement of Ruiru Level 4 Hospital - County Government of Kiambu for the year ended 30th June, 2023.

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Report of the Auditor General on Financial Statement of Ober Kamoth Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statement of Chulaimbo Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor General on Financial Statement of Ojola Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Chairperson of the Standing Committee on Finance and Budget, proceed to lay your report.

JOINT REPORT ON THE APPROVAL HEARING FOR APPOINTMENT
OF MR. DAVID KIBET KIMEI TO THE POSITION OF DG, CAK

Sen. Ali Roba: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 26th September 2024-

Report of the Joint Sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing for Mr. David Kibet Kimei, nominee for the appointment to the position of Director General (DG) of the Competition Authority of Kenya (CAK).

(Sen. Ali Roba laid the document on the Table)

COMMUNICATION FROM THE CHAIR

PRESENCE OF MS. ESSE MBEYU AKIDA, A CELEBRATED
KENYAN WOMAN FOOTBALLER, IN THE SPEAKER'S GALLERY

The Speaker (Hon. Kingi): Hon. Senators, before I call the next Order, I have this further Communication.

In the Speaker's Gallery this afternoon is Ms. Esse Mbeyu Akida a guest of the Speaker of the Senate. Ms. Akida is a celebrated footballer and among a generation of Kenyans who have brought immense honour and pride to the Republic through her exceptional talent in sports.

Ms. Akida's footballing talent was nurtured from a tender age while schooling in Kilifi County, notably through - Moving the Goalpost (MTG) initiative. This initiative has used sports to positively transform lives of young girls across our country.

Kenyans recall with great fondness and national pride, Akida's great display at the African Women's Cup of Nations (AWCON) where she scored the first goal for Harambee Starlets, entering the history books as the first Kenyan to do so.

(Applause)

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This exceptional exploit not only proclaimed her arrival in the world football scene, but also went on to open great opportunities for her in the ranks of professional football.

For the past three years, Esse has been plying her trade at Club Paok in Greece, taking part in one of Europe's top women's football leagues and rubbing shoulders with the world's best women footballers. She had previously played for Ramat Hasharon in Israel Besiktas of Turkey and Club Paok from Greece.

(Applause)

Here at home, the contributions of Akida's generation of women footballers is what laid the solid foundation for the historic achievement of the prolific Under-19 Harambee Starlets Team, which recently qualified for the World Cup competition for this category of women footballers to be held later next month in the Dominican Republic.

Ms. Akida's exploits go beyond football. Back home in Kilifi County, she has carved a niche for herself through exceptional philanthropic work and distinguished community service through the Esse Akida Foundation that she founded and runs using her personal resources which has played a pivotal role in giving hope to many girls, especially those from humble backgrounds.

I must point out that years back, during my tenure as Governor of Kilifi County, we celebrated Ms. Akida as one of our heroines for her outstanding philanthropy which has empowered many girls, sharpening their resolve to shatter the glass ceiling in their respective career paths.

I congratulate Ms. Akida for taking time to document her eventful journey in life in a new book titled "*Chained*", in which she reflects on the challenges she went through and how she triumphed.

(Applause)

Her book provides girls growing under similar circumstances with insights and inspiration to use their talents to create and exploit opportunities that come their way in life.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to Ms. Esse Mbeyu Akida. On behalf of the Senate and on my own behalf, I wish her a fruitful visit.

I will allow the Senator for Kilifi and the Senate Majority Leader, under one minute, to extend a word of welcome.

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

The Speaker (Hon. Kingi): Yes, the Senator for Kakamega?

Sen. (Dr.) Khalwale: Mr. Speaker, sir, I rise on a point of procedure to draw your attention to Standing Order No.29; namely, visiting dignitaries.

What you have read about this young woman distinguishes her from many women in this country. I wish it had come to my attention earlier. I would have requested that she be treated in the same manner under this Standing Order on visiting dignitaries, so that she

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should be in the right seat to serve as an example to the youths of this country, especially my daughters.

An hon. Senator: Zinzi.

Sen. (Dr.) Khalwale: Zinzi is one of them.

(Laughter)

Having said that, I do not know what you will rule. However, she deserves it.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you, Sen. Boni. That time will come. However, for today, she has come to visit me. So, she is here as the visitor of the Speaker.

(Applause)

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Najiunga na wewe kumkaribisha dada na mtoto wetu kutoka Kaunti ya Kilifi na pia Mkenya. Ni Mkenya kwa sababu ametoka katika nchi yetu na amefanya mengi ya ajabu katika Kenya. Natoa kongole kubwa kwa Bi. Akida kutoka Kilifi.

Wanawake wengi katika ulimwengu wanacheza kadanda lakini wengi wao hawatafika kile kiwango chake. Huyu dada - Ms. Esse Akida - amefanya bidii, akatia juhudi na kushughulika sana kufanya mazoezi na kuangalia taaluma mbalimbali za wale walio mbele yake ili kujifunza na hatimaye akafika kile kiwango cha kucheza kadanda ya kulipwa katika nyadhifa za juu za nchi za ng'ambo.

Bw. Spika nampa kongole vilevile kwa sababu anaichezea "Harambee Stars"---

(Several Senators spoke off record)

An Hon. Senator: Harambee Starlets.

The Senate Minority Leader (Sen. Madzayo): Yes, Asante.

Siyohisi kwa msichana mdogo kama huyu kutia juhudi na kufika kile kiwango. Katika harakati zake amepatana na pingamizi nyingi. Tumesoma katika vitabu kuwa ikiwa wewe ni mchezaji pengine una watu wanaokufunza au kukusaidia. Kumekuwa na chnagamoto nyingi katika maisha yake lakini ameweza kuzivuka na ameandika kitabu.

Katika kitabu chake anasema kuwa ni kama alikuwa amefungwa minyororo lakini sasa amejifungua na anaweza kwenda kwa sababu yale mawingu hayatakuwa ya mwisho. Huenda akayavuka pia na kuingia katika ulimwengu mwingine wa uchezaji kadanda. Sisi tunamtakia kila la heri.

Nawaomba Masenata na dada zangu hapa katika Bunge hususan dada yangu pale ambaye anajihusisha na mambo ya akina mama. Kama itawezekana wanunue kitabu hicho ili kuwajua wasichana wetu nchini na nyadhifa mbalimbali na mateso wanayopata lakini wanafanya juhudi mpaka mwisho wanafaulu.

Nawauliza dada na ndugu zangu kama Sen. Cherarkey- kijana mdogo - awe katika mstari wa mbele kununua kitabu hicho.

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Sisi kama Maseneta tunafaa kukisoma kitabu hicho. Niko na *copies* kwa bei nafuu. Unaeza kuja katika ofisi yangu na nitamwelekeza Sen. Cherarkey apatie kila mtu.

Asante.

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

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join you, on behalf of all our colleagues, to congratulate Ms. Esse Mbeyu Akida, who has joined us this afternoon. Though she was visiting you, I believe the visit has been extended to us, as a House; in one-celebrating her achievements, especially in a sport that is greatly emerging over the years, to be extremely competitive, but also gaining global recognition.

The women's football game has gained serious attraction to fans in the last few years. Perhaps in the next few years if we are not careful, it will actually become more popular than the men's sports. Sen. Mumma reminds me, but she needs not to, because I know for a fact that the women's game is way ahead of the men's sport in Kenya. Our girls are doing better.

(Applause)

Mr. Speaker, Sir, everybody is aware that our Harambee Starlets are currently in Spain, doing their pre-tournament preparation on their way to the Dominican Republic to play in the Federation Internationale de Football Association (FIFA) World Cup. That is a feat that no other football team has achieved. Therefore, we must celebrate girls like Esse who have pushed this sport to the levels that she has.

We celebrate her also in her distinguished career. I hope that she can inspire many girls in Kilifi County and the coastal part of the country which is not traditionally known for producing many great footballers.

I know Sen. Faki will not be happy with me saying that. However, I know that with girls like Esse doing what they are doing, many young girls from that part of the country will be inspired to excel and go even far beyond what you are able to.

Mr. Speaker, Sir, I hope that, as a country, we can continue to invest more in our sporting academies. You do realize that Ms. Esse nurtured her talents through this programme; Moving the GoalPost (MTG); and many others that are seasonally run.

Until we are able to set up academies that can nurture young talents and grow them into serious professionals, we shall not enjoy many stars coming out of our country like Esse. I celebrate her. The Senate looks forward to interacting and learning more from her.

Mr. Speaker, Sir, I just want to make one final request. The only other citizen within the precincts of Senate right now who has had the opportunity to represent Kenya at the international stage in a sporting event is none other than the Senator of Trans Nzoia County. Sen. Chesang featured for the national team. I know this because I was in university with him at the time when he represented Kenya in the All-African Games.

I am not sure whether they were with Esse at that time, but given that she had performed better than Sen. Faki, Sen. M. Kajwang'- who runs once in a while in the day and at night---

(Laughter)

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Why do we not allow Sen. Chesang to celebrate a fellow icon who has done well? That is my humble request. Welcome, Esse. I celebrate you.

The Speaker (Hon. Kingi): Sen. Kibwana, followed by Sen. Chesang, and Sen. Orwoba then Sen. Faki will wrap it up with that.

Sen. Kibwana: Asante, Bw. Spika. Nachukua nafasi hii kama upande wa kina mama wa Kenya Women Senators Association (KEWOSA) kujivunia mrembo wetu. Karibu sana na asante kwa kututembelea. Tumepata sifa zako na tunakupua kongole kwa kupeperusha bendera ya Kenya. Tunakuombea mema na utuwakilishe vilivyo.

Tunakusifu kwa kuja kushika wenzako mkono na kuwasaidia kufika mahali upo. Sio watu wengi hupenda kufanya vile ili wenzake wasimfikie. Tunakushukuru sana kwa kurudi nyumbani ili wao pia wapate ambacho umepata.

Tunakusifihi ukiwa kule ujivunie kuwa Mkenya. Tuwakilishe vilivyo. Weka sifa zetu na zako kama msichana mbele. Usihadaishwe na wengine. Fikra na malengo yako yawe mazuri. Usikubali kuhadaishwa na kitu chochote. Tunakusifu.

Asante kwa kututembelea. Shukran.

The Speaker (Hon. Kingi): Sen. Chesang proceed.

Sen. Chesang: Thank you, Mr. Speaker, Sir. First and foremost, I rise to congratulate Ms. Esse Akida. I am a very proud Senator in this House. I happen to be one of the people who has been part of her life. She was seated next to me in her first flight to the All-African Games, Algeria, in 2007.

I congratulate her because I have seen her hard work in her sporting activity all the way through. I have seen her grow. I have seen her efforts and training in Kenya. It is a very good example to this country that sport pays. I have been following her wherever she goes, including every team she has been with in Kenya and overseas. This is just an example and a living proof that sports pays. If the Government puts more efforts in this kind of sports, we will change many of our youths in this country.

Mr. Speaker, Sir, I would also like to congratulate her for writing a book and being a person that many of our youth look up to. I thank her for that.

I also appreciate my brother, Sen. Aaron Cheruiyot, for recognising that we were in Moi University in Eldoret at the same time. It is a privilege because most Members here do not have anyone who can say that they were classmates or in the same university.

Once again, congratulations, Esse. Keep striving. We are always behind you.

The Speaker (Hon. Kingi): Proceed, Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. Congratulations, Ms. Akida. I am peeping to see if it is you because I follow you a lot online.

I would like to congratulate this lady because Kilifi County is known for many things, including teenage pregnancies. When they look up to someone like Ms. Akida, they understand that there is hope in doing other things and girls can break that barrier.

Ms. Akida, when you go back home, I urge you to hold the hands of those many girls. In Kilifi County, the prevalent rate for teenage pregnancies is 28.9 per cent. That is about 4,000 girls being impregnated every year, for whatever reason. You know we have sex for pads, among other reasons. There is also hopelessness that they cannot be anything in life.

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Congratulations. Please hold the hands of many girls out there, so that they can look up to you. That way, you will change your community from that perspective.

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

Sen. Faki: Bw. Spika, asante kwa kunipa fursa hii kujiunga nawe kumpa kongole dada yetu, Esse, kwa kazi nzuri anayofanya. Esse ni mmoja wa wale wanamichezo wetu ambao wamebobeza kucheza katika ligi za kimataifa. Mwingine ni Bi. Mwanahalima Adam Jereko ambaye anacheza kule Marekani sasa hivi.

Bi. Mwanahalima ni msichana aliyelelewa Likoni, mjini Mombasa. Kwa hivyo, Sen. Aaron Cheruiyot, usifikiri kwamba haya mambo yanatokea Kilifi peke yake. Mombasa pia kuna mambo kama hayo.

Bw. Spika, nilipata fursa ya kutembea mpaka kule Bamba katika Uwanja wa Moving the Goalposts (MTG). Nafikiri ni mradi mzuri ambao kaunti zetu zote zinafaa kuiga.

Kuna Mswada wa Sen. Sifuna kuhusiana na kutengwa kwa asilimia fulani ya bajeti za kaunti kusaidia kukuza michezo. Hiyo ni njia itakayosaidia pakubwa kutoa wanatalanta wengi kama Esse ambao hawajapata fursa kama hii ili wasonge mbele katika talanta zao kama vile michezo.

Kwa kumaliza, ni masikitizo kwamba wakati wasichana wetu wanabobeza michezoni, wanakwenda nchi nyingine kucheza ligi kubwa kubwa huko. Hapa Kenya, hatuna uwanja unaoweza kuandaa mechi unaokubaliwa na FIFA.

Ni aibu kubwa kwamba tunakwenda kuchezea mechi zetu Uganda. Timu ya nyumbani inachezea Uganda kwa vile hatuna uwanja wa kimataifa wa kuandaa mechi zinazoratibiwa na FIFA.

Ni changamoto ambayo imetolewa na dada yetu, Esse, ambaye yuko hapa leo. Kwa hivyo, sisi kama Maseneta ni lazima tuangalie njia itakayosaidia kukuza michezo nchini mwetu.

The Speaker (Hon. Kingi): Next is Sen. Richard Onyonka.

Sen. Onyonka: Mr. Speaker, Sir, I stand here to give my accolades to you as the Speaker for having thought it wise to invite the young lady who has made our country proud.

Hon. Members of this Senate are all saying how wonderful she is. How I wish we changed the rules on how we reward medals from this House and nationally for Kenyans who have excelled or have done exceptionally well?

Mr. Speaker, Sir, you know her personally. I hope that when you go back to Kilifi, you will enable her to continue. I request many of us to participate in a league with my friend, Sen. Stewart Madzayo. I would not mind sending our young ladies from Kisii County because we have football teams. They can go to Kilifi to play then we also invite other players from Kilifi.

As Kenyan leaders, we have not treated well our sportsmen, sportswomen, musicians, people who perform in theatre and other sectors. We need to improve on that. We all understand the importance or the reason that right now everybody is a content creator.

It is unfortunate that every time our successful athletes go out to the world to perform, we never give them any accolade, leave alone rewarding them in a small way.

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This House should make sure we appreciate our African and Kenyan athletes and those from other areas.

Finally, I thank the delegation from Makueni that has come here for benchmarking and the team of witnesses who are here. It is a great honour to see both sides coming and watching what we do in this House.

The Speaker (Hon. Kingi): Finally, Sen. Beth Syengo.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir, for giving me this chance. I take this opportunity to congratulate Esse. I also congratulate you, Mr. Speaker, Sir, because she comes from your county. My Minority Leader, Sen. Madzayo, has nurtured and mentored the girl. I also recognise him.

As the Woman President of Orange Democratic Movement (ODM) Women League, and by extension the broad-based Government, I want to speak on behalf of all the women.

We need girls who are gifted and talented like her. I urge parents to let girls participate in games, education and everything that the boy child does because the girl child can do better.

The book she has written should get to the hands of our young girls and even mature women. We should read so that we are motivated and encouraged and also borrow a leaf from her.

The Speaker (Hon. Kingi): Let us go to the next Order.

NOTICE OF MOTION

ADOPTION OF JOINT REPORT ON APPROVAL FOR APPOINTMENT OF MR. DAVID KIBET KIMEI TO THE POSITION OF DG, CAK

Sen. Ali Roba: Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT the Senate adopts the report of the Joint Sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of Mr. David Kibet Kemei, nominee for the appointment for the position of Director General of the Competition Authority of Kenya (CAK).

The Speaker (Hon. Kingi): Let us go to the next Order. Hon. Senators, these are Statements pursuant to Standing Order No.52 (1).

Proceed, Sen. M. Kajwang'.

QUESTIONS AND STATEMENTS

STATEMENTS

THE ROLE OF PARLIAMENTS IN IMPLEMENTING
INTERNATIONAL AND NATIONAL CLIMATE
CHANGE COMMITMENTS IN AFRICA

Sen. M. Kajwang': Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a statement on an issue of general topical concern regarding the pivotal role of parliaments in implementing both international and national climate change commitments in Africa.

Between the 1st and 5th September, 2024, the National Assembly of Cote d'Ivoire, in partnership with the African Group of Negotiators for Expert Support (AGNES) and the African Union Development Agency, hosted a high-level meeting of parliamentarians in Abidjan.

This meeting held on the sidelines of the 12th Conference on Climate Change and Development in Africa and the 10th special session of the African Ministerial Conference on the Environment, brought together parliamentarians from across the continent, all of whom are members of the committees, commissions and caucuses on the environment, climate change, agriculture and natural resources.

The meeting under the theme of strengthening the role of parliaments in the implementation of national and international commitments on climate change in Africa, is aimed to build the capacity of Parliamentarians to better understand their roles in addressing the escalating climate crisis.

As part of the outcomes, a 12-member Bureau was elected to guide the work of this network of parliamentarians. The meeting of the Bureau is currently ongoing in Nairobi to organize their affairs and develop a comprehensive roadmap for their work.

Mr. Speaker, Sir, I want to thank you for acknowledging the 12-Member Bureau that is in the Speaker's Gallery.

It is crucial to underscore the role of parliaments in the global and national climate governance frameworks. As elected representatives of the people, Members of Parliament (MPs) are uniquely positioned to ensure that international climate commitments, such as those outlined in the Paris Agreement and Africa's nationally determined contributions, are translated into effective policies, actions and laws at the national level.

As the legislators, our role is not simply to pass legislation, but to actively oversee its implementation and ensure that climate action is integrated into all areas of governance; agriculture, energy, health and infrastructure.

The meeting in Abidjan highlighted the need for parliamentary oversight as a cornerstone of effective climate governance. MPs have a responsibility to hold their governments accountable for meeting climate targets, tracking progress on Nationally Determined Contributions (NDCs) and ensuring that the necessary financial and technical resources are made available to support climate action.

This requires us to be proactive in monitoring the policies and programmes put in place to mitigate and adapt to the impacts of climate change and ensure that they are effective and equitable and that they benefit the most vulnerable in our societies.

Furthermore, parliament must lead in the legislative process by enacting strong climate laws that establish clear frameworks for action, allocate appropriate budgets for climate initiatives and set accountability mechanisms for implementation.

During the discussions in Abidjan, it became evident that many African countries still lack comprehensive climate legislation. It is, therefore, incumbent upon us, as parliamentarians, to work collaboratively with our executive branches and other stakeholders to develop and pass the necessary legal frameworks that align with our international commitments and ensure national climate resilience.

I am happy to note and report that Kenya in 2016 was the pioneering African country when we came up with the Climate Change Act. Only last year in September, this House was involved in amendments to the Climate Change Act to provide a framework for carbon markets and carbon trading. That puts Kenya ahead of the rest of the other countries in Africa.

The Abidjan Declaration also emphasized the importance of carbon trading and climate finance as critical tools in Africa's climate response. African nations, many of which are rich in natural resources, must participate equitably in the global carbon market.

As MPs, we must advocate for the development of harmonized carbon trading models that ensure fairness and justice in pricing, allowing our countries to benefit from carbon credits while simultaneously supporting global efforts to reduce emissions.

We must also push for increased climate finance, including accessing grants and funds from mechanisms such as the Green Climate Fund to support adaptation and mitigation projects in Africa.

A significant focus of the Abidjan meeting was on capacity building. For parliaments to perform their roles effectively. We need to be equipped with the knowledge, tools and expertise necessary to understand the complexity of climate science and policy. This is why partnerships with institutions like the Africa Union Development Agency, NEPAD and AGNES are invaluable. They can provide the technical support needed to strengthen the capacity of parliamentarians and technical staff to oversee climate action, track progress and ensure accountability.

I want to encourage your office and the Office of the Clerk of the Senate that perhaps parliament needs to have a trained negotiator on climate matters, because it is very much involved in climate legislation. It is high time we partnered with AGNES to build the capacity of our clerks on climate negotiation.

The declaration in Abidjan emphasized the role of multi-stakeholder engagement. Climate action requires the involvement of all sectors of society, including the scientific community, civil society, private sector and most importantly, local communities.

MPs must serve as a bridge between the people and the Government, ensuring that climate policies reflect the needs and aspirations of the people, particularly those in vulnerable communities who are most affected by climate change.

Here in Nairobi, scientists, negotiators, researchers and civil society are gathered under the banner of AGNES to develop a position pre-COP29. As I said earlier, we were

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also very pleased to see our President lead the African heads of State in New York in his capacity as a Chairperson of the relevant committee.

As we look ahead to COP29 in Azerbaijan, Baku, and other upcoming international negotiations, the Abidjan Declaration provides a clear message that Africa must be bold and assertive in advocating for its climate priorities.

One of the key messages to the Africa Ministerial Conference on Environment for COP29 is a call for an ambitious new goal on climate finance, with at least 1.5 trillion dollars in annual public finance for adaptation and mitigation.

This is essential if African countries are to build climate resilience and address the growing impacts of climate change on food security, health and livelihoods.

In conclusion, parliaments are at the heart of climate action in Africa. The Abidjan Declaration is a clarion call for us to take up our roles with the seriousness that they deserve.

As Kenyan MPs, we must work together to ensure that our laws, policies and budgets are aligned with our climate commitments and that we are playing an active role in the global effort to combat climate change. The future of our continent and our planet depends on the actions we take today.

Mr. Speaker, Sir, with your indulgence, allow me to thank the Chairperson of the substantive Committee that deals with Climate Change, Sen. Methu. Allow me to thank the Members of the Caucus that I lead, which works very closely with the specific departmental committee, for their support.

If you allow me, I will table the Abidjan Declaration, which was a declaration that was signed by 30 members of Parliament drawn from all three regions of Africa. The only region that was not represented was North Africa. We do hope that as we go along, we will carry our brothers from North Africa to build one strong network of parliamentarians on climate change.

Mr. Speaker, with your indulgence, I beg to table the Abidjan Declaration for your further direction and action by the relevant committee.

The Speaker (Hon. Kingi): You may proceed to the table.

(Sen. M. Kajwang' laid the document on the Table)

Statements pursuant to Standing Order No.53(1).

Hon. Sen. Tabitha Keroche.

STATUS OF COMPENSATION FOR VICTIMS
OF THE MAI MAHIU FLOOD TRAGEDY

Sen. Tabitha Keroche: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and National Resources regarding the status of compensation for the victims of the Mai Mahiu Flood Tragedy.

In the statement, the committee should-

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(1) Explain to the Senate why there is discrimination in the compensation for victims of the Maai Mahiu flood tragedy and investigate allegations that the victims are being divided along the lines of those who had rented houses and those who owned houses, yet all of them were affected by the same magnitude of tragedy, where all of them lost their loved ones, property and businesses.

(2) Explain reasons for the inordinate delay in the replacement of personal documents such as the birth certificates, academic documents, identification documents and Kenya Revenue Authority (KRA) pins, belonging to the flood victims, which were recorded by Huduma Centre officials who had set a temporary office on site. State timelines within which the said documents will be availed to ensure they are not denied access to Government and banking services as well as jobs opportunities as it is today.

(3) Explain why the Ministry of Interior and Coordination of National Government, through the State Department for Special Programmes, has failed to keep the promise to fully compensate and resettle the flood victims, especially after the three months rent paid by Government elapsed.

(4) State when the team of experts promised by the Government will visit the site to evaluate whether the areas are now risk-free and safe for human habitation or and make recommendations for alternative land for resettlement of the victims.

(5) Explain why the Nakuru County Government has done nothing to help the Maai Mahiu flood victims, despite having a huge budget of Kshs902 million in the financial year 2023/2024, allocated to County Executive Member (CECM) in charge of Public Service Management, Coordination and Training, a docket responsible for handling disasters in Nakuru county.

(6) Explain why the county government has the audacity to spend 446.24 million on extravagance and foreign trips, while the Maai Mahiu victims who are only 130 members, require according to her Excellency's an estimate of Kshs1.2 million per household that equals to Kshs234 million.

(7) Provide a report on the donations contributed by well-wishers across Kenya that was collected by the Nakuru County Government officials, the Nakuru County Commissioner's office and the area MP's office on behalf of the Maai Mahiu flood victims.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

MEDICAL NEGLIGENCE AT VIHIGA COUNTY REFERRAL HOSPITAL

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise Pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on health regarding the medical negligence at Vihiga County Referral Hospital.

In the statement, the committee should:

(1) Outline the medical safety procedures implemented before, during and after surgical procedures at this hospital.

(2) Clarify the circumstances that led to a surgical scissor, being left in the abdomen of Mrs. Dephina Lihuechi Salago, during her abdominal surgery at Vihiga County Referral Hospital.

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(3) Disclose the names of the members of the medical team led by the surgeon that performed the fatal surgery on Mrs. Dephina Lihuechi Salago, disclosing any disciplinary actions taken against them for the gross medical negligence.

(4) Provide information regarding the psychological and financial support and possibly compensation offered to the family of the late following the incidence.

(5) State measures put in place by the Vihiga County Referral Hospital to prevent the recurrence of such a regrettable incidence.

As I conclude, I want to offer my condolences to the late and an apology on behalf of the Kenya Medical Practitioners and Dentists Board, because this is not our standard.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Mumma.

CRIMINALISATION AND RE-VICTIMIZATION OF SURVIVORS OF FGM

Sen. Mumma: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to request a statement from the Standing Committee on Justice Legal Affairs and Human Rights (JLAHR) regarding the urgent and concerning issue of the criminalization and re-victimization of survivors of Female Genital Mutilation (FGM), including minors.

In the statement, the committee should:

(1) Apprise the Senate on the veracity of allegations regarding the criminalization and re-victimization of victims of FGM in Bomet and Narok counties, among others.

In so doing, the committee should confirm to the Senate-

(a) The number of victims' survivors of FGM, including minors that have been prosecuted for the alleged offenses of procuring FGM, aiding and abetting FGM and failure to report FGM under the prohibition of Female Genital Mutilation Act.

(b) How many of the accused victims and survivors of FGM have been subjected to the inhumane and degrading treatment of forced genital examination to procure prosecution evidence against them.

(c) The number of victims or survivors of FGM, including minors that have been convicted, so far, of their offenses indicated in this statement and whether they had access to legal representation during their trials.

(d) The number of victims' survivors of FGM, convicted and sentenced under this law and the nature of sentences meted against them.

(2) Could the Committee invite the Cabinet Secretaries for Ministry of Interior and Coordination of National Government, Ministry of Health, Ministry of Education, the Attorney General, the Inspector General of Police, the Director of Public Prosecutions (DPP), the National Gender and Equality Commission and the Kenya National Commission on Human Rights (KNCHR), including the National Syndemic Diseases Control Council (NSDCC), to discuss a proactive policy response to this concerning issue.

(3) Organize a meeting with the Chief Justice of Kenya, the National Council for Administration of Justice and other justice sector stakeholders in order to come up with the most appropriate policy in response to this concerning issue.

I thank you.

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The Speaker (Hon. Kingi): Sen. Faki, proceed.

IMMINENT EVICTION OF CIVIL SERVANTS
FROM HOBLEY ROAD ESTATE

Sen. Faki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Roads Transportation and Housing on the imminent eviction of civil servants from the Hobley Road Estate near Mombasa Municipal Stadium in Mombasa County. The civil servants are due to be evicted from 1st October, 2024 ostensibly to pave way for the construction of a new housing estate in the Affordable Housing Plan.

Since we are alive to what happened to Buxton where to date the former tenants have not been resettled despite a resolution of this House, I will not wish to see them suffer similar fate. Besides that, the national examinations are due to start in October 2024 and the impending evictions and relocations could interfere with the performance of the students who are currently preparing for their final exams.

In the statement, the committee should confirm:

(1) Whether the civil servants facing eviction from the Hobley Road estate have been provided with alternative accommodation where they can relocate.

(2) State if they will be considered for payment of disturbance allowance to facilitate their relocation from their present residence to their new residences.

(3) Disclose the person or company that was awarded the tender for the construction of the said houses, and whether the current tenants will be given first priority to occupy the units once the construction is completed.

I thank you.

The Speaker (Hon. Kingi): Sen. Wafula, proceed. Those two Statements are dropped.

DELAYED CAPITATION TO TVET INSTITUTIONS

(Statement dropped)

MANAGEMENT OF KITINDA DAIRY FARMERS
COOPERATIVE SOCIETY IN BUNGOMA COUNTY

(Statement dropped)

Sen. Osotsi, proceed.

STATUS OF IMPLEMENTATION OF
CAIPs PROJECT ACROSS COUNTIES

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and

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Intergovernmental Relations concerning the implementation of the County Aggregation and Industrial Parks (CAIPs) project across the counties.

The National Government, through the Ministry of Investment Trade and Industries in partnership with the county governments, private sector partners, development partners and the United Nation Industrial Development Organization (UNIDO), entered into partnership to establish a CAIP in each county aimed at boosting the manufacturing sectors, contribution to Gross Domestic Product (GDP) from the current 7 per cent to 15 per cent by 2027 and 20 per cent by 2030.

The project will be implemented in three phases covering all counties. It is financed equally by the national Government and county governments, each contributing Kshs250 million. It is also noted that the Senate approved the County Government Additional Allocation Act for the Financial Years 2023/2024 and 2024/2025, donating funds, specifically in this project.

In the statement, the committee should-

(1) Table a report on the current progress of construction of these industrial parks in all the 47 counties, specifying the timelines for completion and operationalization of the parks.

(2) State the amount of funds that have, so far, been disbursed by the national Government for each county government for construction of these parks vis-a-vis total funds allocated to each county and give details of any other source of funding for the project, giving a detailed breakdown per county of the money spent towards the implementation of the project.

(3) Clarify the basis for the partnership between the national Government and county governments in the implementation of this project, including any agreements between the two levels of Government as per Article 187 of the Constitution.

(4) State whether all the counties have acquired land of equal acreage for the project and the measures to ensure the land is protected from any potential risk of public land grabbing.

(5) Furnish the Senate with the relevant project documentation such as feasibility studies, procurement plans, Bills of Materials (BOM), tender documents and state measures for ensuring maximum accountability and timely auditing of financial records of the project by the Office of the Auditor-General.

(6) Outline the challenges hindering project implementation, noting that no county has implemented the project and detail the measures the Government has put in place to expedite its realization across all the 47 counties.

This is signed by Sen. Godfrey Osotsi, MP and the Deputy Party Leader of the Orange Democratic Movement (ODM).

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

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

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, proceed.

REDUCTION OF TEA BONUS IN
CERTAIN TEA GROWING AREAS

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the reduction of tea bonuses in certain regions in Kenya such as Nandi, Kericho, Bomet, Nyamira, Kisii, Trans Nzoia, Bomet, among other counties.

In the statement, the committee should-

(1) Explain the criteria used to determine tea bonuses amount per kilogramme to be paid to farmers by tea factories in Kenya, outlining any measures put in place to ensure transparency in the process and fairness to all other regions across Kenya.

(2) Provide a schedule indicating tea bonuses amount per kilogramme paid to farmers by tea factories in Kenya, explaining disparities in the amounts paid by the different factories across the country.

(3) Explain why tea bonuses amount per kilogramme in certain regions have reduced significantly from approximately Kshs60 last year to as low as Kshs19 to 25 in Nandi County and the regions I have said, while in other regions, it is high up to Kshs60.

(4) State why the Tea Board of Kenya (TBK) and the Kenya Tea Development Agency (KTDA) have failed to prescribe a minimum tea bonus amount per kilogramme to protect tea farmers from exploitation across the country.

(5) Clarify whether the Government of Kenya (GoK) is adequately prepared to supply the subsidized fertilizer ahead of the impending short rains between September, October and November to support tea farmers and other farmers who have already been impacted by low tea bonuses from across the region of Nandi, Kericho, Bomet, Nyamira, Kisii, Trans Nzoia, Bungoma, among other counties.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Orwoba, proceed.

PROVISION OF CONDUCIVE LACTATING
ROOMS AT THE WORK PLACES

Sen. Orwoba: Madam Temporary Speaker, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the provision of conducive and easily accessible lactating rooms for breastfeeding mothers in workplaces in Kenya.

In the statement, the committee should:

(1) State whether offices in the public service and other workplaces have allocated conducive lactating rooms in proximity to work stations to enable breastfeeding mothers to attend to their duties.

(2) Outline any actions the Ministry of Public Service and Human Capital Development has put in place to ensure that all breastfeeding mothers are provided with a conducive work environment as provided for in Section 71(1) and 2 of the Health Act, 2017.

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I thank you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, we will now open up for Senators to comment on the statements.

My apologies, we will move on to the next set of statements pursuant to Standing Order 56(1).

The Chairperson Standing Committee on Finance and Budget.

STATUS OF THE EQUALIZATION FUND

Sen. Ali Roba: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.56(1)(a) of the Standing Orders of the Senate to make a statement on the realization of Article 204 of the Constitution and the Status of the Equalization Fund.

As you are aware, the Equalisation Fund is established under Article 204(1) of the Constitution, which requires that 0.5 per cent of all the revenue collected by the National government each year be paid into the Fund. The amount is calculated based on the most recent audited accounts of revenue received, as approved by the National Assembly.

The primary object of the Fund is to provide basic services, including water, roads, health facilities and electricity to the marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far, as possible.

Madam Temporary Speaker, while this Fund is established under Article 204(1) of the Constitution, its premise can be found in the principles that underpin public finance and in particular, Article 201(b) of the Constitution, which provides that:

The public finance system shall promote an equitable society, and in particular, expenditure shall promote the equitable development of the country, including by making special provision for marginalised groups and areas.

Indeed, the Equalisation Fund is one of four Funds established by the Constitution. This speaks to the central role of the Fund which was intended to play in ensuring that no person is left behind in the building of a nation whose values include equity, social justice and protection of the marginalised.

Sadly, this aspiration to equity in development remains as elusive now as it was before the coming into force of the Constitution 2010. The Equalisation Fund has faced numerous implementation challenges since its inception, which have hindered effective operationalisation of the Fund.

One of these delays was occasioned by the inordinate delay in the approval of the regulations for the administration of the Equalization Fund. Whereas the Fund started receiving statutory allocations from financial year 2011/2012, the first Equalization Fund Appropriation Act was enacted six years later in the financial year 2017/18. This is attributed to the delays in the approval of the guidelines for the administration of the Fund, which were approved in 2016.

Madam Temporary Speaker, in 2019, these guidelines were nullified by the High Court in Petition No.272 of 2016, which led to a further delay in the operationalisation of the Fund. It is notable to note that the regulations currently in place were approved in 2021, 10 years after the inception of the Fund.

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The Fund faced further litigation in 2023, when conservatory orders were issued by the High Court of Kenya at Garissa, restraining the Commission on Revenue Allocation (CRA) from implementing the second marginalization policy. This is due to concerns being raised on lack of public participation and the naming of some beneficiary wards in Wajir County. This matter was eventually settled.

Another contributing factor to the operationalization of this Fund has been the delay in the implementation of policies on marginalization. Due to the inordinate delay in the approval of the regulations for the administration of the Fund, the implementation of the policies has also been delayed.

The first policy on marginalization, which was introduced in 2013 was implemented by the Equalization Fund Appropriation Act of financial year 2017/2018. The policy was financed from the entitlement and the allocation to the Equalisation Fund for financial years 2014/2015, 2015/2016 and 2016/2017. Notably, the policy lapsed in 2016/2017, but the implementation of the projects is ongoing.

Latest statistics indicate that as of 31st May, 2023, a total of 359 projects under the first policy were financed by the Equalisation Fund and were at different stages of implementation. Out of these, 243 projects are 100 per cent complete.

The second policy on marginalization came into force in 2018 and the projects therein were to be funded from the funds of the financial years 2011/2012, 2012/2013, 2013/2014, 2017/2018, 2018/2019, 2019/2020 and 2020/2021.

The Equalization Fund Appropriation Act, 2023, and the allocation in the Equalization Fund Appropriation (No.2) Bill, 2023 for financial year 2023/2024 will be utilized to implement the second marginalization policy. Despite the lapse of the second policy in June, 2021, the status of implementation of these projects under this policy remains unclear.

Madam Temporary Speaker, two policies running concurrently, beyond their implementation timelines complicates the oversight of the Fund in addition to delaying returns on investment. Of even greater concern is that the third policy on marginalization is yet to be submitted to Parliament.

The legislative and policy delays that I have canvassed have led to an accumulation of arrears to the Fund, totalling to Kshs33,597,717,433. In financial years 2011/2012, 2012/2013 and 2013/2014, the Fund had no allocation since the first policy on marginalized areas had not yet been developed by the CRA.

Further, from the financial year 2017/2018 to 2020/2021, there were no allocations to the Fund due to nullification of the guidelines. However, since the Fund resumed operations in 2021, the National Treasury has shown blatant disregard for the timely implementation of the Fund's projects and has failed to conclusively address the issue of accumulation of arrears.

I note with concern that the National Treasury, in a letter to the Senate dated 19th May, 2023, committed to allocate Kshs9,976,766,000 for four consecutive financial years, from financial year 2024/2025 to financial year 2027/2028 as payment of the arrears. However, in the 2024/2025 budget, the National Treasury reneged on its commitment and allocated Kshs3,547.18 billion only as Equalization Fund arrears.

It is disappointing to note that these arrears have since been removed in the Supplementary Estimates I for financial year 2024/2025 and the current proposed allocation to the fund stands at Kshs8 billion.

Madam Temporary Speaker, even the Equalisation Fund Appropriation (No.2) Bill, 2023, currently before this House, has faced a similar fate with a reduction of Ksh790 million from the Kshs2.5 billion allocated for the partial payment of arrears. There is simply no commitment towards conclusively addressing the issue of the accumulation of arrears from the National Treasury.

Similarly, in the financial year 2022/2023, the amount of Ksh10,330,317,433 appropriated through the Equalisation Fund Appropriation Act, 2023 was revised to zero, which is a complete legality, at the time of approval of the Supplementary II for the financial year 2023/2024.

This is despite the enactment of the Equalisation Fund Appropriation Act, 2023, on 30th June, 2023. To address this anomaly, the National Treasury committed to allocate Kshs10.3 billion in the 2023/2024 Supplementary Budget. However, despite the consideration and approval of two supplementary budgets in that financial year, the allocation of Kshs10.3 billion in line with the existing Act was never even a consideration.

This is not only disappointing, but also an illegality to have an Act in place without the corresponding allocation. To this extent, therefore, the arrears to the fund are higher than reported and actually stand at Kshs43,928,034,866.

Madam Temporary Speaker, the difficulties that this Fund has faced are alarming in and of itself when considered within the context of the sunset clause in Article 204(6) of the Constitution they become disastrous. Under Article 204(6) of the Constitution, the Fund has a lifespan of 20 years. This means that presently, and barring an extension under Article 204(7), the Fund has six years to accomplish its objectives.

Taking into account the constitutional provision that Parliament may enact legislation to extend the lifespan of the fund, in October 2023, the Senate passed the Equalisation Fund (Administration) Bill (Senate Bills No.14 of 2023), which seeks to repeal and replace the PFM (Equalization Fund Administration) Regulations, 2021, and also to extend the life of the Fund for a further, non-renewable term of ten years from the date upon which the Fund would have lapsed. However, since the Senate passed the Bill on 10th October, 2023, it has stagnated in the National Assembly, and there is no clear indication of when the National Assembly will finalize on it.

This brief overview I have given here today on the operationalization of the Fund is, therefore, an elegy of a promise unfulfilled. The Constitution of Kenya 2010 represented a new dawn for this country and held within its provisions the means to correct injustices resulting out of systemic underdevelopment in various parts of this country.

The Fund was intended to be the first step towards ensuring that development is inclusive and equitable. This statement, therefore, is a rallying clarion call to both Houses of Parliament and the National Treasury to recommit to the constitutional values of inclusive development and the protection of marginalised communities and prioritize the passage and implementation of laws and policies for the implementation of this Fund.

It is signed by Sen. Ali Roba, the Chairperson of Standing Committee on Finance and Budget and the party leader of United Democratic Movement.

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The Temporary Speaker (Sen. Mumma): We proceed to statements pursuant to Standing Order No.56(1)(b). The Chairperson of the Standing Committee on Information, Communication, and Technology.

ACTIVITIES OF THE COMMITTEE ON INFORMATION,
COMMUNICATION AND TECHNOLOGY

Sen. Chesang: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on Information Communication and Technology for the period commencing April to August, 2024.

During the period under review, the committee held a total of 20 sittings, during which it considered seven statements and two inquiries. The committee also held one Private Sector and Development Partners' Stakeholders' Engagement and Networking Retreat from 14th to 17th June 2024. Attached to this statement is a schedule of legislative business considered by the committee.

In the reporting period, the committee considered the statement sought by Sen. Hamida Kibwana, MP, on the Sale of Telkom Kenya to Infrastructure Corporation Africa and resolved to include it as part of an ongoing Inquiry.

The committee also considered the statement sought by Sen. Samson Cherarkey, MP, regarding the financial status and operations of the Postal Corporation of Kenya. While the committee has made significant progress on the statement, the committee sought additional clarifications through supplementary questions to comprehensively conclude the matter.

The committee is currently conducting the following two inquiries:

(1) Inquiry into the Critical Telecommunication Infrastructure in the country. The committee has met other stakeholders and is scheduled to meet the Cabinet Secretary, National Treasury, and Economic Planning, the Competition Authority of Kenya (CAK) and the Kenya Revenue Authority (KRA).

(2) Inquiry into the operations of IFMIS and other County Revenue Collection and Management Systems. The committee had received submissions and a report of the Multi-Agency Taskforce on Integrated County Revenue Management System from the Council of Governors (CoG). The committee is scheduled to meet the National Treasury and the KRA.

The committee regrets the delays in concluding the statements and inquiries under its consideration, which has been occasioned by the frequent requests for postponement of meetings by the Executive, the CoG and other key stakeholders.

The committee held a Private Sector and Development Partners Stakeholders' Engagement and Networking Retreat from 14th to 17th June, 2024. During the retreat, the committee engaged with key players from the ICT private sector, the telecommunications industry and development partners to gain insights into sector-specific policy directions, identify legislative gaps and determine priority areas for the 13th Parliament.

In the next Session, the committee will continue exploring measures to advocate for the reduction of import taxes on SIM cards and the zero-rating of SIM card

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manufacturing materials to support local production, with the ultimate goal of providing free SIM cards for all citizens.

Additionally, the committee will focus on reviewing the progress of the digitization of Government services across all Ministries and Agencies to enhance efficiency and accessibility.

In conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support accorded to the committee in undertaking its work.

Lastly, I also wish to thank the Members of the Committee for their commitment, diligence and contributions during the committee activities.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, proceed.

ACTIVITIES OF THE COMMITTEE ON JUSTICE,
LEGAL AFFAIRS AND HUMAN RIGHTS

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on Justice Legal Affairs and Human Rights for the period April to August 2024.

During the period under reference, the committee held 31 sittings at which it considered various legislative proposals, Bills, statements, petitions, inquiries and held stakeholder engagements as set out below –

(a) Prepublication Scrutiny (1) — The committee conducted pre-publication scrutiny on one legislative proposal, the draft Constitution of Kenya (Amendment) Bill, 2024, sponsored by Sen. Samson Cherarkey, MP. The committee approved the proposal, which has since been published as a Bill.

(b) Bills – The committee considered a total of 12 Bills during the reporting period. Of these, the committee concluded the consideration of and tabled reports on five Bills, while consideration of the remaining seven Bills is ongoing. We plan to finalize these and table the reports therein in the coming month.

(c) Statements — The committee considered three statements during the reporting period and held meetings with the respective Senators and the invited stakeholders. Where the responses were not satisfactory, the committee re-invited the stakeholders to appear before it in the coming month.

On petitions, the committee considered four petitions during the reporting period. Following consultations, one of these petitions has since been redirected to the Standing Committee on Devolution and Intergovernmental Relations. The committee is projected to conclude the remaining three petitions within the next two weeks.

On Sessional Papers/Policies, the committee considered one Sessional Paper during the reporting period, namely, the Kenya Policy on Public Participation. We are at the tail-end of this and will be tabling our report in the Senate in October.

On inquiries, following a statement sought by Sen. Mumma, the committee commenced an inquiry into the status of indigenous people in Kenya. This is ongoing. The

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committee is scheduled to hold a high-level meeting with key stakeholders and non-state actors in the coming month, following which we shall table our report on the matter on the Floor of the House. The detailed status of the legislative business considered by the committee during the reporting period is attached as an annexure to this statement.

As highlighted, there is one legislative proposal, 14 Bills, including The Constitution of Kenya (Amendment) Bill (Senate Bills No.15 of 2023); The Constitution of Kenya (Amendment) Bill (Senate Bills No.52 of 2023) which was withdrawn by Sen. Chimera on Tuesday; The House of Parliament Bicameral Relations Bill (National Assembly Bills No.44 of 2023). This one was discussed earlier this morning and it is subject to be concluded.

There is also The Statutory Instruments (Amendment) Bill (National Assembly Bills No.5 of 2023); The Statutory Instruments (Amendment) Bill (Senate Bills No. 10 of 2024); The County Civic Education Bill, 2024; The Law of Succession (Amendment) Bill (Senate Bills No.20 of 2023); The Constitution of Kenya (Amendment) Bill (Senate Bills No.17 of 2024); The Independent and Electoral and Boundaries Commission (Amendment) (National Assembly Bill No.10 of 2024), which has since been enacted into law; The County Government Elections (Amendment) (Senate Bills No.2 of 2024), among several others, which include The Political Parties (Amendment) Bill, The Election Offences (Amendment) Bill, The Election (Amendment) Bill as well as The County Government (State Officers Removal from Office Procedure) Bill, 2024.

The Statements sought are by Sen. Chute on the status of courts construction projects in Kenya. Statement sought by Sen. Tabitha Mutinda on the assault of a female passenger by a *matatu* conductor along Thika Road; statement by Sen. Sifuna on the predicament of Master Austin Karanja, a minor with hearing impairment, who was mauled by school dogs on 28th October 2023 at Isinya School for the Deaf.

On petitions, petition by Christine Njoki Mweru on Poor Network Awareness as well as petition by Tripple Impact Community Based Organisation (CBO) and petition by one Laban Omusundi.

On inquiries, we got a committee inquiry on the status of indigenous people in Kenya tabled by you for the committee as well as Sessional Paper No.3 of 2023 on the Kenya Policy on Public Participation.

During the remainder of the Third Session, the committee has prioritized the conclusion of legislative business before the committee as well as the actualization of the recommendations for amendment to the Constitution as contained in the Reports of the National Dialogue Committee (NADCO) and the Multi-Sectoral Working Group on the Implementation of the two-thirds gender principle, which is something we did today in our committee session.

As I conclude, I wish to thank the Office of the Speaker and Clerk of the Senate for the steadfast support that they have accorded this committee, as well as the Members of the committee for their utmost dedication and commitment to duty.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): The Chairperson Standing Committee on Labour and Social Welfare?

ACTIVITIES OF THE COMMITTEE
ON LABOUR AND SOCIAL WELFARE

Sen. Mbugua: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on Labour and Social Welfare for the period between April to August, 2024.

During the period under review, the committee held a total of 41 sittings during which it considered four legislative proposals, 48 statements, four Bills and two petitions and followed up on one Senate resolution.

The committee undertook one County Oversight and Networking Engagement on the welfare of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi counties.

The committee also held a stakeholder engagement with the Ministry of Youth Affairs, Creative Economy and Sports on various issues under its mandate. Attached to this statement is a schedule of business considered by the committee.

On statements, in the reporting period, 27 statements were ongoing from the previous reporting period and 16 statements were sought from the committee. The committee considered and concluded 10 of them and is currently considering the remaining ones.

The committee conducted an inquiry on the statement by Sen. Faki on the welfare of workers in the EPZs in Mombasa and Kilifi counties and will table a report in the House this week. While conducting the inquiry, the committee held a meeting with the Principal Secretary, Investments Promotion and the EPZ Authority and also visited selected EPZs in Mombasa and Kilifi counties.

The committee will follow up on the recommendations, which include the establishment of an EPZ Wages Council, in line with Section 43 of the Labour Institutions Act, Cap.234, to take care of this special category of workers and the review and publication of a wage order that is specific to EPZs workers.

The committee considered the statement by Sen. Crystal Asige on the registration of teachers by the Kenya Union of Special Needs Education Teachers (KUSNET), where the committee found out that visually impaired teachers had been enlisted as Members of the KUSNET without their consent. KUSNET was deducting agency fees from the visually impaired teachers forcefully, claiming that the teachers had benefitted from KUSNET's CBA with the Teachers Service Commission (TSC).

KUSNET was not able to show which benefit had been accorded to the teachers as a result of the negotiations. Therefore, the committee resolved to sponsor the amendment to Section 49 of the Labour Relations Act on the agency fee.

The committee will meet with the Cabinet Secretary for Labour and Social Protection on the consideration of the revocation of the gazette notice that gave powers to KUSNET and Kenya Women Teachers Association (KEWOTA) to deduct agency fees as it has been subject to abuse.

For the remainder of the session, the committee will focus on the following thematic areas under its mandate –

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Human Resource matters in the counties; pension payment of terminal dues, unremitted statutory deductions for former councilors; Kenya Railways Corporation Limited; former Kenya Cooperative Creameries Limited workers; county government workers and other institutions; management and development of sports talent in the counties; management of football in the country and labour relations.

In conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support accorded in executing its mandate.

Lastly, I also wish to thank the Members of the Committee for their diligence and contributions during the committee activities.

I thank you.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 1ST OCTOBER, 2024

Sen. Wakili Sigei: Madam Temporary Speaker, pursuant Standing Order No.57(1), I hereby present the business of the Senate for the week commencing Tuesday, 1st October 2024, on behalf of the Senate Majority Leader.

With respect to the business of the Senate, the status of legislative business is as follows:

(a) Sixty (60) Bills are pending conclusion, of which 41 are at the Second Reading stage, while 18 are at the Committee of the Whole Stage. One Bill is due for First Reading and it is scheduled accordingly in today's Order Paper;

(b) Twenty-Four (24) Motions are pending conclusion;

(c) Twenty-One (21) Petitions are due for reporting by the respective Standing Committees; and,

(d) Three Hundred and Ninety-Six (396) Statements are pending before the Standing Committees.

The breakdown of petitions pending before Standing Committees is as follows:

(1) Two in the Committee on Agriculture, Livestock and Fisheries.

(2) One in the Committee on Devolution and Intergovernmental Relations.

(3) Two in the Committee on Education.

(4) One in the Committee on Health.

(5) Three in the Committee on Justice, Legal Affairs and Human Rights

(6) One in the Committee on Labour and Social Welfare Committee.

(7) Seven in the Committee on Land, Environment and Natural Resources.

(8) Three in the Committee on Road, Transportation and Housing.

(9) One in the Committee on Trade, Industrialization and Tourism.

I implore upon the aforementioned Standing Committees to expedite consideration of the petitions and to table the reports as required.

Madam Temporary Speaker, on Tuesday, 1st October, 2024, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as the business indicated in the Notice Paper appended to the Order Paper.

The tentative business for the Morning Sitting of Wednesday 2nd October 2024 will include the schedule of Questions to Cabinet Secretaries as approved by the SBC as well as Motions.

The summary of the Questions is as follows:

(i) Question No.021 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. Edwin Sifuna, MP;

(ii) Question No.060 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. Catherine Mumma, MP;

(iii) Question No.070 to the Cabinet Secretary for Interior and National Administration by Sen. James Murango, MP;

(iv) Question No.073 to the Cabinet Secretary for Interior and National Administration by Sen. James Murango, MP;

(v) Question No.077 to the Cabinet Secretary for Interior and National Administration by Sen. Daniel Maanzo, MP;

(vi) Question No.079 to the Cabinet Secretary for Interior and National Administration by Sen. Joe Nyutu, MP;

(vii) Question No.084 to the Cabinet Secretary for Interior and National Administration by Sen. Agnes Kavindu, MP;

(viii) Question No.088 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. Joyce Korir, MP;

(ix) Question No.091 to the Cabinet Secretary for East African Community (EAC), the ASALS and Regional Development by Sen. Julius Murgor, MP;

(x) Question No.092 to the Cabinet Secretary for Interior and National Administration by Sen. Kathuri Murungi, MP;

(xi) Question No.093 to the Cabinet Secretary for Interior and National Administration by Sen. (Prof.) Tom Ojienda, SC, MP; and,

(xii) Question No.097 to the Cabinet Secretary for Interior and National Administration by Sen. (Prof.) Tom Ojienda, SC, MP.

Madam Temporary Speaker, the business for the Afternoon Sitting of Wednesday, 2nd October, 2024 will include business not concluded in the Order Paper for Tuesday, 1st October, 2024, and the following:

(a) Bills at the Second Reading stage -

(i) The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No. I of 2024);

(ii) The County Governments Election Laws (Amendment) Bill (Senate Bills No.2 of 2024);

(iii) The County Oversight and Accountability Bill (Senate Bills No.3 of 2024);

(iv) The County Civic Education Bill (Senate Bills No.4 of 2024);

(v) The County Statistics Bill (Senate Bills No.5 of 2024);

(vi) The Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024); and

(vii) The Statutory Instruments (Amendment) Bill (Senate Bills No.10 of 2024).

(b) Motions-

(i) Report of the County Public Investments and Special Funds on its consideration of the Audit Reports of various Water Service Companies for the Financial Years 2018/2019, 2019/2020 and 2020/2021;

(ii) Report of the Standing Committee on Energy on its Inquiry into the Liquefied Petroleum Gas (LPG) Explosion in Mradi Area, Embakasi, Nairobi City County;

(iii) Development of a Policy and Law for Social Risk Management in infrastructure development projects in Kenya; and lastly,

(iv) Consolidation of bursary funds for equitable access to education in Kenya.

Those are the four Motions that will be listed on 2nd October, 2024.

The projected business for Thursday, 3rd October, 2024 will include business not concluded in the Order Papers for Tuesday, 1st October, Wednesday, 2nd October, 2024, and any other business scheduled by the SBC.

From the foregoing and as witnessed in the Order Paper for today, pending business before the Senate is quite high. I, therefore, urge all Senators with business scheduled in the Order Paper to be in the House to prosecute the same.

I also urge the Majority and Minority Party Whips to ensure that the necessary county delegations are in the Chamber for the divisions.

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

(Sen. Wakili Sigei laid the document on the Table)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I will now give some 30 minutes for comments on the statements. We will limit the comments to only three minutes in order to give opportunity to as many Senators as possible.

Sen. Osotsi proceed.

Sen. Osotsi: Thank you, Madam Temporary Speaker. I want to comment on a statement by the Senator of Kakamega County, Sen. (Dr.) Khalwale, on the matter of medical negligence at Vihiga County Referral Hospital.

This particular hospital is located within my county and the medical negligence matter in question is not a new. If you remember I brought a statement in this House regarding similar incidences of medical negligence and other matters touching on the general management of the hospital.

The Standing Committee on Health took its time and went to that particular institution in Vihiga County and spent the whole day there. They came, interrogated the Governor and made a report. I am concerned that the Vihiga County Government has not started to implement significant aspects of that report. The only thing I have seen that they are trying hard to do is completion of the so-called Doctor's Plaza. However, the other serious management issues, including cases of medical negligence, are largely untouched.

This particular lady who has died as a result of medical negligence, Ms. Dephina Lihuechi Salago, comes from Kakamega County. There are others who have gone through this kind of incident. I call upon the Standing Committee on Health to go back to that particular hospital in Vihiga County because it is increasingly becoming a crime scene, where corruption, negligence, poor management of the hospital facility thrives.

Substantive action needs to be taken by this House. I have already reported this matter to this House and we have done a report. Why is the report not being implemented? The hospital management should be held accountable because it is very bad for surgical scissors to be left in one's body. What kind of a doctor is that?

We had a case where an old lady went through a dental operation and she is now paralysed. She comes from a village called Viyalo near Chavakali. She is now paralysed, but the County Government of Vihiga is doing nothing about it.

Madam Temporary Speaker, I think it is---

The Temporary Speaker (Sen. Mumma): Please, wind up.

Sen. Osotsi: The Committee on Health has done a good job to visit our hospitals. However, they have given us reports, which they are not following up. It is high time that Sen. Mandago's committee followed up on the recommendations of their reports.

It is good that he is a former governor. We must ensure that there is no repeat of cases of negligence, which are common in Vihiga County Referral Hospital.

Madam Temporary Speaker, as I support, I wish that the committee does more than what they have done on a matter of this nature.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Joyce Korir.

Sen. Korir: Madam Temporary Speaker, I am sorry because I was busy responding to an urgent issue.

Allow me to touch on a few statements that have been raised by Members. I will start with Sen. Gloria's statement, which requires employers to set up stations for breastfeeding. This is an issue that needs to be addressed. This is one of the issues that were raised by a Member of the National Assembly. The institution went ahead to ensure that we have a lactating or nursing room within the precincts of Parliament.

The issue also affects the Senate. The statement proposes to have rooms set aside because breastfeeding is important in enabling babies to grow healthily. It is not only good just for babies, but also for mothers. Therefore, I support this.

Madam Temporary Speaker, there is also a statement that you raised on Gender-Based Violence (GBV). We do not have a Cabinet Secretary for gender-based issues. However, there are many problems that people face in the villages, especially in Bomet County, such as Female Genital Mutilation (FGM).

I support the aspect of asking the relevant committee to go to the ground and bring us details of what is happening. I know this is something that will affect us in the next two months because they normally practice it towards the end of the year.

I also want to touch on the statement raised by the Deputy Senate Majority Leader on the issue of compensation of victims who were affected by floods in Mai Mahiu. I am rushing because of time. It might not be equal, but it will depend on the damages caused by the floods.

Madam Temporary Speaker, as I support the statements by Members, I urge various committees to consider seriously those statements, so that people are assisted and things are done in the right way.

I thank you.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Omogeni.

Sen. Omogeni: Madam Temporary Speaker, I would like to comment on the statement raised by the Senator for Nandi, Sen. Cherarkey, touching on low returns for tea farmers.

If you visit counties like Nyamira, Kericho, Bomet and Nandi where tea is grown, farmers are crying. In Nyamira, for example, where I am also a tea farmer, we have Kebirigo and Nyansiongo tea factories. Our farmers earned Kshs24 as bonus. Others in some regions are earning bonuses to the tune of Kshs60. Do our farmers not live in Kenya?

The tea that is exported from Mombasa is supposed to benefit everybody. We cannot be smelling others having meat when our farmers are crying. In Nyamira, there are farmers facing auction. We cannot allow that to happen.

We were in this House when the Senate Majority Leader brought a Bill on tea reforms and we supported it. The expectation was that our farmers would have money in their pockets. Now, what we have is hue and cry. How can you pay a farmer Kshs24 when the cost of production has gone up?

In my county, we are paying tea pluckers Kshs13 per kilogramme. There is also fertiliser and tilling the farm which you have to pay someone to do. Why are we killing tea farmers?

The highest foreign earner for this country is tea. The returns on export for tea have gone up. My statistics tell me that in 2023, the earning was US\$674 million. This year, it is US\$795 million. Our expectation was that the bonus for the farmer would go up and not down.

I plead with those in the management of the tea sector, such as our directors at the KTDA and the people in Mombasa, whom I do not know whether to call them cartels, but they are. They are referred to as the East African Tea Trade Association (EATTA). They should make sure that we have good returns for the over 600,000 tea farmers in this country.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Cheptumo.

Sen. Cheptumo: Madam Temporary Speaker, I wish to comment on the statement by the Senator for Nakuru. Compensation for victims of national disasters in this country is a big challenge.

Disasters arise because of either landslides or floods. When floods or landslides occur, people lose lives or livestock or their property is destroyed. The Government responds, but they are forgotten immediately after. That is why the victims in Naivasha have not been compensated. It is unfortunate.

Last month in Baringo County, we had landslides in two places. There is a place called Sirwa in Mogotio Constituency and others called Chebogel, Kasisit and Kapkombe. The Government moved quickly to help the families with some food, shelter and so on. However, there is no comprehensive programme on how they can be assisted.

I want to appeal to our colleagues here. There is a law before the House on national disasters, which is being processed by my committee. The reason we have a challenge is because there is no clear law, policy or direction on how matters of natural disaster can be managed.

It is important to take a position, as a House, so that victims can be compensated, especially where the Government has made declarations or clear statements that they will

build houses for those people, provide food, and so on. Those are Kenyans and we should help them.

We need to come up with a law which will help the country, not only in Baringo and Nakuru counties, but everywhere.

Madam Temporary Speaker, I support the statement by the Senator for Nakuru County. As they do that, they should consider the people of Sirwa in Mogotio Constituency and Kasisit in Baringo North Constituency, Baringo County.

The Temporary Speaker (Sen. Mumma): Sen. Maanzo, you have the Floor.

Sen. Maanzo: Thank you, Madam Temporary Speaker. I would like to comment on the statement by the Senator for Nakuru County. When the last extraordinary rains happened, there was chaos in many parts of the country; Tana River, Makueni, and now even the case in Nakuru. This water was amassed due to the construction of the railway. Eventually, having been blocked by something, it eased off and killed many people.

Despite all that, the disaster management was chaotic. Up to now, the county government, which has an allocation of monies has not resettled these people and has not taken care of them and their interests.

There has been a problem of coordinating disaster management between the counties and the national Government. I remember, there was a child who got lost in the Kibera slums, went into the river, and was never seen again.

They came here, they went to the television stations and got a little help from the county government. However, up to now, that child has never been seen so that he can rest in peace in Western Kenya. The Government seems to have given up on that particular recovery mission.

The same happened in Makueni County. Some seven ladies were washed away. Four of them were found, but three have never been found to date. Their families still wait for the national Government to do something because they have gone beyond Makueni County. The seven women were washed by the rivers. This is a serious matter. We need proper disaster preparedness.

Although there is a law, which has come and there is already an administrative mechanism, there are budgets within the national budget where we have a lot of money allocated for emergencies and disasters. However, when it comes to the use of this money, it seems that it is never serving the people. We need to find out where the Government go wrong when it comes to disaster management, rescue, preparedness and prevention.

There was no prevention even with the fire tragedy in Kieni, Nyeri County. There should be a way that all schools and public spaces should be safe in case of fire or struck by terrorists. We need to have a strategy.

I want to support her and say that the people of Nakuru County; the people affected by the floods in Mai Mahiu should be attended to as quickly as possible, so that they can go back to their normal lives. We have a budget for it, we have monies allocated for it. It should not be applied to the people from both the national Government and county government.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, you have the Floor

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I want to make quick observations. The first one is on the Equalization Fund. It is very disappointing that for us,

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who benefit from the Equalization Fund, more than Kshs43 billion is yet to be released by the National Treasury.

It is affecting the operations, for example, in Nandi County, we are expecting in three wards, Kapchorua Ward, Chemelil-Chemase Ward, and Soba/Songhor Ward. This is very disappointing. We want to call out the National Treasury because, in this financial year, they had allocated enough money, but they have now put Kshs3.5 million.

I hope and expect the Standing Committee on Finance and Budget will call the Cabinet Secretary for National Treasury and National Planning to appear before this House and tell us what is happening with the more than Kshs43 billion that is yet released.

Secondly, it is good to have the Senate Majority Leader in the House. I saw in one of the national newspapers, that the operations of the Senate have almost stalled because of a lack of adequate financing.

I have expected in his usual weekly statement, the Senate Majority Leader to tell the country whether the Senate is grinding to a halt and affecting or impeding our coming to plenary operations. We should ask ourselves whether we need a *Kamkunji*, an in-house meeting, so that we sort out this issue of non-operational of Senate functionality.

Madam Temporary Speaker, your office should also assist us in resolving this issue because Kenyans imagine that we have closed down for lack of funding. We need this thing put to rest and into perspective so that it does not affect the functionalities and operations of the Senate.

Thirdly, on the issue of the Standing Committee on Labour and Social Protection, I expected them to say something about former councillors. In the last Session, we passed a Motion on giving an honorarium payment or one-off payment to the councillors.

That matter was passed at the National Assembly and it was passed by the Senate. It is upon the National Treasury. I hope the former councillors are listening to me. The matter is no longer with Parliament; it is with the National Treasury. They should convince the National Treasury to release money for ex-councillors who are totalling more than 12,000.

I am saying this after we buried councillor Kosgei, the ex-councillor in Sinandet in Nandi Hills the other day. I am saying this when we are burying Councillor Chumba in Tinderet in Taunet, who waited for this money of more than 12,000 councillors. Some are in Migori, Makueni, Homa Bay, Nandi, among other counties.

I ask the National Treasury to fast-track releasing money to ex-councillors because most of them are now sickly. They have children, they depend on this for many things.

Finally, we expect to have elections of the Kenya Football Federation (KFF), Sports Federation. They need to do elections and clean up themselves across the country, so that the young men and women can have a clean sport.

I am challenging the Senate Standing Committee on the Labour and Social Protection to ensure that they tell us when the elections of the KFF will happen so that our young men and women get the necessary support.

On ICT, where Sen. Ogola and I are Members, I expected the Chairperson of the Standing Committee on Information and Communication Technology to say something about regulations on social media.

I thank you.

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The Temporary Speaker (Sen. Mumma): Sen. Oketch Gicheru, you have the Floor.

Sen. Oketch Gicheru: Madam Temporary Speaker, I want to quickly comment on two statements; one by Sen. Faki of Mombasa County on the issue of evictions *vis-a-vis* compensation.

Article 40 of the Constitution talks about the protection of property rights and requires that at the time of eviction that has not been met by a proper legal framework, our people who are giving way for developmental projects by the Government are properly compensated.

It is high time this Senate came up with a way of reviewing all our eviction laws to make sure that people who will be evicted in places to give way to projects by the national Government and even sometimes county governments are adequately compensated.

I am facing this same challenge in Migori County in a place called Nyatike. This is where the National Irrigation Authority (NIA) has purported to implement the Lower Kuja Irrigation Scheme, particularly in a place called Sagama.

Since 2012, the people of Nyatike who gave their land for wayleaves have not been compensated. It is an issue that we have raised several times with the President. We have raised it to a different authority.

When you approach the NIA, they do not follow the law that will allow for proper competition of the people in Sagama, to the extent that even widows whose husbands have left, their lands have been taken and put on these wayleaves, without compensation.

I hope that we can come up with a solution that ensures people who have wayleaves in places like Sagama are compensated.

Lastly, I also want to quickly comment on the issue of the County Aggregation and Industrial Park (CAIPS). The issue of CAIPS forms a big part of the conversation on the Division of Revenue Allocation (DORA). The 18 counties that were not earmarked for the Kshs4.5 million by the national Government were only given about Kshs62 million, including Migori county.

The Money in Migori County---

The Temporary Speaker (Sen. Mumma): You should give a chance to others. Just wind up.

Madam Temporary Speaker, the people of Migori County were only given Kshs62 million out of the expected Kshs250 million. My request is that the House must stand with the Kshs400 billion that we passed in the previous DORA.

This is so that the issue of the CAIPS, which have got contractors who have already been committed in counties such as Migori, which is among the 18 counties chosen be given those monies complete those projects and ensure that there is no physical problems for them.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Asante Bi. Spika wa Muda, kwa kunipa fursa kuchangia kauli ya Sen. (Dr.) Khalwale. Naunga mkono kamati itakayochunguza suala hili la hospitali. Suala hili haliko Kaunti ya Vihiga pekee, bali kaunti zote 47, hasa kaunti ya Embu.

Huenda tunalaumu madaktari, magavana ama mawaziri wa afya wa kaunti. Lakini inafaa tuangalie Serikali kuu na vile inavyogawa pesa mashinani.

Kuna wale wanalojukumu la kuangalia dawa ambazo zimeharibika. Miezi miwili iliyopita, Kaunti ya Embu kulikuwa na dawa zilizoharibika tangu mwaka wa 2013 mpaka mwaka wa 2021. Ilibidi dawa zimefanyiwa uchunguzi ndipo zipitishwe.

Ningeomba Serikali kuu, hasa upande wa *National Treasury*, kwamba dawa hizi zikipatikana ziwekwe kwa moto kwa sababu zimeharibika. Ndiposa watu wakisikia hakuna dawa, wanajua kweli hakuna dawa. Kumekuwa na vita kwenye kaunti baina ya watu kuhusu kuwepo kwa dawa. Dawa zilizoko kwenye kaunti ni mbaya.

National Treasury iangalie kaunti ziko namna gani. Kaunti zote ziko na shida. Hii ni kwa sababu magavana hawana pesa za kuleta dawa. Pia *National Treasury* iangaliwe vizuri ndio iweze kupeleka pesa mashinani mapema.

Mwaka huu, mwezi wa saba na nane, kaunti zetu hazijapata hela za kununua dawa na kugharamia miradi mingine. Magavana wako na shida na wananchi wanalia. Ningeomba wale ambao watafanya uchunguzi, wakienda kuangalia masuala ya kaunti, waanzie *National Treasury* wajue pesa inafika mashinani lini.

Tuko hapa kutetea ugatuzi. Kaunti ya Embu kuna *subcounty* nne. Zina shida nyingi kwa sababu hazina pesa za kununulia dawa. Ningeomba Serikali kuu iachilie pesa ndipo hospitali zote zipate dawa.

Naunga mkono.

Sen. Ogola: Thank you, Madam Temporary Speaker. I rise to support the statement by the Nandi Senator, Sen. Cherarkey, on his concern on the reduction of tea bonus in some tea growing areas.

It is not very good that our farmers plan for the income that they expect and then their tea bonus is reduced. When bonuses are paid, it has a ripple effect in our communities. There are farmers who have planned for their children's school fees, among other benefits. The tea bonus really empowers the farmers in those areas.

Madam Temporary Speaker, I compare this with the sugar growing zone that we have in Ndiwa sub-county. In Ndiwa sub-county, we have only two industries; the sukari industry and the boda boda industry. Therefore, when the Sukari Industry cannot pay our farmers, as you walk in the vicinity, you can notice that our people are suffering.

Around sukari industry in Ndiwa, there is fear that our sugarcane is not being paid for because the sukari industry is keeping most of the sugarcane that has been crushed. The fear is that there are people who have imported a lot of sugar in this country and that is why our local sugar is not selling.

Madam Temporary Speaker, over the labour report, I had hoped that there would be a mention of the outcry in the public sector in this country as we speak.

Yesterday, the Cabinet Secretary of Public Service and Human Capital Development was here. I raised a question of what is the input of the Ministry as an overseer of the public sector, on the ongoing public sector challenges that ranges from the health sector. We have the intern doctors challenge that is not going away.

We also have the issue of the lecturers on the streets. Consequently, if this cannot be sorted out by this Government, then it means that the education our children are getting

is wanting. I expect in future that the Committee on Labour and Social Welfare should be very keen on the labour challenges that are facing the public sector.

Yesterday, I stated that if we do not have a doctor committing suicide as we had the other day, then we have teachers committing suicide and police officers killing their spouses and killing themselves. Consequently, that is not good for our country.

Madam Temporary Speaker, the reduction of tea bonuses to some farmers in the country is not right. Tea farmers in a number of counties earned little bonuses.

I support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. (Prof.) Tom Odhiambo Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Madam Temporary Speaker, for giving me the opportunity to weigh in on the CAIPS projects across the counties. The project is under the Ministry of Investment, Trade and Industry, which is a partnership between the county governments and the national Governments. Therein, you also find the private sector and other organisations.

The statement made by Sen. Osotsi, points to a framework that will see county governments construct industrial parks to tap in expertise in various areas and also to prepare counties for industrial takeoff. This is important because of the youth unemployment situation that we have in this country.

The industrial parks will not only tap the skills that we have within the various industries, but it is intended to see these counties grow and attract skills. That will enable many counties to takeoff and create service industries, specific to the needs of every county.

I am aware that in most counties, including my County of Kisumu, the national Government has contributed Kshs250 million toward the construction of industrial parks and another Kshs250 million contributed by these counties. What is important is that when constructing these industrial parks, the national Government and the county governments must have need and ensure that, feasibility studies are properly conducted to know what kind of skills will be tapped for every county.

We need to have proper procurement plans, Bills of Quantities (BQs), and a proper framework that will ensure that every contractor is sourced within the confines of the Public Procurement and Assets Disposal Act and regulations. Additionally, to ensure that there is accountability in the utilization of the Kshs250 million and the additional Kshs250 million.

I support this statement because this country, and specifically the 47 counties, must industrialize for the benefit of our youth. We need to tap their skills, grow the Jua Kali Sector, and that is what we see as an enabler to economic growth in this country.

The Temporary Speaker (Sen. Mumma): Next Order.

BILL*First Reading*

THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.46 OF 2024)

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

Hon. Members, we will defer Order No.9, 10, 11, all the way to 16.

BILL*Second Reading*

THE DIVISION OF REVENUE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.38 OF 2024)

(Bill Deferred)

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO.1 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE METEOROLOGY BILL
(SENATE BILLS NO.45 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2) BILL
(NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS NO.40 OF 2023)

(Committee of the Whole deferred)

Let us move to Order No.17.

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.53 OF 2023)

(Sen. Mariam Omar on 25.9.2024)

*(Resumption of debate interrupted on 25.9.2024
– Afternoon Sitting)*

The Temporary Speaker (Sen. Mumma): Sen. Maanzo, you had eight minutes balance on this discussion.

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Sen. Maanzo: Thank you, Madam Temporary Speaker. I congratulate Sen. Mariam Omar for what she has done. However, I want to bring to her attention that there is the Cooperatives Bill, 2024, being debated in the National Assembly, which is a much older Bill because it was there in 2021. This time round it is published by hon. Ichungwa. Those days it had been published by the then Leader of Majority. It lapsed because Parliament had come to an end.

When I look at the two Bills, I believe hon. Ichungwa and hon. Mariam Omar should have a word, so that one Bill enriches the other. What Sen. Mariam Omar is proposing should be carried on board because it is as important as what the National Assembly is proposing.

Otherwise, with all the confusion already existing in the cooperative movement, we further this confusion by having one law from National Assembly and another one from Senate crisscrossing each other. There is a debate going on in the National Assembly and another one going on here.

From my experience, many Bills from the Senate die in the National Assembly. In fact, there had been an amendment similar to Sen. Mariam Omar's, by the former nominated Senator, Sen. (Prof.) Zani. It was passed very well by the Senate and went to the National Assembly, but was delayed. I do not know whether it was intentionally or not.

There was a very big argument between hon. Ichungwa's Bill and the one from Sen. (Prof.) Zani, which had a lot of issues with public participation. The cooperative movement claimed that it had not been consulted properly. I hope we will not end up in the same. Sen. (Prof.) Zani's Bill was delayed, while the then Hon. Kimunya's Bill was hurried.

The National Assembly then, was very biased on the Bills coming from the Senate. The leadership of the two Houses should sit. We do not waste the House's time on Bills we can deal with very simply and get things moving within the country and serve the people.

The cooperative movement is a very important movement. It has 15 million people who are waiting for better services and laws. The Government should manage cooperatives in this country profitably. The stealing in cooperatives should be reduced and the movement help Kenyans thrive. The SACCOs, which have another law that no one is proposing amendments, command a very huge percentage of savings in Kenya.

In fact, some SACCOs are like harambee. They are bigger than banks. We have the Cooperative Bank of Kenya and CIC Insurance Group. All these are huge enterprises working with cooperatives. It is upsetting when the law is confused as it is now, where two Houses are trying to amend one law to achieve one purpose, yet they cannot sit down and amalgamate or synchronize, so that it serves the country better.

The cooperative movement is also international. When you go to Canada, you will find the Canadian Co-operative Association (CCA). In Kenya, we have the Kenya Union of Savings and Credit Co-operatives (KUSCCO). In the United States of America (USA), there are very strong SACCO societies. The credit unions in USA are bigger than banks and have been instrumental in building the economy of USA.

The cooperative movement is very important. We have all these matatu SACCOs awaiting serious changes of the law. We have businesses which need to be managed better. We have rice, coffee and tea farmers in cooperative societies. We have many problems

with tea in the country. We need solutions, especially where the farmers are organized in cooperatives.

I am pleading with Sen. Mariam Omar to liaise with hon. Ichungwa. I believe she will reply today. After she replies, a question will be put and we will go to Third Reading. During the Third Reading, she should have a meeting with hon. Ichungwa so that we can put our heads together. This will make sure Kenyans are served better by a better law, bearing in mind that cooperatives are a very important part of our identical system.

Madam Temporary Speaker, I want to inform the House that when I was the cooperative movement's secretary, quite a number of farmers from Mandera used to come to my office, bringing certain issues about the farming cooperatives there. I want the Government to support all cooperatives in every part of the country, so that all of us can be served equally by the law and have an equal opportunity.

There are many grants, which come from cooperatives from World Council Credit Union (WOKU) and International Cooperative Alliance (ICA). They also mentor small growing cooperatives. They supported some cooperatives in Busia. Cooperatives all over the country should be served equally by law. We want to see people in our country prosper and have better lives. That will not happen without proper cooperative law. We need a better way of managing our cooperative societies through legislation that is consistent, synchronized and working for the people of Kenya.

Madam Temporary Speaker, I will support the Bill once the two laws are corrected and the amalgamation takes place. I have realized that Sen. Mariam Omar's law has a lot to enrich hon. Ichungwa's law and the Ministry's law. If the two can sit together, this country will be much better.

I appreciate Sen. Mariam Omar for fitting into this gap and coming at a time Kenyans need us most to make a law so important as a cooperative's law.

I thank you.

The Temporary Speaker (Sen. Mumma): There is no more requests, so I call on the mover to reply.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker. I appreciate the six Senators that have contributed to this Bill. Cooperative societies are where the economic sector of Kenya lies. When I came up with this Bill, I realized the Bill is outdated and there is a scam in this sector.

The last Bill is the Cooperative Society Act No.12 of 1997 and it needs amendments. Therefore, the purpose of the Bill is to amend the Cooperative Society Act (12), 1997, so as to align it with the Constitution of 2010 by setting the functions of the county governments and the national Government in relation to the governance of a cooperative society.

When I published this Bill, on 29th August, 2023, the Ministry had not even dreamt to bring such a Bill. In the last 12th Session of the Senate, the Bill came to the House, but because time elapsed, it did not go through.

I decided to take time and come up with a Bill so that cooperative societies stop taking advantage of our livestock, agricultural and our savings. Someone should not become a criminal and be part of scamming individuals.

Madam Temporary Speaker, with these remarks and pursuant to Standing Order No. 66(3), I request that the putting of the question be deferred to a later date. I thank you.

The Temporary Speaker (Sen. Mumma): It is so deferred.

(Putting of Question on Bill deferred)

Next Order. Yes, Sen. Cheptumo.

MOTION

ADOPTION OF REPORT ON INSECURITY IN TURKANA COUNTY

Sen. Cheptumo: Thank you, Madam Temporary Speaker. I beg to move-

THAT, this House adopts the report of the Standing Committee on National Security, Defence and Foreign Relations on the report on Petition by Mr. Samuel Esapar concerning the state of insecurity in Turkana County, pursuant to Standing Order No. 238(2) of the Senate Standing Orders.

Madam Temporary Speaker, I wish to give the House a brief background. As you are aware, Parliament enacted the Petition to Parliament Procedure Act No.12 of 2012 to make provision for the procedure and for the exercise of the right of a petitioner, of a right to petition to Parliament as provided in Article 199(1) of the Constitution.

Further, Part 27 of the Senate Standing Orders also makes provision on how this right may be exercised.

The Petition was presented to the Senate by Sen. James Lumenen, MP, Senator for Turkana County, on behalf of the residents of Turkana and the petitioner, Samuel Esapar, which was committed to the Standing Committee on Security, Defence and Foreign Relations for consideration.

In the interest of time, I will just outline the issues in the Petition to the long history of enduring inter-community raids, the rise of terrorism and commercialized banditry attributed to the disarmament of National Police Reservists (NPR).

This is a very popular topic for me. Popular because since I came to this House, I have always discussed the issue of insecurity. It is not just about Turkana. I am talking about seven or eight counties. I am sure as a learned colleague, you have been following matters of insecurity, human suffering, human rights and so on.

Madam Temporary Speaker, I am sure that you are conversant with this. This is a situation where insecurity primarily occurs within Turkana County's internal borders with Samburu, Baringo and West Pokot counties. I want to be on record because this is about Turkana, but it is an issue that has captured almost eight counties. There is Baringo, West Pokot, Elgeyo Marakwet, Laikipia, Isiolo and Marsabit. This is an area that is populated by close to nine million Kenyans who go through this issue. This has been on for the last almost 49 years.

This has capitalized on the security gaps in order to engage in acts of terror, apparently for personal gains, such as selling stolen livestock in illicit markets.

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In addition, there are land boundary disputes, boundary expansion, competition for livestock, pasture, and water which make the raids to continue. Political incitement, facilitation of bandits, ethnic mistrust and hatred are major factors contributing to the ongoing insecurity.

Madam Temporary Speaker, there are many reasons for this menace and it keeps on becoming complicated from time to time. It used to be a cultural issue, but now it is commercial issue. To look for the people funding this, supporting this or facilitating this problem has been difficult to come across them.

The prayers of the Petition, were that the Senate intervenes to assist in combating the insecurity in Turkana by taking various measures, including-

1. The allocation of more resources to security agencies;
2. Consideration of re-arming the NPRs selectively under strict supervision and providing them with the requisite training,
3. Initiation of land mapping and registration process to clarify ownership and boundaries to help reduce ambiguity and prevent further conflicts.

Madam Temporary Speaker, from the county you come from, almost every Kenyan has a title. In these counties, you can talk of a quarter. People do not have title deeds or ownership papers. Therefore, it is a question of whoever comes to displace the people, takes over their land. So that issue of enabling the residents to have title deeds is one of the prayers made in this particular petition.

4. Enhancing law enforcement efforts against cattle rustling activities, including promotion of use of modern technology in the identification and recovery of stolen livestock, education of communities on the negative consequences of cattle rustling; both in terms of lives lost and the economic impact and development of sustainable resource management plans that ensures equitable access to pasture and water resources for all communities.

Madam Temporary Speaker, in considering the Petition, the committee first met with the petitioner. This enabled the committee to better understand the issues raised in the Petition, the interventions that the community has sought, so far, whether the same had been successful, and the remedies sought from the committee and the Senate.

Further, the committee held meetings with the Governor, the County Government of Turkana, the County Security Intelligence Committee, Members of the counterpart committee of the County Assembly of Turkana, and the commandant of the Border Patrol Unit, Turkana County, to deliberate on and receive submissions on the Petition.

I will share the committee's observations in this particular Petition.

Having heard from the petitioner and other relevant stakeholders, the committee observed that-

(a) There has been persistent insecurity in Turkana County for decades stemming from cattle rustling, banditry as well and cross-border insecurity, leading to adverse effects such as loss of lives, livestock, land, livelihood and disruption of education.

These are areas without schools. The raiders come to a village, burn the schools and hospitals and take over the land. This is something that is happening in my county. This is a disturbing situation when I read what is happening in Turkana County, what I witnessed and what I see in my county.

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Even to access economic, social, political rights is not easy because polling stations are shifted. People do not vote because areas where they have registered to vote cannot be accessed. This has affected the rights guaranteed by the Constitution to the residents of these areas.

(b) Cattle rustling and banditry have plagued much of the North Rift for years, with an upsurge witnessed in recent years. Whereas in the past, cattle rustling was associated with cultural practices among neighbouring communities, the practice has evolved into a serious crime involving killings and disruption of the socio-economic activities of the affected communities.

(c) Cattle rustling and banditry are complex practices caused by a myriad of factors, including territorial expansion, the proliferation of firearms, competition and conflict over scarce resources, political incitement and interference, mistrust among communities and clans, poverty, illiteracy and marginalization.

(d) While there are currently 1,125 NPRs deployed in the region, their numbers are still significantly low. Therefore, there is a need for the deployment of additional NPRs to support the existing NPRs and supplement the efforts by the national Government security apparatus in the area.

Madam Temporary Speaker, you may wonder what NPR stands for. This stands for National Police Reservists. The Government employs the locals, trains them, and gives them weapons because the security agencies have been overpowered. The Government gets the locals who understand the terrain to assist the agencies in pursuing cattle rustlers. There is a need to add more NPRs.

Where NPRs have been deployed, there has been a big success in reducing cattle rustling.

Observation No.5 - The county security personnel experienced resource challenges, including inadequate vehicles, limited fuel allocation for the available motor vehicles and delayed allowances.

While noting the vast geographical area of the county, the committee observes that there is a need for the provision of more resources to efficiently respond to security concerns.

These are practical things that I have seen myself. You can go to a police station, where there is enough personnel, the vehicle is there, but there is no fuel. So, they can never respond to a raid. It is important and that is why we are saying that we need more resources to be given to these askaris.

Lack of security roads in the region also hampered security efforts in the fight against banditry. There is an urgent need to develop security roads in the region with a view to enhance rapid response and accessibility by security forces.

That is also another clear position. You could be having the vehicle and you have the fuel, but again, the roads are impassable. They are not even there, in the first place. So once the raiders have raided a village and go with livestock, the police become helpless. So, we just have to put resources and ensure that these security roads in these areas are improved, so that the security agencies can move around to pursue the raiders.

There is inadequate transport and communication infrastructure that has made banditry-affected areas inaccessible both in terms of incident reporting and movement of the security personnel.

What are the recommendations of the committee after listening to the petitioner and the other stakeholders and making those observations? We have the following recommendations.

Arising from its observations on the petition, the committee recommends that-

(1) That the Senate leadership prevails upon the leadership of the National Assembly to fast track the consideration of the Prevention of Livestock and Produce Theft Bill (Senate Bills No.12 of 2023) and the County Boundaries Bill (Senate Bills No. 6 of 2023) in accordance with the National Assembly Standing Orders.

These two Bills have a connection with this because we want to make cattle rustling a capital offence. Somebody goes to another person's *boma* which has about 100 cows; you will be surprised that somebody can have 500 cows. Maybe it is a surprise to some of us here. One morning, that person who was a billionaire owning 500 cows, becomes a pauper. He can lose everything. That to me is robbery with violence.

So, this Bill by this House, I think it was done by Cherarkey if I am not wrong, is intended to make banditry a criminal offence and, indeed, a capital offence.

(ii) The Ministry of Interior and National Administration and the Government of Turkana develop road infrastructure for areas to ease access by security agencies to banditry-affected areas and provide a status report to the Senate within six months of tabling this report.

(iii) The Ministry of Information, Communication, Technology and Digital Economy and the Communications Authority of Kenya install network communication systems, including secular boosters in the affected regions and provide a status report to the Senate within six months of the tabling of this report.

Madam Temporary Speaker, communication is a problem in those areas. There is no network. If the Ministry and the Communications Authority of Kenya (CAK) can install those networks, it will help so that the raiders can be pursued. We will be able to communicate to the next person that the raiders are already here and it will be easy for them to recover their livestock.

The Inspector General (IG) of Police should deploy the proposed additional 1,090 NPRs in Turkana County, ensuring timely payment of their remuneration. There is need to develop proper accountability mechanism for the NPRs with regard to the use of firearms and command structure.

Further, the Cabinet Secretary for Interior and National Administration should liaise on with the IG of Police, to come up with proper measures and incentives to ensure that the NPRs do not misuse their firearms and provide a status report to Senate within six months of tabling of this report.

That the Ministry of Interior and National Administration provides additional vehicles and fuel rations for the security personnel operating within Turkana County within six months of the tabling of this report.

That the Minister of Interior and National Administration ensures timely disbursement of allowances for the security officers operating within Turkana County.

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That the Minister of Interior and National Administration fully ensures that there are community policing initiatives in order to ensure community preparation in security matters in the affected region is implemented.

Madam Temporary Speaker, while there is no avenue for compensation for the lost livestock because of insecurity, we recommend that the Director of Criminal Investigation (DCI) carries out a thorough investigation into the alleged theft of the purpose of the prosecution of the perpetrators by the Office of the Director of Public Prosecution (ODPP) and provide a status report to the Senate within six months of the tabling of this report.

Madam Temporary Speaker, you remember the Motion I moved here was approved. It was to look at the issue of compensation. This also will help if the Government will implement that particular decision.

That the Ministry of Interior and National Administration, in conjunction with the Turkana County Government, develop security roads within the county and engage the Minister of Roads and Transport and provide a status report to the Senate within six months of the tabling of this report.

That the Ministry of Lands, Public Works, Housing and Urban Development and National Land Commission (NLC) initiates the process of land mapping and registration to ascertain land ownership in the county within six months of the tabling of this report.

That the Ministry of East Africa Community, Arid and Semi-Arid Lands (ASALs) and Regional Development, in conjunction with the Ministry of Foreign and Diaspora Affairs, initiates diplomatic engagement with the neighbouring countries of Uganda and Southern Sudan for indiscriminate continued access to water, pasture for cross-border communities within the region.

With those remarks, I beg to move that this House adopts the report of the Standing Committee of National Security, Defense and Foreign Relations in the petition by Samuel Esapar concerning the State of Insecurity in Turkana County.

I thank you and request my Vice-Chair, Sen. Nyamu, to second.

The Temporary Speaker (Sen. Mumma): Proceed Sen. Nyamu.

Sen. Nyamu: Madam Temporary Speaker, as we are all aware, this is a long-standing issue of insecurity in the northern part of the country, specifically Turkana County.

As we were handling this matter as a committee, what surprised us is lack of resources for security forces when they are on the ground. There is also lack of equipment and the NPRs are also not empowered. They also do not have the same capacity like the bandits.

My Chairperson of the Committee on National Security, Defence and Foreign Relations has made a comprehensive presentation and given a summary of what we undertook as a committee, our recommendations and basically everything that entails this report.

Madam Temporary Speaker, since I do not want to repeat what my Chair has already said, I second that this House adopts this report of the Standing Committee on National Security, Defence and Foreign Relations on the Petition by Mr. Samuel Esapar concerning the state of insecurity in Turkana County.

I thank you.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Mariam.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker, for giving me this opportunity. I stand to add my voice on the issue of insecurity in Turkana County.

Insecurity is not only in Turkana County but generally in northern Kenya. I realised that insecurity arises because of poverty. We are marginalised because of Sessional Paper No.10 of 1963. Now our roads are impassable. That is why people take advantage of insecurity there.

Yesterday we discussed about division of revenue, where the National Assembly has proposed to reduce the money that will go to the counties to Kshs380 billion. We need a budget to settle the issue of insecurity.

What is going on now in some counties in northern Kenya is that county governments are employing NPRs to provide some security. In case of cattle rustling, we need money for people to follow up so that culprits are brought to book.

The Government should spearhead issues of security in the country without leaving some counties behind. Let us be honest when it comes to revenue distribution. This way, Turkana among other ASALs will be at par with other counties. Our children should go to school without experiencing the pressure of insecurity in the region.

Madam Temporary Speaker insecurity goes further to the clans; insecurity within the region. It is our children doing things that cannot be done by other people. It happens that these people just disappear and are nowhere to be found. We need the KPR to be everywhere so that at least we can have the security issue settled.

There is also a lack of basic natural resources like water. Part of the insecurity is because people are struggling to share resources like water. If the national Government and the county government can take the opportunity, so that 80 per cent of their budget can go to the basic needs of our citizens, these insecurity issues can go down and our children can go to school.

In ASAL counties, there is a time when most of the schools are closed because of insecurity. So, let us take this insecurity issue as a serious matter, so that at least citizens in northern Kenya can benefit and get their basic needs.

With those many remarks, I support.

The Temporary Speaker (Sen. Mumma): I now call upon the Mover of the Motion to reply because no other Senator is contributing.

Sen. Cheptumo, you have the Floor.

Sen. Cheptumo: Thank you, Madam Temporary Speaker. I wish not to say more on this Motion. The suffering of people in these counties, Turkana included, is so serious that both the national Government and county governments should come together to see how best we can move forward.

This Motion is so critical that if we move now, then even the Senator for Turkana County who presented this Petition here would not have a chance to even comment. He was the one who brought the Petition on behalf of the petitioner.

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Madam Temporary Speaker, I hope you will allow me that pursuant to Standing Order No.66 (3), putting of the question be deferred to another date so that Members can have a moment to ventilate. Many Members have been asking me when I was going to move the Motion. The insecurity issues in this country are a big issue. It will be good that Members of this House can have time to contribute.

The Temporary Speaker (Sen. Mumma): It is so deferred.

(Putting of the Question on Motion deferred)

Hon. Members, I also wish to defer the remainder of the Orders on the Order Paper up to Order No.35.

BILLS

Second Reading

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL
(SENATE BILLS NO.14 OF 2024)

(Bill deferred)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(SENATE BILLS NO.17 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS NO.20 OF 2024)

(Bill deferred)

Second Reading

THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.26 OF 2024)

(Bill deferred)

Second Reading

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THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL
(SENATE BILLS NO.28 OF 2024)

(Bill deferred)

Second Reading

THE ELECTIONS (AMENDMENT) (No.2) BILL
(SENATE BILLS NO.29 OF 2024)

(Bill deferred)

Second Reading

THE CREATIVE ECONOMY SUPPORT BILL
(SENATE BILLS NO.30 OF 2024)

(Bill deferred)

Second Reading

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL
(SENATE BILLS NO.32 OF 2024)

(Bill deferred)

Second Reading

THE SPORTS (AMENDMENT) BILL
(SENATE BILLS NO.33 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY GOVERNMENTS (STATE OFFICERS
REMOVAL FROM OFFICE) PROCEDURE BILL
(SENATE BILLS NO.34 OF 2024)

(Bill deferred)

Second Reading

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THE TOBACCO CONTROL (AMENDMENT) BILL
(SENATE BILLS NO.35 OF 2024)

(Bill deferred)

Second Reading

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Bill deferred)

MOTIONS

ESTABLISHMENT OF NATIONAL TEACHING AND
REFERRAL HOSPITALS IN KENYA

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and
2. The County Governments to allocate more funds to their respective health docket to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to

reduce the demand for such services from the National Teaching and Referral Hospitals.

(Motion deferred)

COUNTY GOVERNMENTS TO SET ASIDE LAND
FOR THE PLANTING OF INDIGENOUS TREES

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30 per cent by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

(Motion deferred)

CONSOLIDATION OF BURSARY FUNDS FOR
EQUITABLE ACCESS TO EDUCATION IN KENYA

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, school fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

1) audit the funds allocated to bursaries by both the National Government and county governments;

2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and

3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

(Motion deferred)

ALLOCATION OF SCHOLARSHIPS AND BURSARIES BY COUNTY GOVERNMENTS

THAT AWARE THAT, the Fourth Schedule to the Constitution distributes functions and powers between the National and County Governments with paragraph 16 of part 1 of the Fourth Schedule providing that the National Government shall be responsible for university and tertiary education institutions, other institutions of research and higher learning and primary schools, secondary schools and special education institutions;

FURTHER AWARE THAT, paragraph 9 of part 2 of the Fourth Schedule to the Constitution confers to County Governments the responsibility to provide pre-primary education and other facilities such as village polytechnics, homecraft centres and childcare facilities;

CONCERNED THAT notwithstanding the provisions of the aforementioned Schedule of the Constitution, the quality of pre-primary education remains low as a result of poor infrastructure with majority of the

counties paying teachers in such facilities below the gazetted minimum wage;

FURTHER CONCERNED THAT, the Report by the Office of the Controller of Budget on County Governments Budget Implementation Review for the first six months of Financial Year (FY) 2023/24 indicate that allocation to the Education Sector in all the forty-seven (47) counties range between 0.7 percent to 10.3 percent of their total budgets, and that a majority of the county governments spend a great percentage of the education sector budgets on provision of scholarships and bursaries to students in secondary and tertiary institutions, with some counties allocating up to 84% of their education budgets for such scholarships at the expense of the core mandate of providing quality preprimary education and improving infrastructure in the village polytechnics and homecraft centres;

NOW THEREFORE, THE SENATE RESOLVES THAT-

1) the County Governments stop funding National Government functions such as providing scholarships to students in secondary and tertiary institutions, and increase funding to pre-primary education, village polytechnics and homecraft centres for improvement of infrastructure and payment of better wages to teachers in such facilities;

2) the Controller of Budget ensures compliance and does not approve monies to County Governments for carrying out functions of the National Government; and

3) the Auditor General reports on the compliance status on funding of National Government functions by the County Governments in the annual reports.

(Motion deferred)

DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS
FOR ENHANCED SECURITY AND PREPAREDNESS

AWARE THAT schools play a crucial role in shaping the future of our children and providing a safe environment for learning;

CONSCIOUS THAT personal growth is vital, and that safety within schools is a fundamental right of every student, teacher, and other workers and that safety is critical in improving the overall quality of education;

FURTHER AWARE THAT many schools, particularly in rural and marginalized areas, lack the necessary resources and expertise to manage safety risks effectively, which exposes students and staff to potential harm;

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness, and provide immediate response capabilities during emergencies, and that these trained safety officers will oversee safety protocols, provide first aid, conduct safety drills,

ensure fire preparedness, manage emergency evacuations, and assist in addressing violence or other threats within school environments;

CONCERNED THAT there have been increasing incidences of insecurity, violence, accidents, and other safety challenges in both primary and secondary schools across the country;

NOW THEREFORE, the Senate urges that the National Government, through the Ministry of Education to:

1) recruit and deploy dedicated safety officers in both primary and secondary schools nationwide;

2) implement comprehensive training in safety protocols, first aid, emergency response, and violence management; and

3) provide necessary resources and support to schools, particularly in rural and marginalized areas, to effectively deploy and utilize these safety officers

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, there being no other Business on the Order Paper, the Senate stands adjourned until Tuesday, 1st October 2024 at 2.30 p.m.

The House adjourned at 5.55 p.m.