

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 27th April, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Serjeant-at-arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

You may stop the Quorum Bell. I am informed that we now have the requisite quorum.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KILIFI COUNTY ASSEMBLY

Hon. Senators, I wish to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Kilifi County Assembly comprising Members of the Committee on Delegated County Legislation and its Secretariat. The delegation is undertaking a four-day benchmarking visit with their counterpart 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 –

Hon. Morgan Kubo - Chairperson

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Hon. Phelister Meso	-	Vice Chairperson
Hon. Edward Ziro	-	Member
Hon. Mbura Ronald	-	Member
Hon. Moris Hinzano	-	Member
Hon. Oscar Wanje	-	Member
Hon. Ray Katana	-	Member
Hon. Rose Baraka	-	Member
Hon. Patricia Sikuku	-	Member
Hon. Haroun Tete	-	Member
Hon. Theophilus Kalama	-	Member
Hon. Lilian Vijenderwa	-	Member
Ms. Sally Kadzo	-	Hansard Reporter
Mr. Rashid Mbeto	-	Senior Legal Counsel
Ms. Rehema Kenneth Mtoro	-	Clerk Assistant II
Mr. Abdulrahman Chuba	-	Clerk Assistant II
Mr. Alfred Mumba	-	Serjeant-at-Arms
Ms. Irene Chepkemoi	-	Public Relations Officer

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.

(Applause)

VISITING DELEGATION BY KIAMBU COUNTY
ASSEMBLY SERVICE BOARD

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Kiambu County Assembly comprising Members of the County Assembly Service Board 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 -

Hon. Charles Murungaru Thiong'o	-	Speaker, Chairperson, Leader of delegation
Hon. Erick Warugu	-	Vice Chairperson
Hon. Joachim Mwangi Njama	-	Member
Mr. David Ngure	-	Deputy Clerk
Mr. James Githu Muiruri	-	Director, Human Resource
Mr. Martin Mugambi	-	Principal Clerk Assistant
Ms. Susan Ngatia	-	Principal Administrative Officer
Ms. Julia Wanjiru	-	Serjeant-at-Arms

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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.

(Applause)

I call upon Sen. Methu to make very brief welcoming remarks to the delegation from Kiambu County.

I will call upon Sen. Faki to briefly welcome the delegation from Kilifi County on behalf of Sen. Madzayo.

Proceed in that order.

Sen. Methu: Mr. Speaker, Sir, thank you for according me this opportunity on behalf of the Senator for Kiambu County, Sen. Thang'wa. He is out on duty but just about to join us. I welcome the two delegations who are here, especially those from Kiambu County led by their Speaker, Hon. Charles Thiong'o.

Hon. Thiong'o is one of the youngest Speakers in the Republic and he is heading one of the largest county assemblies in the country. I have known him since our days in the trenches when we used to visit local television (TV) stations together. I am very happy that, eventually, we both have an opportunity to serve.

I encourage the County Assembly of Kiambu to not let off the ball. Exercise the oversight and representation powers vested on you. Keep your eyes on the ball and do your best. That is one of our model counties in Mt. Kenya that receives the biggest equitable share of resources that we pass. So, exercise your oversight role without fear, favour or contradiction because I know you are up to the ask.

Mr. Speaker, Sir, although, I know Sen. Faki will welcome the delegation from Kilifi County, you and I know that Kilifi County is my second home for a long time. I attended a university in Kilifi County. Therefore, I know the County Assembly of Kilifi. I also have a home there. In fact, this morning, I was confirming---

(Loud consultations)

No. With the same wife. I know that is why there are some jitters. I do not have a different wife in Kilifi. I have another home there. I, therefore, welcome them here.

Finally, I would like to encourage them. You always request me to welcome members of delegations from county assemblies because I am a product of a county assembly. I worked at the County Assembly of Nyandarua and I am now in the Senate. So, you can go all the way up. You can come from the Speaker's Gallery, to down here, the National Assembly, or elsewhere.

Karibuni.

Sen. Faki: Asante, Mheshimiwa Spika, kwa kunipa fursa hii kuwakaribisha wawakilishi Bunge la Kaunti za Kilifi na Kiambu.

Mheshimiwa Spika, wiki iliyokwisha, tulikuwa katika Kaunti ya Kilifi nilipomzindikiza Sen. Mdazayo, kuhutubia Bunge lile. Makaribisho waliotupatia wawakilishi Bunge wa *County ya Assembly* ya Kilifi yalikuwa murwa sana.

Leo nimewakaribisha katika Kamati ya Delegated Legislation ambao ndio wamezuru. Kusema ukweli, ni Wabunge na maafisa ambao wako tayari kusoma kutoka Bunge letu.

Mheshimiwa Spika, ni masikitiko kwamba, kwa sasa, Kaunti ya Kilifi imegubikwa na msiba mkubwa kutokana vitendo vinanvyoendelea vya kanisa mbili ambazo zinahubiri sehemu hiyo. Tunawaomba Mungu wakaazi wa Kaunti ya Kilifi. Mungu awape subira na nguvu ya kupambana na vitendo vya makanisa kama hayo ambayo kwa hakika ni aibu katika nchi yetu ya Kenya katika karne hii ya 21.

The Speaker (Hon. Kingi): Next Order.

PAPERS LAID

REPORT ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on Table of the Senate today, 27th April, 2023, the year of our Lord-

Report of the Auditor-General on the financial statement of the Municipality of Eldoret for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Municipality of Kathwana for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Ngagaka Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Trans Nzoia County Assembly (Members and Staff) Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Nandi County Executive Committee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Nandi County Assembly Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Nandi County Education Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Meru County Alcoholic Drinks Control Board for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Meru County Microfinance Corporation for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the County Revenue Fund for the County Government of Meru for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Meru County Revenue Board for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Turkana County Co-operative Enterprise Development Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Turkana County Education and Skills Development Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Turkana County Youth and Women Empowerment Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the County Revenue Fund for the County Government of Tharaka Nithi for the year ended 30th June, 2022.

Report of the Auditor General on the financial statement of the Tharaka Nithi Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Receiver of Revenue – Revenue Statements for the County Government of Tharaka Nithi for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Tharaka Nithi County Bursary Development Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Embu County Youth Trust Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Embu County Government Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Embu County Education Support Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Elgeyo Marakwet County Assembly Car and Mortgage Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Elgeyo Marakwet County Education Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Receiver of Revenue – Revenue Statement for the County Government of Elgeyo Marakwet for the year ended 30th June, 2022.

Report of the Auditor General on the financial statement of the Elgeyo Marakwet Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Elgeyo Marakwet County Assembly Catering Services Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Turkana County COVID-19 Emergency Response Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Elgeyo Marakwet County Assembly Car and Mortgage Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the West Pokot County – Bursary, Education Development and Infrastructure Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the West Pokot County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the County Revenue Fund of the County Government of Uasin Gishu for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Education Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Inua Biashara for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Report of the Auditor-General on the financial statement of the Receiver of Revenue – Revenue Statement of the County Government of Uasin Gishu for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Assembly Members Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statement of the Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2022.

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

The Speaker (Hon. Kingi): Next Order.

Hon. Senators, we have a supplementary Order Paper. I would like to assume and hope that you are in receipt of it. It is the Order Paper that we are going to use to transact business today. So, kindly, get a copy of the Supplementary Order Paper because that is what we are going to use in today's proceedings.

NOTICE OF MOTION

ESTABLISHMENT OF *AD HOC* COMMITTEE TO
INVESTIGATE THE DEATHS IN SHAKAHOLA,
KILIFI COUNTY

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion on formation of Ad Hoc Committee to investigate the proliferation of

religious organizations and the circumstances leading to the deaths of more than 95 people in Shakahola, in Kilifi County.

AWARE THAT, under the Bill of Rights, the Constitution of Kenya grants every person the right to freedom of conscience, religion, thought, belief and opinion, and that every Kenyan has the right to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship;

FURTHER AWARE THAT, new religious groups, institutions or places of worship, and faith-based Non-Governmental Organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney-General's Office, yet indigenous and traditional religious groups are not required to register.

COGNIZANT THAT, there has been increased activity and membership in extremist occult religious organizations in the country;

CONCERNED THAT, the current recorded death toll of an apparent occultist religious group, led by one Paul Mackenzie Nthenge, in Shakahola Village, Kilifi County, has reached an alarming 95 persons, while the search for more buried victims continues;

NOW THEREFORE, in exercise of its oversight function, the Senate resolves to establish an Ad Hoc Committee to –

(1) Investigate the circumstances leading to the death of the followers of the Good News International Church, led by one Paul Mackenzie Nthenge, in Shakahola Village, Kilifi County;

(2) Investigate the role played by one Paul Mackenzie of the Good News International Church, his pastoral team and the Kilifi County Security Committee, in aiding and abetting the deaths of the followers of the Good News International Church in Shakahola, Kilifi County;

(3) Establish through the Office of the Registrar of Societies, the number and activities of religious groups in this country, including their registration and compliance status;

(4) Audit the legal and registration framework for religious organizations in the country;

(5) Develop a legislative proposal on regulation of religious activities in the country; and,

(6) Make any other recommendations that will prevent religious organizations from extreme indoctrination of their followers, including radicalization, spiritual and financial exploitation, and submit a report to this House within 90 days.

AND FURTHER THAT, the following Senators be appointed to serve in the Committee –

1. Sen. (Rtd. Justice) Stewart Madzayo, CBS, MP.
2. Sen. Wakili Hillary Kiprotich Sigei, MP.
3. Sen. Tabitha Mutinda, MP.

4. Sen. Veronica Maina, MP.
5. Sen. William Kipkiror Cheptumo, CBS, MP.
6. Sen. Shakila Mohammed, MP.
7. Sen. David Wakoli, MP
8. Sen. Hamida Kibwana, MP.
9. Sen. Richard Onyonka, MP.
10. Sen. Eddy Oketch, MP.
11. Sen. Abdul Haji, MP.

Thank you, Mr. Speaker, Sir.

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

QUESTIONS AND STATEMENTS

STATEMENTS

UJENZI WA BARABARA YA MZUNGUKO JIJINI MOMBASA

The Speaker (Hon. Kingi): Let us have the Statement Pursuant to Standing Order 53(1) by Sen. Faki.

Sen. Faki: Asante Mheshimiwa Spika. Nimesimama kwa mujibu wa Kanuni ya Kudumu ya 53(1), kuomba Kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao, kuhusu kusimama kwa ujenzi wa barabara ya mzunguko wa *Barclays* Mombasa hadi makutano ya Jomvu, barabara ya Magongo hadi makutano ya Jomvu na barabara ya makutano ya Jomvu hadi *Standard Gauge Railway* (SGR), katika Kaunti ya Mombasa.

Katika taarifa hiyo, Kamati iangazie yafuatayo-

(1) Iarifu Seneti lini wakandarasi wa ujenzi wa barabara hizo tatu watarudi kuendelea na mradi wa ujenzi wa barabara hizo, ikikumbukwa kwamba, muda mahsusi uliotangazwa kuchukua ujenzi huo umekamilika.

(2) Iwapo *Kenya National Highways Authority* (KENHA) inatambua kwamba kutokamilika kwa barabara hizo, imekuwa kero kwa wahudumu wa usafiri na wananchi kwa jumla katika maeneo hayo.

(3) Ibaini ni hatua gani *Kenya National Highways Authority* (KENHA) itachukua dhidi ya wanakandarasi hao, walioondoka kwenye maeneo ya kazi bila kukamilisha mradi huo, ikizingatiwa kwamba hasara kubwa zinazokadiriwa na kampuni za uchukuzi, kwa kuharibika kwa magari yao kutokana na ubovu wa barabara hiyo.

Mheshimiwa Spika, jumamosi iliyopita, wasafiri wengi waliokuwa wanakwenda *Airport* walichelewa kwa sababu barabara ya kutoka *Barclays* mpaka Jomvu, maeneo ya Kibarani ilifurika, kusababisha magari kutoweza kupita. Wengi waliokuwa wanasafiri kuelekea SGR na *Airport* walitatizwa na mvua kubwa iliyosababisha maji mengi kwenye barabara hiyo.

Asante, Mheshimiwa Spika.

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

Sen. Mwaruma: Asante, Mheshimiwa Spika, kwa fursa hii ambayo umenipatia ili nichangiaie Kauli iliyoletwa na Seneta wa Kaunti ya Mombasa, Sen. Faki, kuhusu barabara ya Jomvu kuelekea SGR.

Mheshimiwa Spika, naifahamu barabara hiyo. Ni kweli kuwa barabara hiyo iko vibaya sana. Barabara hiyo ni muhimu kwa sababu inasaidia wasafiri kutoka Magongo na Jomvu kuelekea SGR.

Barabara hiyo naifahamu vizuri kwa sababu nimekulia maeneo ya Magongo na ni ukweli kuwa inaumiza magari. Kwa hivyo, ningependa Kamati ya Barabara na Usafiri, itie bidii na ilete Taarifa ya kutosha ambayo itaeleza ni kwa nini ile barabara imesitishwa kutengenezwa.

Kando na hilo, Kamati hiyo iko na Taarifa niliyouliza kuhusu barabara mbili za Kaunti ya Taita Taveta, ambayo ni barabara ya Taveta kuelekea Njukini na Ilasiti. Miezi miwili imeisha na sijapata Taarifa ama habari kamili kuelezea ni kwa nini ile barabara ilisitishwa.

Barabara ya pili ni ya Mghange kuelekea Werugha, Wundanyi, Mbale na Mti wa Magoti. Barabara hizo zote zimesitishwa. Ningependa nipate Taarifa kamili kutoka kwa Kamati ya Barabara na Usafiri ya Seneti ikielezea ni lini wanakandarasi watarudi kutengeneza barabara hizo.

Asante, Mheshimiwa Spika.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I rise to support this Statement. There are three institutions dealing with matters concerning roads in the country; the Kenya National Highways Authority (KENHA), the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA).

This is a timely Statement. We are aware there are very many incomplete roads in the country, today. In my view, this arises out of two issues; the issue of funding by the Government and the quality of the contractors that are awarded these contracts.

In my county, we have two roads which face the same situations like the ones in the Mombasa County. There is a road from Kipsaraman that goes all the way to Bartabwa and Kinyach. Another one is from Laikipia, and it goes all the way to Karambit, Mochongoi and then Marigat.

These roads have been pending for close to five or six years. The contractors have not been able to complete them. Some of the reasons given are that there is no funding by the Government or the Contractor has failed. For instance, the Bartabwa Road is incomplete because of the quality of the contractor, hence they were unable to proceed.

The Committee on Roads and Transportation should go beyond the issues in raised by the distinguished Senator for Mombasa County. They should look at all the roads in the country that have been abandoned or incomplete because of the quality of the works and failure by the Government to avail money.

Mr. Speaker, Sir, we are told that today, the outstanding amount in the road sector in the country is Kshs96 billion. That is a huge sum. Where I come from in Baringo County, there are areas that require quick intervention to help the security situation.

If you want to respond to attacks by the raiders in those areas, you will be unable to because the roads are in very poor condition and are inaccessible. There is also the issue of poor economic activities because of the road situation. So, the committee should go beyond the situation in Mombasa and come up with solutions in almost every county, particularly in my county of Baringo.

In the recent scaling down of the projects on roads in the country, some of the roads have been suspended until further notice while others are in progress. So, it is very important that even as we allocate resources meant for roads to other sectors, we should realise that if we do not succeed in having our transport systems work well, we will be unable to meet our development goals, especially in areas where there is a lot of insecurity.

I, therefore, thank my colleague for this question and I request the Committee in charge of Roads and Transportation to consider the situation in Baringo County, especially those two roads which have stalled for the last close to five years.

I thank you.

The Speaker (Hon. Kingi): We will move to the next Statement.

Sen. Dullo, you have the Floor.

DELAYED EXCHEQUER DISBURSEMENT TO COUNTIES

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the chronic delays in disbursement of the Exchequer to counties and reports of hacking of Integrated Financial Management and Information System (IFMIS).

In the Statement, the Committee should -

(i) State the reasons for the incessant delays in the disbursement of Exchequer funds by the National Treasury, particularly to counties;

(ii) Investigates the veracity of reports of hacking of IFMIS and clarify whether the Government is losing money as a result of that; and,

(iii) State the measures being taken by the national Government to protect the county governments from hacking while using IFMIS and restore normal operations and enhanced service delivery to citizens.

I thank you.

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

Sen. Mandago: Thank you, Mr. Speaker, Sir. I rise in support of the Statement by Sen. Dullo on the alleged hacking of the IFMIS system.

I have my reservation about whether the system is being hacked or being interfered with by the officers in the National Treasury.

As you are aware, that system is entirely managed by the National Treasury and the national Government. County governments are users.

Do not be surprised that the officers in the National Treasury have access to the IFMIS data, including the e-Procurement Module, where they have the opportunity to even look at the prices before the tenders are opened.

This interference of IFMIS is not something that just started yesterday. There has been serious interference with IFMIS.

Also, IFMIS has been used to deny counties funds by making sure that periodically and when it is convenient, IFMIS is not working.

Mr. Speaker, Sir, late payments have been made in IFMIS without any services for goods being rendered because of the interference and the absolute access of IFMIS by the officers in the National Treasury.

It is unfortunate that counties have been forced to use that system to the detriment of service delivery in counties.

When funds are allocated to counties, it is up to counties to manage their own procurement processes and pay for the goods and services that have been delivered within the scheduled time. However, because the National Treasury controls IFMIS, they determine when you access and when IFMIS is online or offline. Services in the counties have been derailed because of this system.

It is, therefore, imperative that the Committee that is going to investigate this allegation makes sure that they go deeper into it. If it were possible, there is need for forensic audits of this IFMIS system and the payments that have been made particularly towards the run-up to the general election.

This system was re-engineered in less than seven years at a cost of more than almost Kshs10 billion. With Kshs10 billion, you can acquire a more robust modern system that can handle the financial transactions of this country for the entire national Government and county governments.

Most importantly, county governments must be given proper access and they must have the permission to authorize treasury officers whenever they need to access, particularly the modules that are being run by county governments.

The IFMIS has been used to make fraudulent payments in the past. Therefore, there is need for the Committee that is going to investigate this matter to make sure that they get deeper into this matter with a view of making IFMIS efficient and allow counties to be in charge of the transactions that go through IFMIS.

I, therefore, beg to support that Statement. I thank you.

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

Sen. Osotsi: Mr. Speaker, Sir, I rise to support the Statement by Sen. Dullo and to say that the hacking of the IFMIS, if proven to be true, is a serious offense under the Computer Misuse and Cyber Crime Act. If these allegations are proven, then the people involved are liable for prosecution.

I would request that since this matter is touching on both finance and Information and Communication Technology (ICT), this matter would better be handled by the Joint Committees on Finance and Budget and the Standing Committee on Information and Communication Technology.

This is because IFMIS as you know, is in ICT and there are a lot of challenges like it has been pointed out by Hon. Sen. Mandago.

We have had reports before on IFMIS even by the Auditor-General that indicates that this system has been used to process fraudulent payments. The system has not

adhered to the best practice of an Information Technology (IT) system that is supposed to serve two levels of Government.

There was also a suggestion that we needed to have two IFMIS systems, one for the national Government and one for our counties. As the Committee looks at this issue, they also need to tell us how well we will implement this.

The other day, the Director of IFMIS appeared before the Senate Standing County Public Investments Committee (CPIC) and said that the system is fully customisable.

If this system is fully customisable, how come we are having challenges where the Controller of Budget (CoB) is not able to do some operations on the system? Why are they not being done?

As the Committee looks at this matter, they need to look at the deeper issues around IFMIS and that is why, I recommend that you consider directing that this matter be handled jointly by the Standing Committee on Finance and Budget together with the Standing Committee on Information Communication and Technology so that we can achieve what is expected of this request for Statement.

I support.

The Speaker (Hon. Kingi): Indeed, this matter is committed to the Senate Standing Committee on Finance and Budget and the Senate Standing Committee on Information, Communication and Technology.

Let us move to the next Statement by Sen. Chute.

Sen. Chute: Thank you, Mr. Speaker, Sir. I have two Statements.

STATUS OF BOREHOLES IN MARSABIT COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Land, Environment and Natural Resources, on the state of boreholes in Marsabit County.

In the Statement, the Committee should-

(1) State the number and location of all boreholes in Marsabit County, providing information on whether they are public or private and whether they have fluoride filtration process.

(2) Indicate the criteria used to identify boreholes for commissioning, stating the requirements and tests conducted.

(3) State the measures being taken by the Ministry of Water, Sanitation and Irrigation to curb the high levels of fluoride in water from boreholes in the area, responsible for cases of dental fluorosis among residents of Nuite in Lake Turkana, Elebor, Anambalo in Sololo among other places.

(4) Disclose the number of boreholes with water declared unfit for human consumption, ascertaining that water from such water boreholes is not illegally being distributed for use by unsuspecting residents.

Let me move to the second statement.

STAFFING POLICY IN MARSABIT COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare on the staffing policy by Marsabit County Government.

In the Statement, the Committee should:

(1) Provide a report on the particulars of all employees of Marsabit County Government, stating their respective ages, positions, qualifications, remuneration and terms of service.

(2) Explain the procedure used by the Marsabit County Government to employ its staff.

(3) Cause an audit into the number of personnel employed by the Marsabit County Public Service Board, *vis-à-vis* those hired by the County Executive from August, 2017 to date, indicating the cadres of all the employees and the source of their salaries.

Thank you.

The Speaker (Hon. Kingi): It is so committed.

Hon. Senators, before Sen. Sifuna takes the Floor, I have a Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE
PARLIAMENT OF ZAMBIA

The Speaker (Hon. Kingi): Hon. Senators, I wish to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the Parliament of Zambia. The delegation comprises Members of the House Business Committee (HBC) and its staff, who are on a benchmarking visit.

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

- | | | |
|------------------------------------|---|---|
| (1) Rt. Hon. Nelly B. K. Mutti, MP | - | Speaker and Leader of Delegation |
| (2) Hon. Stafford Mulusa, MP | - | Government Chief Whip |
| (3) Hon. Brian Mundubile, MP | - | Leader of the Opposition |
| (4) Hon. Stephen Kampyongo, MP | - | Whip for the Patriotic Front |
| (5) Hon. Jay E. Banda, MP | - | Whip, Independent Members of Parliament |
| (6) Hon. Kampamba S Mulenga, MP | - | Committee Member |
| (7) Hon. Clement Andeleki, MP | - | Committee Member |
| (8) Mr. Roy Ngulube | - | Ag. Clerk of the National Assembly |
| (9) Mr. Temwani Nyirenda | - | Deputy Principal Clerk |

- (10) Mr. Tennesion Nyangu - Principal Clerk (Journals and Table Office), Secretary to the Delegation
- (11) Mr. Sage C. Samuwika - Executive Assistant to the Speaker
- (12) Mr. Barnabas Bwalya - Executive Assistant to the Clerk
- (13) Mr. Simon Bwalya Mulenga - Assistant Director
- (14) Ms. Caroline Silenga - Aide -De-Camp to the Speaker.

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

Thank you.

(Applause)

As you may have noticed, the delegation comprises of both Government and Opposition. Therefore, I will allow Sen. Mungatana, MGH to make very brief welcoming remarks on behalf of the Government side. Sen. M. Kajwang' will make brief remarks on behalf of the Opposition, in that order.

Kindly proceed.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I join you in welcoming the delegation from Zambia. Zambia has had a very warm relationship with Kenya. During the period of our founding fathers, we all remember with affection the old man with a handkerchief, H.E. the late Kenneth Kaunda, visiting Kenya; and equally, our President visiting the good Zambia in many occasions.

This country has distinguished itself in terms of development and democratic practice. They have had a successful transfer of power. Right now, they have a very progressive President called Hakainde Hichilema or H.H, who has been serving in the Opposition for many times. He tried to be President and right now, he is the Head of State.

He has introduced the equivalent of what we call National Government-Constituency Development Fund (NG-CDF) in Kenya. Many good things are happening in Zambia.

Zambia, like Kenya, is one of those countries which do not have requirements of visa. As a result, we have held many international meetings in Lusaka. Going to Lusaka is as easy as coming to Nairobi City and we have a good relationship with these people.

When you listen to their radio stations – I have been to Lusaka many times – you will notice that even their accent is very similar to Kenyan accent. You will find good food in Zambia. They have nshima which is equivalent of our own ugali. Maybe the difference is that they put some sugar to their roasted meat, the equivalent of our nyama choma. So, that is where we might differ a bit.

Otherwise, it is a warm and beautiful country, ready for investment. I will be happy if maybe one of my children gets a wife from there or if maybe one of their sons can get a wife from one of our daughters.

We are happy to welcome the delegation here. Let them feel at ease as they are here in Kenya. We welcome them. Please, have a good time while you are here. When you go back, please, take with you our good words and warm heart.

Mr. Speaker, Sir, I have a long history of association with Zambia because many times, we have gone there for the Common Market for Eastern and Southern Africa (COMESA) meetings, in my capacity as a Director. It has always been good experience when we go to that country.

Therefore, I join you in welcoming this delegation and wish them a happy stay in Kenya.

Thank you.

Sen. M. Kajwang': Mr. Speaker, Sir, I join you and the House to welcome the visiting delegation from the Republic of Zambia. While the Senator for Tana River County was doing a similar feat, he made an appeal on behalf of his sons. Knowing him very well, I believe that appeal must have been personal for a wife from Zambia. Therefore, the delegation should take it as such.

Mr. Speaker, Sir, I admire Zambia because when there is food insecurity in Kenya, the conversation turns towards getting food from Zambia.

The hon. Members from Zambia will know that Kenya admires the measures that Zambia has put in place to ensure food security and the production of maize; which is a staple food here in Kenya.

In the political conversation, there have been some comments that perhaps Kenya should start getting her maize from Zambia or get land in Zambia to produce maize in mass quantities.

I do not think the solution is in importing food from Zambia. The solution lies in partnerships within the existing multilateral arrangements, for us to share ideas.

Now that the delegation is here in Kenya, I hope that the Committee on Agriculture, Livestock and Fisheries can commit to have a conversation with the hon. Members, just to get a good understanding of what Zambia did, as far as policy and legislation is concerned, to get to a point where a rich agricultural country like Kenya is looking at Zambia for food security.

Mr. Speaker, Sir, we also admire the democratic credentials and practices in Zambia which has had several closely contested elections. Some of the elections have been called with very slim margins, slimmer than the ones we see in Kenya.

We respect the maturity with which the people of Zambia have conducted themselves. We respect the persistence of some of the candidates who have been in the ballot for many years and ultimately have ascended to the highest office.

We learn from Zambia that in a competition, as long as the rules and referee are fair, then, there should be no problem with losers accepting their loss and winners graciously leading the nation.

Mr. Speaker, Sir, finally, Zambia is also a case study on what infrastructure can do and the kind of decisions African countries must make as far as infrastructure is concerned.

When we were in school, we were taught about the Tanzania-Zambia Railway (TAZARA). It was about linking and providing access for landlocked countries to ports, other frontiers and the ocean.

Kenya, at this particular point in time, is having a conversation on whether our investments in infrastructure are the right ones.

Mr. Speaker, Sir, if I get an opportunity to meet the distinguished leader of the delegation, the Speaker of the Assembly, and all the distinguished leaders from Zambia, it will be important for us to share experiences, particularly on aid from China and other countries as far as infrastructure is concerned, and how that can impact on Kenya.

Mr. Speaker, Sir, I join you in welcoming this delegation.

I assure the delegation from Zambia that even though our economy and Gross Domestic Product (GDP) might seem to be bigger, there are a lot of lessons, in terms of politics, planning for food security, managing resources, infrastructure management and foreign policy that Zambia can teach Kenya.

I wish them a fruitful stay. I assure them that this is a long weekend. Monday is a public holiday. They should not be in a hurry.

The Senator for Nairobi would have become the Minister for Entertainment in a Raila Odinga Government. Therefore, I hereby order, Sen. Sifuna, to ensure that the Zambian delegation is well entertained, lubricated and taken care of.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. M. Kajwang', thank you for your warm welcoming remarks. Kindly proceed to withdraw the fact that Monday is a public holiday.

Sen. M. Kajwang': Mr. Speaker, Sir, Monday is Labour Day. It is a public holiday. Our other 'public holiday' will be in the subsequent Monday.

Thank you, Mr. Speaker, Sir.

(Laughter)

An. Hon. Senator: On a point of order Mr. Speaker, Sir.

The Speaker (Hon. Kingi): You cannot raise a point of order when the Senator has already rested.

Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, allow me to, first, prove my credentials as the Minister of Entertainment and advise my brother, Sen. Mungatana, MGH, that the next time he is in Lusaka, to try a joint called Grandaddys. They have the best meat. The delegation knows what I am talking about.

Mr. Speaker, Sir, I rise pursuant ---

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

The Speaker (Hon. Kingi): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Order No.105 on relevance. This is a distinguished delegation.

In the structure of the Executive arm of Government, there is no Ministry of Entertainment. Our delegation should not go back to Zambia, imagining that there is a Ministry of Entertainment. It is good to raise it, so that they do not go with the wrong perception. It is the Ministry of Sports Culture and Heritage. Unless the Ministry of Entertainment is on the side of the Minority.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Cherarkey, we know what constitutes a Government Ministry. The hon. Sen. M. Kajwang' was speaking for and on behalf of the Opposition. Therefore, maybe in their shadow Cabinet, there exists a Ministry of Entertainment.

Sen. Sifuna, please, proceed.

Sen. Sifuna: Mr. Speaker, Sir, Sen. Cherarkey likes to call himself a Kalenjin warrior although, he does not look like one.

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

Sen. Sifuna: We do not object to those things. It is with a light touch.

OPERATIONALIZATION OF THE NAIROBI CITY COUNTY LIQUOR LICENSING BOARD

Sen. Sifuna: Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Labour and Social Services, regarding the status of operationalization of the Nairobi City County Liquor Licensing Board.

In the Statement, the Committee should-

(1) Disclose the amount that has been raised through liquor licensing since the Board's creation.

(2) State the number of youth programmes, in the form of sporting and related activities that have been created to rehabilitate users of alcohol and drugs.

(3) State the total amount of funds utilized in the above programmes since the inception of the Board, disclosing the percentage this represents on the overall budget of the county; and,

(4) State the county's long-term interventions, if any, to support youths, sports and drug rehabilitation programmes in Nairobi.

I thank you, Mr. Speaker, Sir.

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

Sen. Cherarkey: Mr. Speaker, Sir, I support the Statement by Sen. Sifuna *aka* Minister of Entertainment in the shadow Cabinet.

I have seen his governor say on many occasions that the revenue has tripled. I do not know what they mean by Own Source Revenue (OSR). I am aware that the Nairobi City County Government has a pending bill of Kshs100.5 billion.

Mr. Speaker, Sir, we have heard many cases in some upmarket estates and many others where bars have been licensed.

In addition to that, we would like to know how many liquor stores have been licensed within residential estates. Do they adhere to the Alcoholic Drinks Control Act that was passed by Parliament?

Finally, the Governor of Nairobi City County, Gov. Johnson Sakaja, has insisted on several occasions that OSR has highly grown. Does it include the licenses that have been given, especially to liquor stores in the city? What are the strategies?

In conclusion, there is the issue of morality in terms of issuing licenses and collecting the fees. When was the current Board put in place? Who are they? Have they ever sat down to issue licenses and to how many outlets within the city? How much is projected as OSR in Nairobi City County?

I support Sen. Sifuna on this matter of liquor licenses.

Where I come from, the county government has given up to 10 liquor licenses in a small center of less than 2,000 people. The bars are more than the churches. Even if we were to blame these churches that are sprouting up in the country but when you check, there are more bars than the churches. A reggae musician sang that when you look outside the window and see no hope then you see more prisons being built than schools, just know that there is a problem in that society.

I agree that the approval of licensing being issued should not be the issue of Nairobi alone, but it should also include our counties.

I, thank you.

The Speaker (Hon. Kingi): Thank you. That Statement is committed to the Committee of Labour and Social Services. Let us move to Sen. Chute, who had another Statement to request. Did you combine the Statements when you took to the Floor?

(Sen. Chute consulted loudly)

We shall proceed to Sen. Cherarkey.

HEALTH SERVICE PROVISION IN NANDI COUNTY

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Request of the Statement on health services provision in Nandi County.

Mr. Speaker, Sir, I rise Pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Health regarding health services provision in Nandi County.

In the Statement, the Committee should –

(1) Appraise the Senate on the current state of health facilities in Nandi County, stating the operational ability of medical equipment, availability of drugs and capacity of essential hospital facilities, giving reasons for any observed deficiencies.

(2) Give reasons for the chronic shortage of essential drugs at the County Referral Hospital in Kapsabet, which forces patients to purchase medicines from nearby pharmacists and outside the County.

(3) Give reasons for the failure of the County Government of Nandi to renew contracts of health workers, including casuals, placing significant strain on the remaining staff; and finally.

(4) Disclose the terms of engagement and agreements, if any, entered by the County Government of Nandi and suppliers of medical services and equipment, stating the amount owed by the County Government of Nandi for services and equipment delivered by these suppliers.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I rise to support the good Statement by the good Senator for Nandi County. He is good once in while, like today. On the issue of the state of health in Nandi County, he has highlighted the most important issues.

In places like Nandi and other cruel counties, poor people go to the hospitals in the counties, then, after being diagnosed with any kind of disease, they are asked to go to a chemist to buy drugs. It has become a trend that is constantly manifesting in our counties.

I would, therefore, be curious to see if the Committee can go further and discern the people who own those chemists apart from establishing the people who send people to those chemists. This is because we want to understand the structure of contracts that they have with the District Hospitals, Level 2, Level 3 and Level 4 hospitals to the extent that they have become constant customers to those hospitals.

Additionally, in that Statement, I will be curious to see if the relevant Committee can also look at the status of the national Government health workers who are working in the counties. This is with regards to how they are taken care of. They should establish if there are some people who are national Government health workers but are in counties doing the national Government functions despite the fact that health care is devolved? Is it possible that those people are doing national Government functions, but they end up being paid by the county officials?

Mr. Speaker, Sir, in Nairobi City County, we do know that we have about five national health facilities and 164 County health facilities. However, Nairobi City County Government is still pressed to pay those national workers who are working in those national facilities. That is the same thing happening to your great County of Kilifi as well as Mombasa County.

Mr. Speaker, Sir, you know that the health inspectors in Mombasa County are actually national Government workers, but the County resources are being used to take care of them. This is also happening in places like Migori County and all the border counties like Busia where we have health inspection workers. Those health workers come to work in the counties, but the national Government does not take care of these issues.

My last point is very important, but I will say it on a light note. I am surprised that my brother, Sen. Cherarkey, is crying over medical equipment yet the good Committee on Finance and Budget arrested the mischief that was happening in National Treasury. This is where, Kshs5.6 billion medical equipment services money was supposed to be put in Division of Revenue Act (DORA) that the Senate has just passed.

It was a placement error and the Senate was not able to arrest it but the Committee arrested that error. I urge this Senate, to do Amendments and give the good friend of mine from Nandi that Kshs5.6 billion to take to his County for medical equipment. He

actually voted against it. Does it mean that my good friend, Senator for Nandi County, did not read DORA to understand that the money was put there and his County had entitlement to that money? He actually voted against it in this House.

My plea is that he should not go and stress another Committee with that issue because it is an issue that the Committee on Finance and Budget dealt with, and he denied his County that money. The people of Nandi County should know that he voted against it and he should be responsible for voting against it. The people of Nandi County must go without the medical equipment until the next financial year so that they can judge this Senator for not voting for the medical equipment that required that money.

I, thank you.

The Speaker (Hon. Kingi): Kindly proceed, Sen. Miraj.

Sen. Miraj: Asante, Bw. Spika, kwa kunipa hii fursa ya kuweza kuchangia katika *Statement* ya Sen. Chererkey. Hata sisi pale Mombasa tuko na hospitali kubwa ya *Coast General Referral Hospital (CGRH)*, ambayo katika mapendekezo ya *County Interegated Developmet Plan (CIDP)* pale Mombasa, tumesikia ya kwamba Gavana anataka kutoza ushuru ingawaje hajajieleza.

Hii ni kwa sababu amesema ile hospitali inafanya kazi nyingi na inatumia pesa za watoza ushuru wa Mombasa ndiposa anataka kuleta huo ushuru mpya. Japokuwa, hajasema ataotoza kwa *county governments* ama *national Government*.

Ningependa kuchangia ya kwamba, CGRH inasaidia *counties* kama Lamu na hata zile za Ukumbani. Watu wengi huletwa kule. Kuna shida ya masuala ya madawa kwa sababu mtu akifika hospitalini, dawa kama *Panadol* inakuwa changamoto.

Tungetaka kujua mbona wangojwa wote ambao wanakwenda kwenye hospitali za serikali lazima watoke nje, tena wanapewa *directions* na madaktari waende kwa *chemist* fulani. Mimi ningetaka hiyo *Committee* itueleze ya kwamba zile *chemist* ambazo ziko pale nje nizakina nani na wanatoa wapi dawa ambazo zinakosekana kwa hospitali za serikali.

Asante Bw. Spika.

The Speaker (Hon. Kingi): Sen. Okiya Omtatah, kindly, proceed.

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I am in support of the Statement by my friend, the warrior from Nandi, Sen. Cherarkey.

(Applause)

I would like to contribute as follows – the problem that the good Senator has raised is a universal problem that points to a systemic problem. The issue may not simply be a question of episodes of failure to deliver medical services here and there but across the country.

It could be a question of design. Is the county government adequately designed to handle clinical medicine? That is the question we should ask.

We should go back to the Constitution in the Fourth Schedule and ask ourselves whether the people of Kenya devolved clinical medical care or the primary medical care.

Secondly, if you have to go as matters stand now, whereby, through political machinations, clinical medical care was devolved. Then, we should ask ourselves, why is the big budget for medicine still with the national Government?

When the Statement will be answered, the Committee should provide us information on what percentage of devolved functions are not funded and how much of the money left in national Government should be in the county governments.

Mr. Speaker, Sir, we should stop being a talking shop through making Statements and Motions then feeling we have achieved anything. We must bite. We must demand that if health is devolved, then the budget should not be in Nairobi but in the counties. This is because even if you fix the Panadol issues, you will find that there is hardly enough money to run our medical facilities on the ground. Therefore, the national Government must step up to the plate or we must hold its feet to the fire and make sure that money follows functions that have been taken to the counties.

I plead that the Committee expands its scope and interrogates audits and ferrets out corruption in the budget of the national Government's Ministry of health where counties are being starved of resources and monies left in Nairobi to be stolen.

It is not long ago that we heard of the Kenya Medical Supplies Authority (KEMSA) scandals and what have you. The KEMSA billionaires are bullying us around with their money and trying to look in the wrong direction.

I pray that the Committee goes as far as interrogating, auditing, and ferreting out corruption in the national Governments Ministry of Health's budget and telling this House how much of the money left in Nairobi should be in the counties. This House should then act to ensure that that money is taken to the counties.

Mr. Speaker, Sir, I ask the Government's side not to go to bed with the Executive. You are part of Parliament and it is independent of the Executive. Our work is to oversight. When a Motion comes here, let us ensure that we push the national Government to devolve the money that is supposed to be with the counties so that we can have adequate medical care.

In many hospitals, the medical record technicians are not there. If you do not have money to do records, how do you expect to track how Panadol is being used? Let the hospitals be fully equipped, manned and this problem will go away. As long as the hospitals are not fully manned and equipped, we shall keep coming here talking to ourselves and nothing will happen.

In supporting the Motion---

(Applause)

I thank the warrior of Nandi County, for being alert to the moment and bringing this Statement to the Floor of this House. I pray that the Committee does all that it can to make sure that we get to the bottom of this matter. We get to devolve money from Nairobi to the counties so that we can have adequate health care as required under Article 43 of the Constitution

Thank you. I support.

The Speaker (Hon. Kingi): Sen. Okiya Omtatah, under our Standing Orders, you are supposed to refer to your colleagues as Hon. Senators.

Sen. Okiya Omtatah: Hon. Sen. Cherarkey, Senator of the Republic of Kenya, elected by the people of Nandi and the Senate Majority Whip, is he?

(Laughter)

The Speaker (Hon. Kingi): Sen. Okiya Omtatah, thank you for your comments. Statement by Sen. (Dr.) Murango. Sen. (Dr.) Murango had three Statements. They have been deferred.

ESTABLISHMENT OF PUBLIC TEACHER
TRAINING COLLEGE IN KIRINYAGA COUNTY

(Statement deferred)

CIRCUMSTANCES SURROUNDING THE
AMPUTATION OF BABY NOOR'S FINGERS

(Statement deferred)

DELAYED CONSTRUCTION OF WAMUMU
KEMRI STATION

(Statement deferred)

We now move to Statement Pursuant to Standing Order No.56(1)(a), that is the Statement by Chairpersons of Standing Committees. The Chairperson Standing Committee on Devolution and Intergovernmental Relations, you may have the Floor.

REVIEW OF THE DEVOLVED SECTOR LAWS THAT
SHOULD BE ALIGNED TO THE CONSTITUTION OF KENYA 2010

Sen. Mumma: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(a) of the Senate Standing Orders to make a Statement relating to the urgent need for a review of the devolved sector laws that should be aligned to the Constitution of Kenya 2010, that is laws that are contributing to the claw-back on the implementation of devolution.

Standing Order No.228(3) as read with the Fourth Schedule of the Senate Standing Orders provides for the Standing Committee on Devolution and Intergovernmental Relations (the guardian angel of devolution). The Committee is mandated to consider *inter alia* all matters relating to devolution, intergovernmental relations and intercounty relations, governance and management of county governments, cities, towns and urban areas.

By dint of its mandate, the Devolution and Inter-Governmental Relations Committee resolved to initiate an audit of all laws existing before the promulgation of the 2010 constitution to identify those that require to be amended to align with the Constitution.

As a result of the initial audit, we have found that there are many laws that existed prior to the Constitution of Kenya 2010 yet to be aligned to it. Despite the fact that Article 2 provides for these laws to be read as though they have aligned to the Constitution, they still facilitate the existence of institutions and carrying out mandates by the national Government in contravention of the devolved governance system as provided in the Constitution.

Our team has audited a total of 63 laws in the first batch of the audit and would want to recommend that the Committees of this House urgently review the laws as assigned to their committees in order to deal with this urgent situation.

Mr. Speaker, Sir, this exercise is urgent because we are in the 13th year since the promulgation of the Constitution. It is a collective shame that we still have laws in our books that have not been aligned to the Constitution. The Senate takes the first role of responsibility because we are the House that makes the laws that align on devolution.

The Committee requests that the Senate deploys special resources to facilitate the various committees to carry out this mandate.

The Devolution Committee will continue to conduct the audits of the remaining laws and periodically submit more lists of the laws that need to be looked at. The Committee would like the support of all the Senators in this House.

In the first batch, we are assigning 24 laws to the Standing Committee on Agriculture, Livestock and Fisheries, one law to the Standing Committee of Devolution and Intergovernmental Relations, one law to the Energy Committee, one law to the Finance and Budget Committee, 15 laws to the Health Committee, one law to the Labor and Social Welfare Committee.

Ten laws to the Committee on Land, Environment and Natural Resources. Two laws to the Committee on National Security, Defence and Foreign Relations. Four laws to the Committee on Roads, Transportation and Housing Committee and two laws to the Committee on Trade, Industrialisation and Tourism.

Mr. Speaker, Sir, the Committee would like to urge colleagues in the Senate to support this effort and to make it an urgent activity of their committees so that this Senate can be called or can be known as the Senate that took responsibility to ensure that all laws have been aligned to the Constitution and the ongoing clawback against devolution has been tamed.

As I conclude, I wish to register the Committee's appreciation for the support accorded to members by your office to work on this work, and the role played by the Office of the Clerk and his Secretariat, who have worked so tirelessly to enable us to submit this Statement.

I thank you.

Sen. Kinyua: Asante Bw. Spika, kwa kunipa fursa hii. Katika Seneti iliyopita nilikua mwenyekiti wa Ugatuzi.

Ni ukweli sheria alizozitaja ni zile ambazo zinapaswa kurekebishwa. Nashukuru kamati hiyo kwa kazi nzuri walioifanya wakiongozwa na Sen. Abbas na naibu wake. Ni vizuri maana hiyo kamati haijaketi tu bali pia wameangalia kile ambacho kinaleta uzuizi katika gatuji zetu.

Sheria hizi zikibadilishwa, ugatuji utaendelea vizuri. Kazi kubwa ya Seneti hii ni kufanya gatuji zetu ziendelee kua na nguvu na kunawiri. Nimesimama kuunga mkono na kuwapongeza kamati hiyo kwa juhudi zao nzuri. Kamati zile zingine zikifanya hivyo, Seneti itakua katika kipao mbele kunawirisha gatuji zetu.

Asante na napongeza hiyo kamati.

Sen. Onyonka; Mr. Speaker, Sir, I think I made an error. I wanted to internalize the matter and then I can participate. My sincerest apologies.

The Speaker (Hon. Kingi): Sen. M. Kajwang' are you also on the same queue?

Sen. M. Kajwang': No, Mr. Speaker, Sir. I am usually very precise. I do not make those kinds of errors.

I was the Chairperson of the Committee on Devolution and Intergovernmental Relations after Sen. Kinyua, Senator for Laikipia. I inherited a job well done and when I handed over to Sen. Abbas, I can see they are doing even a greater job than Sen. Kinyua, Sen. Murkomen and I did, as founding chairpersons of that Committee.

Many of the laws that have come to this House have been laws on self-preservation. The very first referendum call that came from the Senate was on how to strengthen the Senate. It was about self-preservation. When we get legislative proposals from the Council of Governors (CoG), many times it is about self-preservation. How to strengthen the CoG and how to entrench the Secretariat in law.

When we get proposals from county assemblies, like in the legislative conference that will soon be having, they will be self-serving. They will be about how loans and car grants and how to enhance the salaries of Members of the County Assemblies (MCAs). I am so happy that Sen. Abbas and the team in the Committee on Devolution and Intergovernmental Relations has cast aside those self-serving approach to laws and now we are looking at the substantive issues that the Senate exists to address.

Mr. Speaker, Sir, nothing is more urgent than a legislative impact assessment. We have had 13 years of devolution, what has been the impact of the laws that we have in place? If we are going to have a referendum in this country, I know there are other things out there in the political space where people are passionate, but a referendum in this country must have at its core how to strengthen devolution and how to expand the breadth of services and functions that are taken to county governments.

Mr. Speaker, Sir, the Roads Bill collapsed in our hands in the last Parliament. As a result, the national Government is building roads in villages, a job that is clearly for governors. That money is sitting in Nairobi. Even in last week's debate on the Division of Revenue, even if we argued that counties should get more money and we still have Kenya Rural Roads Authority (KERRA) and Kenya Urban Roads Authority (KURA) existing in Nairobi, it defeats the whole purpose of devolution.

Another very urgent piece of legislation is a legislation that established the Agriculture and Food Authority (AFA). I am glad that the fisherfolk decided to set up a

Fisheries Authority. I know that there is a livestock Bill that should again take seed livestock matters from AFA.

If we were to go with the matrix that Sen. Mumma and Sen. Abass have presented to this House, this House will be busy, we will be dealing with the right things. We will ensure that when Sen. Chute is asking about boreholes in his county and pushing his governor to drill boreholes, knowing very well that money for boreholes has been sent to that county and it is not sitting in Maji House somewhere in Nairobi.

Mr. Speaker, Sir, I fully support this. If you so wish, you should direct that those pieces of legislation that have been referred to committees must be prioritized. I do also hope that in that matrix, the Public Finance Management (PFM) Act, the PFM regulations and the procurement laws have also been highlighted. In our experience in the Public Accounts Committee (PAC), some of these laws were created when we did not understand the practicalities around devolution. Many a times some of the things we flag as non-compliance with the law are things that in real sense are impractical to do.

I support this and if any matter is referred to my committee, it will be the most important business in my committee because this is the reason why the Senate exists.

Thank you.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. In my formative months in this House, I served in that Committee as a Member before I later joined the Standing Committee on Tourism, Trade and Industrialization. I commend the work that is being spearheaded by the Committee's Chairperson, Sen. Abass, and his Vice Chairperson, Sen. Mumma.

I implore that as a Senate, we need to support that Committee because whatever work they are doing is actually the anchor of what the Senate is doing, especially on the issues of the urban areas and development that we have been pursuing.

I am also looking forward to issues of transfer of functions. Several years down the line before we anticipated the devolution of engagement, we are yet to really agree on what functions remained at the counties and those that were the national Government.

There have been several conflicts and if this Committee is supported to come up with a way that we can address these, then as a Senate, we will have achieved at least one thing in this House.

I commend whatever work that the Committee has done, and I support the Statement that the Vice-chairperson has just read.

Thank you.

Sen. (Prof) Kamar: Thank you, Mr. Speaker, Sir, for giving me an opportunity.

I would like to first congratulate the Committee on Devolution and Intergovernmental Relations for fishing out the laws that need to be amended to comply with the new Constitution. This Constitution was supposed to do practical things, but unless we have enabling laws and policies, it is very difficult.

We are very fortunate that this is being done at the time when you are in this House as a former governor. When we have two former governors sitting in this House, we will be able to actually look at what was not enabled and what has not been enabled for implementation.

It is no surprise that the agriculture, livestock and fisheries sector have the largest number of laws that need amendment. It is no wonder that we have not been able to devolve agriculture properly and yet in the Constitution everything has been devolved except policy. The same thing is in the Ministry of Health (MOH). The Ministry has 25 laws which need to be aligned to the Constitution.

The third is on land, environment and natural resources. It is no wonder these three sectors have been highly disadvantaged as far as devolution is concerned. Therefore, I support the Committee in their recommendation that this Senate should focus on that. Focusing on this is far more advantageous more than ever before because we have those who have been Governors before here. The other aspect of alignment they should take into consideration is the international laws that we have ratified as a country.

We have ratified the Abuja Declaration and we know the percentage of money that should be going to some of the health sector. If we do any amendments, we must ensure we carry that onboard. We keep discussing and arguing over the Division of Revenue Allocation (DORA) yet we are in a country that has declared the percentage of money that should be going to these sectors. Any International law that has been ratified is as good as our own law.

I urge that when Committees sit and look at these laws, they should also comb the international laws ratified by our country so that we inject the same information into our new laws. That way we will be very clear on the amount of money going to the devolved units. It is obvious that health, agriculture and education has not been taken care of according to what we have ratified.

Some of these areas have really affected the social development sector of the country. I congratulate the Committee and as I do so challenge the other Committees to comb further so that we can up with laws that do not need to be amended in the next 20 to 50 years.

I support.

The Speaker (Hon. Kingi): We now move to Statements pursuant to Standing Order No.57(1). This is a Statement by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 2ND MAY, 2023

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise to make a Statement, on behalf of the Senate Majority Leader, on the Business of the Senate for the week commencing Tuesday, 2nd May, 2023, pursuant to Standing Order No. 57(1).

There are 27 Bills which have been published in the Senate. Out of these Bills, 17 are due for Second Reading Stage and four are at the Committee of the Whole Stage. A further five Bills are undergoing concurrence pursuant to Article 110 of the Constitution and one Bill has been enacted into law.

As indicated in today's Order Paper at Order No. 8, debate on the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) is still ongoing. As I communicated last week, the passage of this Bill is crucial for unlocking funds under the Equalization

Fund for utilization by counties in financial year 2022/2023. I therefore urge the party whips to mobilize the requisite number of Senators for the voting process at the conclusion of debate today.

Mr. Speaker, Sir, with regard to Petitions, the Senate has so far received 13, which have been committed to respective Standing Committees pursuant to Standing Order No. 238(1). Five Petitions are already due for reporting by the Standing Committees on Roads and Transportation and Housing, Agriculture, Livestock and Fisheries, Labor and Social Welfare and Justice, Legal Affairs and Human Rights, respectively.

I urge the aforesaid Committees to expedite consideration of the Petitions and table Reports thereon. I also urge the other Standing Committees to process the Petitions referred to them within the 60-day period as per the provisions of Standing Order No. 238 (2).

Statements are increasingly being sought pursuant to Standing Order No. 53 and others issued pursuant to Standing Order No. 52. Standing Committees are encouraged to expeditiously consider the Statements and report back to the House with the mechanisms provided for under the Standing Orders. For instance, the Standing Committee on Devolution and Intergovernmental Relations considered a Statement sought by the Senator for Tharaka Nithi County on the relocation of national Government services from Chuka town to Kathwana County headquarters and tabled a report on Wednesday 19th April, 2023.

The Committee has made some recommendations in the report which require a resolution of the Senate. As such, the Committee has filed a Motion which is scheduled at Order No. 17. Standing Committees are urged to emulate this example, with some going as far as making concrete legislative proposals in the form of Bills to address concerns arising from Statements.

Mr. Speaker, Sir, Several Questions have been filed and approved by the Speaker. At its meeting held on Tuesday, 25th April, 2023, the Senate Business Committee approved the second set of Questions to be scheduled in the Order Paper for Wednesday, 3rd May, 2023 during the Morning Sitting. The summary of the Questions and the Cabinet Secretaries to appear on that day are as follows-

- i. Question by Sen. Danson Mungatana, MGH, MP, to the Cabinet Secretary for Roads and Transport, to respond on the marginalization of Tana River County in infrastructural development.
- ii. Question by Sen. Veronica Maina, MP, to the Cabinet Secretary for Tourism, Wildlife and Heritage, to respond on the cancellation of voyages and change of cruise ship destination from Kenya.
- iii. Question by Sen. Veronica Maina, MP, to the Cabinet Secretary for Education, to respond on the suitability and capacity of Bandari College to train seafarers.
- iv. Question by Sen. Mwenda Gataya Mo Fire, MP, to the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, to respond on the delay in land demarcation, adjudication and titling in Tharaka Nithi County.

- v. Question by Sen. Mwenda Gataya Mo Fire, MP, to the Cabinet Secretary for Interior and National Administration, to respond on the resettlement of displaced residents of Machabeni Sub-location in Tharaka Nithi County.
- vi. Question by Sen. John Kinyua Nderitu, MP, to the Cabinet Secretary for Interior and National Administration, to respond on the state of security in Laikipia County and the wider North Rift region.

I urge hon. Senators whose Questions will be scheduled to be available in the Chamber to prosecute them. I also urge all Senators to acquaint themselves with the provisions of Standing Order No. 51(a), (d) and the guidelines issued by the Speaker on the procedure of Questions. For starters and given the experience from yesterday's sitting, I urge Senators to refrain from introducing new questions, in the guise of supplementary questions, in order to manage the limited time that is available for Questions.

I want to pause and thank Members for arriving on time and giving us quorum timeously in yesterday's Sitting. That saved us the embarrassment from some forces which did not want the Session to proceed.

With respect to Motions, there are 21 which are yet to be prosecuted by the respective Movers. I, therefore, implore upon all Senators who have filed Motions to avail themselves in the Chamber whenever their business is scheduled in the Order Paper. You will recall that at times, the Senate has adjourned early due to the absence of Movers of business or lack of quorum. Let us use the available time wisely.

In conclusion, on Tuesday, 2nd May, 2023, the Senate Business Committee will consider and approve the business of the day. This will contain business that will not have been concluded from today's Order Paper and any other business scheduled by the Senate Business Committee.

The Order Paper for Wednesday, 3rd May, 2023 and for Thursday, 4th May, 2023, will contain business that will be scheduled by the Senate Business Committee as well as those not concluded from Tuesday's and Wednesday's Order Papers. The Senate Business Committee will also schedule any other business pursuant to the Standing Orders.

At the rise of the Senate on Thursday 5th May, 2023, the Senate will proceed on a two-week recess pursuant to the Calendar. Regular sittings of the Senate will thereafter resume on Tuesday, 23rd May, 2023.

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

The Speaker (Hon. Kingi): Next Order.

MOTION

ESTABLISHMENT OF *Ad Hoc* COMMITTEE TO
INVESTIGATE THE DEATHS IN SHAKAHOLA,
KILIFI COUNTY

Sen. (Dr.) Khalwale: I beg to move the following Motion under Standing Order No. 62 in an amended form-

THAT, AWARE THAT under the Bill of Rights, the Constitution of Kenya grants every person the right to freedom of conscience, religion, thought, belief and opinion, and that every Kenyan has the right to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship.

FURTHER AWARE THAT, new religious groups, institutions or places of worship, and faith-based Non-Governmental Organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General's Office, yet indigenous and traditional religious groups are not required to register.

COGNIZANT THAT, there has been increased activity and membership in extremist occult religious organisations in the country.

CONCERNED THAT, the current recorded death toll of an apparent occultist religious group led by one Paul Mackenzie Nthenge, in Shakahola Village, Kilifi County has reached an alarming 95 persons, while the search for more buried victims continues;

NOW THEREFORE in exercise of its oversight function, the Senate resolves to establish an Ad Hoc committee to –

(i) Investigate the circumstances leading to the death of the followers of the Good News International Church led by one Paul Mackenzie Nthenge in Shakahola Village, Kilifi County.

(ii) Investigate the role played by one Paul Mackenzie of the Good News International Church, his pastoral team and the Kilifi County Security Committee in aiding and abetting the deaths of the followers of the Good News International Church in Shakahola village, Kilifi County.

(iii) Establish through the office of the Registrar of Societies, the number and activities of religious groups in the country including their registration and compliance status;

(iv) Audit the legal and registration framework for religious organisations in the country.

(v) Develop a legislative proposal and regulation of religious activities in the country; and,

(vi) Make any other recommendation that will prevent religious organisations from extreme indoctrination of their followers including radicalisation, spiritual and financial exploitation and submit a report to the House within 90 days.

AND FURTHER, THAT, the following Senators be appointed to serve in the committee –

1. Sen. Mohammed Faki, MP.
2. Sen. Danson Mungatana Buya, MGH, MP.
3. Sen. Tabitha Mutinda, MP.

4. Sen. Veronica Maina, MP.
5. Sen. William Kipkiror Cheptumo, CBS, MP.
6. Sen. Shakila Mohammed, MP.
7. Sen. David Wakoli, MP.
8. Sen. Hamida Kibwana, MP.
9. Sen. Richard Onyonka, MP.
10. Sen. Eddy Oketch, MP.
11. Sen. Abdul Haji, MP.

Mr. Speaker, Sir, I would like to briefly Move this Motion because this matter has come before this House twice. Members have spoken to many of the issues. Colleagues, let us stand behind this Motion. Every day we follow the footage on real-time Television, it becomes more horrifying.

It is appalling that only yesterday, in his own compound, which he calls home and lives with his wife and children, they found a mass grave that had children aged between 2 to 12 years. How a two and a 12-year-old child can refuse food in the name of fasting, beats logic. In the immediate neighborhood of his compound, they got another locked house. Inside the house, they found little boys.

When one of the boys was interrogated, he told the security organs: “*Mimi, tulipofungiwa hapa, nilipata kopo la maji. Walipopata nimekunywa, walinigonga.*” *Akaonyesha kichwa.* The boy had head injury. These are the kind of people we are dealing with.

Mr. Speaker, Sir, therefore, this Committee owes the 53 million Kenyans that never again will a Christian, Muslim or any child of this country, be denied an opportunity to drink water or eat food in the name of religion. Most of you, if not all of you, have children. Do you know of a child in your home who would refuse to eat? This completely beats logic and we must come out both barrels blazing.

The calling is high for this Committee. I am glad that Sen. Mungatana made the list. Yesterday, he told us about the 1978 Jim Jones incident in Guyana. When a Senator moved on this sect, where 900 people lost their lives after they were asked to drink a punch that was laced with cyanide, that Senator was killed.

This is how sensitive the job that you have taken is. Do not be intimidated by those who will say: ‘We will make sure that voters vote you out of Parliament.’ They will not because the minority are the ones who believe in that nonsense and the ones they duped. The majority of the Catholics, Presbyterian Church in America (PCA), Seventh Day Adventist (SDA), Muslims and other evangelical churches that believe in God, condemn this and they will vote for you.

Mr. Speaker, Sir, it is refreshing that one of the senior Bishops in one of the churches, has called for a financial audit of leaders of churches. You can see they are opening the gates for us. I am reliably informed by Sen. Madzayo that if you go to Kilifi county to the compound of Ezekiel Odero who was arrested today – I have not been there – you would think you are in Los Angeles. This must stop.

Do not give us a report that will suggest, in any way, selective justice. If “Yesu wa Tongaren” in my home is the problem, come for him. If you are coming for “Yesu wa Tongaren”, this is the time.

Speaking for this Senate that I am privileged to serve in, we are only 47 elected and 20 nominated, there are millions of Kenyans who would love to be here today. Due to this privilege, I now want to stand tall on the shoulders of the poor of this country and say that people like the so called Owuor of some other church, should also be probed.

(Applause)

Yes! How can somebody stand at a market place for two, three or four months and people keep on dropping their *sadaka* and ends up buying a public address system? All of a sudden, they dupe little boys and girls to sing music in the evening, collect *sadaka* and before you know it, he has bought a vehicle, opened a church or even a television station. We expect this Committee to recommend that people who are owners of churches, should not be given a license to run television stations which they use to spread their gospel of doom.

(Applause)

Mr. Speaker, Sir, before you know it, some of them get elected.

An Hon. Senator: Yes! *Toboa!*

(Applause)

At the entrance of the ‘Lower House,’ they have inscribed that Parliament is for the welfare of society and the just Government of men. However, these days they say the just Government of the people. So, if you are speaking from this Floor, it is for the welfare of society and the just Government of men and women, then this Government must refuse that Kenyan children should die in the name of religion.

(Applause)

Mr. Speaker, Sir, I wish I could speak good English like Sen. Catherine Mumma. She said here yesterday that there is no way you can punish this character. Even if you kill him by squeezing or doing all manner of things, you will not give us justice.

As a father of beautiful little girls and boys; and a grandfather of other children, we will fear nothing and we will make sure that the church operates in the letter and spirit of Article 32 of the Constitution. They read the letter, they refuse the spirit. The letter says any person enjoys the right of worship. That letter does not mean the spirit says that if that person believes in fasting as a way to heaven, then the person should force a child, who has no idea about the pros and cons of faith, to again fast.

In fact, at the risk of annoying my colleagues from the Islamic community, months as holy as the Ramadhan; at the risk of annoying Catholics, to whom I belong,

days as holy as Easter where we fast; that fast should not be extended to children. We should only allow fasting for adults who make a choice. Children should go and play football, *makola*, *shicholo* or *itiolo* and not be locked in rooms so that they lose their lives.

Suppose I had been suffocated, who would be advocating for the poor today? Suppose Sen. (Dr.) Oburu was suffocated to death--- The man came to Parliament at the age of 51 in 1994, and like a colossus, he has made his contribution to defining the destiny of this great Republic for the last 30 years. The boy you are killing today, is the giant who will become the Obama of the United States of America (USA).

Mr. Speaker, Sir, I move and request the Senate Minority Leader, the Senator for Kilifi County, to second this Motion.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you are supposed to move the Motion in its amended form and beg the permission of the Chair to do so.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I am so guided. I thought when I opened with that remark at the beginning, I moved.

I move this Motion under Standing Order No.63 and I beg the Speaker to oblige.

The Speaker (Hon. Kingi): Are you moving the amended Motion under Standing Order No.52?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it is under Standing Order No.62. The amended.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Ninaunga mkono yote yaliyosemwa katika hii Hoja.

Kuna uhuru wa dini. Kipengele cha 32 cha Katiba yetu kinasema kwamba kila mtu ana uhuru kujumukika kimawazo, kidini, kimafikra na pia kuomba Mungu vile atakavyo. Hivi majuzi, tumekuwa na mshikemshike ambao ulitokea Shakahola, Eneo Bunge la Magarini, Kaunti ya Kilifi. Ni jambo la kusikitisha. Ndio sababu Seneti imeona kuna umuhimu kuwa na jopo ambalo litaangalia suala hili.

Tumeona kuwa ni wengi ambao wanaanzisha dini hizi. Imekuwa rahisi sana katika nchi yetu ya Kenya. Mtu anenda kwa *Registrar of Societies* kuomba kibali kuanzisha dini yake. Anatoka hapo na cheti cha kuanzisha dini yake.

Kuna wengine nia zao ni safi. Lakini wengi wao, tumekuja kuona ya kwamba wanaanzisha dini zao kwa sababu ya pesa. Hizi pesa zimeanza kupita mpaka zimeingilia wale tunaowaweka mbele ya madhabahu. Wameziweka mbele pesa sana mpaka zimekuwa kama shetani. Ni muhimu sheria mwafaka zizingatiwe.

Tumeona katika eneo la Shakahola, watu wengi wamepoteza maisha yao. Wengi walioathirika ni watoto wachanga. Mimi ninakubali ya kwamba, kama kuna watu wanaopenda kula ni watoto wachanga. Hii ni kwa sababu mili yao iko na nguvu nyingi. Lakini wao ndio wengi wa waliofariki. Hii ni ushuhuda tosha ya yote yanayoendela kule hivi sasa. Wengine hawajafariki kutokana na njaa lakini wameadhiriwa kwa magongo ama silaha fulani na kupoteza maisha.

Hoja hii ni muhimu sana. Tuna imani Maseneta ambao wamechaguliwa wanajuhudi na wanaweza kufanya kazi.

Watu kama sisi ambao tunatoka katika sehemu hiyo, imebidi tujiweke kando kwa sababu, tuko na uchungu sana. Kwa hivyo, tunaweza kukosa mwelekeo wa fikira, mawazo ama kujadiliana. Ndio sababu niliona nikae kando ili niangalia suala hili kisawasawa. Mimi nitalivalia njuga na kuona ya kwamba suluhisho imepatikana.

Mara nyingi, kuna mzaha unaofanywa na wanaojiita wakuu wa dini. Tuliona wakati fulani katika runinga, wakiweka sindano kwenye vidole vyao na kugeuza maji yaliosawasawa ya kunywa kuwa damu. Na kwa sababu mtu ni mgonjwa na hana imani, anatiwa imani ya kwamba amepozwa kwa sababu ametolewa damu chafu na kubakishwa ile safi kwenye mwili. Hayo yote tumeyaona.

Jopo kama hili letu ambalo tunataka kulifanya hapa liweze kuleta suluhu kwa mchezo kama huu. Jambo kama hili lisitendeke tena mahali popote katika jamii yetu.

Tuemeona watu wengi wa dini wamekuwa matajiri na kujiuliza kama *tithe* ama sadaka, tunayotoa inaweza kumfanya mhubiri ama kasisi kuwa tajiri namna ile. Watu wameuza nyumba zao na mali zao ili kusaidia kanisa. Lakini wakati mwingine ni kwa sababu wametiwa ile imani na wala sio kwa mapenzi yao.

Lazima kuwe na sheria mwafaka. Tuko na imani na jopo hili. Watakapoanza kazi ile, waje na sheria ambazo zitatusaidia.

Jambo la mwisho, jopo hili halitafaulu ikiwa Serikali haitajibika. Mimi nina imani na Maseneta ambao wamechaguliwa katika jopo hili. Watakapoifanya kazi hii, wasiogope kutwambia ukweli. Ninajua katika furukuta nyingi, watapambana na vitu ambavyo pengine itabidi wasiseme.

Tunawaambia ya kwamba wawe na moyo mshupavu na wasiogope lolote wakijua ya kwamba Bunge hili ndilo limewatuma kufanya kazi hiyo na litawatetea kikamilifu.

Bw. Spika, mimi ninaunga mkono. Tuko na imani kwamba wote ambao wamechaguliwa watafanya kazi hii. Asante.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, the Floor is now open for debate. Sen. Tabitha Keroche, proceed.

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

The Speaker (Hon. Kingi): Sen. Mwaruma, are you seeking clarification or you are rising on a point of order.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir. I have observed today and I want your guidance. Today, we had strangers and students from a particular school in the House and they were neither recognized nor welcomed.

Again, I can see strangers in the Public Gallery. Our tradition has it that they need to be recognized. I need your guidance because we are just seeing strangers in the House and that is against the traditions of this House.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. Before we proceed with the debate, you will allow me to make communication.

(Interruption of Debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MUHORONI COLLEGE/
UNIVERSITY STUDENTS ASSOCIATION

The Speaker (Hon. Kingi): Hon. Members, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation from Muhoroni College and University Student Association. The delegation comprises 17 students who are in the Senate for a one-day visit.

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

I will call upon the Senate Majority Whip to make welcoming remarks. Make your remarks under one minute.

Sen. (Dr) Khalwale: Thank you, Mr. Speaker, Sir. Our dear visitors in the Public Gallery, you are most welcome to the Senate of the Republic of Kenya; the 'upper' House.

If you cast your eyes across the Chamber, you will spot your local Senator and probably a nominated Senator from your area if there is one. You are most welcome and send our greetings back home from where you have come from.

The Speaker (Hon. Kingi): Sen. Tabitha Keroche, proceed.

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

The Speaker (Hon. Kingi): Hon. Senators, this is a Motion and each Senator is entitled to speak for 20 minutes. If we are to limit the time for debate, then we need to do it now. If Sen. Tabitha Keroche proceeds to take her 20, it will be impossible for us to limit debate midway. So, let us get a concurrence. We can have each five minutes.

(Hon. Senators spoke off record)

Hon. Senators, this matter has come to the Floor of the House for the third time now. I think that three minutes will be adequate.

(Applause)

(Resumption of the Debate on Motion)

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support the Motion. I know that people spoke about the Shakahola matter yesterday and the day before yesterday. We are Christians, but it is sad matter to know that in such a time and with the latest technology, we still have churches operating in this manner.

I have heard people talk of a cult. I do not know whether it is in a form of spirit, a drug or whatever. Right now, we have an *ad hoc* Committee proposed to tackle this matter. Can the Members of this Committee ensure that the regulation of churches, which we have been waiting for, happens this time? We have been in churches ever since we were born and we thank God that we never came across such churches.

I am a Catholic and the mass that was read today in the morning in my church is the same that was read all over the world. We need to ensure that these churches are regulated and pastors that are running these churches do the same course just the way doctors who operate the heart do the same course. The other parts of the world have moved and it is sad that these pastors are taking advantage of the poverty that people are going through.

As they combine all these happenings, I am sure that they will come up with laws that will ensure free education. During my time, it was free education. The children that we saw in the newspaper locked in those churches were not in school. Maybe, the parents cannot afford their school fees. So, how do we come up with a formula that will ensure that education is free as it was before?

The ease of doing business must also come---

(Sen. Tabitha Keroche's microphone was switched off)

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

Sen. Mumma: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I wish to fully support the Motion by Sen. (Dr.) Khalwale and to congratulate him for guiding this House to go the way that we are going.

I support every name that has been proposed for this assignment. I have spoken before, very passionately, on this issue. I would want to request that the House to consider expanding that mandate just a little.

When you read that mandate, it is kind of narrowed to the Shakahola issue. However, I believe that the public would want us to open this issue to allow members of the public with cases of similar situations to report be considered together with this Shakahola issue.

Today, we have heard of rumours. I do not know whether it is rumours or it is true that another religious leader has been arrested. The social media is awash with the clips of similar organizations. So, it will help if we give this Committee a little expanded mandate to allow them receive deliberations or presentations from the public on any other matter.

Allow me to speak to the team. We have the highest confidence in them, as colleague Senators. My plea to them is that the task they are going to take may very well be one of the most courageous tasks they will ever engage in. I want to request that they act with bravery, courage, integrity and prepare to pull their strength, including spiritual, physical, and mental to enable them to properly deliver on this job.

The whole of Kenya, particularly children of this country, will be waiting for an outcome that can ensure that their rights under Articles 43 and 53, including right to

compulsory education in the Constitution, are protected at the end of this assignment. The women will be waiting to see the gender---

(Sen. Mumma's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Thangw'a, proceed.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise to support this Motion and encourage the Members who have been appointed to work diligently and come up with solutions.

Mr. Speaker, Sir, we are all victims of blessings from such pastors that we have seen today. Each one of us has at least met such a pastor without knowing. As I stand here, we have been radicalised--- Sorry, I did not want to use the word 'radicalised.' When we were growing up, we were told never to question a man of God. If a man of God, a preacher or a pastor told you to stand, you had to stand.

I have seen photos of big people in this country doing things as ordered by the pastors. I will mention names because we want to heal this nation. The Party Leader of Wiper was seen aboard a pastor's back because he was told to so. Our President has been made to kneel before some of these pastors. We have seen Rt. Hon. Raila Odinga inside a swimming pool, being drowned by some of these pastors.

(The Amber light was switched on)

This Committee should come up with guidelines. Pastors should be vetted before they are given licenses to lead any Christian congregation.

Mr. Speaker, Sir, we need to ask ourselves why we have these kinds of pastors. Why are we victims? Most of us are. It is because of social alienation. When some people lose their loved ones through personal crisis, they think it is only a pastor who can help them. Therefore, if you meet a pastor who does not understand the doctrine, he might lead you to where Pastor Mackenzie has led our people.

Do not say that those people who follow them are stupid. It is only that we never came across this person. As I speak, maybe one of us would be in Shakahola today.

Mr. Speaker, Sir, to protect the hon. Members and the people of this country, we will need pastors to undergo vigorous exercise before they are given licenses.

Finally, we do have ---

(Sen. Thang'wa microphone was switched off)

The Speaker (Hon. Kingi): Your time is up. Proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, thank you. Karl Max described religion as the opium of the masses. The work that we do in this Senate, is to try and bring sanity to what we consider insane.

In the last Parliament, we had the Solai *ad hoc* Committee. I am happy to note in the newspapers this morning that the judges agreed with the report that we submitted, that the owners of the Solai Dam have a case to answer. I was a Member of that Committee.

I believe the distinguished Senators whom I have a lot of faith in, who have been tasked with the mandate to investigate the massacres and atrocities in Kilifi, are men of integrity who will assist this country move far.

The challenge is ignorance, which I spoke about when I was making my contribution. Many of us are quite gullible because of poverty. This new opium of the masses just takes us into other areas where we become numb to the reality of things.

I do hope that the Committee will look into this matter. This is something that I speak from my heart. This is highly commendable for the Senate, especially after we have made a few mistakes, in terms of things that we did to revenue to our counties. This is now an opportunity for us to redeem ourselves; go out there and really assist the people of Kilifi and to a larger extent, the people of Kenya.

I really look forward to the recommendation that will be made and possibly prosecutions thereafter.

Mr. Speaker, Sir, finally, I hope there will come a time when we shall be able to put a maximum number of people who will worship in a particular church.

Thank you, Mr. Speaker, Sir.

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

Sen. Boy: Asante sana, Bw. Spika, kwa kunipa fursa hii niweze kuchangia suala hili. Maafa ambayo yametokea hivi juzi kule Kilifi ni maafa ambayo yanasikitisha ulimwengu mzima. Runinga zote hapa nchini na ulimwangu, hasa *Cable News Network* (CNN) na *Aljazeera* zinaangazia maafa yaliyotokea Kilifi. Inasikitisha sana.

Mwenyezi Mungu aijalie nchi yetu iwe na amani na watu wawe watulivu kwa sababu imefika pahali ambapo maiti zinafufuliwa kila siku. Ninashangaa maiti hizi zilizikwa namna gani pale Shakahola.

Bw. Spika, nina imani na Maseneta waliyochaguliwa katika Kamati hii ambayo itashughulikia suala hili. Nawaomba washughulike na kufuatilia ili tujue shida hii ilianza namna gani?

Bw. Spika, sisi kama Wakenya na Maseneta tuna huzuni kwa sababu ya hili jambo ambalo limetokea. Ni lazima sisi kama Wakenya tuombe ili nchi yetu iwe na amani. Haya makanisa yanastahili kujitakasa na yaje pamoja ili tuweze kutatua hili jambo kama Wakenya.

Bw. Spika, sitaki kusema mengi kwa sababu nikifanya hivyo, tutatalizana bure hapa. Jana niliposikia kwamba maiti zilizofufuliwa zimefika 103, nilimaka muno. Sisi wenyewe lazima tuambiwe hivi leo vile maiti 103 zilipatikana Shakahola. *Aaiigh!*

Bw. Spika, hata sina la kusema isipokuwa lililobaki ni kumwomba Mwenyezi Mungu ili ukweli upatikane

Asante, Bw. Spika.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I rise to support this Motion. As I do so, I wish to state that for all the time I have lived in this country, I have not witnessed the kind of situation which we have seen in Kilifi. It is now upon this House.

Mr. Speaker, Sir, Article 8 of the Constitution states that there shall be no state religion. It means, all our religions enjoy similar status before our laws. However, this area has been abused a lot by those who have been trained to be pastors or bishops.

Mr. Speaker, Sir, every Member of this House is a member of a particular religion or church. We believe so much in what our spiritual fathers, bishops and pastors preach to us. It is because of this that a lot of our people, like the case in Kilifi, have been subjected to this kind of torture and killings.

Mr. Speaker, Sir, No. (iv) and (v) of the terms of reference for this Committee speak to a situation where we need to come up with a legislative or legal framework, which will then help the country and this House in regulating these churches, so that we can make it stringent and difficult for anybody who wants to be a pastor or own a church.

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

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

They should not just wake up one morning, look for a place of worship in the streets of Nairobi, begin to gather people, become a leader of the church and thereafter, mislead them. For some, their foundation is not based on the principles of the Bible; rather it is based on what they believe in.

(The Amber light was switched on)

I am happy I am a Member of this Committee. As requested by Senator---

(Sen. Cheptumo's microphone was switched off)

The Temporary Speaker (Sen. Veronica Maina): Your time is up, Senator. Kindly, proceed, Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Speaker, for this opportunity to contribute to this Motion. I will be very brief.

I thank the Chair for giving this direction. It shall be remembered and it is on record, that yesterday the Speaker actually asked that we bring a Motion and we form an *ad hoc* Committee to deal with this matter. For that wisdom, I thank the Speaker.

With regard to the composition of this Committee, I see able Senators with capacity to get to the bottom of this matter. They should not just limit themselves to what has and is happening at Shakahola. They should make a contribution to bringing back sanity in the church and religion.

Madam Temporary Speaker, I know you are in this Committee. Through my interaction with you, I know you preach the gospel of the risen Christ. This is an

opportunity for you and your colleagues to bring back honour to religion. What has happened in Shakahola is, perhaps, the biggest shame to befall religion, especially christianity in this country. No wonder the Bible says that judgement will start in the house of God. I wonder what will happen to people like Pastor Mackenzie when they appear before the judgement seat.

Lastly, I pray that this Senate shall facilitate this Committee fully to undertake whatever trips they have to. I recommend that this Committee visits Rwanda to find out what the President of Rwanda did when his country was faced with mushrooming religious organisations that were actually business entities. The House and the country is looking up to this Committee.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Wambua. Sen. Mungatana, MGH, proceed.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. I wish to just say a few words. This Committee will investigate some extremely sensitive security matters. It has been alluded in this House, that there could have been collusion. It is because there is no way this kind of thing could have been going on right under the nose of security agencies.

I did not know I would serve in this Committee. As I speak to this Motion, I would be advising myself that the Constitution under Article 239(5), states clearly as a principle in this country, security agencies are subordinate to civilian authority.

This Committee is the highest expression of civilian authority from the Senate to interact outside for a specific select purpose. We want them to act with a lot of boldness. We need them to call all the security heads that were dealing with this matter during the subsistence of these happenings. We want the truth to come out. This Select Committee must exhibit authority from the civilian because Kenyans want answers to this question.

My prayer is that at the end of it, we will come with very fundamental legislative proposals that will find favour in this House and the National Assembly, so that this country will move forward. We will change this negative happening and the events that have made this country cry. Kenyans have cried and shed tears. There are people who were affected directly and those who have been horrified by what has happened. We will turn those tears into something productive that will give rise to a good nation. A nation where people will know they will be taking their children to Sunday schools and that where they will be worshipping, they will not be exposed to radicalism, cultism and things that will destroy them.

I support this Motion.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mungatana, MGH. Proceed, Sen. Mwaruma.

Sen. Mwaruma: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii ilinichangie Hoja ambayo imeletwa na Seneta wa Kaunti ya Kakamega, Sen. (Dr.) Khalwale.

Ninaunga mkono hii Hoja na majina yote ambayo yamepekezwe tukianzia na Sen. Faki, Sen. Mungatana, MGH, Sen. Tabitha Mutinda na Sen. Abdul Haji. Ninafurahia vile

kumechanganywa watu walio na uzoefu mkubwa na watu kutoka dini tofauti, ikiwemo Wakristo na Waislamu.

Ninajua hii kazi ambayo wanaenda kufanya si rahisi. Kazi ya kujaribu kung'amua ukweli wa matukio ya maeneo ya Kaunti ya Kilifi, katika maeneo ya Shakahola na matukio ambayo yamepelekea vifo vya watu zaidi ya 95.

Nikiangalia hizi hoja ambazo zimeangaziwa hapa, inatakikana tupanue majukumu ama *mandate* ya hii Kamati. Hii ni kwa sababu, kuna uchunguzi ambao unatakiwa kufanywa ili kuangazia majukumu ya asasi za kiusalama na vyombo vya dola, kuangazia yale mambo ambayo walifanya ama walifaa kufanya na hawakufanya.

Tuko na kitengo cha ujasusi, polisi na idara ya uchunguzi. Ilikuwaje kwamba yote hayo yalitokea, bila asasi za usalama kungundua? Kwa hivyo, majukumu ya hii Kamati yaongezwe ili kuangalia yale mambo ambayo yangepanywa na asasi za usalama na dola za kitaifa. Walifanya mambo gani na ni gani hawakufanya?

Bi Spika wa Muda, la mwisho ni kwamba hii kazi ambayo wanaenda kufanya ni ngumu. Ninasema hivi kwa sababu kuna ibara ya 32 ambayo inaangazia uhuru wa kuabudu kwa wananchi na pia uhuru wa kidini. Kwa hivyo, ninajua kutakuwa na mapendekezo mazuri ambayo yatasaidia kunyoosha barabara ya kuhudumu, ama kuangazia masuala ya kuabudu katika nchi yetu.

Ninashukuru kwa hii Hoja na tutangojea mapendekezo ya Kamati ili tuangalie vile tutatengeneza kanuni za kusaidia kuendeleza mambo ya dini Kenya.

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

Kindly proceed, Sen. Tobiko.

Sen. Tobiko: Thank you, Madam Temporary Speaker. I rise to support the Motion that has been moved by the Majority Whip. It is timely and very important at a time like this, where churches have been turned into death chambers.

As I rise to support, I do agree with Sen. Mumma that it should not be narrowed down to only Shakahola issue. It should be opened for public participation so that Kenyans come out to speak and give the harrowing experiences they are going through under the various so-called pastors.

Madam Temporary Speaker, I say this with a very heart. This is because it has brought shame and disrepute to the Christian community. I say this because I am a Christian and a believer. I know the Bible says that you do not kill. However, a person who professes the Christian faith has killed 95 Kenyans.

We need to get rid of such characters because we still have noble men of God in this country. We have bishops, reverends, pastors, evangelists and believers who follow the Christian faith, know God and our God does not accept killing. This is so that the religious arena is cleaned and we get sanity.

Madam Temporary Speaker, Kenyans and our young people will still have a chance to know that there is God and that they can believe in him and not follow characters like Mackenzie and the others that we have seen. I have watched some television stations, seen the characters and most of the time it is women who get affected.

(Sen. Tobiko Microphone was switched off)

The Temporary Speaker (Sen. veronica Maina): Sen. Tobiko, your time is up. Sen. Kavindu Muthama, it is now your time.

Sen. Kavindu Muthama: Madam Temporary Speaker, I thank you for giving me this opportunity to contribute to this Motion by the Senate Majority Whip. The people who have been appointed to lead this investigation are worthy people. I have a lot of trust in them.

I thank Sen. (Dr.) Khalwale for recognizing this as occultist. It is not a religious body or a church according to the Bible and what the false prophet has done to the innocent people of Kenya. Even in the Bible, Jesus did not want people to know when one is fasting. You cannot go around ordering people to fast and yet there is proper fasting described in the Bible.

If this man wanted people to pray so as to go heaven, he would have ordered them to pray according to the Bible. However, since this is a cult, he ordered them to fast until they die. That is ungodly, unbiblical and a cult preaching false doctrine. Mackenzie is a false prophet. There are many other false prophets in this country.

I request these Senators who will be investigating this to capture even those other false prophets. I remember from 2009 to 2017, I was preaching in *Bibilia Husema* and I was mostly giving messages for these false prophets. I dealt with them until most of them left *Bibilia Husema* and went to open their own radio stations.

Even as we regulate the church, let this Committee regulate the churches according to the biblical values. If we follow the biblical values, for sure, there will be no false prophets. We will never experience what we are experiencing today. The church must continue. The gates of hell will never prevail against the church. This false prophet--

(Sen. Kavindu Muthama Microphone was switched off)

The Temporary Speaker (Sen. veronica Maina): Time is up. Thank you, Sen. Kavindu Muthama.

Sen Kinyua, you may have the Floor.

Sen. Kinyua: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Nachukua fursa hii kuunga mkono Hoja hii na Kamati iliyoteuliwa. Hawa ni watu ambao wana uwezo na ujuzi wa kutekeleza haya majukumu.

Kwanza, ijulikane wazi ya kwamba jukumu hili tunalowapa kama Seneti sio jukumu ndogo. Ni nzito. Nimemsikiza Sen. Mungatana, MGH, na tayari amekubali. Anajua ni jukumu nzito na wataenda kukabiliana na majukumu mazito. Nikijaribu kulinganisha, wataenda kukabiliana na mazini yenyewe.

Bi. Spika wa Muda, ukikumbuka wakati Seneta alienda kuangalia mambo ya Jim Jones, ilifika wakati fulani Seneta huyo akauwao. Kwa hivyo, hata hawa Maseneta wetu, tunawaambia majukumu ambayo mtapambana nayo ni magumu. Hata hivyo, najua mko tayari na mumeyavalia njuga ili muweze kukabiliana na kufikia kitovu chake. Nyinyi ni tegemeo letu.

Bi. Spika wa Muda, katika riwaya ya *Kisima cha Giningi*, mhusika mkuu husema anapofika kanisani, hawaoni waumini kama waumini, bali kama *customers* au wateja

wake. Pia hapa nchini nalinganisha mhubiri fulani na hali hiyo. Ulafi ambao unaonekana katika nchi yetu unapata wahubiri wengi hawaoni waumini kanisani, bali wateja wao.

Ninamuona Sen. Wafula yuko katika Kamati hii. Ninawaomba mliangazie suala hili kwa undani kabisa. Tuangalie vizuri tuone ni kwa nini maafa haya yalitokea? Je, ni umaskini tulio nao katika nchi ya Kenya ambapo waumini wanaenda wanafunzwa mambo ambayo hayafai? Sio wachungaji peke yao wana makosa, hata sisi kama waumini tuna makosa kwa sababu tunapaswa kung'ang'amua ni lipi mbivu na ni lipi mbichi.

Nilikuwa naangalia jambo fulani katika simu yangu na nikaona watu wamepiga foleni ili waongezewe nguvu za kiume. Nililogopa na nikashindwa la kusema. Tukio hili halikufanyika katika hospitali. Baada ya hapo, wanaambiwa kutoa sadaka. Ni vizuri Kamati hii iangazie mambo haya yote kwa undani sana.

Bi. Spika wa Muda, nampongeza Askofu wa Kanisa la Katoliki la Nyeri ambaye alisema atakuwa katika msatari wa mbele ili utajiri wake au hela alizo nazo zichunguzwe. Hii ni kwa sababu utajiri ndio unaleta changamoto katika nchi yetu ya Kenya watu wakijaribu kuleta umaarufu wa hela pamoja na umaarufu wa---

(Sen. Kinyua microphone switched off)

The Temporary Speaker (Sen. veronica Maina): Thank you, Sen. Kinyua.

Sen. (Dr.) Oburu, you may have the Floor.

Sen. (Dr.) Oburu: Madam Temporary Speaker, I want to confess that at one time I was a member of a select Committee, like this one, which was investigating the death or the assassination of a former Minister of Foreign Affairs in Kenya, Dr. Robert Ouko.

Madam Temporary Speaker, I would like to warn this Committee that these are very sensitive issues. When you are in a select Committee like this, you are not dealing with simple religious leaders. You are not dealing with simple priests who are godly, but you are dealing with criminals. These are criminals who hide in religion and make a lot of money. Therefore, when they are in this kind of business, it is very sensitive because when you go there, money will be flying around you. You will also be touching on the feet of very important people, even leaders in this country. When you are in a Committee like this, you must be committed. There will be a lot of temptation, but all of you must be united so that you can bring out the truth.

If you do not bring out the truth, you will have sold Kenyans. We want this Committee to put a stop so that this kind of heinous crime is never repeated in our country. I saw my brother Sen. (Dr.) Khalwale almost losing his temper. This is something on which we should lose tempers. This kind of death is not a simple death. This is a massacre. It is worse than those assassinations we were investigating.

Assassination is a single individual who is killed, but this one is killing people enmass and not just from Kilifi. These people are from all over Kenya. Kenyans are suffering. I am a Christian; an Anglican and I believe that the fate of my religion is also at stake because people will not believe us. People will not believe these people in the flock who come to preach when some of them can spring up and kill.

(Sen. (Dr.) Oburu microphone switched off)

The Temporary Speaker (Sen. Veronica Maina): Sen. Nyamu, it is your time.

Sen. Nyamu: Thank you, Madam Temporary Speaker. The silence of those who could have spoken then, the indifference of those who could have known better and the inaction of those who could have acted, have brought us to these insane levels of impunity orchestrated by this cult leader in the name of religion.

I commend the Government and in particular the Ministry of Interior and Coordination of national Government for their efforts so far in unravelling this menace. I also note that this cult movement got entrenched so strongly during the rule of the handshake regime, when the man who was in charge of security then was busy fighting the then Deputy President and his team.

Madam Temporary Speaker, even though religion and freedom of worship is guaranteed under our Constitution, I support those who have said that it is time that we regulated this---

Sen. Osotsi: Point of order, Madam Temporary Speaker.

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

Sen. Osotsi: Madam Temporary Speaker, I am rising on Standing Order No.105. Is the Senator in order to talk about the handshake regime when the Speaker has ruled in this House that there is nothing called 'the handshake Government'?

Secondly, is she in order to mislead this House that this problem was with the so-called handshake regime? Can the good Senator provide evidence to that effect?

The Temporary Speaker (Sen. Veronica Maina): Sen. Nyamu, the Speaker has made a ruling regarding reference to 'the handshake Government.'

With respect to substantiating, respond.

Sen. Nyamu: Madam Temporary Speaker, I withdraw the use of the word 'handshake.'

It is in the public domain. From what we have seen and has been revealed, the timing of the activities of this cult under the leadership of Pastor Ezekiel was when our former President got a collaborative Government with the official Opposition Leader.

As I conclude, I support the regulation of these religious bodies so that we can stop misleading our people, taking advantage of the poor for the religious leaders to make themselves quick riches.

Thank you, Madam Temporary Speaker.

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

Sen. Onyonka, kindly have the Floor.

Sen. Onyonka: Thank you, Madam Temporary Speaker, for allowing me two minutes to contribute on this weighty and important matter to our country. I thank my leader and brother, Sen. (Dr.) Khalwale.

The history of this country will view you well. If you look at the issues that we are dealing with about these churches, first, it is a reflection of where our country has reached. It is a reflection of the poverty level and standards that our country has reached.

How do you take intelligent people, some senior officers in Government, some working in banks, drive cars, live in nice neighbourhoods and yet you find them going somewhere and being told this is water for the blessings of your fortunes.

With our team leader, Sen. (Dr.) Khalwale, for us, as a team, given this responsibility, we will have to follow up. What qualifications do these individuals who are pastors have? Do they even know what the Bible talks about?

Secondly, the tonnes of money we see flowing around them. The buildings, the cars they are driving and the lives they lead. What is ironic is that, some of these individuals are actually given State security. You would think it is the President being secured when they are going to the services. What do we do with the atrocities that have been committed against our people? Are the people who have lost their lives going to be compensated? Can we freeze the assets of these individuals?

Without pre-empting and discussing the issues at hand, this matter is weighty, but we are prepared and ready to serve our country. We are brave enough to come up with a report that will be honest and sincere on where we are as a country on this matter.

Thank you, Madam temporary Speaker.

Sen. Seki: Thank you, Madam Temporary Speaker. I rise to support this Motion by the Majority Whip.

This is a very emotive issue in the country. I believe that this is the time when we will come up with very important legislations or regulations that gives Kenyans direction on how to undertake these issues of religion. I am looking forward to see the Report from the Committee that has been nominated.

They need to be candid, courageous, look at every law and regulation that is there and make sure they are not going to interfere with our religious rights. We are Christians and others have different denominations and beliefs, which have been mandated by the law. It is good to look at it in a sensitive manner.

I believe that this is a cult religion. It is not a church. We need to understand and believe so. This is not a pastor, but a thug. You cannot just have a willingness to kill people or children who have vision, good ideas and would have been leaders of tomorrow in this country. If we can talk about Christianity, a serious religion has programmes and procedures on how to make somebody a pastor by going through a theology college.

These are the items that the Committee should come with, to put up procedures and mechanisms in order to make sure that these people will not wake up from one corner and make themselves pastors. I believe that we have a lot of hope. We believe and trust in the Committee to come up with a robust report that will support and even---

(Sen. Sekis' microphone went off)

The Temporary Speaker (Sen. Veronica Maina): Sen. Seki, your time is up. Proceed, Sen. Githuku.

Sen. Githuku: Asante Spika wa Muda kwa kunipa hii fursa ya kuchangia swala hili ambalo ni muhimu katika Jamhuri hii ya Kenya. Nampongeza Seneta wa Kaunti ya Kakamega, Sen. (Dr.) Khalwale, kwa kuleta Hoja hii ili jambo hili lishughulikiwe kwa

haraka na mambo yanayotendeka katika sehemu ya Shakahola yawache kudhuru watu wetu.

Niko na imani na Kamati hii ambayo imeteuliwa hapa. Kamati hii inatarajiwa kuangalia mashida na matatizo ambayo yamekumba waumini wa ile dhehebu. Nina uhakika kuwa Kamati italeta mapendekezo mazuri katika Bunge hili, ambayo yatazuia maafa kwa siku zijazo kupitia wahubiri au watumishi wanaotumia wafuasi wao kimakosa na kuwaangamiza kwa manufaa yao.

Kamati hii inafaa pia kuleta pendekezo la onyo kwa wahubiri wanao nia mbaya na kuhubiri kwa njia isiyo stahili. Kitu ambacho nchi hii itaangalia ni jinsi ambavyo Kamati italeta mapendekezo. Sisi kama wajumbe tunafaa kutilia jambo hilo mkazo na liwe na kanuni zitakazo saidia Jamhuri hii.

Naunga mkono.

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

Sen. Wamatinga: Thank you, Madam Temporary Speaker. I also rise to support the Motion. Let me start by passing my condolences message to the families who lost their relatives through this macabre commission by one psychopath called Mackenzie. However, as I commend the team that has been put together to look at this matter, we know that we cannot pass a blanket condemnation of the churches.

We know that the church is at the bottom of the community development through mobilization that has taken some of us where we stand today. Religion is a unifying factor and some of the people tend to misuse it. These very few individuals must be treated as criminals and extremists, the same way we treat terrorists. It is quite unfortunate that in a society which is so intertwined like Kenya, this heinous act could happen without the security system noticing.

It is time for us to re-evaluate our standing as a society and ask ourselves if we are really our brothers' or sisters' keepers. It is in the public domain that religion has propelled this country in the fight for freedom to where we stand today in education contribution. We know that we cannot down play the role of religion. However, a few rotten eggs in this basket should not lead us into blanket condemnation of the whole religion.

I would like to commend Sen. (Dr.) Khalwale for putting up a competent team of Senators, who have what it takes to go around, not to intimidate the religion, but to come up with measures, means and possibly an approach that will help us avoid such an occurrence in the future. Therefore, it is the duty of this House to come together condemning this act, but at the same time, support religion because we know it has served to unite Kenyans in the hour of need.

I support and, as I said, it is important to get to the bottom of this. I---

(Sen. Wamatinga's microphone went off)

The Temporary Speaker (Sen. Veronica Maina): Thank you. Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you, Madam Temporary Speaker, for giving me an opportunity to give a few thoughts on this. I thank senior Senator and the Senate Majority Whip, Sen. (Dr.) Khalwale, for this thoughtful Committee. Since I came to this House, I have served in one of these Committees, but this is one of the most satisfactory one.

Governments are formed among men and women so that they can protect property and life. We have lost lives and lost property. The only regulator we end up sticking with is how to make this a virtuous country. That makes me believe that the greatest virtue we can give in this Committee, which I am humbled to be in, is justice.

Justice is a concept according to Cicero, which is the crowning glory of all virtues. Categorically as a member of this Committee, we should start with the families who have lost their loved ones. I apologize because we, as a people, have failed you. The traditional community where I come from says that an hour of execution of justice is worth 70 years of praying. This Committee shall give you that justice.

Secondly, justice knows no friendship. Therefore, we know that there are secrets being hidden on this issue, whether by those performing these cults within or out of the churches. This Committee will show you that justice knows no friendship. Lastly, I encourage that justice is the result of public opinion. I urge this Committee to encourage transparency in its entire---

(Sen. Cherarkey spoke off record)

It is part of what I am communicating. Encourage transparency in the entire process and that is why I am against gagging the media from airing things going on in Shakahola.

As I finish, I can assure you that we will make sure our politics and religion are sanitized because this is where people in this country do not need education. As a result, we will make sure that people are qualified to lead our country on a virtuous path.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronicah Maina): Sen. Kisang, proceed.

Sen. Kisang: Thank you, Madam Temporary Speaker. It is sad that these things are happening in Kenya at this day and age. This criminal is not a pastor. We need to call Mackenzie a criminal and not a pastor.

As a devoted Christian, he has brought some disrepute to the Christian faith. I believe he is not a pastor. This is because in one of the 10 commandments in the Bible, God said, "do not kill". This is what this flamboyant and prosperity-preaching criminal was prophesizing and cheating the vulnerable people who are sick, have family issues or are bereaved.

The established Committee is competent. I thank Sen. (Dr.) Khalwale for sitting down, identifying and also getting the terms of reference for this Committee. We expect it to come up with serious recommendations, especially in terms of legislation to ensure we do not have a repeat of the same issue.

Most of these prosperity-preaching churches have television stations. The Communication Authority of Kenya (CA) need to review and revoke some of their

licenses. If they are not teaching according to the Bible, then what business do they have in cheating our people?

One of the issues that Archbishop Muheria said yesterday, which I propose the Committee should look into, is the financial status of these people by auditing their lifestyles. For example, the 800 acres in Kilifi County should be repossessed by the Government and redistributed to the people of Kilifi, because it was acquired through extortion.

Yesterday, one of our colleagues said that one of his constituents sold a piece of land worth Kshs18 million and took Kshs11 million to the so-called pastor Ezekiel, who is a criminal like Mackenzie.

I support this team and urge them to do a good job. Do not fear as God is with you, so that you give justice to our country.

The Temporary Speaker (Sen. Veronicah Maina): Thank you Senator.

Sen. Okiya Omtatah, proceed.

Sen. Okiya Omtatah: Thank you Madam Temporary Speaker, for the opportunity to speak on this Motion, which I support. I also support the Members of the Committee.

I congratulate the Senator for Kakamega, Sen. (Dr.) Khalwale, for bringing this Motion. He has shown us true leadership in this House. We are dealing with con artists. The country is full of con artists, be it in politics or religion. This country is full of con artists who attribute whatever they do to supernatural powers.

These con artists have manifested themselves in many ways. Right now, we are dealing with one set of con artists who have manifested themselves through religion.

I would like to call upon the Kenya National Commission on Human Rights (KNCHR), which is entrusted under the Constitution with the duty to defend the Bill of Rights. Where is this Commission when fellows come on national media and make what are obviously fraudulent claims?

We have seen people being lured to take their sick people from hospitals to these rallies and they die on the road going there or at the rallies and nothing is done to these people. They go out on national television, prosecute their fraud and convince people to follow them.

I support the submissions that the Communications Authority (CA) should crack down on digital television stations. We have all manner of characters who are con artists calling themselves apostles, pastors, prophets and all manner of names that you cannot understand what they mean. Then the political elite on both sides of the divide encourage this. I have seen the President, Hon. Raila Odinga and their accolades, kneeling before these con artists, which is validation of distortion of the gospel of Christ.

(Sen. Okiya Omtatah's microphone went off)

The Temporary Speaker (Sen. Veronicah Maina): Senator, your time is up.

Now we can have, Sen. Wafula.

Sen. Wafula: Asante sana Bi. Spika wa Muda kwa nafasi hii. Kwanza ni kushukuru Seneta wa Kakamega, Sen. (Dr.) Khalwale, kwa kuleta Hoja hii kwenye Seneti, ili mambo ya kiroho vile vile yaweze kujadiliwa kwa akili na kudhibitiwa kimwili.

Katika vyombo vya habari na mashinani tunakotoka, tunaona maajabu na vituko. Kwa mfano, unapata mhudumu wa injili akiwarai wafuasi wake, wainue marinda ama watoe mishipi na kugusagusa sehemu zao za “transformer”, na kuwapa matumaini kwamba watapata uponyaji ama watoto.

Kuna wale ambao wanaambiwa watoe mashati na unamuona muhudumu anagusagusa matiti huku akicheka akikejeli akisema, “wewe hauogopi televisheni?”

Lazima wananchi wa Kenya wapate haki. Injili inahubiriwa kwa ukweli. Uongozi wa makanisa lazima uwe kielelezo kwa jamii, kwa tabia na matamshi. Kuna vituko unapoonaa televisheni unashangaa. Tuko katika kipindi cha vioja mahakamani ama kukuza nyoyo za wakristo tukitarajia urejeo wa Kristo yesu.

Kwa niaba yangu, watu wa Bungoma na Seneti, tutafanya kazi hii kwa uadilifu. Tutawapa washika dau wote nafasi kujieleza. Muungano wa kanisa wako na nafasi wajieleze, waalimu ambao hufunza watoto wale shuleni, ambao wanawaeleza waalimu mambo mengi wajieleze. Vyombo vya dola vile vile watueleze.

Lakini, msimamo ambao tutatoa kama Seneti, lazima Serikali iwe tayari kutekeleza mapendekezo yetu. Hii ni kwa sababu, ninajua wengi waliapa kutetea baadhi ya wale ambao tunashtumu leo na wataogopa ya kwamba iwapo watashtumu huenda upako ambao waliahidiwa hautarudi tena.

Sitaki kupita hapa, ila nakushukuru na kuahidi watu wa Kenya kwamba tutafanya kazi kwa uwazi, ukakamavu, upole na uajibikaji, ili Wakenya wasiporwe, wasipunjwe, wasihadaiwe wala kudanganywa, ili wawe na uwezo wa kuamua njia watakayo---

The Temporary Speaker (Sen. Veronicah Maina): Thank you, Senator.

Sen. Osotsi, you have the Floor.

Sen. Osotsi: Madam Temporary Speaker, I start by congratulating the distinguished Senator for Kakamega County for bringing this Motion. This Motion is very key at this time because the country is shocked by what happened in Kilifi County.

The late Archbishop Desmond Tutu defined religion as a knife, which can either be used to cut a piece of bread or stick in someone’s back. What Mckenzie has done is to try and use religion to stick it in people’s back. That is why we are discussing this.

I fully agree to the need to regulate religious organisations in this country. It is high time that this is done because it has been implemented in other countries like Rwanda. In the USA, we have a law that governs the formation and regulation of religious organisations. Why not here in Kenya? We have Article 32 of the Constitution that talks about freedom of conscience, religion, belief and opinion, but you are aware that Article is also guided by Article 24 of the Constitution that talks about limitation of rights and fundamental freedoms. So, one cannot have absolute rights on matters to do with worship, belief and religion. It is important for us to have this regulation.

I have looked at the names of the Senators who will sit in this Committee and I believe they are up to the task and are competent enough. My only fear is availability.

This particular assignment is going to be time consuming and will require a lot of traveling. Looking at the list, I can see three Members of the Speaker's Panel. I can also see four Members who belong to critical Committees; the County Public Accounts Committee and the County Public Investment and Special Funds Committee. I can also see three Chairpersons of Committees in it. I am concerned about that even though I agree that these Members are competent enough to do this work, availability will be a challenge.

Madam Temporary Speaker, on the matter of regulation of churches, you will remember that it was first addressed by---

(The Red light was switched on)

The Temporary Speaker (Sen. Veronica Maina): Your time is up.

Sen. Cherarkey, please, proceed.

Sen. Cherarkey: Thank you, Madam Temporary Speaker, for this opportunity. I thank the Senate Majority Whip for bringing this Motion before the House. We support the membership whose function is to represent the Senate. So, this Committee is the Senate of the Republic of Kenya.

They will need to operate with the monkey principle; hear nothing, see nothing and say nothing. At the end of the day, we need to be very careful not to do blanket condemnations of our churches. Every profession has its own con artist, as my brother from Busia County has alluded to. We have lawyers, politicians and civil servants who are rogue. So, we should be advocating weeding out of rogue pastors or church leaders, including those who are Hindus, Muslims and Christians who might be rogue.

I advise the Government not to promote kneejerk reactions. If we do that, we might end up using emotions of the country in getting innocent ministers and men of God into the wrong side. Government should also take time and avoid kneejerk reactions on such situations and appealing to the national emotions. I know it is emotional, but we should not take this opportunity to---

I know this country. We have a very short memory. One month from now, tensions and emotions will be down, then we will start another circus. Mine is to agree that we need to regulate churches, know who the Church, Hindu and Muslim leaders are, so that we can get on the right trajectory.

In conclusion, this Committee should only give the country a legislative intervention on how we can regulate the operations of our churches, mosques, temples and the leader's qualification. We need to know who they are. Where do they come from? Is there a background check on who these leaders are? That should be the ultimate goal. I advise them to fear not. They should go and give us policy and legislative intervention to make our religious institutions and organisations work very well in tandem with our faith.

The Temporary Speaker (Sen. Veronica Maina): There are no other Senators who are interested in contributing to the debate. I will now call upon the Mover of this Motion, Sen. (Dr.) Khalwale, to proceed and respond or move to reply.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker--- We have spoken to the Motion---

The Temporary Speaker (Sen. Veronica Maina): It is ‘Madam Temporary Speaker.’

Sen. (Dr.) Khalwale: I am very sorry. Madam Temporary Speaker, we have spoken to the Motion and the House is clear. It is unanimously behind the Motion and the Select Committee. We, therefore, look forward to their conclusion of the process. If nothing will come out of this, then let there be a proper, comprehensive and legislative proposal.

Madam Temporary Speaker, I respond.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senators, for this debate. Pursuant to Standing Order No. 84(1), I hereby make a determination that the matter does not affect counties.

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): Clerk, next Order.

BILL

Second Reading

THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILL NO.3 OF 2023)

(Sen. Tabitha Mutinda on 19.4.2023)

(Resumption of debate interrupted on 26.4.2023)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, we shall now resume the debate that was interrupted yesterday.

I want to call on the Senator for Taita-Taveta County, Sen. Mwaruma, to debate.

Sen. Mwaruma: Asante sana, Bi Spika wa Muda, kwa fursa hii ambayo umenipa ili kuchangia Mswada huu wa Fedha za Usawazishaji wa Maeneo tofauti tofauti ya *Counties* ama *the Equalization Fund Appropriation Bill*. Ningefurahia kuongezea sauti ya watu wa Kaunti ya Taita-Taveta kuandamana na maoni yao juu ya Mswada huu.

Kabla sijaendelea, ningependa kusema ya kwamba, ninaungana na Maseneta wachache, akiwemo, Senata wa Kaunti ya Makueni, Sen. Maanzo, kwa kuupinga Mswada huu kwa sababu Mswada huu unaendelea kubagua magatuzi tofauti tofauti nchini Kenya.

Watu wa Kaunti ya Taita-Taveta, waliunga mkono Katiba hii kwa sababu ilileta usawa wa ugavi wa raslimali kupitia njia mbili. Njia ya kwanza ilikuwa na ugatuzi na ulihakikisha ya kwamba fedha zinatoka katikati ama Nairobi na zikienda kwa magatuzi.

Njia ya pili ambayo ilinuiwa kuhakikisha ya kwamba maendeleo yameenea kila mahali nchini na kuleta usawa katika magatuzi ambayo yaliwachwa kimaendeleo ilikuwa ni Ibara 204 ambayo ilileta fedha ama mgao wa usawazishaji katika magatuzi tofauti tofauti ya Kenya.

Wakati tulipata uhuru, kulikuwa na ile sera ambayo iliitwa *Sessional Paper No.10* ya mwaka wa 1965 ambayo ililetwa katika Baraza la Mawaziri na Mheshimiwa Waziri wa Mipango wakati huo, aliyekuwa anaitwa Mhe. Tom Mboya.

Sera ile, ilisema kuwa tumepata uhuru na tunakusanya ushuru. Je, tutatumia mbinu gani ili tuendeleze Kenya kwa haraka zaidi? Katika Sera ile ambayo ninaangazia ya *Sessional Paper No.10 of 1965*, ilisema ya kwamba tupeleke pesa nyingi zaidi katika maeneo ambayo yana rutuba na maeneo ambayo yana mvua nyingi.

Ule wakati, Sera ile ilikuwa ni sawa kwa sababu, tungepeleka pesa katika Maeneo ya Kati ama Central Kenya, watu wapande kahawa, wapande majani chai ili tuuze ngámbo, tupate ushuru, tuajiri wananchi na tupate fedha za kigeni.

Tulistahili kupeleka pesa Mkoa wa Magharibi ama *Western Kenya*; watu wapande miwa, tutengeneze viwanda vya sukari, watu waajiriwe, tupate ushuru na pia tupate ajira kwa wananchi wetu.

Pesa zingine nazo ziende Bonde la Ufa ama *North Rift*. Watu pia wapande kahawa, majani chai na kadhalika.

Bi. Spika wa Muda, lakini miaka 50 baada ya hiyo sera kupita, hatukuweza kuwa na mipango yoyote ya kuhakikisha kwamba maeneo ambayo yanaachwa nyuma kimaendeleo, yataendelea namna gani. Ule usawa ulikuja wakati wa hii Katiba ya mwaka wa 2010. Juzi tumepitisha sheria ya kugawanya pesa kati ya Serikali ya Kitaifa na serikali za ugatuzi, almaharufu *Division of Revenue Bill (DORB)*. Tulishangazwa na Maseneta ambao walikataza magatuzi yasiyate pesa zaidi.

Ni jukumu la Maseneta wote ama Seneti kulinda ugatuzi. Hii sheria ya *Equalization Fund Bill* ambayo imekuja sasa hivi na tunataka kupitisha, inaendelea kunyima Kaunti yangu ya Taita-Taveta fedha.

Wakati wa mfumo wa kuangalia maeneo ambayo yatafaidika kwa pesa ya kusawazisha magatuzi, Kaunti ya Taita-Taveta ilikuwa inafaidika. Wakati wa kupitisha mfumo wa kugawanya hizi pesa kwa mara pili, yaani *second generation*, tulipata kwamba Kaunti ya Taita-Taveta imepewa Wadi mbili peke yake. Hizo Wadi mbili ni Kasighau na Chala. Wadi mbili kati ya Wadi 20 za Kaunti ya Taita-Taveta.

Huu mgao wa kusawazisha magatuzi, ulikuwa tayari umewekwa ua ya kwamba hizo pesa zingegangazia huduma za barabara. Leo ninauliza, je, Tume ya ugavi wa pesa ama *Commission on Revenue Allocation (CRA)* ilifanya utafiti namna gani na kugundua ni wadi mbili peke yake Kaunti ya Taita-Taveta, ambazo zinafaa kupata mgao wa kusawazisha magatuzi?

Sen. Cherarkey: On a point of order, Madam Temporary Speaker!

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

Sen. Cherarkey: Madam Temporary Speaker, under Standing Order No.105, we should separate politics and facts. They say facts are stubborn.

Today in the morning, the President of the Republic of Kenya, Dr. William Ruto, assented to the DORB into law. Sen. Mwaruma and I have the benefit of having served in this House together. This is very cheap politics that our brothers from the Minority side are trying to sell to the public.

In the last Financial Year of 2022/2023, we appropriated Kshs370 billion on the same Floor of this House. In the next Financial Year of 2023/2024, which we are starting the next month, the allocation to counties has increased by Kshs.15.3 billion to Kshs385 billion.

Is it in order for my brother, the Senator for Taita-Taveta County, to mislead this House and the country for political convenience and capital, that money meant for counties has been cut? Mind you, this is 24 per cent of the latest audited accounts. The Constitution says 'at least 15 per cent.'

Those statements he is making on the Floor of the House are good for political rallies and other forums, but not the Floor of the House. There is an increase of Kshs15 billion.

Madam Temporary Speaker, is it in order for him to mislead the House that we have slashed monies going to counties, yet we have increased by Kshs15 billion?

The Temporary Speaker (Sen. Veronica Maina): Sen. Mwaruma, can you clarify whether you indicated that the money going to counties has been reduced?

Sen. Mwaruma: Bi. Spika wa Muda, asante. Tumekuwa na rafiki yangu, Sen. Cherarkey, kwa hili Bunge na tumefanya mambo mengi pamoja.

Bi. Spika wa Muda, nafikiri kulikuwa na Ripoti ya Kamati ya Fedha na Bajeti ambayo ilikubaliana na *Commission on Revenue Allocation* (CRA), ya kwamba magatuzi yanafaa kupata Kshs407 bilioni.

Kamati hiyo ya Fedha na Bajeti inayongozwa na mstahiki gavana *party leader* Sen. Ali Roba, ilileta mabadiliko katika Mswada uliotoka katika Bunge la Kitaifa. Ilikuwa inasema ya kwamba tupatie magatuzi Kshs385 bilioni. Kamati yetu ikasema tufanye mabadiliko na tupee magatuzi Kshs 407 bilioni, kulingana na mapendekezo ya CRA.

Bi. Spika wa Muda, ukweli ni kwamba - *and facts are stubborn* - Maseneta 22 walisema ya kwamba Serikali ya Kitaifa haina pesa na kwa hivyo, tupee magatuzi Kshs385 bilioni. Kama si hivyo, basi, tuangalie *HANSARD* ya hii Seneti.

Bi. Spika wa Muda, kwa kuendelea, ---

The Temporary Speaker (Sen. Veronica Maina): Are you satisfied, Sen. Cherarkey?

Sen. Cherarkey: No.

The Temporary Speaker (Sen. Veronica Maina): You can continue.

Sen. Mwaruma: Bi. Spika wa Muda, muda wangu utaumia na nafikiria leo ndio siku ya mwisho.

The Temporary Speaker (Sen. Veronica Maina): Your time will be paused.

Sen. Mwaruma: Asante.

Sen. Cherarkey: Madam Temporary Speaker, this House has powers to amend or reject its own Report. We have done it before.

To be fair to Kenyans, please, answer this question. In the last financial year, Kshs370 billion went to counties. Today, the President has assented to Ksh385.3 billion. It means that an additional Kshs15 billion has been added to counties.

We rejected, as a House, the Report that brought Kshs407 billion. The facts are stubborn as he has said. This is because in the last financial year, we gave counties Kshs370 billion. There is an increment of Kshs15.3 billion. It is now Kshs385 billion.

Therefore, my brother, Sen. Mwaruma, whom I have tremendous respect for, should just be honest and tell the House that there was an increment of Kshs15.3 billion, although him and others wanted Kshs407 billion.

As leaders, we must behave and talk with integrity. If you say money meant for counties has been reduced; it is from what level? Is it from Kshs370 billion? Does adding Kshs15 billion mean it has been cut, not unless the English language has changed?

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

Sen. Mwaruma: Asante, Bi. Spika wa Muda. Ni ukweli wa mambo kwamba Kamati ya Fedha na Bajeti ilifanya kazi nzuri. Walituletea Ripoti nzuri ambayo ilikuwa inapendekeza tusikubaliane na Bunge la Taifa, kuipa *counties* Kshs385 bilioni, wakongeza hadi Kshs407 bilioni. Lakini, Bunge la Seneti lilikataa na likapea *counties* Kshs385 bilioni.

Sen. Oketch Gicheru: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Do you wish to be informed by Sen. Oketch Gicheru?

Sen. Mwaruma: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Please, take a very short time to do it.

Sen. Oketch Gicheru: Yes, Madam Temporary Speaker. I will just take a minute to clarify something here the Senator for Nandi wanted to confuse my dear brother and a very good Senator aids for devolution.

Madam Temporary Speaker, Sen. Cherarkey cannot purport that there is a 15 per cent increase because money has risen from Kshs370 billion to Kshs385 billion. He should know that there is something called inflation. This is why the Committee on Finance and Budget was very keen on recommendations that looked at the cost of commodities and expenditure that goes on in counties.

I wish to clarify so that the good Senator here can understand. Looking at the inflation that we have in the country right now, it is 9.2 per cent. When you look at what has been added, the Kshs15 billion, then you do the maths, it comes to 5.2 per cent. That means that the nominal value that we added is Kshs15 billion, but the real value of the money that we have given to counties is actually reduced because it will be 9.2 per cent minus 5.2 per cent, and you get 4 per cent. That 4 per cent is what you have denied the counties.

So, in reality, the value for money that we are going to give counties is going to Kshs350 billion. That needs to be very clear and we need to know it in terms of real

money because it is inflation. There is inflation in the calculation, but the real money is actually Kshs350 billion in terms of the real money.

Sen. Cherarkey: On a point of order, Madam Temporary Speaker.

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

Sen. Oketch Gicheru: The value of money. So, Sen. Cherarkey must know that and he must not mislead the good Senator.

The Temporary Speaker (Sen. Veronica Maina): Pose at that Sen. Oketch Gicheru. What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Madam Temporary Speaker, as a statement of fact and responsibility of facts, you have given Sen. Oketch Gicheru a theatre to mislead everybody. We understand economics. It is not that we do not understand economics when he sees us keeping quiet. We understand economics.

He cannot mislead the Republic. The Kenya *Gazette* shows that counties have been given Kshs385 billion, yet he is telling this country that the money has been cut down to Kshs350 billion. Where does he get all those facts?

In this House, one must give facts and evidence. We are aware of inflation and all those issues that he is talking about. In fact, I have seen the latest audited accounts to be 23 per cent, up from 15 per cent. The fact remains that there is evidence and the law has been signed into place that Kshs385 billion will go to counties.

I know Sen. Oketch Gicheru and his group of Minority. Anyway, it is understandable that they want to hold onto any straw because they are drowning. They want to just have political expediency and capital.

Madam Temporary Speaker, Kshs385 billion will go to counties and that is a fact. Unless one can contravene from anywhere, let it remain that way. We do not need a lecture of economics class to mislead the entire public.

The Temporary Speaker (Sen. Veronica Maina): We will have Sen. Mwaruma continuing.

(Sen. Oketch Gicheru stood in his place)

Sen. Oketch Gicheru, resume your seat for us to allow the main debator to proceed.

Sen. Mwaruma: Nashukuru sana, Bi. Spika wa Muda. Ninaongea kuhusu uhitaji wa wananchi ama eneo la Taita-Taveta wa hizi pesa za usawazishaji wa magatuzi.

Bi. Spika wa Muda, kuna maeneo yalioachwa nyuma kimaendeleo na Taita-Taveta ilikuwa ni kati ya hayo maeneo. Hiyo pesa ilioekewa uwa ama kwa kimombo ilikuwa *ring-fenced*, ni ya kupeleka madawa hospitali, kupelekea wananchi maji, stima na kujenga barabara.

Je, leo hii, wakati wa mfumo wa kugawanya hizi pesa kwa awamu ya pili, kuwacha Taita-Taveta inamaanisha ya kwamba Taita-Taveta imepata barabara?

(The amber light was switched on)

Bi. Spika wa Muda, nimeona taa lakini ukweli ni kwamba nimeongea tu kwa dakika tano. Huo ndio ukweli wa mambo kwa sababu kumekuwa na *points of order* na *point of information*. Kwanza, nilifikiri kwamba nitaenda mpaka mwisho wa huu wakati. Hiyo taa inanishangaza. Nizimieni taa basi! Nizimie taa, Bi. Spika wa Muda.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Mwaruma. We will add you a few minutes.

Sen. Mwaruma: Asante, Bi. Spika wa Muda. Kama hizi pesa zilikuwa za kujenga barabara, ukweli wa mambo ni kwamba hatuna mabarabara Taita-Taveta. Ie barabara ambayo iko Taita-Taveta ni ya kitaifa ambayo inatoka Nairobi kwenda Mombasa na imepitia Taita-Taveta, kutoka Mtito wa Andei kwenda Mackinnon Road.

Ie barabara ambayo iko Taita-Taveta ni barabara ya kitaifa ambayo imetoka Voi kwenda Taveta na kwenda Holili, Tanzania. Barabara ambayo iko katika kaunti yetu ambayo iko na lami ni barabara kutoka Mwatate kwenda Wundanyi na hizo ni kilomita 15.

Katika eneo bunge la Wundanyi pekee yake, tuko na kilomita mbili pekee yake. Hiyo ndiyo eneo bunge, Kenya nzima, ambayo iko na barabara kidogo zaidi ya kilomita tatu.

Kama ule mgao wa kusawazisha pesa za kaunti ulikuwa wa kutengeneza barabara, tuko na barabara nyingi katika Kaunti ya Taita-Taveta ambazo hazijatengenezwa, zikiwemo barabara za kutoka Maungu kwenda Kasigau na kutoka Voi kwenda Mbololo hadi Ndi. Kutoka Weruga kwenda hadi Mgambonyi. Kwa hivyo, barabara bado hatujapata na tulihitaji hizo pesa za kusawazisha maendeleo ya maeneo.

Bi. Spika wa Muda, kama ni mambo ya maji, hatuna maji na tunaendelea kutengwa. Serikali ingepatia Kaunti ya Taita-Taveta pesa kidogo kupitia kwa hii pesa ya usawazisaji ama *Equalization Fund* ama kutoka pesa yeyote tufanye miradi ya maji.

Tungetoa maji kutoka *Lake Chala* Taveta, tukaleta watu wa Taveta Mwatate wakafanye ukulima. Tungetoa maji kutoka *Mzima Springs* tukapelekea watu wa Taita-Taveta. Leo hii maji ya *Mzima Springs Phase 1* yanatoka Taita-Taveta lakini watu wa Taita-Taveta wanapata maji kidogo sana. Maji mengi yanaenda Kaunti za Kilifi, Kwale na Mombasa. Mkaazi wa Taita-Taveta hana maji.

Tungepata pesa hii ya *Equalization*, tungetoboa bomba la maji la *Mzima Springs Phase 1* tukapeleka maji mpaka Kighombo Dam na tukajaza hilo bwawa la Kighombo na tukapea watu wa Mwatate na Voi maji. Tumenyimwa leo. Tunapata ya kwamba ni wadi mbili peke yake Taita-Taveta ambazo zinapata hizi pesa za *Equalisiton Fund* ambayo ni Chala.

Kwa sababu ya kumbukumbu, Chala inapata Kshs6,339,919, Kasigau wanapata KShs6,998,---

(Sen. Mwaruma's microphone went off)

The Temporary Speaker (Sen. veronica Maina): Time is up, Senator. We even added you a few more minutes. It is now Sen. Tabitha Keroche's time.

(Sen. Mwaruma spoke off record)

Resume your seat, Sen. Mwaruma. I have already called out Sen. Tabitha Keroche.

(Loud consultations)

Sen. Tabitha Keroche: Thank you, Madam Temporary Speaker, for giving me this opportunity. I stand to support this Motion on Equalization Fund.

Nakuru County is known to be one of the best agricultural areas, however, there is a lot of urban poor settlements. That is around Nakuru Town, Elburgon, Gilgil and Naivasha towns. Nakuru County neighbours many counties and majority of them get their services from Nakuru County.

If I pick one of it, the medical services, we have counties like Narok that uses Naivasha Referral Hospital as their hospital. We have the Nakuru Level 5 Hospital, where people from Kericho, Bomet, Baringo and even all the way from Eldoret use it.

When you look at the Equalization Fund allocation we have been given, it is unfair because it is only about Kshs8 million. This money is given to ensure that it cushions areas that are lagging behind and people living below the poverty line. If you look at the people living in Nakuru and the areas neighbouring it, such as Baringo County which has been given Kshs400 million, you will see areas in Subukia such as Waseges, a semi-arid area that does not grow anything. You come to Solai, Soin in Rongai, and it is the same story.

We will support this Motion, but the way it was done, the mechanism used for the Equalization Fund was not fair. I believe it could have been done better.

What the Government needs to do is to ensure they bring back the grant they used to give to the level five hospitals because we support the neighbouring counties. You cannot differentiate the people living in Nakuru when they use our hospitals. Our Level 5 hospitals in Nakuru County and Naivasha should serve more than two million people, but we are talking of over 15 million people. They need to bring back that fund they used to give to the Level 5 hospitals to cushion them from the high traffic experienced every day for our people to enjoy the facilities of their hospitals.

I know what the county government contributes to the country's Gross Domestic Product (GDP) is immense, but we do not seem to enjoy from our national resources. Narok enjoys theirs. We are non-agitating, unlike some of the counties neighbouring us, who are now benefiting from the natural resources. As you can see, the Senator for Nakuru County is modern and civil, but we seem to be suffering from being non-agitating. It is bad to see the Government pushing all Kenyans to be agitative, so that they can start benefiting from their natural resources.

They should consider ensuring that Nakuru people enjoy their natural resources and give us support. We would not be talking about the Equalization Fund if we were

enjoying and taking advantage of our resources like our neighbouring counties. Narok County enjoys the Maasai Mara National Park. If we were enjoying ours, we would not be talking about the Equalization Fund.

The whole county being given Kshs8 million, yet the Government knows this county is the home of many neighbouring counties, such as Baringo, Bomet, Kericho and Narok is unfair. They all come to our hospitals. They should have considered that. There are a lot of questions being asked on the formulae that was used to give out this Fund.

As Nakuru County, we support it, but we say it would have been done better than the way it was done. We hope that going forward, even as we support the Motion, this Equalization Fund will be looked into and ensure the formulae being used is equal, uniform and supporting every person, especially Nakuru County, where the national Government is benefiting from more than those that have been given huge allocation of the Equalization Fund.

Thank you, Madam Temporary Speaker. I support this Motion.

Asante.

ADJOURNMENT

The Temporary Speaker (Sen. veronica Maina): Hon. Senators, it is now 6.30p.m., time to adjourn the Senate. As we adjourn, when the debate resumes on Tuesday 2nd May, 2023, we will call the Mover to reply.

The Senate, therefore, stands adjourned until Tuesday, 2nd May, 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.