

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 5th October, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.33 p.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Serjeant-At-Arms, I am informed that we now have quorum. Kindly stop the bell.

Clerk, proceed to call the first Order, please.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM
NATIONAL ASSEMBLY OF ZAMBIA

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from the National Assembly of Zambia. The delegation comprises members of staff who are undergoing a training programme at the Centre for Parliamentary Studies and Training

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

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

1. Mr. Tennieson Nyangu - Principal Clerk
2. Mr. Collins Ngozi - Deputy Principal Clerk
3. Mr. Kabwibwi Mubunga - Deputy Principal Clerk

(Applause)

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

I will allow the Senator for Kakamega County, Sen. (Dr.) Khalwale, to extend brief remarks, under one minute, to welcome the delegation.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for the honour. I take this opportunity to warmly welcome the delegation. I hope they are going to find their visit to the Senate fruitful.

I urge them to visit all the corners of the Senate and, if possible, talk to the leadership of the House and committees. They will find it very invaluable when they go back home.

I thank you.

The Speaker (Hon. Kingi): Next Order.

PETITIONS

UNLAWFUL SALARY DEDUCTIONS FROM FEMALE TEACHERS BY KEWOTA

The Speaker (Hon. Kingi): Hon. Chairperson, Standing Committee on Labour and Social Welfare to present a report on a Petition that they had looked into. Do we have the Chairperson or any other Member from that Committee to present the report? They seem not ready. That is deferred.

(Petition Deferred)

Next Order.

PAPERS LAID

PROTECTION AREA ORDER FOR VARIOUS GOVERNMENT ENTITIES

The Speaker (Hon. Kingi): Chairperson, Select Committee on Delegated Legislation, can you proceed to lay your Papers? The Chairperson or any Member of that Committee to proceed to lay the Papers. That is deferred.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(Laying of Paper Deferred)

Proceed, Senate Majority Whip.

ANNUAL REPORT OF THE NATIONAL POLICE
SERVICE COMMISSION FOR FY2022/2023

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the table of Senate, today, 5th October, 2023-

The annual report of the National Police Service Commission for the Financial Year 2022/2023.

I thank you.

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

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

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No. 52 (1). Kindly power the microphone for Sen. Lomenen.

Proceed, Senator.

DISPARITIES IN SERVICE DELIVERY TO REFUGEE
COMMUNITIES IN KAKUMA AND KALOBEYEI CAMPS

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.52(1), to make a Statement on a matter of county-wide and general topical concern, namely; the disparities in service delivery to refugee communities in Kakuma and Kalobeyei camps and the Turkana Community.

Mr. Speaker, Sir, Kakuma Refugee Camp, which comprises of Kakuma One, Two, Three and Four, and the Kalobeyei integrated settlement, houses a registered population of 196,666 refugees and asylum seekers as of July, 2020. These camps have served as places for refugees fleeing conflict and persecution. However, they have simultaneously presented unprecedented challenges, particularly for the Turkana Community.

Mr. Speaker, Sir, despite concerted efforts by the United Nations High Commission for Refugees (UNHCR), partner agencies, county governments, as well as political leaders in the development of the Kalobeyei Integrated Socio-Economic Development Programme (KISDEP), which emphasizes on a 50/50 share of services

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

between the host and refugee communities, discrimination against the locals in accessing services is still persistent.

Mr. Speaker, Sir, these services include-

1. Scholarships and material support for vulnerable children;
2. Health services, where refugees receive preferential treatment;
3. Gender based violence and child protection services;
4. Training programmes, such as technical training and kitchengarden training, which are generally geared toward refugees;

5. Access to clean water, whereby locals are denied access to water points and boreholes, which are often strategically located to primarily serve refugee communities;

6. Job opportunities at the UNHCR, whereby members of the Turkana Community are often viewed as unfit for corporate positions despite their substantial qualifications and experiences.

Mr. Speaker, Sir, to ensure equitable access to services and promote harmonious co-existence, I call upon the Senate Standing Committee on Justice, Legal Affairs and Human Rights to engage the national Government on the following-

1. Advocate for scholarship opportunities and material support to be allocated fairly between the Turkana Community and refugee students;

2. Establishment of additional educational facilities, such as schools and vocational training centers to accommodate the educational needs of both local and refugee communities;

3. Promotion of equitable access to healthcare services and support initiatives that raise awareness of available healthcare facilities and services;

4. The respect for the cultural norms, beliefs and traditions of the Turkana community by refugees and the UNHCR;

5. Expansion of gender based violence and child protection services to cover both Turkana and refugee community members;

6. Strengthening security in and around Kakuma and Kalobeyei refugee camps to curb terrorism and unlawful activities;

7. Development of livelihood programmes tailored to the specific needs of the Turkana Community, including technical training, agriculture support and small-scale business opportunities, as well as facilitating partnerships between the local community members and relevant agencies to enhance economic opportunities and reduce dependency;

8. Establishment of additional water points and boreholes in areas that are heavily populated;

9. Promotion of community-based programmes that address the root causes of child homelessness;

10. Advocacy for job opportunities within the UNHCR and partner agencies to be accessible to both local and refugee community members based on qualifications and experience;

11. Community engagement initiatives that bring together local and refugee communities to address shared challenges and build mutual understanding. Also, support

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

the establishment of conflict resolution mechanisms that can effectively address disputes and tensions between the two communities; and,

12. Increase transparency in the allocation of resources and services to both local and refugee communities.

Mr. Speaker, Sir, in conclusion, it is crucial that these issues are addressed conclusively, prioritizing the welfare and safety of both refugees and the local community.

Collaboration between Government authorities, the UNHCR and relevant stakeholders is essential in finding sustainable solutions to these challenges to ensure the well-being of the Turkana and refugee communities and their generations to come.

I thank you.

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

STUNNING PERFORMANCE BY KENYAN ATHLETES
AT THE WORLD ROAD RUNNING CHAMPIONSHIPS

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of general topical concern and national importance, namely, stunning performance by our athletes at the World Road Running Championships in Riga, Latvia on Sunday, this week.

Mr. Speaker, Sir, once again our athletes made us proud on Sunday when they topped the world medal table at the just concluded World Athletics Road Running Championship in Riga, Latvia. Our heroes and heroines braved the sunny and breezy conditions to sweep the podiums of both the men's and women's half-marathons thus winning the team gold medals. They also won silver in the women's five kilometres, and bronze in the men's five kilometres and women's mile to become top of the world.

Mr. Speaker, Sir, the gold hunt for Team Kenya was led by Sabastian Sawe and defending champion Peres Jepchirchir who both clinched the half marathon titles while Beatrice Chebet won the women's five kilometres race. Peres Chepchirchir led a Kenyan podium sweep, with Margaret Chelimo finishing second and Catherine Relin finishing in third place.

At the same time, the men also swept the podium where Sabastian Sawe led them ahead of compatriots Daniel Simiu Ebenyo and Samwel Nyamai Mailu enabling them to claim this men's title for the 17th time. This was wonderful.

Mr. Speaker, Sir, although Faith Kipyegon was beaten for the first time this season, she managed to win bronze in the women's mile. She is a world record holder and has several world titles. Therefore, she is an inspiration to the upcoming athletes in Kenya and the world.

We continue to celebrate her. I call upon the Senate Majority and Minority leaders to process the appearance of both Faith Kipyegon and Eluid Kipchoge to address the House.

Mr. Speaker, Sir, I request this hon. House to set time for the world record beaters like Faith Kipyegon, Ferdinand Omanyala, Eluid Kipchoge, amongst others, to visit and

address the Senate for their greatest achievements that sometimes go unnoticed. I know that their marathons are equated to political marathons where we might learn a few lessons.

By doing this, our athletes who have continued to make us proud as a country at the international arena by flying our flag high always, will feel appreciated and will be motivated to achieve even more for the nation.

I continue to call upon the Ministry Youth Affairs, Arts and Sports, Athletics Kenya (AK) and the National Olympics Committee of Kenya (NOCK) to partner with the Ministry of Tourism and Wildlife and utilize the fame and good name that our athletes have gained in marketing our country as a tourism destination by making them brand ambassadors for Kenya thus enabling them to have a decent reward in return.

There is a soft underbelly in our sports on doping within the both sportsmen and women. I call upon the Directorate of Criminal Investigations (DCI) to punish the entire criminal enterprise that perpetuate doping substances to sportsmen and women. In some cases, there are cases of fixing some athletes. This has created anxiety. Athletes are tested three times against doping substances before the Olympics. We have had cases of some athletes being fixed.

Finally, I wish to congratulate our athletes for the superb performance in Riga, Latvia and wish them well assuring them of my commitment and support in championing for their welfare at all times as they continue to raise the country's flag and representing of our nation.

I thank you.

The Speaker (Hon. Kingi): We will now proceed to Statements pursuant to Standing Order No.53(1). The Statement by Sen. Joe Nyutu is dropped.

UPSURGE OF INSECURITY IN PARTS OF MURANGÁ COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): Sen. Mwaruma, proceed to read your Statement.

PART DEVELOPMENT PLAN (PDP) OF VOI TOWN IN TAITA TAVETA COUNTY

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources concerning the Part Development Plan (PDP) of Voi Town in Taita Taveta County.

In the Statement, the Committee should-

- (1) Provide the map of Voi Town, giving a list of all public utility land and indicating their registration numbers.
- (2) Present all the revised development plans of Voi Town from 1969 to date.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(3) State whether there are any plans of revision and expansion of Voi Town and give the extent of expansion.

The Speaker (Hon. Kingi): The Statement by Senator for Bungoma, Sen. Wafula is deferred to next week.

HEALTHCARE SERVICES TO BENEFICIARIES OF NHIF

(Statement deferred)

The next Statement is by the Senator for Marsabit, Sen. Chute.

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

PRODUCTION AND IMPORTATION OF
COOKING OIL IN KENYA

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the production and importation of cooking oil in Kenya.

In the Statement, the Committee should-

(1) Provide data regarding the volume of cooking oil produced annually in the country in relation to yearly consumption, disclosing the manufacturing companies involved in the production and the average retail cost of the oil.

(2) Disclose the amount of cooking oil imported in the years 2020, 2021, 2022 and 2023, indicating the Cost Insurance Freight (CIF) price to Mombasa Port and the average retail price; and,

(3) Elaborate on whether any local loans were secured to facilitate the procurement of imported oil and if so, indicate the percentage of the loan that has been settled thus far.

ALLEGED TAX EXEMPTIONS TO KENYA NATIONAL
TRADING CORPORATION LIMITED

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Finance and Budget ----

(Sen. Munyi Mundigi stood up in his place and consulted loudly)

The Speaker (Hon. Kingi): Order, Sen. Munyi Mundigi. Resume your seat and allow Sen. Chute to be heard in silence.

(Sen. Munyi Mundigi resumed his seat)

Sen. Chute, proceed.

Sen. Chute: Mr. Speaker, Sir, allow me to repeat. I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding allegations of tax exemptions extended by the Kenya Revenue Authority (KRA) to the Kenya National Trading Corporation Limited (KNTC).

In the Statement, the Committee should-

(1) Clarify whether the KRA has extended tax exemptions to KNTC and, if so, explain the criteria applied in extending the exemptions and whether due procedure was followed.

(2) State the amount of funds KRA would have otherwise collected in taxes.

Mr. Speaker, Sir, I will proceed to the third Statement.

DEMARCATON OF JURISDICTIONAL BOUNDARIES BETWEEN MARSABIT AND WAJIR COUNTIES

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the demarcation of the jurisdictional boundaries between the counties of Marsabit and Wajir.

In the Statement, the Committee should-

(1) Provide precise maps of the counties of Marsabit and Wajir that clearly show the boundaries of the sub-counties of Arb Jahaan, Molmol, Ires Wachile, Baji and Basir and the respective counties in whose jurisdiction they fall.

(2) Outline any actions the Government has taken to facilitate the conclusive demarcation of the boundaries related to the aforementioned sub-counties, addressing any contention between the two counties concerning their boundaries.

The Speaker (Hon. Kingi): Next Statement is by Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, I have two Statements. I hope to read them concurrently. I thank you for your indulgence.

STATUS OF PENDING BILLS IN COUNTIES

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on the status of pending bills in counties.

In the Statement, the Committee should-

(1) Provide a comprehensive report on all pending bills per county, indicating the financial years the bills accrued and the steps the Government is taking to facilitate the settlement of the bills.

(2) State the role of the Controller of Budget in expediting the settlement of all pending bills by county governments.

(3) Furnish the Senate with a list of all pending bills below Kshs5 million, indicating the counties that have not adhered to the directive on prompt settlement of these obligations.

Mr. Speaker, Sir, with your indulgence I will read my second Statement.

CLOSURE OF BANK ACCOUNTS OF SMEs BY
STANDARD CHARTERED BANK

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 closure, by Standard Chartered Bank, of bank accounts of small businesses that have less than Kshs10 million monthly cash inflow.

In the Statement, the Committee should-

(1) Explain the basis for the closure of bank accounts of small businesses by Standard Chartered Bank, indicating the number of accounts affected.

(2) Clarify whether the Central Bank of Kenya (CBK) played any role in the closure of the said accounts.

(3) Outline measures and strategies that the Government has put in place to improve access to banking services for small businesses in Kenya.

I thank you.

The Speaker (Hon. Kingi): Sen. Kibwana! The Statement is dropped.

CHALLENGES FACED BY KENYANS WITH
HEARING IMPAIRMENT

(Statement dropped)

Sen. Lomenen, proceed.

OIL EXPLORATION IN TURKANA COUNTY

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I have read the first Statement several times. I request that it be cancelled.

The Speaker (Hon. Kingi): Sen. Lomenen, are you saying that you already requested for this Statement?

Sen. Lomenen: Yes, Mr. Speaker, Sir. I have read it several times. Even the Cabinet Secretary has answered it several times.

The Speaker (Hon. Kingi): We will take it up with the Secretariat on why it found its way here.

Proceed to present your two other Statements.

INADEQUATE ELECTRICITY TRANSMISSION
INFRASTRUCTURE IN TURKANA COUNTY

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy regarding inadequate electricity transmission infrastructure connecting major towns within Turkana County to the national grid connection. This is despite their close proximity to electricity generation plants.

In the Statement, the Committee should-

(1) Explain why major towns in Turkana County, including Lodwar, Lokori, Kerio, Kalokol, Lokitaung, Kakuma and Lokichoggio lack adequate electricity transmission infrastructure to ensure access to reliable electricity, despite their close proximity to electricity generation plants such as the Turkwel Hydroelectric Power Station.

(2) Provide a status update on all ongoing and stalled Rural Electrification and Renewable Energy Corporation (REREC) projects within the County, outlining measures put in place to ensure their expedient revival, where applicable, and completion.

(3) State any plans by the Government to expand electricity transmission infrastructure in the County and connect the major towns to the national power grid.

COMPULSORY ACQUISITION OF UNREGISTERED
COMMUNAL LAND FOR LAPSSET

Mr. Speaker Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding compulsory acquisition of unregistered communal land belonging to the Turkana Community for the Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET) project.

In the Statement, the Committee should-

(1) Clarify whether the National Land Commission (NLC) has engaged Turkana County Government and the Turkana Community on the compulsory acquisition of community land for the LAPSSET project. If so, explain how NLC will resolve objections and concerns raised in the engagements.

(2) Highlight policies and measures in place to guide the compulsory land acquisition process, to ensure that the rightful individuals are identified and fairly compensated.

The Speaker (Hon. Kingi): Let us now move to Statements pursuant to Standing Order No.57(1).

Senate Majority Leader, you may have the Floor.

BUSINESS FOR THE WEEK COMMENCING
WEDNESDAY, 11TH OCTOBER, 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 10th October, 2023.

Pursuant to Standing Order No.57(1), I hereby present the business of the Senate for the week commencing Tuesday, 10th October, 2023.

Before I proceed with the Statement, I take this opportunity to welcome hon. Senators back to Nairobi City County after an exciting Senate Mashinani week in Turkana County. I believe we have had some time to reflect on the experiences from our stay in Turkana County; and will undoubtedly put in place legislative measures to ensure devolution works not only in Turkana but “*kokote mashinani*”.

As indicated in today’s Order Paper, we have seven Bills at the Committee of the Whole Stage. The Bills are listed at Orders No.9, 10, 11, 12, 13, 14 and 15. The prompt consideration of these Bills will be a great milestone in our work as a Senate. Therefore, I urge the respective Movers and Committee Chairpersons who have filed amendments to these Bills to be available in the House to prosecute them.

Mr. Speaker, Sir, in terms of other legislative business that are pending consideration in the Senate, there are a total of 21 Bills at the Second Reading stage. This includes those that have been scheduled in today’s Order Paper at Orders No.8, 16, 17 and 18. I urge the respective movers of these Bills to be available in the House when the orders are called out.

There are 28 Motions pending conclusion, while the number of Petitions that are due for reporting by respective Standing Committees still stands at 18. Additionally, 206 Statements under Standing Orders No.52(1) and 53(1) are pending conclusion by relevant Standing Committees, while 17 Questions are pending, nine of which have been scheduled for response by respective Cabinet Secretaries on Wednesday, 11th October, 2023.

I take this opportunity to commend all hon. Senators for work done and every effort made to dispense with business both at committee and plenary sittings. However, we need to put more effort as our in-tray of legislative business as highlighted above, is ever increasing.

Mr. Speaker, Sir, at its meeting held on Tuesday, 3rd October, 2023, the Senate Business Committee (SBC) approved the next set of Questions to be scheduled in the Order Paper for Wednesday, 11th October, 2023. The set of questions include those that had earlier been deferred due to non-appearance of the relevant Cabinet Secretaries. The summary of the Questions is as follows-

(1) Question No.011 to the Cabinet Secretary for Interior and National Administration by Sen. John Kinyua Nderitu, MP on the state of security in Laikipia County and the wider North Rift region.

(2) Question No.012 to the Cabinet Secretary for Interior and National Administration by Sen. John Kinyua Nderitu, MP on curbing of rampant abuse of Ketamine.

(3) Question No.025 to the Cabinet Secretary for Interior and National Administration by Sen. Mohamed Said Chute, MP on recruitment and deployment of Chiefs and Assistant Chiefs.

(4) Question No.026 to the Cabinet Secretary for Interior and National Administration by Sen. Mohamed Said Chute, MP on delay in recruitment of NPRs in the wider Northern Frontier counties.

(5) Question No.032 to the Cabinet Secretary for Interior and National Administration by Sen. James Murango, MP on kidnappings along Makutano-Sagana Highway in Kirinyaga County.

(6) Question No.045 to the Cabinet Secretary for Interior and National Administration by Sen. James Lomenen, MP on the security situation in West Pokot and Turkana Counties.

(7) Question No. 051 to the Cabinet Secretary for Youth Affairs, Sports and the Arts by Sen. Mohamed Said Chute, MP on the status of the construction of Marsabit Stadium.

(8) Question No. 053 to the Cabinet Secretary for Youth Affairs, Sports and the Arts by Sen. Samson Cherarkey, MP on Team Kenya's participation in the World Athletics Championship in Budapest; and,

(9) Question No. 054 to the Cabinet Secretary for Interior and National Administration by Sen. Mohamed Said Chute, MP on the counter-terrorism efforts put in place by the Government.

Hon. Senators, as earlier indicated, my office, together with that of the Senate leadership in general, will continue to work with the Executive to ensure that Questions are responded to when scheduled.

The concerns of hon. Senators on this matter are appreciated and I encourage hon. Senators to use this tool to bring the Executive to account.

Finally, hon. Senators may be aware that 10th October is a national holiday. The Senate Business Committee has therefore not scheduled any business for that day. Regular sittings will therefore resume on Wednesday, 11th October, 2023. I take this opportunity to wish us all a fruitful visit to our counties and a happy Huduma Day.

Mr. Speaker, Sir, I hereby lay the Statement on the Table of the Senate.

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

The Speaker (Hon. Kingi): Next Order.

I can see from my dashboard. Sen. Mundigi, what is your intervention?

**NOTICE OF MOTION OF ADJOURNMENT UNDER
STANDING ORDER NO. 37(1)**

UKOSEFU WA USALAMA KATIKA KAUNTI YA
TURKANA NA ENEO LA SONDU

Sen. Munyi Mundigi: Bw. Spika, naomba hoja ifuatayo ya kwamba kikao cha Seneti kiirishwe kwa mujibu wa kanuni za kudumu za Seneti Kipengele cha 37(1) ili kujadili swala mahususi la dharura na muhimu kwa taifa kuhusu ukosefu wa usalama katika nchi yetu haswa mji wa Sondu na katika Kaunti ya Turkana.

(Several Senators stood up in their place)

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.37(5), indeed, the requisite threshold has been met. Therefore, I direct that this Motion be moved at 5.30 p.m. today.

The Speaker (Hon. Kingi): What is your point of order, Sen. Oketch Gicheru? Just to caution you, a Senator can only rise on a point of order if another Senator is---

Sen. Oketch Gicheru: Clarification then, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I just want to seek your indulgence that the adjournment Motion that has just been moved by Sen. Mundigi consolidates two important issues. Initially, I had put forward an adjournment Motion on security issues in Sondu and he had put one for Turkana. Would it be in order to plead that perhaps the adjournment starts at 5.00 p.m. so that we get 30 more minutes to be able to vent on the two issues in depth? Seeing that all Senators stood up, it seems they want to contribute to this Motion. It is just a humble request.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, if you look at the Order Paper today, it is pretty heavy. However, I am aware that we have seven Bills that have moved to the level of the Committee of the Whole. I am looking around and I do not see the requisite quorum to prosecute those Bills at the Committee of the Whole.

I am, therefore, persuaded to accede to the request by Sen. Oketch Gicheru that instead of the House adjourning at 5.30 p.m. it adjourns at 5.00 p.m. to allow that Motion to be moved.

Next Order, Clerk.

Before interruption of debate yesterday, Sen. Wambua had the Floor and had a balance of 11 minutes. So, kindly proceed.

BILL*Second Reading*THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS NO.23 OF 2023)*(Sen. (Dr.) Khalwale on 3.10.2023)**(Resumption of debate interrupted on 4.10.2023 - Afternoon Sitting)*

Sen. Wambua: Thank you, Mr. Speaker, Sir. Indeed, it is true that yesterday I was contributing to the County Governments Additional Allocations Bill before time lapsed. I have those 11 minutes. I want to continue with my contribution in support of the Bill.

As I said yesterday, there is need for a clean-up of this Bill. As I mentioned, I want to emphasize that we must get to a point as a House and draw the line in the sand. We cannot have these five counties that continue to receive allocations for the construction of county headquarters since 2013. Now, 10 years down the line, we are still allocating money for the construction of the same county headquarters in Isiolo, Lamu, Nyandarua, Tharaka Nithi and Tana River counties.

Mr. Speaker, Sir, cumulatively, there is a lot of money that has been set aside for that totalling to Kshs454 million. That matter needs to be looked into so that in the next year when dealing with the Additional Allocations Bill, we do not see that item listed there.

The other matter that I am very concerned about is on the allocations for the leasing of medical equipment. I mentioned at the tail end of my contribution yesterday that perhaps a time has come that either the Committee on Health on its own motion should decide to do a proper audit of this leasing programme or then it will be necessary to set up another special committee.

When you look at that table, there is an allocation of Kshs124,723,404.30 to every county. It is an equal allocation to every county for servicing of the leased medical equipment.

Mr. Speaker, Sir, it is clear and all of us know because we come from counties that first of all, not every county receives the same equipment, so they cannot be paying the same amount of money for different equipment.

Secondly, there are counties today that have the equipment, but cannot use them because there is no connection to power or water. There is also a case where that equipment is still lying in the source market where the manufacturers are.

The Committee on Health on its motion should look into this matter. If they cannot, for whatever reason, then this House needs to form a special committee to look into the matter.

My last contribution would be on the Second Schedule on allocations for court fines and mineral royalties. It is a bit confusing to me because there are several counties, and I will mention them, Bomet, Bungoma, Busia, and Elgeyo Marakwet. They have no conditional allocations either for court fines or for mineral royalties. A clear reading of that would indicate that there are no courts and minerals or that the courts never collect fines in those areas.

This table is a bit confusing. There will be a need for a re-look at that---

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

The Speaker (Hon. Kingi): Sen. Wambua, would you wish to be informed by Sen. Chimera?

Sen. Wambua: He can inform me, he is a young man.

Sen. Chimera: Thank you, Mr. Speaker, Sir. I just want to inform Sen. Wambua that the fact that we have courts in these counties does not mean that the citizens of that county have to go to court. It could be that they are law-abiding citizens in those counties. That is why we have counties that do not have allocations from court fines. Like in Kwale, we are law-abiding citizens. We do not even have to benefit from anything from the court fines.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed Sen. Wambua.

Sen. Wambua: Let me proceed, Mr. Speaker, Sir.

The Speaker: Did you find that information useful?

Sen. Wambua: Clearly it is not very useful, but it is information anyway. So, there will be a need to relook at that Schedule. When you look at a County like Kiambu, unfortunately, the Senator for Kiambu is not here, they have an allocation for court fines of Kshs5 million and an allocation for mineral royalties of Kshs10 million.

Now, when you go to places where we thought there was serious mining taking place, there is no allocation for mining. Like in Nyamira, I thought that it was the home of soapstone. There is no allocation at all on the matter of mineral royalties. Therefore, I propose that the whole of the Second Schedule be relooked.

Lastly, is on the matter of the wording of the Bill. I mentioned yesterday and I want to emphasize that if we continue to hold the view that the national Government can allocate funds to county governments, to that extent, we may never talk about the separation of roles and functions between the national Government and the county governments.

I take a great exception to any reference made in this Bill on national Government revenue being allocated to county governments. This is because, then the real situation would be, if the national Government revenues are being allocated to county governments, then we are talking about the transfer of services. We are saying that this is a function that is supposed to be done by the national Government, this is the amount of money that has been allocated in the budget, and then that function and funds can be reallocated to the county governments. However, if the reference is to the money from the National Treasury going to the county governments and the national Government, then that distinction must be made clear.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Lastly, even as I support the Bill, I would want us to also to remind ourselves that very soon we should have a serious engagement on that separation of roles between the Ministry of Finance and Planning, and the National Treasury so that the National Treasury performs the functions of allocating revenue to both levels of government.

With those remarks and proposed amendments, I support the Bill.

The Speaker (Hon. Kingi): Sen. Chimera.

Sen. Chimera: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. I must say that it is a beautiful moment to be alive today and to be in the Senate. From the wording and the drafting of this Bill, this is indeed music to the ears of many counties. From this Bill, our governors all over the country have no reason whatsoever not to complete their projects and not to pay many young men and women who form the bulk of many suppliers and contractors in our counties.

As such, I dare say that I support this particular Bill. Allow me to speak about Clause eight of the said Bill. For the first time, we have a Bill that speaks on the need for reporting and ensuring that our county governments comply with the reporting needs. I sat here yesterday and listened to my colleague Sen. Cheruiyot. He spoke so ably on the need for governors to report on what they receive as allocations *vis-a-vis* the county expenditure.

This has never happened for so long. Sen. Cheruiyot was very clear. He told us that governors are more concerned with reporting the recurrent expenditure and not reporting on the development expenditure. Therefore, as the Senate, I look forward to the day we will interact with the Controller of the Budget to tell us how the reporting is done.

The Bill is clear in Clause eight that counties are to report to us their actual expenditure against the actual allocations. From the Second and Fourth Schedules, I can see that my county has been given about Kshs100 million to engage in the main fisheries project. The counties of Lamu, Mombasa and to a large extent Kwale are known for fishing. We have very many fishermen drawing from Ngombeni, to Vanga to Shimoni and Mswambweni in Kisite. These fishermen for so long have been engaging in what I call traditional fishing methods.

Now we have funds going to our counties to ensure that the fisherman from Kwale County, after these funds are received by the county governments, can engage in modern fishing. I am happy to see that these funds will go towards ensuring that we acquire modern fishing gear so that our fishermen can engage in meaningful fishing so that we can realize the true potential of what we call the blue economy.

I also noticed that the Fourth Schedule allocates to counties royalty funds. Again, I see Kwale County has been allocated about Kshs.1.1 billion to roll out projects in this county. You will notice that we have had this company called Base Titanium Mining and Minerals in Kwale for far too long. However, there was no legal framework and no law establishing the royalties fund. I am happy to see that the current Cabinet Secretary, who is my former Governor; Governor *Emeritus*, Hon. Mvurya, has moved with speed to make sure that this law is in place and counties, not just Kwale alone, but counties that are actively involved in mining have a share in this Fund.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

For the first time, the people of Mavumbu Ward in Kwale have proposed the upgrade of the Mariakani-Mavirivirini-Mwavumbo Road to bitumen standards. Since independence, these residents have never seen tarmac in Kwale. I am happy that these funds are going there to enable the governor and the people in-charge of these funds to roll out projects that are impactful to the local *mwananchi*. For the first time, we are seeing that devolution is alive and that such things will breath more life to our projects. I only want to urge the governors to ensure that there is effective and prudential use of resources. The Senate does not sit here in vain allocating resources to governors and then they end up squandering the same funds.

With these remarks, I support this Bill. I thank you.

The Speaker (Hon. Kingi): Sen. Murango.

Sen. Murango: Asante, Bw. Spika. Nimeangalia hili jarida na nikaona ya kwamba Kirinyaga iko na Kshs100---

(Sen. Munyi Mundigi spoke off record)

Ni Kshs100, sio bilioni.

The Speaker (Hon. Kingi): Senator, stop engaging your colleagues. Proceed to make your contribution.

Sen. Murango: Bw. Spika, kuna wale wanaratibu mgao unaopewa makaunti kwa sababu ya madini au zile bidhaa zinazotokana na mahali pale. Tungependa kujua kama ni hii Kshs100 iliyopewa Kirinyaga na imetokana na madini gani? Kwa sababu, hili jarida niko nalo ni ghali kuliko Kshs100. Haina haja ya kuratibu Kshs100 za kupea Kaunti nzima. Ninaamini kuna hesabu inapaswa kuangaliwa kama iko sawa.

Kama mkaazi wa Kirinyaga, ninajua eneo lililo chini ya Mwea ni muhimu kwa uchimbaji wa kokoto na marigafu mengi ya kutengeneza barabara. Kwa hivyo, kupata Kshs100 imeleta mshtuko kidogo.

Bw. Spika, ninaunga mkono mambo kama haya yanaletwa katika Bunge la Seneti. Wakati tunafika kugawana pesa, kama zile za maktaba, kila wakati utapata Kirinyaga haipewi kwa sababu hatuna maktaba. Nikiulizia, ninaambiwa pesa zinagawanywa kwa wale ambao wana maktaba. Lakini, tukienda kugawa zile pesa za zile kaunti zilizoachwa nyuma, zinapewa wale ambao hawana vitu tulivyo navyo.

Ni lazima tuchukue msingi mmoja. Kama watu hawana, wapewe na kama wako nayo, pia wapewe. Tunaona pia kwa mambo ya mahabara, tunabaguliwa kwa sababu hadi wakati huu, sisi tuko baadhi ya kaunti 23 ambazo hazina mahabara. Hili ni jambo nitaenda kuangalia.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Spika, ninaunga huu Mswada mkono kwa zile pesa inapeana, lakini, kuna shida kwa mgao wa madini. Kaunti ya Embu imepewa Kshs2,142. Saa zingine, mimi hushindwa na ile mambo inafanywa na watu!

(Laughter)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Bw. Spika, kupatia Embu Kshs2,142 za madini ni kama kutukana Kaunti ya Embu. Saa hiyo tunajua ya kwamba stima inatoka Embu, ikipelekwa pande zote za nchi lakini ile pesa tunaweza pewa juu ya stima ni kidogo sana. Ni sawa tumeongezewa Kshs100 milioni, lakini pia ni vizuri wale wanagawa pesa wawe wakiangalia kitu kama kura-moja, shilingi-moja.

Tumeona sasa Kaunti ya Embu itakua na Kshs6 bilioni, lakini tuna mahitaji ya elimu, kilimo, afya na mambo mengi na hizi pesa hazitoshi. Utaona kaunti zingine zimepewa Kshs15 bilioni, lakini ukitembea pale baada ya miaka tano, utaona ni kama pesa imeporwa. Wengine watakua na Kshs200 bilioni na hakuna kitu watakua wamefanya. Ule wakati mwingine ujao, nitaunga kura-moja, shilingi-moja.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Hon. Senators, there being no other Senator wishing to contribute, I call upon the Mover to reply.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. with your indulgence, before I respond, please allow me to thank His Excellency the President on behalf of the people of Kakamega, Shinyalu Constituency, Ileo village for making history in our community. He has appointed Amb. Fredrick Matwan'ga as Kenya's High Commissioner in Italy.

We shall pray for the President on Sunday because he has picked Kenya's High Commissioner to go to Italy from a place called Mukumu, where Catholic Missionaries came to Kenya in 1905 and settled in. We are grateful and we feel like we are true shareholders in this Government.

Mr. Speaker, Sir, coming back to the substance on the Floor of the House, hon. Members have been united in supporting this Motion---

(Sen. (Dr.) Khalwale's phone rang)

Mr. Speaker, Sir, kindly allow me to switch off the phone. I forgot to switch it off.

The Speaker (Hon. Kingi): Proceed if your phone is off. The right thing is not to come with it to the Plenary.

Sen. (Dr.) Khalwale: I stand guided, Mr. Speaker, Sir. All Senators have agreed that this is an important Bill. Nevertheless, because of who the Speaker is today, allow me to remind Members that this is a Bill which comes at a time when our hon. Speaker is regretting that he is no longer the governor. When they were governors, this Bill was never passed in this House, in this manner and therefore, this kind of money was never available to his office for him to carry out development for his people.

I thank the President again for not only releasing all the money owed to county governments, but timeously doing so, before the 15th of every month and for also allowing the leadership of this House to lead this House in unlocking a whopping Kshs53 billion to go our counties! With maximum respect, it is now time for us to enjoy the benefits of being on the same side.

Mr. Speaker, Sir, I remember when we were at each other's throats because of shareable revenue as we passed the Kshs385 billion. The governors wanted Kshs425

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

billion, but when we add what we have brought here, this money has now ballooned to Kshs438.6 billion! We must go back and ensure that this money is utilized for development.

This money is not for recurrent use, but the entire amount is for development. I hope in keeping with what I saw Sen. Thang'wa, Sen. Mungatana, Sen. Mwaruma, Sen. Munyi Mundigi, Sen. Okiya Omtatah, Sen. Osotsi, Sen. Veronia Maina, Sen. Wakili Sigei and Sen. Chimera do, all of us are going to add up how much is going to our counties, so that like in Kakamega, we will be enjoying development worth Kshs1.67 billion. Therefore, let us make sure that this money goes to development.

Mr. Speaker, Sir, I will make the following running comments arising from Senators' contributions. Sen. Nyamu pleaded with this House to stop looking at Nairobi through the prism of how people live in Karen and other high-end areas of the city. The four million people who live in Nairobi - Mkuru kwa Njenga, Mathare, Kawangware and so on - are living under very difficult circumstances.

Whereas the property index is good for Nairobi; when you look at how people live in these other areas in Nairobi, you realize that Nairobi actually deserves slightly more money than what we have been giving it hitherto.

The Second comment that I want to clarify, as raised by Sen. Wambua even today, is on the issue of the specialized medical equipment. Hon. Members, county governments are paying the national Government devolved funds because the procurement of this special medical equipment was done by the national Government wrongly at that time in 2015.

Ideally, procurement should have been done by county Governments, so that this money, which is conditional money from the World Bank, meant to go and address the issue of health, would then be given to governors the way we are doing and then they pay. However, because it is the national Government that procured, that is how the money is finding its way back to the national Government.

The third issue that arose is of fertilizer. Colleagues, let us be analysing these bills. If you look at this column, the people at the National Treasury do not seem to be working at all. This is because, in giving out money, for example, for fertilizer subsidy, they have given Nairobi for fertilizer Kshs14.7 million. Where do you want to spend Kshs14.7 million on fertilizer in Nairobi? Do they grow rice or sugarcane? Why not take that money to Kirinyaga or Embu even if you do not like Kakamega? Why not take it to Bungoma? People at the National Treasury, why take the money for fertilizer to Nairobi?

We have to face these people in the eye and tell them, if they do not know. We are going to move on the Floor of this House, so that they are sacked. We put there are young people from the University of Nairobi and other universities who can analyse figures and put money where it is merited.

The fourth point was on court refunds. If you look at that column on court refunds, you will realize that there is an anomaly. Therefore, for you to understand, the money that is going back for courts is because that money does not go to the Consolidated Fund. Therefore, because it does not go to the Consolidated Fund, the little

finances they do in your place for breach of the bylaws, then that money is supposed to be taken back.

So, a place such as Mombasa, where a lot of money is seen to be going, is because they have a lot of those kind of active court processes. Therefore, they have a higher figure entitlement.

The fifth point that was raised again by Sen. Wambua is the issue of county headquarters. Members, we who sit in the Committee on Finance and Budget are properly seized of this matter. The reason there has been this very long delay, is because of the implementation process. The implementation of county headquarters was such that one year they would say the money would be released to the governor. When the governor wants to do it, they refuse and say the implementation must be by the Ministry and so on. So, the throwback has resulted in this delay and we must thank the first Senate, which in 2015 identified these deserving cases.

Finally, but not least, the issue of royalties. This is theft. How would you give Vihiga County zero? How can you sit and decide that Kirinyaga should be given Kshs100? The fact that you are giving them Kshs100, means that you are admitting that there is mining taking place there. If mining is taking place there, enough for you to notice it, then surely, their royalty of 20 per cent cannot be Kshs100. This is careless open stealing of public funds

Mr. Speaker, Sir, let me give you the example of Kakamega, and this is a fact. I come from the gold mining constituencies of Shinyalu, Ikolomani and Lurambi. We mine and sell 10 kilograms of gold every Friday. We sell gold worth Kshs72 million every Friday. With this, if you multiply it, just a simple arithmetic, we sell in a year, Kshs3.68 billion worth of gold. Therefore, 20 per cent of that money is Kshs777.6 million, which they should have paid us. However, do you know what they paid us here from this National Treasury? It is Kshs16,554.

Mr. Speaker, Sir, this applies to Siaya where they do gold in Gem, Migori where they do gold in Nyatike and even in your home in Kilifi and Kwale. So, the people in the National Treasury are just sitting and sharing. money meant for royalties. I know of certain people who are in positions of leadership in this country and, please, I beg you, do not ask me to substantiate. When you go in the areas where they are leading, there are so many projects they are doing beyond sharable revenue.

Since these people used to work high up in Government and they know how this money is loaded, they go to the National Treasury and ask to be added here and there, and they are doing those projects. They seem to be real performers when it is theft of money from Ikolomani, Shinyalu, Lurambi, Vihiga, Nyatike and Gem in Siaya.

This House being a House of equity, this is the speech. We must stop that stealing, so that this money can reach our people.

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

Sen. Oketch Gicheru: Mr. Speaker, Sir, I am rising under Standing Order No.105 on the issue of statements of facts. The Senator for Kakamega has raised a very important issue. Yesterday, I was actually with six Senators from this House in Migori

County. We were in a place he has just quoted called Nyatike, where in Osiri-Matanda alone, we are selling gold worth Kshs33 million every day.

Mr. Speaker, Sir, the Senator of Kakamega has claimed that there are people in the National Treasury who are ‘eating’ the associated royalties that are supposed to go these communities. He goes ahead to tell this House that we cannot force, ask him or even request him to substantiate.

These are people who have taken millions of money from the people who come from poor communities. Can the Senate Majority Whip reveal to us who these people are? If it is possible, I would request that you direct him to table the names in this House. We must discuss these people. My people in Migori County are suffering and do not get value for what they have been mining.

I am surprised that the “bullfighter” can start cowing to these cartels who are stealing from the poor. He must be bold enough. I am not putting him on the spot, but I wish him courage. Name these people so that we can nail and deal with them.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you are obligated under the Standing Orders. That is not a request from Sen. Oketch Gicheru. It is an obligation under our own Standing Orders. If you allege certain facts, you should be in a position to substantiate.

In the event you are unable to substantiate now, you may seek time within which to substantiate. If that option is not available to you and given more time, you will be unable to substantiate, you may have to move and withdraw those allegations.

What say you, Senator?

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I am properly guided. However, the way I read the Standing Orders is that the pressure arises if you mention somebody adversely or the name of someone who cannot defend himself on the Floor of the House.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, let us not teach ourselves the Standing Orders; we know them. You have given certain facts, which have not been substantiated. You have alleged that at the National Treasury, this kind of thing happens with the aid of certain leaders. In fact, you said very senior leaders in this country. Kindly, proceed to name these people. If you are unable to do so, kindly proceed to retract that statement.

(Applause)

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have a history in this country. I have dealt with those mandarins at the National Treasury. In fact, the country sometimes remembers me for the work I have done at the National Treasury. It is ridiculous that somebody can sit and award a county Kshs100. Even if this House wanted me to tell them, that should make you angry enough.

(Loud consultations)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

The Speaker (Hon. Kingi): Allow the Senator to make his contribution. Ultimately, Sen. (Dr.) Khalwale, you will have to do two things. Substantiate or withdraw.

Proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, my mind is pushing me to speak.

(Applause)

An. hon. Senator: Yes! *Toboa yote.*

Sen. (Dr.) Khalwale: However, I am a responsible State officer who understands the principle of collective responsibility.

Sen. Kibwana: *Hapana. Hakuna!*

Sen. (Dr.) Khalwale: I will look like the most stupid State officer if I fail to use other channels open to me to pursue this matter and instead make pronouncements here. For that reason---

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

The Speaker (Hon. Kingi): Hon. Senator, in that case then kindly proceed to withdraw and use the other channels to pursue this matter.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I am properly guided.

My younger brother, Sen. M. Kajwang', whom I campaigned for in Kendu Bay and Ndhiwa in Homa Bay, when his brother, who was almost my age and used to sit over there passed away, would love for me to draw blood.

Mr. Speaker, Sir, I withdraw---

(Sen. (Dr.) Khalwale's microphone went off)

Mr. Speaker Sir, this issue will be ripe. Lawyers have got something called an issue being ripe. When the time is ripe, I will walk, dance and sing these names until corruption comes to an end in this House.

I have had the privilege of leading some of the offices where I had the opportunity to partake in the proceeds of corruption, but I refused. I have seen people who have been in that office for six months end up buying property in Karen and living there. I have refused and I still live in my home *horohoro.*

The Speaker (Hon. Kingi): Senator---

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I withdraw for now.

(Laughter)

Sen. (Dr.) Khalwale: Having withdrawn---

The Speaker (Hon. Kingi): The Hon. Senator has withdrawn that statement, allow him to conclude.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(Loud consultations)

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I want to apologize---

The Speaker (Hon. Kingi): What is your point or order, Sen. M. Kajwang’?

Sen. M. Kajwang’: Mr. Speaker, Sir, from the foregoing deliberations, will I be in order to describe the “bullfighter” as the coward of Kakamega County?

The Speaker (Hon. Kingi): Sen. M. Kajwang’, you are totally out of order. Under the Standing Orders, you should refer to your colleagues as ‘hon. Senators.’ As far as the House is concerned, we do not have bullfighters or fighters at all. I overrule your point of order.

Kindly, proceed and conclude Sen. (Dr.) Khalwale.

Sen. M. Kajwang’: Thank you, Mr. Speaker, Sir. Sometimes, in the House, it helps to have interventions like the one from Sen. M. Kajwang’.

Of course, he does not mean I am a coward. He is using it to cajole me to ensure I come out and state these things. Sen. M. Kajwang’, thank you for the compliment, we shall be doing our fish at Kendu Bay the usual way.

Mr. Speaker, Sir, with those many remarks, I respond and request with your permission, under Standing Order No. 66(3), that you allow this Motion to come for Division at a later time.

The Speaker (Hon. Kingi): Very well. I shall postpone the putting of the question for that particular Motion to a date later, in the course of next week.

(Putting of the Question on the Bill deferred)

Clerk, next Order.

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE EQUALIZATION FUND (ADMINISTRATION) BILL
(SENATE BILLS NO. 14 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(SENATE BILLS NO. 9 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL

(SENATE BILLS NO. 12 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MUNG BEANS BILL

(SENATE BILLS NO. 13 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE START-UP BILL

(SENATE BILLS NO. 14 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PERSONS WITH DISABILITIES BILL

(SENATE BILLS NO. 7 OF 2023)

(Committee of the Whole deferred)

BILL

Second Reading

THE COUNTY BOUNDARIES BILL

(SENATE BILLS NO. 6 OF 2023)

The Speaker (Hon. Kingi): Sen. M. Kajwang', kindly proceed.

(Sen. M. Kajwang' approached the Chair)

The Speaker (Hon. Kingi): This Order is deferred.

(Bill deferred)

Hon. Senators, at this point, I would wish to reorganise the sequence of today's Order Paper. Instead of prosecuting Order No.17, we proceed to handle Order No. 19. Thereafter, we will resume the usual sequence of today's Order Paper. Clerk, kindly proceed to call the out the Orders as amended.

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

Do we have any Member of the Standing Committee on Devolution and Intergovernmental Relations?

(Sen. Wafula walked to the Dispatch Box and Consulted the Clerk-at-the-Table)

Clerk, kindly proceed to call the Order.

MOTION

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

ADOPTION OF REPORT ON THE APPLICATION OF THE CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

Sen. Onyonka: Mr. Speaker, Sir, I hope you will accept my apologies. I have been in the Committee on County Public Accounts since 8.00 a.m. I had not even had a glass of water.

By a letter dated 29th May, 2023, the Clerk of the County Assembly of Uasin Gishu County transmitted the resolution of the County Assembly (via the Joint Committees on Land and Physical Planning and Housing and Urban Development) to adopt the report of the *Ad Hoc* Committee on the conferment of city status to the Municipality of Eldoret dated 23rd May, 2023, without amendments.

Thereafter, you issued a communication on the same and referred the matter to the Standing Committee on Devolution and Intergovernmental Relations for consideration.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

For some who may not know the Municipality of Eldoret has been in existence since 1953, and is definitely due for an upgrade.

In consideration of the application for conferment of city status to Eldoret Municipality, the Standing Committee on Devolution and Intergovernmental Relations engaged with various stakeholders on this important issue.

In the Spirit of public participation and noting the importance of verifying that Eldoret Municipality had met the criteria as prescribed by Section 5 and the first schedule of the Urban Areas and Cities Act, 2011, the Committee held a county visit from 23rd to 25th August, 2023, and specifically met with the following stakeholders at the Governor's chambers:

- (1) The Governor of Uasin Gishu.
- (2) The *Ad Hoc* Committee that considered the recommendation.
- (3) The County Assembly's Joint Committees on Lands & Physical Planning and Committee on Housing and Urban Development to deliberate on their joint report.
- (4) The Manager of Municipality of Eldoret.
- (5) The Chairperson of the Board of Municipality of Eldoret.

Further, the Committee took a guided tour around the Municipality of Eldoret to inspect the various amenities and services provided and later had engagements with the residents of Eldoret regarding the conferment of city status to the Municipality of Eldoret during a public participation held at the Eldoret multipurpose social hall.

Section 5 of the Urban Areas and Cities Act, 2011 outlines the criteria that ought to be met by a Municipality to qualify to be upgraded to City Status. The municipality should demonstrate that it:

- (a) has a population of at least 250,000 residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the application for grant of city status;
- (b) has an integrated urban area or city development plan in accordance with this Act and other existing laws;
- (c) has demonstrable capacity to generate sufficient revenue to sustain its operation;
- (d) has demonstrable good system and records of prudent management;
- (e) has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule;
- (f) has institutionalised active participation by its residents in the management of its affairs;
- (g) has infrastructural facilities, including but not limited to roads, street lighting, markets and fire stations, and an adequate capacity for disaster management; and,
- (h) has a capacity for functional and effective waste disposal.

The First Schedule of the same Act further elucidates a list of services that the Municipality should be able to provide and services that are required to already be provided by the national Government.

The Committee did an in-depth analysis of the stakeholders' submissions and based on its deliberations, the Committee has made various observations and

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

recommendations, which are set out at Chapter Four and Chapter Five of the report. The Committee was also satisfied with the inspection it carried out. In summary, the Committee strongly recommends the conferment of city status to Eldoret municipality.

Mr. Speaker, Sir, may I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the application for conferment of City status to the Municipality of Eldoret.

I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who appeared before the Committee and presented their submissions regarding the conferment of City status to the Municipality of Eldoret.

I wish to also commend and congratulate the sitting Governor of Uasin Gishu County, for having made it possible. He encouraged us to go to every part of that town. I can confirm because I was in that delegation. We were satisfied with the plans and the arrangement on what they want to do to upgrade the city.

It is now my pleasant duty, pursuant to Standing Order No.228(4)(a) to present the Report of the Standing Committee on Devolution and Intergovernmental Relations, on its consideration of the application of conferment of city status of the Municipality of Eldoret.

I ask Sen. Ogola to second that position of the Committee.

Sen. Ogola: Thank you, Mr. Speaker, Sir. As I second this Motion, I will start by clearing that the Urban Areas and Cities Act establishes a framework for three main things. One, it gives a framework for the classification of urban areas and cities. It includes the cities as proposed by the proposed Eldoret city, their municipalities, towns and markets.

This framework also establishes a governance and management system for these urban areas. The municipalities and the towns will have boards and the markets will have committees. This means that the urban areas and the cities will be managed efficiently and effectively.

The Urban Areas and Cities Act also spells out a framework for the participation by the residents in the governance of the urban areas and cities.

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

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

Mr. Temporary Speaker, Sir, it is important that the residents of those urban areas are consulted in the management and governance of those cities. I second the conferment of the city status to the municipality of Eldoret, as spelt out by the Mover. We saw a participatory process. In the Report, we saw the different stakeholders that were consulted in this process.

The Urban areas and Cities Act also spells out a clear criterion for this conferment. It spells out population as it is in the Report, the municipality must have a

development plan which is integrated. The planning ensures that the municipality of the proposed city is orderly on the ground. Planning is about organising the space.

Mr. Temporary Speaker, Sir, another criterion spelt out is that Eldoret has the capacity to generate sufficient revenue. The essence of the Urban Areas and Cities Act is that the urban areas will be self-sustaining. They will be able to generate revenue and in return, sink back this revenue in giving the services to the residents of the city.

Another criterion is that the municipality is able to effectively and efficiently manage their services. Efficiency and effectiveness are key to the residents of these municipalities. It is not only enough that the municipalities will be collecting revenue from the residents of the urban areas; as they collect this revenue, as I said earlier, it must be sunk back in the services offered. The residents must have adequate water, roads must be built, and there must be improved health facilities, streetlights and sewerage plants in place. As this Report shows, all that has been spelled out.

Mr. Temporary Speaker, Sir, it is not enough that the urban areas are focused only on the incomes that are generated, but a clear roadmap must be given for all the services expected by the residents in these urban centers.

Mr. Temporary Speaker, Sir, I second the conferment of city status to the Municipality of Eldoret.

Thank you.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you may have the Floor.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I strongly support this Motion. There is no greater urgency to debunk the lie that our towns are not ripe for city status than to give you the example of the Republic of Estonia.

Estonia has a population of 1.3 million people only. It has the following cities; Tallinn with a population 450,000 people, Tartu, population of 97,000, Parnu with a population of 40,000 and Sillamäe with a population of 12,000 people.

This lie of insisting that our towns should acquire city status only if they have reached a population of over 250,000 people is the old school of thinking. A city should be based on the infrastructure. If a county government is able, the way Gov. (Prof.) Peter Anyang'-Nyong'o, who used to sit there, has done to Kisumu County in six short years, allow those people to have their city.

A population of 750,000 is the population of a Baltic state. As I have given you an example of a Baltic state, Estonia has many cities. We should support Eldoret. It is ripe, it has got land, an international airport, first class hotels and more importantly, it has the opportunity for investment.

What is going to spoil Eldoret is if you deny them this opportunity to climb to city status--- You know, Eldoret is surrounded by people who multiply day and night---

(A hon. Senator spoke off record)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

No, I do not want to substantiate again. Before you know it, Eldoret will become a town of slums instead of being a planned city. The only way to stop Eldoret from becoming a town of slums, let us bestow to it city status now, so that the fathers of the city can start planning for the future to avoid a slum.

Eldoret could be the only city in this country that will not have slums. There will be room to plan. Slums come because there is no land and people want to stay near the city, so they keep on crowding in one place. However, people can plan if there is enough space, like we have in Eldoret.

Secondly, if we give Eldoret city status today, it can change and make a paradigm shift on the land tenure policy in this country. The land tenure policy where everybody fights to have a quarter of an acre in Kakamega or an eighth of an acre in Vihiga can only change if we change the land tenure policy, so that only people with probably 10 or 100 acres of land are the ones who are allowed to have farmland, but for the rest, we now develop housing so that those people can come to towns.

Mr. Deputy Speaker, Sir, as I support Eldoret, we should also realize that there is an opportunity for tourism in Eldoret. Eldoret is referred to by the locals as the 'home of champions.'

I have just been having a *tete-a-tete* with the distinguished Senator for Kisii on what would stop the fathers of that city in planning for athletic villages. Public partnership; investors will come, put up those villages and we will have state-of-the-art stadia for squash, table tennis, soccer and, of course, athletics which they love best. We have to be futuristic if we are going to give alternative ways of creating employment for our youth.

Today, if you were to ask the Senator for Migori, he will tell you that he had already started planning for his first-born son even before he married the mother or even before the mother conceived him. Go ahead and plan; it is good planning.

If you were to ask him what he would want that hypothetical son of his to have--- You are not too different from Sen. M. Kajwang', whose son is a toothless boy and he thinks he can start threatening people. A toothless child and inexistent child are very close.

Mr. Speaker, sir, if you were to ask him, he will tell you that he wants his child to either be an economist or he wants his son ---

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. M. Kajwang'?

Sen. (Dr.) Khalwale: I have done nothing wrong.

(Laughter)

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I rise on the point of order that addresses relevance. Could Sen. (Dr.) Khalwale tell the House what the teeth of my child have to do with this Motion that is about conferring city status to Eldoret? Could he stick to the Motion and leave the teeth of my child alone, whether he is toothless or otherwise?

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(Laughter)

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Mr. Deputy Speaker, Sir, I also rise on the same point of order as my senior, the ranking Member of Homa Bay. I do not know what is happening today with the Majority Whip, Sen. (Dr.) Khalwale or what he smoked. I know in the region where the Majority Whip comes from, people smoke different things. I do not know whether one passed by his face when he was coming---

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

Sen. Oketch Gicheru: Relevance, Mr. Deputy Speaker, Sir. Ask the Majority Whip to stick to the topic and leave people's children out of this discussion of the cities. Unless, he has a substantive Motion to discuss the children of Sen. M. Kajwang', then he can bring that Motion. If there is a tussle between him and Sen. M. Kajwang' that they share some children and we do not know, he can let us know.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, what is this issue that is concerned with children and Eldoret city status?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, if I heard correctly from the Senator for Homa Bay, he was challenging me on the Standing Order of relevance. Had he been listening, I was talking about population, where we have made a useless law that says if a town does not reach 250,000 people, it will not acquire city status.

It is because of the population factor that I started talking about the lack of children by Sen. Oketch Gicheru. When you started laughing at him, I cautioned you that, after all, you are not too different because yours are merely toothless. I would have been wrong if I had referred to your artificial beard. Then, you would have challenged me, but because we are now---

(Laughter)

Mr. Deputy Speaker, Sir, these athletic villages, development of sports, it is the things that we have that those people do not have that will cause them to come where we are and, therefore, give us money for tourism.

All the money you spend in the United Kingdom, for example, when you go there and go on the rooftop of those buses of theirs that tour the city, the money does not show you anything that you cannot replicate in this country.

We need to convert our towns into cities and move our people from the rural areas to come to the city, so that our country can develop faster. It is a fact of science that countries that have moved their populations into central places develop faster.

Mr. Deputy Speaker, Sir, I am under attack by my neighbours such that even when I speak they are pointing fingers at me. It was Charles Njonjo who used to look at MPs seated where you are. Charles Njonjo would be on my side and an MP would stand up and say "Mr. Speaker, Sir, Charles Njonjo is looking at me".

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

With those many remarks, I look forward to Eldoret becoming a city. If Eldoret becomes a city, it would mean that Kakamega, Migori Town and other areas are on their way to becoming cities. That is the way to go.

I support and hope that the Member from the Pokomo community will agree with me.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM UASIN GISHU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Uasin Gishu County leadership, who are in the Senate for a one-day visit.

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

- | | | |
|---------------------------|---|--------------------------------------|
| 1. Mr. Micah Rogoni | - | CEC, Finance |
| 2. Mr. Joseph Lagat | - | CECM, Public works |
| 3. Mr. Eliud Chemaget | - | Chief Officer |
| 4. Ms. Victorine Kipkiyai | - | Chief Officer |
| 5. Mr. Willy Kenei | - | Chairperson, <i>ad hoc</i> committee |
| 6. Mr. Julius Kitur | - | Chairman, Municipal Board |
| 7. Mr. Tito Koyet | - | Municipal Manager |
| 8. Mr. Emmanuel Serem | - | Director, Assets |
| 9. Mr. Noah Samoei | - | Office Administrator |

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 my own behalf, wish them a fruitful engagement.

I thank you.

(Applause)

(Resumption of debate on Motion)

Next is Sen. M. Kajwang'.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I join the Mover, the seconder and the 'bullfighter' of Kakamega, who currently goes by the title of 'the coward of Kakamega' in supporting this Motion.

This is nostalgic because, in the last Parliament, we had a Motion that was brought to this House for the conferment of city status to Nakuru City. I was privileged to be the Chairperson of the Devolution Committee. I brought a Report to this House, the House adopted, and Nakuru is now a City.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I agree with those who believe that we need more cities. In fact, we need at least 47 cities in this country. The idea that cities are supposed to be somewhere close to the mountain, ocean or lake is completely outdated. Currently, about 27 per cent of Kenya's population is urban, but it is urban in very squalid conditions. We must ensure that we develop urban areas to cities, and municipalities, so that the things that our people used to do and the kind of life that they used to live long before modernity, we make it a thing of the past.

Sometimes some of us are very proud of where we come from because we can go to the lakes and rivers and bathe, wash utensils and clothes. However, that is not how we are supposed to live in the modern world. Even though these urban areas and many people in those urban areas are living in slums and shanties, that is not how it is supposed to be.

If this House adopts this Report to make Eldoret a city, I would like that it be a modern city. It has so much space. I was a student at Moi University and spent four years in Eldoret. It is a beautiful place with lots of land, such that it can expand in whatever direction. Kisumu would like to expand, but it cannot expand into the lake. Mombasa would want to expand, but it cannot expand into the ocean. Nairobi would want to expand, but it is expanding towards Ruiru, Machakos, and Kiambu.

Eldoret has a golden opportunity to be a city that can be replicated; a city that people can come just to marvel at urban planning in Kenya. There is no reason the Romans, Persians, Greeks, Egyptians, and even our neighbours, the Baganda, could build modern cities planned, with facilities, services, water, sewage, and ablution, yet we, with more superior knowledge and technology, are building cities that turn into shanties and slums.

That must be the challenge that we give to Eldoret. From the mood of the House, it appears that Eldoret is going to be our next city, but what kind of city do we want to build in Eldoret? We must build resilient and sustainable cities. Cities that are environmentally clean, green, powered not by coal and archaic methods of electricity and power generation, but powered using clean and green energy.

I know we have an adjournment Motion, and so, I will make my comments very brief. There are certain risks that I must bring to the attention of the House. In your introduction, you have introduced the Municipal Manager of Eldoret. We want to see the Municipality of Eldoret doing what it ought to do under the Urban Areas and Cities Act and under the Public Finance Management Act.

This morning, the County Public Accounts Committee (CPAC) had a session with the Governor of Uasin Gishu. Part of the issues that the Auditor General has flagged is the non-preparation of Financial Statements by the Municipality of Eldoret. I am glad that the Auditor General now says that it is a thing of the past. However, we must take financial management very seriously if we want to build modern resilient cities.

Three months ago, the second largest city in the United Kingdom, Birmingham, filed for bankruptcy because it is unable to meet its obligations. I see a risk in the City of Eldoret. When we looked at the contingent liabilities in the County of Uasin Gishu, it emerged that Uasin Gishu has 700 court cases that are active. If you quantify that

contingent liability, it comes to an amount that is higher than the annual revenue that Uasin Gishu as a county gets on an annual basis.

If you are making a technical decision today, perhaps, we would tell the people of Eldoret to go and sort out their contingent liabilities, pending bills and financial management issues before we can approve the Motion for them to become a city. However, we need to be pragmatic because we cannot wait for it to be perfect to be a city. We will allow you to be a city, but also hold your hands, so that you can be a perfect city that is financially sustainable and environmentally friendly.

Another thing that I wish goes on record is that Eldoret must strive to build a diversified economy. Uasin Gishu has for long relied on agriculture, but we are happy that we are seeing it become a hub for academia. I am a graduate of that town. It is becoming a hub for medical-related issues because of the referral hospitals.

In conclusion, as I support this Motion, we need more cities. Kakamega should be knocking on the doors of the Senate. There is no reason even this Ruiru that is next to Nairobi should not be knocking on the doors of the Senate. There is no reason each county should not have a city. Having a city is not a bad thing. It is a sign that there is civilization. It is a confirmation of urbanisation. It is a confirmation that you are moving from agrarian and primitive societies into a much more modern society.

As a Senate, I believe that we now need to come up with legislation that is specific to cities. We have one County Government Act that cuts across from Nairobi to Tharaka-Nithi and to Turkana. We have one PFM Act and Regulation, one Procurement Law and Regulation that cuts across the villages, towns, to urban areas, municipalities, cities and to counties. We now need to start differentiating. The manner in which we run a city like Nairobi cannot be the same way in which we run a town like Homa Bay and yet the law and the threshold are the same.

So, as a House, I want to challenge us that we need to start thinking of city-specific laws to support Nairobi, Mombasa, Kisumu, Nakuru and Eldoret, which I am hopeful that the House will support to be a city.

Mr. Deputy Speaker, Sir, I support.

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

Sen. Mungatana, MGH: Asante sana Bw. Naibu Spika, kwa kunipa nafasi ili nitoe maoni yangu kuhusu Hoja hii. Kwanza nasema ni furaha kubwa sana kwangu leo kuwa mmoja wa wale Maseneta tunaopendekeza Eldoret ipewe kibali cha kuwa Jiji kuu kamili. Mara yangu ya kwanza mimi kuenda Eldoret nilikuwa kijana mdogo sana. Nilikuwa bado shuleni. Miaka hiyo ndugu yangu mkubwa ambaye sasa ni Profesa wa *Economics*, Eric Mungatana, alikuwa mhadhiri katika Chuo Kikuu cha Moi University, Eldoret.

Tulikuwa tunaishi sehemu inaitwa Kapsoya. Nilikuwa nimeenda likizo na nilipendezwa sana na mji huo wa Eldoret. Lakini miaka hizo, barabara nyingi hazikuwa na lami. Zilikuwa ni mchanga. Wakati wa jua, gari likipita ilikuwa ni mchanga na vumbi tupu.

Ukiruka miaka kadhaa sasa, tulikuja wakati wa kampeni. Mwisho kwenda huko ni wakati mwenzetu hapa Sen. (Prof) Kamar alituita kwa mambo yake ya nyumbani ya

mtoto wake. Tulipofika hapo, tofauti ya miaka ile nilikua Eldoret na wakati huu wa mwisho nilipoenda, ni kama mbingu na nchi. Niliona barabara nzuri na watu wazuri kutoka pale uwanja wa ndege. Wakati huo zamani, kulikua hakuna uwanja wa ndege, lakini wakati huu, niliona uwanja wa ndege mkubwa na mzuri. Nikaona pia jiji safi. Tulipokua tunatoka huo uwanja kwenda hotelini, hatukuona takataka kwa barabara zikiwa zimwemwagika ovyo. Nilifurahia mandhari ya Eldoret na zile siku tulikaa huko.

Leo hii nikiitwa kama Seneta kupitisha ombi lao la kuwekwa cheti cha jiji kuu, nitasema niko pamoja na wao. Ninapea pia, hongera Kamati ya Ugatuzi kwa kazi ambayo wamefanya kutembea kule, kujua hali zao, kuwauliza maswali na kutoa hii ripoti iliyo mbele yetu kuijadili.

Bw. Naibu wa Spika, kama Seneta wa Tana River, ningependa wale walioshikilia ugavana pale Tana River waangalie vile wenzetu wanafanya nje ya Kaunti yetu. Hapa tumeambiwa kwamba usafi wa jiji ni kitu muhimu katika kuangalia kama jiji litaitwa mji mkuu au *city*.

Saa hii kule Tana River, ukitoka sehemu za Bangale ukielekea Garissa, unaona uchafu wa makaratasi ya plastiki. Gavana yuko lakini hakuna usafi unaotekelezwa katika majiji yetu. Sio Bangale peke yake. Nenda Garsen, Hola na kila sehemu. Ni kama nchi haina kiongozi na yeye yuko pale tu. Tunataka watu waangalie vile wenzao wanafanya, mpaka wanakuja kutoka manisipaliti wanakua jiji kuu. Ni lazima tujifunze kutoka kwa wenzetu.

Bw. Naibu Spika, hapa kati ya mambo ambayo yanatikikana ni kua na chumba cha kufadhili maiti. Gavana wa Tana River, ambaye anakaa Muhula wa pili, hajawai kuona umuhimu wa kutengeneza mahali pa kuweka maiti zetu. Huyu ni Gavana mzima anatumikia Muhula wa pili!

Watu wanaingia gharama kubwa sana kule Tana River. Hii jumamosi tunaenda kuzika mwalimu. Huyu mwalimu aligongwa na bibi yake akapata mshtuko. Baada ya siku tatu, huyo bibi akafa, lakini huezi kuweka maiti Garsen, Hola au Bura. Ni mpaka uende kaunti ingine.

Hii ni aibu kubwa sana tuko nayo bwana! Tukizisema hapa, tunasikia vibaya na tuko na Gavana ambaye anapata pesa. Nikipitisha pesa hapa pamoja na wenzangu, anaenda kule na badala ya kupanga mambo ya maana, tunasikia mambo hata hayako katika hii Kenya. Huyu ndio Gavana tuko naye saa hii.

Bw. Naibu Spika, tukiangalia *health facilities* zilizoandikwa hapa, Eldoret wametengeneza mambo yao na yakasimama vizuri na ndio maana leo, wamekuja kifua mbele wakisema wanataka kupewa nafasi waitwe jiji kuu. Vituo vya afya kwetu havina madawa na tuko na Gavana, yuko tu pale. Kama ule mwalimu alikufa juzi aligongwa na basi, unafika kwa kituo cha afya kilicho karibu, unapata watu wa kukuhudumia hawako na mtu anakufia pale ukimwangualia. Na saa hio tuko na serikali ya Kaunti.

Imekua aibu mpaka watu wetu wakitoka Tana River kwenda kaunti zingine kufanyiwa matibabu wanakataliwa. Wanaambiwa kila kaunti inapata pesa za ugatuzi kwa hivyo, waende wakatibiwe kwao. Hivyo ndio hali ilivyo.

Bw. Naibu Spika, tunasema magavana wengine na sio wa Tana River peke yake, waangalie mfano wa Eldoret na vile mambo yanapangwa ili nchi iendelee. Hapa Sen. M.

Kajwang' amesema anataka kuwe na mijiji mikubwa 47 humu nchini. Lakini, je magavana wako macho na kuangalia vile wenzao wanafanya?

Kuna watu wametafuta hizi nafasi ili wajitajirishe wenyewe. Hawana mioyo ya kusaidia wananchi na Mungu anawaona na siku zao zitafika. Sio kupoteza kiti peke yake. Ni lazima wasimame wakati wataulizwa vile walipewa nafasi ya kua Gavana wa jimbo au gatuzi fulani, walifanyiwa nini watu wao.

Bw. Naibu Spika, tunaomba sana magavana waige mfano wa hii Kaunti ya Uasin Gishu vile wamekuja kufanya kazi zao mpaka Kamati ya Ugatuzi ikaenda kukagua na ikapitisha. Kaunti ya Uasin Gishu walikua kifua mbele kwamba mambo yao yatakua sawa na kweli Kamati hii imeleta ripoti tuliyoifurahia.

Nilifurahi nilipoenda Eldoret katika usafiri wangu wa mwisho. Tuliona tofauti kati ya Eldoret tuliyojua na Eldoret ya sasa. Kwa hivyo, nawaomba wenzangu tulio na Hoja hii leo tuipitishie bila kupoteza wakati.

Asante, Bw. Naibu wa Spika na Mungu akubariki.

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

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING GOVERNOR OF UASIN GISHU COUNTY

Hon. Senators, when I acknowledged the team from Uasin Gishu County, the hon. Governor was not present. I will now acknowledge the presence of His Excellency hon. Jonathan Bii.

(Applause)

Considering the Senator for Uasin Gishu was not in at that time, I will give him two minutes to acknowledge their presence and welcome them in the Senate.

Sen. Mandago.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to welcome my County Delegation, led by the Governor. I am the most fortunate Senator to serve in this term and that my Governor is in the Gallery.

Yesterday, we were debating the County Governments Additional Allocations Bill and I want to let them know that the Senate has added an additional of over Kshs1 billion to go and improve services in my home County. I am grateful to this House for that support of ensuring that additional funds go to counties.

(Resumption of debate on Motion)

Mr. Deputy Speaker, Sir, as the Senator for Uasin Gishu, I thank the Committee on Devolution and Intergovernmental Relations who went to the ground and assessed the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

readiness of Eldoret becoming a city. The people of Uasin Gishu are eagerly waiting for the conferment of Eldoret as a city.

Mr. Deputy Speaker, Sir, when you went there during the Devolution Conference, you became aware that Eldoret is indeed ready to become the fifth city of this country. As it gets conferred to a city status, it should also be known that it is the fastest growing town and will become the fastest growing city in Kenya and has the potential to become the biggest city in this country. We say that because we are privileged as a County to have land for expansion, are located on the corridor that serves the East African region and we have the old railway line.

However, I hope that this administration will extend the Standard Gauge Railway (SGR) to Eldoret and Malaba, but it is only in Eldoret County where we have five railway stations. They start from Kapng'etuny, Plateau, Eldoret, Leseru and Moi's Bridge. Therefore, that means in terms of transportation, we can easily transport goods to the market within and outside the country. That is a city that is ready for investments.

I urge Kenyans from all over the country and investors who come to this country, that the investment choice destination should be Eldoret. We are privileged and we want to thank the late President Moi, who at his time of presidency, established the Eldoret International Airport.

Mr. Deputy Speaker, Sir, and you remember some Members who sat in this House and Parliament who are your colleagues, once said that, that International Airport is going to be used to ferry cow dung.

I want to report as the Senator of Uasin Gishu County, that, the International Airport, indeed, is being used for export. Goods come through Eldoret International Airport and it is the best Airport for cargo goods to land. The turnaround time is less than a day for a flight to off load cargo.

Mr. Deputy Speaker, Sir, I, therefore, want to thank you for giving me the opportunity and thank this team from the county for making sure that they finalize the process of Eldoret becoming a city. Allow me one second just to throw a caution to the Governor and his team that for Eldoret to remain a city, the issue of urban planning and approvals must be taken seriously.

I was disappointed to see a development on top of a sewer line. Hon. Governor, a city is driven by the department of planning and urban development. Keep your eyes on that department because we want to have a modern city.

I thank you.

The Deputy Speaker (Sen. Kathuri): I did not intend to cut you short, but this House decided earlier on to suspend the Sitting, so that we can discuss a matter of national importance.

So, Sen. Munyi Mundigi, can you move your Motion?

**MOTION OF ADJOURNMENT
UNDER STANDING ORDER NO. 37**

UKOSEFU WA USALAMA KATIKA KAUNTI YA
TURKANA NA ENEO LA SONDU

Sen. Munyi Mundigi: Bw. Naibu Spika, naomba Hoja ifuatayo -
KWAMBA kikao cha Seneti kihirishwe kwa mjibu wa Kanuni ya Kudumu ya Seneti 37(1), ili kujadili suala mahususi la dharura na muhimu kwa taifa kuhusu ukosefu wa usalama katika eneo la Sondu na katika Kaunti ya Turkana.

Bw. Naibu Spika, kutoka mbingu na nchi ---

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Mandago? Just a minute Sen. Munyi Mundigi.

Sen. Mandago: Mr. Deputy Speaker, Sir, did I hear the Senator for Embu say Sondu is in Turkana County?

(Laughter)

The Deputy Speaker (Sen. Kathuri): Hapana. Hii Hoja imeunganisha usalama wa Mji wa Sondu na Kaunti ya Turkana. Zote ziko na shida. Kwa hivyo malizia Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Naibu Spika, kutoka Mungu aumbe mbingu na nchi mpaka tupate uhuru, katika Kaunti ya Turkana kumekuwa na vita juu ya mifugo na pia janga la njaa. Pia kumekuwa na shida ya vita kati ya watu wa Turkana, Uganda, Ethiopia na majirani wao wa Pokot.

Kutoka tupate uhuru mpaka mwaka wa 2013, Turkana imezidi kuwa na shida hiyo. Kutoka wakati huo wa mwaka wa 2013 mpaka miaka kumi, Turkana imekuwa na shida ambayo haijaisha.

Cha ajabu, nashukuru Mungu kwa sababu ya watu wale waliosema kuwe na ugatuzi. Katika nchi ya Kenya tuko na kaunti 47. Katika kaunti hizo 47 inasemekana kuwe na idara kumi na zimekuwa zikipata pesa.

Kaunti ya Turkana kwa miaka 10 imekuwa ikipata karibu pesa taslimu Kshs1.3 bilioni. Kwa mwaka imekuwa ikipata karibu Kshs13 milioni. Wakati huo, Embu Kaunti imekuwa ikipata karibu Kshs6 milioni.

Jambo la ajabu ni kuwa wale waliotengeneza hii sheria, ilikuwa ni kwa ajili ya kuwaunganisha wale watu waliojuu na wale walioko chini na hawajiwezi, ili waweze kupata pesa ya kujimudu kimaisha na maisha yao yaweze kwenda vizuri.

Kutoka wakati huo mpaka leo, ile kaunti ya Turkana imekuwa na shida. Kwa mfano, kumekuwa na mambo ya janga la njaa na vita. Unapata kwamba hakuna hata mti moja. Utakuta kuna shida hadi vitu vilivyotengenezwa na serikali za awali wa zamani vyote vimezoroteka.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Bw. Naibu Spika, wakati tulienda uko juzi, tulienda tukatembea. Shida kuu ni usalama. Hata tulipokuwa tumelala ama tunatembea, askari walikuwa pale. Seneti itasaidia kwa njia gani Kaunti ya Turkana?

Tunataka kujua kuhusu mambo ya pesa. Kuna wakuu wa *Public Accounts Committee (PAC)* na watu wanaoitwa *Auditor-General*, pesa taslimu Kshs100 bilioni ama Kshs130 bilioni tunataka kujua ziko wapi.

La pili, mimi nikiwa Mwenyekiti wa Kamati ya Kilimo, Ufugaji na Uvuvi, tulitoka Turkana *Town* tukaenda pahali ambapo mambo ya kilimo yanafanywa. Tulikuta kuna *irrigation*. Wale tulifikiria tutakuta watu wanalima wengi ama serikali inalima, tulipata ekari 10 pekee ambayo inalimwa na mama mmoja na bwana yake. Jambo la huzuni ambalo alituambia ni mambo ya vita. Tulisikia hata mambo ya mbolea na mambo ya National Cereal Produce Board (NCPB) hawajui.

Juzi nilisikia wakisema kuwa hatukuwapa muda wa kuongea. Sisi tuliwapa muda wa kuongea lakini mambo ambayo walisema ni mambo ya vita. Jambo la ajabu ni kuwa utakuta kuwa hakuna jambo nzuri linaloendelea kule. Kwa hivyo, hadi sasa Seneti ikitaka kusaidia ili mambo ya ugatuzi isiishe, ni mradi tuwe macho.

Tuliangalia ile shamba na la kushutua, yule mama alikuwa analima heka10 na zile zingine haziwezi kulimwa. Kwa hivyo, kama vita havingekuwapo, yale mambo yangekuwa yanaendelea vizuri.

Siku ya pili tulienda mahali pa uvuvi wa samaki. Tulipata kampuni moja ambayo ilijengwa miaka mingi ambayo imezoroteka. Tunataka kujua zile pesa zinazopelekwa Turkana zinafanya kazi gani kwa kuwa hakuna kitu chochote kinachoendelea pale.

Watu wa Turkana wako na shida na msukosuko wa vita. Hata wakati magari yanaendeshwa kwa njia, unakuta jua ni kali sana na kila mtu anaomba maji. Jameni kwa sababu hii *Upper House*, kutoka sasa, mfikirie vile mtaoko baadhi ya kaunti. Hii ni kwa sababu kaunti nyingi ziko na pesa nyingi lakini hazijafanya kazi inayofaa.

Mwisho ni mambo ya uvuvi wa samaki. Ile kampuni imezoroteka. Samaki walio pale kama wanaweza kuangaliwa vizuri na pia kilimo, wale watu watapata chakula. Kwa hivyo naomba serikali na Seneti tuungane pamoja tuweze kuona vile tutasaidia wale watu wa Turkana na Kaunti zile zingine zilizo na shida.

Nikimalizia, Seneti inastahili iseme kuwa kama kuna Kaunti 47 na ziko na kazi nyingi, ningependa kusema pengine kuwe na kila Kamati itakayosimamia kama Kaunti 10. Kwa njia hiyo, kwa Kipindi ya miaka mitano tunaweza kuona vile tutaweza kusaidia wale watu wa Turkana.

Naomba Sen. Oketch Gicheru, asimame aniunge mkono.

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

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

The Temporary Speaker (Sen. Abdul Haji): Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I thank you so much. I stand to second the Motion to adjourn the House and discuss the issue of national importance, namely, insecurity in Turkana and Sondu.

Indeed, I will start by commenting that I visited Turkana during the Senate *Mashinani*. I appreciate the fact that it is an issue of growing concern. I also appreciate that there are some responses that we have seen in that area and, my brother, Sen. Munyi Mundigi, has captured it very well. I hope that this continues.

In the areas of Kainuk, we have seen the deployment of a serious force of the Government. As we were being escorted to a number of places, I saw the National Police Reserves (NPR) even in the irrigation schemes. Therefore, I invite our attention to a raw and grievous issue that is going on in the counties of Kisumu and Kericho. The issue of Sondu is one that perturbs my mind.

I have been trying to keep in touch with information that is coming from the ground. As I speak, six people are dead, 10 wounded and hospitalized in Nyabondo and Kisumu hospitals. Eleven houses of individuals claimed to be of Luo descent have been torched. It happened this morning.

In Sondu Town, there are three major business premises that have been burned down today. As I speak right now, 200 people of Luo descent have been displaced in Sondu. Others are housed at Saka Primary School. You can find this information at the ACK Church in Ngege.

This concerns me because this issue has been here for the longest time. For people who are not familiar with it, it oscillates between two issues of conflict areas. One is the issue of periodic attacks by the Kipsigis and the Luo communities on the issue of cattle. However, the more overarching issue has been the contested border points between the two communities.

During the regime of the late President Moi, this issue escalated very fast to a serious tribal clash that first started with the attack on the Luo community and then escalated to retaliations leading to killings of the other community.

During the regime of President Kibaki and Uhuru Kenyatta, we saw a bit of calm between the two communities. However, these new attacks on the Luo community at the border has emanated in the wage of *Maandamano*. I remember on 7th July, 2023, there was an attack perpetuated on the Luo community by the people that come from the other side of the contested border in Kericho County.

The eight people who died were all from the Luo community. I am a national leader. I do not want to tribalize this just because I happen to come from that area. It is wrong to tribalize these kinds of conflicts because that ethnic wrangle can bring down a nation. However, the kind of silence that we have seen by the Presidency on the issue of Sondu is wanting. This is because the President has appointed a Cabinet Secretary who is supposed to deal with issues of this magnitude.

When the Cabinet Secretary in charge of Interior and National Administration went to Sondu, he did not take time to sit down with leaders of that area and deal with the overarching issues of these tribal killings. Instead, he ended up sitting with the police administration.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

This happened knowing very well when the clashes started, the police were supporting members of the other community to facilitate these kinds of crimes. They were on the television and we saw it---

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

The Temporary Speaker (Sen. Abdul Haji): What is your point of order Senate Majority Whip?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I stand under Standing Order No.105 to appeal to my colleague that even if he has grounds for substantiation, let this Motion bring us together and contribute towards peace.

When we use this Floor to state categorically that the police are aiding one tribe against another, we are not rising to the level of this House. I do not think that any police commander has the capacity to see two youths and know that they belong to either the Luo or Kalenjin community. It is the wrong way to go.

I appeal to my brother that is not the route. Otherwise, tomorrow we shall count more bodies. I tell you this.

The Temporary Speaker (Sen. Abdul Haji): Sen. Oketch Gicheru, can you correct your statement if that is what you had said.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I have given you the statistics that are in the national domain. If there were random clashes anywhere and eight people belonging to one community died, why must I not mention it?

Sen. (Dr.) Khalwale, as I speak right now, the formal border as is in the Government of these two conflicting communities is right---

The Temporary Speaker (Sen. Abdul Haji): Sen. Oketch Gicheru, you will address the Speaker and not Sen. (Dr.) Khalwale.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. I want to inform my brother Sen. (Dr.) Khalwale that the border of the two warring communities is right behind Holo Primary School in Nyakach. That is about one kilometre away from the Kisii-Ahero tarmac road.

As I speak, the police are at the tarmac road. They are not at the border where the clashes are happening. It means that it aids one community against the other.

One of the prayers that I invite the Senate to do is to make sure that the police infrastructure in that border region is changed completely. We need to have new officers and authority to deal with this issue without bias so that these communities can be at par.

I was also alluded that the President must make a pronouncement on this issue. The Cabinet Secretary went there a few months ago and was unable to resolve the issue. The President comes from the other community that is in power while the other community is perceived to come from the opposition. If the President does not pronounce himself in this matter, the issue will be politicized and escalate to the levels that Hon. Sen (Dr.) Khalwale---

(Sen. Oketch Gicheru's microphone switched off)

The Temporary Speaker (Sen. Abdul Haji): Kindly add him one minute to conclude.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, just one minute to conclude.

I am trying to prescribe solutions here. If the President pronounced himself on this issue as a matter of national security, it will be weightier and shall be taken seriously by local leaders, so that they sit down and talk. Otherwise, if the President does not pronounce himself on this matter, I plead with this House because we are national leaders, to form an *ad hoc* Committee to investigate these issues and try and bring the communities together.

I urge the Senate Majority Whip because the Senate Majority Leader is not in the House, to help us come up with an *ad hoc* Committee. We will go to these communities, sit down with them and form an equivalent of Gacaca courts to talk to them to bring this matter to rest. Otherwise, we might lose a nation by having two communities pitted against each other. One community comes from the President's side and the other from the leader who is purported to be the leader of opposition.

I would like to support this Motion and invite sobriety as we deal with this issue. It should not be tribal. We should find lasting solutions without any bias.

I second the Motion.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Waheshimiwa Maseneta, nawajulisha kwamba, kufuatia Kanuni za Kudumu za Seneti 37(6) kila ambaye atachangia kwa Hoja hii atakuwa na dakika tano pekee. Pia, natoa onyo kali, kuwa inafaa tujizuie kutokana na kuchochea vita kutumia matamshi yetu. Tuweze kuongea kwa njia ambayo italeta suluhu.

Sen. Murgor, huu muda ni wako.

Sen. Murgor: Asante sana, Bw. Spika wa Muda. Nashukuru kwa kunipa nafasi. Ninakubaliana nawe kuwa ni lazima tujichunge ili tusiwe wachochezi katika unenaji wetu. Singependelea jina la Mhe. Rais litajwe kwa sababu ya yale yanayojili kule Sondu. Kuna sehemu nyingi ambazo shida kama hii inaendelea na haihusu Mhe. Rais kwa njia yoyote ile.

North Rift ambapo mimi, Mhe. Rais na viongozi wengi wanatoka, kuna shida hii. Lazima tuangalie shida iliyopo kisha tuitatue. Pia singependelea twende Turkana Kaunti na kuafikia kuwa Wapokot ni wabaya kwa sababu wameua Waturkana. Tangu mwanzo wa mwaka huu Wapokot zaidi ya 30 wameuwawa. Hatusemi kuwa Waturkana ni wabaya, ila uovu unaoendelea ni mbaya. Wale wanaoua Waturkana ni watu wabaya.

Hatufai kuelekeza kidole cha lawama kwa jamii moja. Jamii hizi zimekuwa na hali hii kwa miaka mingi kwa sababu ya tabia zilizoko. Tabia hizi zinaletwa na ukosefu wa maji na upungufu wa chakula. Haitasuluhisha kufikiria kuwa Sondu Wakipsigis ni wabaya na Wajaluo ni wazuri. Tutafute suluhu ili tuweze kuleta watu wanaozozana katika sehemu tofauti pamoja. Viongozi wakichochea kikundi kimoja dhidi ya wengine, itakuwa kama kumwaga petroli juu ya moto.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sisi kama viongozi ndio tutakaoleta suluhu na kuelekeza watu wakae kwa njia inayofaa. Serikali imetuma vikosi North Rift kutafuta suluhu na kuleta maendeleo ili wawache kuzozana, wakae pamoja na kugawa rasilimali pamoja. Kaunti ya Turkana ina sehemu ya kati ambayo haina shida za vita kwa sababu hakuna kinachoendelea. Pahali kuna shida ni kwenye mipaka.

Mbona Turkana ya Kati haiendelei? *Non-governmental Organizations (NGOs)* zimejaa katika Kaunti ya Turkana. Hakuna kaunti iliyo na *NGOs* nyingi kama Kaunti ya Turkana na hakuna maendeleo. Shule ni za undongo na mahospitali haijafika kwenye kiwango Waturkana wangependa kwani hakuna madawa. Mambo ya *irrigation* haijaafiki. Kitu gani ambacho kinachukua rasilimali ambazo zinaenda katika Kaunti ya Turkana. Mbali na Kaunti ya Nairobi, Turkana ni ya pili kupata mgao wa kaunti wa juu.

The Temporary Speaker (Sen. Abdul Haji): Sen. (Dr.) Khalwale, you may have the Floor.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. Five minutes is short for one to speak on instability in Turkana County and in Sondu. Allow me to dwell on Sondu because of the active nature of what is happening there.

The youth politicians are the problem in Sondu. Before politicians go to Sondu, they have already formed an opinion. On social media, they are stating that the President should have made a statement. The President serves the People of this country through the Ministries. We have a Cabinet Secretary for Internal Security. It is only after he has failed that the President would look into it. Let us ask Hon. (Prof.) Kindiki Kithure to come to this House and be on top of things.

I refuse to accept that when a Luo man sees a Kalenjin, he sees someone to kill. In 1993 Kennedy Kiliku who was an honourable Member of this House, led a commission that came up with the Kiliku report on the tribal clashes of 1992. He found that the clashes were because of land conflict, cattle rustling, political differences and water resource. The report ended there. Recommendations have been made and universities have made studies on how to solve it.

The shameful bit of it is that the two factors that were not there in 1992 are at play in Sondu. The first one is a boundary conflict. People have started saying that the boundary between Kisumu and Kericho counties be altered. Their politicians are asking them to defend it. The result is death of people, fights and property being destroyed.

The second one is a fight over revenue collection. My younger brother knows the story of Maseno. My other younger brother knows the story of Turbo. If people are going to be incited to fight over collection of resources, ask yourself, who is most likely to benefit if revenue is collected. The person to benefit is the Governor. The Governors of Kericho and Kisumu counties must stop going to public forums and telling people that revenue of Sondu should be collected by this side or that side, this in itself is incitement of our people. Any governor who makes this pronouncement---

Sen. Oketch Gicheru: On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, you know I take this issue very seriously. I rise on Standing Order No.105. I take this issue very seriously because anytime one life is lost in this country, I feel extremely disturbed.

The Senator for Kakamega County has just said, evidentially so, that the Governors of Kisumu and Kericho counties are at the heart of inciting this violence by virtue of their pronouncements. That is a statement of fact.

I want to know whether it is in order for the Senator for Kakamega County to indict the two governors. If, indeed, this is true, then the Senator for Kakamega County must produce those statements for the purposes of dealing with this conflict. That would be for the record of this House because of the people who are dying in that area. This is so that we can use it as a statement of fact to hold these two leaders to account.

Thank you.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I hope you are holding my time.

Hon. Senator, through the Temporary Speaker, this arrogance and entitlement that if a Luo is dying, then I am a Luo Senator, I should be seen to be shouting the most, does not make you a better advocate of the peace and security of that region.

(Sen. Oketch Gicheru spoke off record)

Can you shut up, you do not have the Floor!

The Temporary Speaker (Sen. Abdul Haji): Order, Sen. (Dr.) Khalwale!

(Sen. Oketch Gicheru spoke off record)

Sen. Oketch Gicheru, Order. Can we have some order, first of all, before we continue? Please, hold your horses.

Sen. (Dr.) Khalwale, Sen. Oketch Gicheru stood on a point of order, to ask you to substantiate your statement on whether the two governors have made such pronouncements. Is it your position that you are able to substantiate or withdraw?

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. It will pay for Senators, if they want to challenge others on a point of order, to start by paying attention to what that Senator has said. I have not – and the HANSARD will bear me out – said in any way that Gov. (Prof). Anyang’-Nyong’o or Gov. Mutai of Kericho County is responsible. I said “if”. If you did not go to a good school, be listening to us who went to good schools when we speak in English.

Mr. Temporary Speaker, Sir, it is important and it is documented by institutions of higher learning that specialise in research, that at the heart of this so-called clashes, are perpetrators. Those are not my words. The research has demonstrated the perpetrators are us, politicians, who use our youth. When I say that, I am not pointing a finger at any specific governor. I am just speaking from this Senate and saying, we are requesting politicians to desist from making inciting statements. When people die and that person, for example---

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(The red light on the timer went off)

Give me one more minute, please.

The Temporary Speaker (Sen. Abdul Haji): Give the Senator one minute to conclude.

Sen. (Dr.) Khalwale: For those of us who socialise a lot in the rural areas, I meet Sen. Cherarkey in Nandi County when I am attending funerals of my relatives. I meet Sen. Cherarkey in Kakamega County when he is attending funerals in my place. I meet Sen. (Dr.) Oburu in Siaya County when I am burying my relatives. There is nothing like tribes these days. Tribes are no longer there. Wives are exchanged, children have got DNA across the road. Those people who are stuck in tribes, shame on you.

(Sen. (Dr.) Khalwale's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Lomenen, you may have the Floor.

Sen. Lomenen: Mr. Temporary Speaker, Sir, I support this Motion of Adjournment. I am perplexed to see our colleagues talking about tribes and the President. To me, a bandit is a bandit, regardless of which community he comes from. His aim is to kill, destroy and damage. Terrorists and al-Shabaab cannot be defined by their tribes. They can only be defined by their actions.

The role of the Government is to protect lives and property of its citizens. When the lives of the citizens are threatened who are we supposed to ask? As the Senate Majority Whip has said, there are departments that have been tasked with this responsibility of protecting lives and property.

I remember, one time probably in Baringo County, the President of this nation was very categorical. Apologies, Mr. Temporary Speaker, Sir, since he said in Kiswahili; *"Wezi wa mifugo siku yao imefika. Watashughulikiwa na Serikali ya Kenya. Na sio tafadhali"*.

The President declared this issue. Let us not mention the President because he declared it the way we wanted. Where is the problem? It is the implementers of the policy and orders that we are supposed to ask why people are still being killed.

Sen. Oketch Gicheru: Point of information, Mr. Temporary Speaker, Sir.

Sen. Lomenen: Mr. Temporary Speaker, Sir, I do not want to be informed.

(Laughter)

Yesterday, the Cabinet Secretary for Defence was here. I am just reading Article 241(3)(C) of the Constitution which says:

"The Defence Forces may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly".

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Between Uganda and Turkana County, there is no Kenya Defence Forces (KDF). Between Ethiopia and Turkana County, there is no KDF. Between Southern Sudan and Turkana County, there is only a few KDF. Who is protecting the territory of Kenya there? The people of Turkana County. We are not seeking for compensation. What we are seeking is for the Government to play its role.

To tell you a stable case study in Southern Sudan, everybody even women, are well armed with sophisticated weapons. Everybody is an inspector or general of police. They kill the way they want. Then, on the other side because we respect the law, we only have National Police Reservists (NPRs) or Kenya Police Reserve (KPR). You cannot compare them with these sophisticated people. Since the Turkana community has volunteered to protect the territory of Kenyans whether they are informed or not, let the Government appreciate them by making sure that the NPR; the local people who know the terrain of that area, are increased. Let them be 200 in each centre and no one will interfere with the boundary of Kenya.

The other thing I want to tell you is that the Government delayed---

(The microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Lomenen, I will give you one minute to conclude.

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. I am saying that the Government delayed in the disarmament of these bandits and terrorists. Now, the arms are in the hands of people who are not licensed to have them. When the Cabinet Secretary of Interior goes to a certain area, he finds it difficult to disarm them because the people will claim that “we are always killed, our properties taken yet there is no action taken.” So, they protect themselves, their lives and property until the Government takes action to ensure that there is enough security.

We are saying that there is a tribe who are aggressors. Why did they interfere with the other counties? They interfered with Samburu, Marakwet, Trans Nzoia, Nakuru and even Uasin-Gishu. So, where do these bandits come from?

(Microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senator, your time is up.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, mine is a quick observation. One, I want to thank the two Senators for bringing this bipartisan adjournment Motion: Sen. Mundigi - who I do not agree on what he said about splitting PAC - and Sen. Oketch Gicheru.

Mr. Temporary Speaker, Sir, I would have wished and want to appeal today to my colleagues that let us discuss this Motion with the intention of bringing solutions. It will not benefit any of us to do name-calling. I agree with Sen. Lomenen when he says the President---

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I want to assure the House that Dr. William Ruto has said that his Government will put to an end abuse of law, lawlessness and insecurity across the country. You heard him say in Samburu that this is the Government that will put to an end the issue of cattle rustling and banditry. As we talk, the guns have gone silent in North Rift and we hope it remains that way.

On the issue of disarmament and distribution of NPRs in Turkana County, we should not arm one community against another. When they are giving out the NPRs, they should ensure that they balance the interest so that they do not arm one community against another through the NPR.

I hope that the Cabinet Secretary, Prof. Kithure Kindiki will look at principles of National Security under Article 238 which states that in performing their functions and exercising their powers, national security organs shall respect the diverse culture of communities within Kenya.

Mr. Temporary Speaker, Sir, Prof. Kithure Kindiki used to sit there. He was the Deputy Speaker. They say real statesmen and leaders are made during times of crisis.

I am a neighbour to Kisumu and Kericho counties, but what is happening in Sondu is unfortunate and we must investigate it. Sen. (Dr.) Khalwale has said something, which we are saying "if". If the clashes that are happening in Sondu are politically motivated, Prof. Kithure Kindiki must tell us.

Is it a coincidence that when the President visits Luo Nyanza, there must be tribal clashes at Sondu? Possibly, yes because of political interest of trying to paint the President in bad light when he is touring Luo Nyanza. You saw that when he went to Luo Nyanza in July, tribal clashes happened spontaneously. Now that he is planning to travel tomorrow to Luo Nyanza, it has happened spontaneously.

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

Sen. Cherarkey: I am saying "if"!

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

Sen. Cherarkey: Hold my time.

Sen. Osotsi: Mr. Speaker, Sir, my good neighbour Sen. Cherarkey has claimed that every time the President goes to Nyanza, there are clashes in Sondu. Is he in order to say that because we know that clashes have been occurring in that area for many years? Even in the days of President Moi, people were fighting and, at that time, William Ruto was not the President. Is he in order to say that the President's visit to Nyanza is what triggers the clashes in Sondu?

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, that is exactly what you said. So, I would ask you to withdraw.

Sen. Cherarkey: I said "if" and the HANSARD can bear me witness. I am willing to look at the HANSARD. I said: "Is it possible"? Some of us went to schools of good English. I have said: "Is it possible"?

Sen. Mandago: *(Inaudible)*

Sen. Cherarkey: Mr. Temporary Speaker, Sir, can you take control?

The Temporary Speaker (Sen. Abdul Haji): Can the Senator be heard in silence?

Sen. Cherarkey: I do not know why the Senator for Uasin Gishu is getting excited. *Kouyo kasus sogoriet.*

(Laughter)

The point I am trying to make---

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

Sen. Wambua: Mr. Temporary Speaker, Sir, I am listening to Sen. Cherarkey with more than passing interest. He started very well. He actually advised us that we should debate this matter with the intention of getting solutions. I thought he would pursue that line, but now the route he is taking, I do not know what solution we are going to get out of this.

To imply that the clashes are politically aligned with the visit of the President is to be mean with the truth because he knows very well that this thing happened even long before William Ruto became President.

Could he just go back to line and debate this matter with an intention of bringing a solution? Sen. Cherarkey needs to know that there are people that have lost their lives. People are dead. It is not a matter that we should bring here and start politicizing it.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. What is your point of order, Sen. Oketch Gicheru?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I am standing under Standing Order No.101 because I have seen the mischief of Sen. Cherarkey and the previous Senator who had talked about this use of “if”. This House anticipated that kind of cheekiness and that is why we have got Standing Order No.101 because when you use the word “if”, you are implying and imputing. You know even in the sense that somebody said that they went to a better school, Sen. Cherarkey, if I tell you the school that I went to you might want to go back to school.

You cannot use the word “if” with the intention of trying to impute improper motive on Members of Parliament in the entire Parliament. That is what we are against doing.

Mr. Temporary Speaker, I want to urge you that if the word “if” is a very difficult word for Sen. Cherarkey to use, perhaps you rule that he should not impute and use the word “if” with an intention of imputing improper motive on other parliamentarians not only in this Senate, but also in the National Assembly.

I thank you.

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

Sen. Cherarkey, the use of the word “if” or “maybe” or any word that may asperse improper motive on a person, people, or community shall not be allowed on the Floor of

the House. So, please withdraw the statement about the visit of the President to Luo Nyanza and proceed to conclude your debate.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I stand guided. We need to start taking English classes because it seems we are getting confused. However, I will delete the part that referred to “the community”. I said very well that if there is a possibility that this is not a coincidence, I am willing to look at the HANSARD.

I, therefore, withdraw the part that refers to the communities because I do not want to cast aspersions. Our communities share the same border in Nandi-Kisumu in Chemase and Chemilil, just like Kericho and others.

In conclusion, I expect the Cabinet Secretary of Interior and Administration of national Government to go with the local leadership. Let the police also handle--- we have absolute faith in our police. If we can send them to handle the chaos of criminal gangs in Haiti--- you also saw how they handled the AZIMIO protests in this town, they have both the capacity and ability to deal with lawlessness.

I heard Sen. Oketch Gicheru saying that they are on the tarmac. I want them to pursue criminals wherever they are. Yesterday the President received the progress report of the salary increment of the police. They have also been provided with insurance coverage. I empathize and sympathize with the seven Kenyans who have lost their lives in Sondu and the thousands who have been injured. We condole with them.

Mr. Temporary Speaker, Sir, the Cabinet Secretary of Interior and Coordination of National Government should be in Sondu either today or tomorrow. You have seen that the President is a no-nonsense gentleman. If you do not perform, we reshuffle you in the Cabinet. Many people have gone home or have been reassigned, particularly those who used to look down on the performance of this House.

I, therefore, appeal to the communities that live between Sondu to remain peaceful and respect each other as Kenyans.

With those many remarks, I support.

Sen. Munyi Mundigi: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senator, what is your point of order?

Sen. Munyi Mundigi: Ningependa kupinga mambo ya Sen. Cherarkey. Ni kuchangia alikuwa anachangia lakini sio ati aje kusema mambo ya Prof. Kindiki. Eti anaweza timuliwa kwa sababu ya kutofanya kazi?

Katika Serikali ya Kenya Kwanza, tunajua yule Waziri ambaye amefanya kazi vizuri kuliko wale wengine wote ni Prof. Kindiki. Pia inafaa aende aangalie ni nini inaendelea kule.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mundigi---

Sen. Mundigi: Napinga, Sen. Cherarkey.

(Sen. Mundigi's microphone was switched off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Mundigi,

(Sen. Mundigi spoke off record)

Sen. Mundigi, you are out of order. First of all, your point of order is not relevant because the Senator did not say that and he had finished his contribution. So, we move to the next speaker.

Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. The events of Sondu are saddening. Sen. Cherarkey started very well by saying that we need to talk about solutions and how this matter can be addressed.

In September 2020, the governors of the Great Lakes Region Economic Bloc held a meeting and had a Peace Accord. These included governors from Nyanza, Western, Nandi, and South Rift. What we need to ask ourselves is what happened? It looks clear that this agreement has not been honoured.

We have had four incidences in Sondu. We have also had an incident between the border of Kisumu and Nandi somewhere around Muhoroni. We have had issues even recently in my county, in the boundary between Vihiga and Aldai at a place near Serem. This was very recent, in the last month. The attackers came, provoked and attacked a village, killed animals, burnt them, injured people, and burnt houses. That was not given the coverage that Sondu is being given now.

Mr. Temporary Speaker, Sir, it was an eye-opener that people could be attacked when they have done nothing. They were simply celebrating circumcision and then they were attacked. Houses and cows were burned around Serem. My good friend and neighbour, Sen. Cherarkey, knows about the incident.

We are saying that it cannot be that only one side of the county is getting involved in all this. Even in Kakamega, there is a boundary between Nandi and Kakamega somewhere around Malava where we had such an incident some years back. I think that a solution needs to be found. That is why leaders need to get a solution to this matter by---

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

The Temporary Speaker (Sen. Abdul Haji): Hold on Sen. Osotsi.

Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir---

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Abdul Haji): Can you give him the microphone?

(Sen. Oketch Gicheru spoke off record)

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Control hecklers like Sen. Oketch Gicheru. Under Standing Order No.110, is it in order for my good neighbor, Sen. Osotsi to try to profile Nandi County that we are war-like? You have seen that he is

trying to draw incidences. This is a Parliament of the Republic of Kenya. This is not a political rally somewhere in Vihiga.

Is it in order to allow him to profile my county? He can say that during funerals over the weekends, in baby showers and other places, but not here in my presence. We are peace-loving people from Nandi. Is he in order under Standing Order No.110 to try to impute improper conduct about my people in Nandi County? You have heard Sen. (Dr.) Khalwale has celebrated the great people of Nandi? Is he in order?

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, could you withdraw ‘control heckler’ when you refer to Sen. Oketch Gicheru because it is unparliamentary. We do not want it on the HANSARD?

Sen. Cherarkey: Mr. Temporary Speaker, I withdraw, but I will call him when we go for political rallies over the weekend

(Laughter)

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

The Temporary Speaker (Sen. Abdul Haji): Point of order on who? There is nobody on the Floor. Senator, there is nobody on the Floor.

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

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

Sen. (Dr) Khalwale: Mr. Speaker, Sir, I rise under Standing Order 105 to challenge Sen. Osotsi to produce in this House, a record of any tribal clashes between Kakamega and Nandi along our common border.

(Applause)

We cannot allow this because every Thursday Nandis like today drive their animals on foot to a place called Lubao, we buy their animals, they go home with cash, with *boda bodas* and for over 100 years they have never been robbed.

(Applause)

Is the Senator in order to come and use this Floor to incite the people of Kakamega against the people of Nandi? Even if you are defending your political interests, do not use the blood of our people to advance your ambitions. I warn you as an elder brother, Luhyas do not incite people to kill each other. Never!

(Applause)

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

Sen. Osotsi: Mr. Deputy Speaker, Sir, I think that you need to protect us from the politics. We want to address this issue. I was giving incidences that have happened. One

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

of the incidences was on the boundary between Aldai and Vihiga County. They are happening. I was simply documenting the incidences and there is nothing wrong about that. The houses and animals belonging to my people in that area have been burnt. Therefore, it is very unfair that I stand here to defend my people and I get accused of being a tribalist. We cannot get a solution to this problem if we do not discuss it.

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, did you refer to clashes between Kakamega and Nandi counties?

Sen. Osotsi: I started by saying that there was a peace accord in September, 2020, between the governors of the lake region. One of the issues that they dealt with was the boundary clashes. That is why I was giving examples of areas where we have boundaries.

Mr. Temporary Speaker, Sir, it is unfair for Sen. (Dr.) Khalwale and Sen. Cherarkey to waste my time through frivolous points of order.

(Loud consultations)

Let them allow me to bring my point home, that we need a solution to this problem.

The Temporary Speaker (Sen. Abdul Haji): Order, Senators! We are degenerating to quarrelling instead of debating. I made it clear that when we are making our statements and prosecuting our arguments, we should refrain from making inciting statements or statements that can be perceived to aim at a particular political class or communities.

Sen. Cherarkey, I need to conclude and put an end to this. Sen. Osotsi, with the little time you are left with, could you please prosecute your point without making any reference to any community or county? We are trying to find a solution.

Sen. Osotsi: Mr. Temporary Speaker, Sir, I made reference to that peace accord that was signed by governors of the lake region. As part of the solution, leaders need to go back to that agreement for that could be the basis.

Sen. Cherarkey: Point of order, Mr. Temporary Speaker, Sir.

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, under Standing Order Nos. 105 and 110, is it in order for my brother, Sen. Osotsi to incite the people of Aldai and Vihiga by alleging and stating as a matter of fact on the Floor of the House that there are border clashes in Serem and Vihiga? This has not been recorded in any police station.

I shudder because of that. I do not want to leave this House at 6.30 p.m. when we have people fighting in Serem and Vihiga. Can the Senator withdraw and apologize?

Mr. Temporary Speaker, Sir, I withdrew my remarks when I made reference to certain communities.

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, are you ready to substantiate the clashes between Aldai and Vihiga?

Sen. Osotsi: Mr. Temporary Speaker, Sir, when someone is absent from their county, they get problems like Sen. Cherarkey. I am present in my county and I know every corner of it. There were clashes in Aldai, near the boundary with Vihiga and Serem. Animals and houses were burnt.

I want to go on record that this is the true position and I am ready to substantiate if asked to. We cannot be intimidated when we are contributing---

(Sen. Osotsi's microphone went off)

*(The Temporary Speaker (Sen. Abdul Haji) consulted with
The Clerks-at-the-Table)*

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, you have stated here that you can substantiate the clashes in Aldai and Vihiga. I, therefore, direct you to do so in the next Sitting.

Sen. Osotsi: Mr. Temporary Speaker, Sir, I am ready to substantiate any time you ask me to do so because this is the truth---

(Sen. Osotsi's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, you do not have a microphone and you may be found out of order. Sen. Chute.

(Sen. Cherarkey spoke off record)

Sen. Chute: Bw. Spika wa Muda, ninaomba Sen. Cherarkey awache kupiga kelele.

The Speaker (Hon. Kingi): Sen. Cherarkey, wacha tumsikize Sen. Chute kwa umakini.

Sen. Chute: Bw. Spika wa Muda, Sen. Cherarkey anacheka hapa lakini, leo kuna familia imekosa watoto, baba, mama na ndugu.

(Applause)

Nimetoka Marsabit na najua uchungu ule mzazi, ndugu, dada au mama ako nao wakati mtu wake ameuwawa. Hapo hakuna kitu cha kucheka. Haya ni maneno yanaoumiza watu wengi sana.

Wiki mbili zilizopita, nilienda na timu ya maridhiano mahali panaitwa Baragoi. Watu wengi wameuwawa hapo. Wenyeji Baragoi walisimama wakasema wamepoteza watu wengi sana, lakini tangu Mhe. Rais Ruto aingie mamlakani, wamepata nafuu.

(Applause)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Bw. Spika wa Muda, walisema kuna watu wanaitwa “*Wajakoya*” waliofika huko na kuokoa maisha ya watu wetu. Nikawauliza *Wajakoya* ni akina nani. Wakaniambia, hao ni askari jeshi ambao Mhe. Rais Ruto alipeleka kule Samburu, mahali panaitwa Baragoi. Watu wameanza kupata maisha mazuri na kulala vizuri. Kwa hivyo, siwezi kubali mtu yeyote akisema kuna shida ni kuwa Mhe. Rais Ruto hajashugulika.

Kule nimetoka Marsabit, tulikua na shida kubwa sana. Kule Sondu watu wamefariki. Mambo haya siyo rahisi. Ningependa kusema pole kwa familia hizo. Lakini ukiangalia hapa nchini, mahali kama Marsabit, watu wengi wamefariki sana na ni zaidi ya mia tano. Wako na watoto, kina baba na mama na familia kubwa sana.

Bw. Spika, Mhe. (Prof.) Kindiki amepunguza shida ya Marsabit. Leo ile shida imebaki ni ya hapo Marsabit, mahali panaitwa Saku. Hapo maduka zinavunjwa sana, lakini yale mambo ya watu kuuana kama vile zamani yameisha na tunashukuru Mwenyezi Mungu.

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, would you like to be informed by Sen. Oketch Gicheru?

Sen. Chute: Hapana, Bw. Spika wa Muda. Siwezi kubali.

(Laughter)

Uliza mtu ametoka Turkana na Marsabit mambo ya usalama. Kuna watu wanasema wakora hawajulikani kule wametoka. Hakuna mkora hajazaliwa na hana baba wala mama. Wanajulikana hata zile vijiji wanakotoka.

Kwa hivyo, hakuna mtu anaweza kuja kuua watu na isemekane yeye ni mkora. Hakuna kitu kama hiyo. Wale wakora tunajua ni wale wako Nairobi ambao hunyang’anya watu vitu vyao. Kwetu nyumbani, tunajua mkora ametoka wapi, baba na mama yake ni akina nani, hata ukoo na kabila tunazijua. Kwa hivyo, watu wasije mbele ya Bunge la Seneti kusema hawajui hao wakora ni akina nani. Tuambiane ukweli.

Bw. Spika wa Muda, kama tunataka nchi ifaulu, shida iliyo Sondu sasa hivi inafaa itatuliwe kwa haraka kabisa, kwa sababu itaendelea na itafikia kama Marsabit ambapo watu mia tano wanakufa. Ninawaomba ndugu zetu Maseneta walio hapa, tafadhali, msiwe na hasira kwa roho zenyu mpaka kuingie shida ambayo watu wataenda kuuwana. Sisi ndio tunajua shida hii ya watu kukosana. Mvumilie. Ninaomba Serikali ichukue hatua kali kabisa kwa wale watu ambao leo wamewaua hao watu.

Hii ni kwa sababu, wasipochukua hiyo hatua, wengine watakufa. Jukumu ya Serikali ni kuchunga maisha na mali ya wananchi wa Kenya. Hiyo iko katika Katiba.

Kuna kitu kinaitwa *blame game* ama kulaumiana ---

(Senator Chute’s microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Seneta wakati umeisha.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. (Dr.) Murango: Asante sana, Mstahiki Spika wa Muda. Leo ni siku ya huzuni. Kama kuna siku ambayo tunafaa kuwa tumeungana tukijadili maneno ni leo.

Kifo sio kitu cha kutaniana. Nimetoka Kirinyaga Kaunti ambapo nimezika watoto zaidi ya kumi na watano saa hii. Ni watoto ambao wamekuwa wakifanya kazi katika vyombo vya usalama kwa sababu ya michafuko.

Hii ndio maana nasema kwamba huu ni kama mtego wa panya, unaingia waliokuwemo na wasiokuwemo. Kwa hivyo, tunapongea mambo ya usalama Sondu, Turkana, Marsabit na kwingineko, ni vizuri tujue ya kwamba jambo hili tunahusika sote na linaweza kutupata.

Pia juzi nimekuwa Turkana na jana nimekuwa Migori na Sen. Oketch Gicheru. Wakati tulikuwa Turkana tuliweza kutembea sehemu za *Katilu Irrigation Scheme* na tukaenda mpaka *Ziwa Turkana*.

Katilu ni mahali ambapo kuna uwezo wa kuzalisha chakula ambacho kinaweza kulisha nchi nzima. Lakini hili haliwezekani kwa sababu ya shida ya usalama. Wawekezaji ambao wanaweza leta na kuwekeza katika mipango tofauti ya maendeleo hawawezi kufika mahali pale.

Nalisikia watu wakiongeo mambo mengi lakini pia ningetaka niseme ya kwamba, wakati niliangalia Waturkana, pia mimi nilijawa na huzuni. Ukiangalia upande wa Sudan kuna Toposa, upande wa Uganda kuna Karamojong na upande wa Ethiopia wako na Oromo.

Hata hivyo, wakati kunakuwa na mauwaji, tunakimbia sana kusema ni fulani wanauwa. Mimi sijawahi kuona watu walio na amani kama wale wakati tulienda pale. Hata hivyo, pia Mswahili anasema, ukiona manyoya ujuwe imeliwa.

Haiwezekani ya kwamba usikie Marsabit, Turkana, Samburu na kwingineko, wanalia. Lazima uangalie pia, kwani ni kiungo gani kinakosa. Hii ni kama chumvi inapatikana ndani ya chakula chote. Itaonyesha kwamba kuko na shida mahali ambapo mpaka tuangalie na tutatuwe kwa sababu shida zimekuwa mingi.

Nilipokuwa mahali pale Katilu katika maeneo ambapo nilikuwa naambiwa ni mahali pa hatari, singesema kwa sababu tulikuwa na kikosi kubwa sana cha usalama. Hata hivyo, wakulima ambao wako kule hawana bunduki au usalama. Tunatarajia vipi wale watu kuzalisha mazao kama hawana usalama wa kutosha?

Nikiongezea, mambo ya Sondu, kuna Serikali ambayo iko kwa mamlaka. Nimesikia kwamba hiyo mitafaruku ilianza kitambo wakati wa Mhe.Rais Moi. Kama wale wanafanyikazi kama vile vyombo vya usalama katika sehemu ile hawawezi kufanya kazi, wanafaa waondoke.

Kama hatuwezi kumalizana na shida za Sondu, tutawezaje kumalizana na shida za wale wako na mabunduki kule Haiti? Ni vyema tugange ya kwetu kwanza kabla hatujaenda nje.

Kwa hivyo, mimi ningehimiza kwamba tukijadili mambo kama haya, tushikane pamoja, tuonge tutatue kwa sababu hii Kenya yote ni yetu.

Juzi nilipokuwa Migori tulienda na Sen. Oketch Gicheru katika migodi ya kuchimba madini. Hata hivyo, bado nilikuwa nasikia watu wengine wanaongea lugha ya

Kimeru huko ndani na Kikuyu kwa umbali wakisema kwamba kila mahali watu wote ni wetu.

Tunapongea na kuzungumzia Taarifa hii, tujue ya kwamba tulicho nayo moyoni sasa kama mimi nikiwa ni kiongozi, kuna kiongozi wa sehemu ile pia aliye na chake cha kusema. Kwa hivyo, tukiongea tuchunge tusiongee maneno ambayo yanaweza kuchochea chuki zaidi na kuleta maafa mengi.

Asante sana, Bw. Spika wa Muda.

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

Sen, Wambua: Mr. Temporary Speaker, Sir, I want to first begin by thanking Sen. Oketch Gicheru and Sen. Munyi Mundigi for bringing up this matter.

The spirit in which they brought this matter, I would have expected that the spirit would carry the debate. The debate is bipartisan and it does not matter who is falling where. You just debate on this matter and find a solution.

I will say only two things. One, death is final. When people die because they have been killed by other people, then it does not matter the tribe, location, who the leader in that area is and who is not a leader. The only thing that matters is a person has killed another person.

Mr. Temporary Speaker, Sir, as a country, we belong to the community of civilized states as a nation and as a democracy. It is actually a big shame to all of us and I am not exempting myself.

It is really a big shame that we can be debating tribal clashes at a time like this; that 60 years after Independence, Kenya can comfortably debate tribal clashes. Secondly, it is a shame on us that we would take sides in that debate.

In Sondu, I saw photos yesterday being shared on social media. From those photos, it is impossible for anyone to know the tribe of the people that have been killed. We saw Kenyans that have been killed by other Kenyans.

The thing that we should be doing today as leaders in this country is with serious vigour and determination, find out who killed these people. There are police records and those records will bear this debate out in identifying the communities from where these people have been killed.

Mr. Temporary Speaker, Sir, as a leadership of this House; the Senate, that thing that we should be exercising our minds today in this debate is who the killers are and how can we pursue them and put them to book. That is a more interesting debate, mature and a leadership-oriented debate that the people of this country would want to see from the Senate.

In conclusion, the lives of the people living in Kitui Country matter as much as lives of the people living in Uasin Gishu, Kisumu, Vihiga, Kakamega and Nairobi counties. These are Kenyans' lives and they matter. As a leadership and as a House, we must stand to defend the right to life of every Kenyan.

Lastly, under the United Nations Charter (UNC), there is a principle called the 'responsibility to protect'. The first line of protection under the UNC is with the Government. The Government has a responsibility to protect the lives and property of its citizens. We cannot say that this happened during the reign of Moi---

(Sen. Wambua's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator your time is up. Proceed, Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I appreciate the Mover and Seconder of the Motion that touches on two areas. One, is the developmental issue in Turkana County, since we had the privilege to be there.

As the Vice-Chairperson of the Standing Committee on Finance and Budget, allow me to state that looking at the funds that have been disbursed over the years, it is quite sad. The county additional allocation that has also been remitted to this particular county is about Kshs13 billion annually. However, having been in the county, it is sad to see that not much has been done.

One of our key roles as the Senate is oversight. Looking at the sums that have been disbursed in this county, the kind of development we expected does not match our expectations. We urge the county government in place to up their game and focus on their own-source revenue. I speak for the Committee on Finance and Budget.

On the security issue, for any development to take place, the environment has to be conducive. As a student of business, Political, Economic, Social, Technological, Environmental and Legal (PESTEL) factors is a key study and parameter that is very important. It ranges from political stability, security matters, socio-economic, technology and all that. Matters security are important in any nation not just in this country.

The Government has tried to cut the cost of production. For example, the fertilizer subsidy in place is supposed to improve agriculture. However, there cannot be any development and agriculture to thrive to achieve food security if the environment is not conducive because of the insecurity in these areas.

The insecurity did not start yesterday. It has been there for quite some time. I appreciate Hon. (Prof.) Kindiki for the fact that he is a people's person. He has gone to the ground and understood the root problems. We have seen improvements.

I like what Sen. Chute mentioned earlier that in Marsabit County, there has been quite an improvement in matters of security. However, the reality on the ground is that people are losing their lives in this country. People are killing each other, which is sad. I give my condolences to the families that have lost their loved ones. As leaders, we have a responsibility to give guidance.

It saddens me as a young legislator. I agree with my senior, Sen. (Dr.) Khalwale, for saying that the youth who have been given an opportunity by their parties to represent them in Parliament need to up their game. We cannot be on the frontline to incite and make tribal remarks yet we are moving away from tribal issues.

As I speak, we are in bipartisan talks. We are coming from a point of *Maandamano* issues. We have put that aside. I thank Hon. Rt. Raila Odinga for accepting and ensuring that we sit at the table as Kenyans because tomorrow we do not know our situation. These talks are ongoing. We have confidently given our leaders,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

from both sides, an opportunity so that there are better long-term results for future generations.

I urge the young MPs to desist from tribal talks. We have intermarriages---

(Sen. Tabitha Mutinda's microphone went off)

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

Proceed Sen. Ogola

Sen. Ogola: Mr. Temporary Speaker, Sir, thank you for giving me the opportunity. As we debate, chest thump and utter words, there are people lying dead in Sondu. There are wives whose husbands are dead. Also, sons and children who are dead and their families are mourning.

It is also worth taking note that these are people who have lived all their lives – unless at the time of these clashes – together. People who go to the same markets and fetch water from the same water points every day. People who go about their business and live in unity and harmony. There are people who have intermarried across the border and stay together.

I do not know what is exciting Sen. (Dr.) Khalwale today. I do not know whether it is the number of dead people in the mortuary that has ignited his energy.

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

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

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, the Standing Orders are clear that a Member shall not impute improper motives to another. I understand her naivety and that she is a green horn. She is yet to comprehend the value of family. I also understand that she has never fought for anything nationally in this country. She has a constituency of only one voter. That does not give her the latitude to impute improper motive to me.

The Temporary Speaker (Sen. Abdul Haji): Order, Sen. Khalwale! I was with you until the point where you started talking ill of Sen. Ogola in terms of what she has done for this country. As far as the Standing Orders, Sen. Ogola, withdraw the statement on the excitement of Sen. (Dr.) Khalwale in regards to the deaths. That was out of order.

Sen. Ogola: Mr. Temporary Speaker, Sir, I did not incite. I talked of the general excitement I see around. This is an observation I am making which might not be factual.

The Temporary Speaker (Sen. Abdul Haji): Sen. Ogola, you were categorical that you did not understand the excitement of Sen. (Dr.) Khalwale. Withdraw the statement from the HANSARD.

Sen. Ogola: Mr. Temporary Speaker, Sir, I would like to repeat, that as we shout the words we are, there are people lying dead in Kisumu County.

We mourn with them.

(Sen. (Dr.) Khalwale spoke off record)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

The Temporary Speaker (Sen. Abdul Haji): Sen. Ogola, you have withdrawn the statement, but not apologised. Go ahead and apologise.

Sen. Ogola: Mr. Temporary Speaker, Sir, if the word “excitement” is offensive to anyone, then I apologise. However, it does not offend me. We were in Turkana County having a meeting of women Senators. The agenda of the meeting was on empowerment of leaders. However, three quarters of our meeting was on the issue of insecurity. This should concern us as Kenyans. I feel for the people of Turkana County in the same measure I do the people of Sondu.

People in Sondu stay peacefully together. They go to the same markets and have stayed together all their lives. When such clashes flares up, some of us can only impute incitement.

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, is it in order---

(Interruption of debate on the Motion)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Wednesday, 11th October, 2023, at 9.30 a.m.

The Senate rose at 6.30 p.m.