

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th April, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

Clerk, now that we have the requisite quorum, kindly proceed to read the First Order.

COMMUNICATIONS FROM THE CHAIR

WELCOME TO HON. SENATORS FROM SHORT RECESS

The Speaker (Hon. Kingi): I take this opportunity to welcome you back from the short recess. I hope you had time to meet with your constituents, friends and families over the past week. Part II of the Senate Calendar commences today and will run until the rise of the Senate on Thursday, 4th May, 2023.

Hon. Senators, you will recall that just before the Senate proceeded on recess, we adopted amendments to the Standing Orders by introducing a framework for Cabinet Secretaries (CSs) to appear before the Senate to respond to Questions.

This is provided for in Part XII of the Standing Orders. Consequently, we also altered the Senate Calendar to provide for a morning sitting every Wednesday when CSs will appear before the Senate. In line with the resolution of the Senate, when considering the fifth Report of the Procedure and Rules Committee on the amendments to the Senate Standing Orders, I would like to remind hon. Members that the effective date of the procedure for Questions is today, Tuesday, 11th April, 2023. I urge all hon. Senators to familiarize themselves with the new framework.

You will recall that on 28th March, 2023, I issued a Communication guiding the Senate on the manner in which Questions shall be considered. The guidelines provide for filing, internal review, approval and scheduling of Questions on the Order Paper. They also detail the procedure for the disposal of Questions in Plenary. In your own interest, I also appeal to Senators to familiarize themselves with the guidelines.

Hon. Senators, in the next couple of days, we will expect the Standing Committee on Finance and Budget to table its report on the Division of Revenue Bill. The passage of the Division of Revenue Bill will be followed by the introduction of the County Allocation of Revenue Bill, the County Governments Additional Allocation Bill and respective Cash Disbursement Schedules. These are crucial financial instruments for the effective functioning of county governments.

As you already see from the Order Paper and the weekly programme of business of the House, we resume our sittings with an already full plate. The new legislative tool in the form of Questions also adds to this in-tray. The Chair will be keen to ensure that the legislative agenda of the Senate moves at a faster pace in this part of the Calendar compared to the first. This requires that we manage the time of the House more efficiently. It also means that certain decisions will be made by the Chair pertaining to the time allocation for Petitions, Questions and Statements as per the Standing Orders and in the guidelines for processing of Questions. In addition, the use of Standing Order No.98 pertaining to points of order during debate will be applied in the manner stipulated.

It goes without saying that Movers of business in the Order Paper must be in the Senate to prosecute the same. The Chair will not hesitate to drop from the Order Paper any business that upon being called, the Mover is absent without notification to the Speaker. In the same vein, I call upon the Senate Leadership to ensure that the requisite number of Senators is in the House for Divisions to be undertaken in a timely manner.

Hon. Senators, in conclusion, the Senate Business Committee (SBC) has approved a schedule for Committee Chairpersons to issue Statements pursuant to Standing Order No. 56(1) (b). The first three select Committees are already scheduled in today's Order Paper. We look forward to hearing the work that Committees are undertaking, impact that this work is making, their plans for the next few months, and a report on the status of implementation of resolutions of the Senate.

I wish you fruitful deliberations and wish all hon. Senators well in this part of the Calendar.

I thank you.

Senators, you may walk in. I have two more Communications to make.

(Several Senators walked into the Chamber)

NATIONAL SECURITY AWARENESS PROGRAMME

Hon. Senators, as part of a robust programme to promote a whole Government approach on matters of security and to facilitate a shared vision on safeguarding national interest, the Senate, in conjunction with the National Intelligence Service (NIS), has organized a two-day National Security Awareness Programme for all Senators.

The objective of the event hinges on governance structure that ensures successful leadership and oversight for protective security risk; adoption of a risk management approach that covers every area of protective security across the Government; establishment of a business continuity management program so that critical functions of each arm of Government can continue to the fullest extent possible during disruption; provision of regular information, security awareness training, support development of relevant policy options; and the use of the annual evidence-based assessment process to provide assurance that the Government security capability is fit for purpose.

Hon. Senators, I, therefore, take this opportunity to extend an invitation to you to attend and participate at this very important event that is scheduled to take place on Friday 14th and Saturday 15th April, 2023 at the Winsor Golf Hotel and Country Club in Kiambu County. Further details pertaining to the programme will be communicated through the office of the Clerk.

I thank you.

ACKNOWLEDGEMENT TO BENEFICIARIES
OF THE SENATE INTERNSHIP PROGRAMME

I would also like to acknowledge the presence, in the Speaker's Gallery this afternoon, of seven young men and women who have been in the Senate in the last six months undertaking an internship programme. The objective of the programme is to provide young people with first-hand experience in the legislative process and to expose them to the intricate world of public policy and public service.

I request each one of them to stand when called out, so that they may be acknowledged in the usual Senate tradition.

These are-

- (1) Ms. Sheila Wangari Muriithi
- (2) Mr. Gichengo Elly Wachira
- (3) Mr. Juma Ong'ong'a Tobias
- (4) Ms. Sharon Anastacia Muhonja
- (5) Mr. Muranja Lewis Kung'u
- (6) Ms. Stacey Cedella Maloba
- (7) Mr. Manasses Mathagu Munyi

On behalf of the Senate, and my own behalf, I wish you well in your future endeavours.

I thank you.

(Applause)

Next Order.

PETITIONS

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, and welcome back from recess.

MISTREATMENT AND HUMAN RIGHTS VIOLATIONS METED
ON THE FAMILY OF THE LATE HON. JEAN MARIE SERONEY

Mr. Speaker, Sir, I have a Petition to the Senate concerning mistreatment, harassment, property loss and human rights violations meted on the family of the former Tinderet Member of Parliament (MP), the late Hon. Jean Marie Seroney.

Mr. Speaker, Sir, I want to draw the attention of the Senate to the following-

THAT Jean Marie Seroney was a Member of Legislative Council (LegCo) for Nandi Constituency from 1961 to 1963 and Nandi North from 1963 to 1966 and later the first Member of Tinderet Constituency from 1966 to 1975;

THAT, hon. Jean-Marie Seroney was elected Deputy Speaker for Parliament of Kenya in 1975;

THAT, during his tenure, he advocated against abuse of power, condemned corruption, unfair distribution of resources and land injustices;

THAT, Hon. Seroney helped champion social justice, the rule of law and democracy through much of the early Independence years of Kenya. His ideas of devolution, which he kept active through much of the 1960s and 1970s, are now part of the Constitution of Kenya 2010;

THAT, he was arrested within the precincts of Parliament and detained for three years and two months in harsh prison conditions without trial at the famous Manyani GK Prison and later at Kamiti Prison;

THAT, he was then released on 11th December, 1978 and stayed at home where he faced series of opposition from leaders and aspirants;

THAT, in the year 1981, he was appointed as the chairperson of Industrial Development Bank (IDB), a position, which he served until his death on 6th December, 1982;

THAT, his farming venture deteriorated significantly and hon. Seroney was unable to service his huge loan that he took from the Standard Chartered Bank and the National Bank of Kenya to finance the acquisition since he was in detention;

THAT, he desperately tried to seek the help of the Government to at least waive his interest for the time he was in detention for three years and two months; that he had not been tried and found guilty of any offence. His pleas fell on deaf ears leading him into a state of deep depression;

THAT, after his death, almost all of his land and property was sold and others grabbed, leaving his family desperate thus becoming squatters and even his grave has also been grabbed;

THAT, the family of hon. Jean-Marie Seroney have made best efforts to have these matters addressed by relevant authorities but they have failed to give satisfactory response;

THAT, none of these issues raised in this Petition are pending in any court of law, constitutional, or any other legal body;

WHEREFORE, your humble petitioner prays that the Senate: -

- i) Investigates the circumstances that led to the unlawful arrest and detention of the late hon. Jean Marie Seroney without trial and without any offence.
- ii) Makes appropriate recommendations to have the family of the late hon. Jean Marie Seroney be compensated.
- iii) Investigates the reasons that led to non-adherence to the various court orders issued to the family concerning disputes on property belonging to the late hon. Seroney.
- iv) Considers recognizing the late hon. Jean-Marie Seroney as a National Hero through the requisite mechanisms.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I have another petition to present and, thereafter, we will make comments. I will invite comments on the two Petitions within the available 30 minutes meant for Petitions.

DE-GAZETTEMET OF LAND
REFERENCE NO. 12493 IN LAIKIPIA COUNTY

Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Mr. Charles Waikwa and others concerning de-gazettement of Land Reference No.12493 situated west of Rumuruti Township in Laikipia County.

As you are aware under Article 119(1) of the Constitution:

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

Hon. Senators, the salient issues raised in the said Petition are as follows:

THAT, the petitioners and residents of Laikipia West Constituency and owners of LR. No.12493 measuring approximately 37 acres situated west of Rumuruti Township in Laikipia West Constituency Laikipia County;

THAT, the Kenya Forest Service approached Mr. Kinga wa Mwendia the owner of the parcel of LR.No.2467/1 with the view to acquire the land for expansion of Lariak Forest and offered to compensate him with an alternative parcel of land from Rumuruti Forest, Laikipia County;

THAT, in the year 1980, Mr. Mwendia surrendered the original title documents in respect to the LR. No. 2467/1 to the Kenya Forest Service which was transferred to the Government and gazetted as forest land;

THAT, a grant was thereon issue to freehold basis by the Commissioner of Lands to Mr. Mwendia for parcel of land, LR No.12493 which was to be de-gazetted as forest land;

THAT, LR. No. 12493 has since been subdivided into many smaller parcels of land and transferred multiple times over the last 43 years and that the Ministry of Lands has always processed the transfers and issued title deeds there on free hold basis to the transferees;

THAT, the agricultural activities taking place on parcel of land, LR. No.12493 have been the economic life stay of the area and the County Government of Laikipia generates substantial revenue from taxes collected on farm produce being delivered to markets from the area;

THAT, the Kenya Forest Service has failed to formally de-gazette parcel of land, LR. No.12493 contrary to the agreement with Mr. Mwendia and that this failure has a resultant effect on the area being under developed by the county government in terms of infrastructure and social amenities and that the county government has never considered this area whenever national and county government plans are being prepared and budgets thereon allocated;

THAT, the petitioners have made efforts to address the matter by relevant authorities all of which have failed to yield the desired outcome.

The petitioners, therefore, pray that the Senate through the relevant committee;

- i) Investigates the matter with a view to fast track the de-gazettement of the parcel of land, LR.No. 12493 situated west of Rumuruti Township in Laikipia County.
- ii) Intervenes in the manner to ensure that the County Government of Laikipia includes this area in its annual development plans and allocates budgets for establishment of social amenities, construction, grading and maintenance of infrastructure projects for equality and inclusivity.

Hon. Senators, pursuant to Standing Order 237, I shall now allow comments, observations and clarifications in relation to this Petition together with the Petition that has just been read out by Sen. Cherarkey, all combined for a period of 30 minutes.

Sen. Osotsi, please, carry on.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. There is a problem with the system. That is why I had to use interruption.

This is a very important Petition. You remember, last week, I presented a Statement in this House on a similar matter that is affecting my county, Vihiga County. It was a situation where the Government acquired land through compulsory acquisition from private land owners and relocated them to a forest, a place called Shiru Shaviringa Settlement Scheme, which is within the larger Kakamega Forest.

These people have been there for over 35 years without title deeds. They cannot access amenities like roads and hospitals. The Government has kept on promising that they are going to resolve the problem.

Mr. Speaker, Sir, many Petitions have been made to this House for the Government to resolve this issue, so that they de-gazette that part of the forest for settlement. That has not been done.

I, therefore, presented a Statement, which I hope the relevant Committee will look at this matter in totality, not just in Laikipia, but also Vihiga and many other places where

the Government acquired land from private owners and then it has refused to gazette the forest where they were taken to.

This is a serious issue and I hope the Committee will move with speed to look at all similar matters of this nature and provide a report to this House as soon as possible.

Mr. Speaker, Sir, we must also interrogate the performance of the Kenya Forest Service on matters to do with the de-gazettement of forests. They have been very slow and very bureaucratic. I hope the Committee will also invite Kenya Forest Service to shed light into the issue of de-gazettement as far as compulsory acquisition of private land is concerned.

Mr. Speaker, Sir, I support this Petition.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join the rest of my colleagues and those who will speak after in sharing a thought or two in these two Petitions that have been presented. I will begin with the latter and then the former.

This is the second Petition in the last two weeks that is being brought before this House with regards to land acquired by the Government forcefully and the subsequent mistreatment of members of the public who were otherwise going about their duties and were not bothered with selling that particular land but because the Government had need or for strategic reasons to the community decided to acquire the land.

Mr. Speaker, Sir, about five years ago, we passed the Land Valuation Bill in this House that provided the procedures upon which the Government can acquire land from members of the public and the procedures that need to be followed.

We debated those laws for many hours in this House. In fact, if my memory serves me right, we stayed up until late into the night because there were many regulations that Members felt we needed to include, so that we protect the citizens because the basis of argument at that particular time was between the Government and the people who deserve protection from each other.

While it was found that on many occasions this is based on the experience from how people had manipulated land records, especially key people in Government who knew where strategic investments and big projects were about to be churned out in a particular part of the country; they would quickly buy land and sell it to the Government at an exorbitant price; then we found that there was need to, while securing the interest of Kenyans generally, because the Government at the end of the day is all of us, as a people, but still also protect the rights of the property owners. This is because the right to own property is a constitutional right, which we felt if you are providing for the legal mechanism of how the same can be withdrawn, then it must be properly guided, so that citizens can enjoy their rights to the full.

Therefore, we did a Bill in this House one afternoon that we hoped would have ensured that we never get to see the kind of Petitions like the one that was presented last week with regard to Vihiga County and this one of today from Laikipia County.

It is my sincere hope that when the Committee on Lands, Environment and Natural Resources retreats to consider this particular issue, they will come back to this House with a Report on whether it is for want of good laws that we are seeing many of these cases. I believe that these two cases are not the only ones in the country. Is it that

officers, either at the Ministry of Lands, Public Works, Housing and Urban Development or Kenya Forest Service or any State agencies are doing this in total disregard of the rule of law? If that were to be the case, then we need to sanction those officers, so that we protect citizens and we do not end up having frustrated citizens.

Mr. Speaker, Sir, lastly, is on the very sad story of the great Jean-Marie Seroney. If you are a historian of parliamentary practice in Kenya, you cannot miss the chapter. It is unfortunate because previously in the 8th, 9th and the previous Parliaments, we used to have a library. I think it used to be at that place which now serves as the Senate Lounge. Many afternoons, you would walk in and read about debates and contributions of great legislators that had walked before us in this House.

Mr. Speaker, Sir, it is unfortunate that we have not kept that culture. On many occasions, when Members want to study or read, if you were to put a question on whether any of our colleagues in the House know where the Parliamentary Library is, not one will answer. Maybe Sen. Omogeni knows, or he may not even be aware that it is below his office at County Hall. That is where he has been tucked into. I know that because that is where my office used to be for the past five years.

I hope we can maintain the culture of celebrating men and women who made significant contributions as legislators. Forget about the Executive and the Judiciary. The late Hon. Jean Marie Seroney suffered because of most of the things that he said and did while as a Member of Parliament (MP). Of course, his infamous remark “you cannot substantiate the obvious” that got him into trouble was made in these precincts of Parliament.

It is within our powers to celebrate such people who made their contributions in one way or the other, but were eventually punished. There are many others that we can think of. We can use this as an example.

We can make recommendations as Parliament because we have the National Honours and Awards Committee that can think through. We may not find the money to compensate his family, but there are certain things that we can do that his family will feel that at least as Parliament, we appreciate the contribution of their patriot.

This is the second time that this issue is coming before this House, yet we have not secured anything. For heaven’s sake, we can at least secure his grave, which we know for a fact is a playground in a primary school in Nandi where he was from.

Maybe we should rename the school where his body is lying at after him, or build a proper mausoleum to celebrate him, either through the county or national Government, following recommendation by this House because we have the powers. I believe there is something that the Committee can recommend.

Mr. Speaker, Sir, using the example of the late Hon. Jean Marie Seroney, we can celebrate other greats that came to this Parliament in the course of their work as parliamentarians. As we do our work, we sometimes rub those in the Executive the wrong way. We can use that as a basis to celebrate others, so that long after we are gone from this earth, others will also remember the work that we did while here. That is if we will live to be great and do great things for this county.

I thank you.

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

Sen. Omogeni: Mr. Speaker, Sir, I am moved and saddened having listened to the agony that has befallen the family of the late Hon. Jean Marie Seroney. It is a collective shame that as a nation, we have let the family of that great Kenyan to be subjected to the kind of suffering that I have heard Sen. Cherarkey convey to the House.

Whether we like it or not, in the fullness of time, you will either be a former or the late Senator. That is a fact. When you hear such moving stories of a former great leader like the late Hon. Jean Marie Seroney, it almost makes us shed tears on the Floor of this House.

The late Hon. Jean Marie Seroney was a mentor to many of us. I used to say when I grow up, I would like to be as independent-minded as Hon. Jean Marie Seroney. That is the legacy.

There are people who slip through this House like snakes because you will never see their footprints. However, the late Hon. Jean Marie Seroney left a record. It is sad hearing that even his own grave wants to be grabbed. That is not the way to treat heroes.

If you go to Washington DC, you cannot cross three streets before seeing a street named after one of the great Americans. You will see Lincoln and George Washington somewhere, but here, you do not see anything reminding you about the late Hon. Jean Marie Seroney. It is sad!

We do not want to read just about the late Mzee Jomo Kenyatta and the late Hon. Moi, because some of us do not belong to the Kenyatta's and the Moi's. We belong to the late Hon. Jean Marie Seroney generation. Those are the people who have inspired many of us.

Mr. Speaker, Sir, what has been brought to the Floor of the House is really sad. I have sat here agonising about the entry point for the House to do something about the agony facing the family of the late Hon. Jean Marie Seroney. May the Almighty God forgive us for the way we have treated that great son of this country. It is sad. I would not even wish that to happen to you when you exit from that seat.

For the past one month, as the Chairperson of the Members Welfare Committee, I have been agonising on how to actualise the benefit of our retired Speakers. You will be surprised that one of our retired Speakers, the respected Hon. Kenneth Marende, has written almost 10 letters to us, pleading with the State to reinstate his security, something that he is entitled by law.

Mr. Speaker, Sir, you can imagine that after you have retired, instead of us giving you what you legally deserve, because you have occupied the Speaker's seat, you start sending correspondence to the Parliamentary Service Commission (PSC) to give to you what belongs to you. Not every Kenyan will be lucky to sit where you are sitting. So, when you retire, you should be treated with honour.

Our former Speakers have never been paid their retirement perks. Therefore, they are almost in that category of mistreatment that the family of the late Hon. Jean Marie Seroney is facing.

I do not know when we will ever fix this issue. I do not know whether the Committee will deal with this issue of unlawful arrest and detention. As I speak, there is a police officer who has sworn an affidavit in court, stating that he was harassed and

threatened to effect arrest against a sitting Deputy President of this country. He swore that affidavit and presented it in court and we proceeded as if nothing happened.

Under Article 244 of the Constitution, the National Police Service (NPS) is supposed to uphold the tenets of human rights and professionalism. However, as I speak, that police officer is still serving in the NPS. The same way the late Hon. Jean Marie Seroney was unlawful arrested and detained by the police force, it means that police officers are still behaving the same way they used to before the promulgation of our Constitution of Kenya 2010.

Last week, we saw what happened to Sen. Madzayo. He was arrested and charged. Three days after his case was filed in court, before he could even appoint a lawyer, the case was withdrawn. It is now becoming fashionable to arrest MPs.

Sen. Cherarkey was dragged to court on a Friday afternoon. The intention was to have him spend a weekend in police cells. When I visited him in Gigiri Police Station, I found that the hon. Senator here slept on a corridor a whole night.

Therefore, when we get this kind of Petition, it should prick our conscience. Sen. (Dr.) Khalwale, one day it will be you and tomorrow, it will be me. When we get this kind of Petition, the Committee that will be tasked to address this matter should go to the depth and make recommendations that can end the kind of mistreatment that we are subjecting our hon. Members to.

Mr. Speaker, Sir, I feel sorry. On behalf of the great people of Nyamira County, I apologize to the family of the late Hon. Jean Marie Seroney. I hope that as a House, we will do something to redeem ourselves.

I thank you.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, you are sitting in the big seat of Parliament as the Chair. Unknown to many young Kenyans, the late Hon. Jean Marie Seroney, paid the price of losing everything that he had worked for because of sitting in that Chair. In the history of this House and the Republic of Kenya, the late Hon. Jean Marie Seroney was detained because of making a ruling from the Chair.

The late Hon. Martin Shikuku stood in his place and declared that the Kenya African National Union (KANU), the then ruling party, was dead. Another Member then rose and asked the Speaker to ask Hon. Martin Shikuku to substantiate the allegation that KANU was dead.

Hon. Jean Marie Seroney told the Member that he was out of order because one cannot substantiate the obvious. For that reason, he was detained for 1,152 days. It is documented by Amnesty International. It is only the Amnesty International that rose to that greatness and said that they will decorate the late Hon. Jean Marie Seroney as a prisoner of conscience.

I appeal to the counties of the region from which the late Hon. Jean Marie Seroney was born and served, to come together and make a collective decision. The biggest city now and in future is Eldoret. If we rename the Eldoret International Airport to the Jean Marie International Airport, we will have respected that fellow.

When Nelson Mandela was the President, he was told that they were going to rename Jan Smart International Airport in Johannesburg to his name. However, he

refused and said that it would be named after Oliver Tambo. That is how Oliver Tambo, a freedom fighter like the late Hon. Jean Marie Seroney, ended up being immortalised. We can learn from it.

As the Senator for Nyamira has said, we can do something. Sen. Cherarkey, lead us by bringing a Motion because this is your baby. We can communicate the message to the county assemblies of Uasin Gishu, Nandi, and others. When they adopt it, we will have immortalised the late Hon. Member. Even if you compensate them, it might be a few million shillings, but that money will disappear. We want this great history to be preserved for generations to come.

Mr. Speaker, Sir, there is a man called Godfrey Sang, but I do not know his age. He captured the greatness of this man and wrote a book. Members, let us continue reading. It is a beautiful book called; *Just for Today: The Life and Times of Jean-Marie Seroney*.

He used the phrase “just for today” because while in the House, Hon. Jean Marie Seroney would speak and then say; “I support, just for today”.

Thank you, Mr. Speaker, Sir. I support this Petition, just for today.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu, proceed.

Sen. (Dr.) Oburu: Mr. Speaker, Sir, I also stand to support the Petition by Sen. Cherargei, Senator for Nandi County. I knew Hon. Jean Marie Seroney personally. He was a young astute lawyer, who represented not only Kenyans, but also his people very effectively in Parliament.

The law which detained Hon. Jean Marie Seroney was passed in this Parliament. It was called detention without trial. Many Members spoke passionately in support of it. One of the people who spoke passionately in support of that law was my own father, the late Hon. Jaramogi Oginga Odinga.

They said that that law was meant to deal with the *shifita* menace in Northern Kenya, and that innocent Kenyans needed not to fear anything about it. However, before long, many people who had spoken passionately about it, including my own father, became the victims of the same law.

Mr. Speaker, Sir, that Statement which Sen. (Dr.) Boni Khalwale has quoted, which put hon. Seroney in trouble, was made by the late hon. Martin Shikuku. He stated that they wanted to kill Parliament the same way they killed Kenya African National Union (KANU).

The leader of Government business stood up to state that it was a very serious statement and the Hon. Shikuku must substantiate. Hon. Seroney was seated in the Chair as the Speaker at that time. He said that one cannot be called upon to substantiate the obvious. That Statement alone put him in a lot of trouble.

In fact, they had to hole themselves at the library here in Parliament because the laws did not allow police to come in and arrest Members. The Police Commissioner then was known as Mr. Hinga. He refused to send police to storm Parliament to arrest them. However, finally the authorities that he said that even if they are in the wombs of their mothers, they were to be removed and taken away. Indeed, they were taken away.

When my father was arrested in 1969 and was still being held under house arrest in Kisumu County, one of the parliamentarians here stated that we should not have two

Presidents; one being guarded in Kisumu County and another in Gatundu. We should only have one president. So, Jaramogi should be removed and taken to prison where he belongs. However, the person who spoke passionately about it here in Parliament was later detained with hon. Seroney. As we make laws, let us be very careful that we do not make them thinking they are for others. The same laws you make shall be used against you.

Mr. Speaker, Sir, when these people are ordering police to lob teargas against us, be very careful those things can be used against you.

(Laughter)

Do not be happy that it is happening because it is not good thing being choked by teargas. It is poisonous. It can choke and kill you. This injustice done to hon. Seroney is a historical injustice. I support that something must be done to recover or even compensate the family.

It is a historical injustice by the Government; whichever it was. It is by the Kenyan Government, which now has a responsibility to compensate hon. Seroney for suffering for his own idea. He was a prisoner of conscience.

I thank you.

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

Sen. Mungatana, MGH: Mr. Speaker, Sir, I would like to also add my voice on the Statement sought by Hon. Cherarkey in support of it. If the Executive that is currently in power desires to change the status quo of this family, they can.

I urge the Committee to also look for a way of convincing the administration in power to put its political will to help this family. I am saying this because there is a precedent.

When the former President Daniel Arap Moi left office, there was a house he had stayed in for many years here in Nairobi City County. In the administration of the late President Mwai Kibaki, a political decision was made to surrender the house because it was like a family home.

I served under the former Vice President, the late hon. Kijana Wamalwa. During the time he left us, there were issues at home. I know that under the good political will of the late Excellency President Mwai Kibaki, a very decent donation was done to assist that family.

If we go back again to another very famous political figure, the late hon. Stanley Njindo Matiba; similar to the late hon. Jean Marie Seroney, he was also detained, but because of political will, a decent compensation was done to the family.

We need to agree that that Committee must also seek good political will from this current administration and I believe they will get it, so that this family can be compensated. It is really bad that a man of that great standing would die of depression at the age of only 55.

When you look at that history; three-and-a-half years of detention, and that Kshs1 million he had borrowed was still incurring interest. They would not waive it because he was on the political wrong-side. I urge that this Administration - I know they are

listening - to also think about this family, to do something for them and to move away the collective shame we are carrying as a House. It is terrible and wrong.

I support.

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

Sen. Faki: Asante, Bwana Spika, kwa kunipa fursa hii kuunga mkono Ardhihali iliyoletwa katika Bunge hili na Seneta wa Kaunti ya Nandi, Sen. Cherarkey. Masaibu yaliyokumba familia ya mwendazake Mhe. Seroney ni ya kusikitisha katika nchi yetu ya Kenya kwa sasa. Hii ni nchi ambayo ina sheria na mwongozo, lakini hatuwaangalii viongozi ambao wamepita katika kuhudumia nchi yetu kwa siku za nyuma.

Ningependa kuwakumbusha katika Bunge hili na lililopita tuliupitisha Mswada wa kulipa kiinua mgongo madiwani waliokuwa wamehudumia katika baraza za miji na manispaa ya zamani kabla ya kuja katika ugatuzi lakini hadi sasa imekuwa hadithi ya nenda rudi. Tutaweka pesa mwaka ujao na utakaofuata lakini mpaka sasa hawajalipwa chochote. Wengi wao wanazidi kufa katika hali ya uchochole kabisa.

Masaibu yanayokumba familia ya mwendazake Mhe. Seroney ni mambo ya kusikitisha. Haya yanaonyesha kwamba uhuru uliopiganiwa bado hujakamilika kabisa. Ikiwa kiongozi wa Bunge hili la zamani anaweza kudhalilishwa akiwa hai na pia akiondoka familia yake bado inadhalilishwa.

Ina maana hajutapata uhuru kamili katika nchi yetu ya Kenya. Ningependa kumpa moyo Sen. Cherarkey kwamba ameyapitia masaibu fulani lakini kwa siku hizi karibuni amekuwa anajipiga kifua na kusema yuko katika serikali.

Lakini ninataka kuwakumbusha kuwa mara nyingine Serikali hula watu wake. Kwa hivyo, fuata nyayo za hayati Seroney. Yeye alikuwa wakili na alihudumu katika Bunge hili kama wewe. Alikuwa kiongozi katika Bunge hili akiwakilisha watu wa Nandi kama wewe.

Kwa hivyo, tafadhali Sen. Cherarkey, angalia njia ambayo utakumbukwa kwa mambo mazuri lakini sio kwa kejeli unazofanya katika Bunge hili.

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

Sen. Kathuri: Thank you, Mr. Speaker, Sir. I might not get the advantage like elder, Sen. (Dr.) Oburu, to quote all those former leaders. However, I stand to sympathize with our former colleague, the late Hon. Jean Seroney. I think the Senator for Nandi County is really following his footsteps because he also speaks his mind. I do not know, but sometimes when he wakes up nicely, he speaks his mind. At other times, he gets compromised by the situation.

(Laughter)

Mr. Speaker, Sir, this great leader served the same time with leaders like Bernard Mate. This is the time they were agitating against the *Shifita*. As the Meru Community, we admired Hon. Mate while he served with Hon. Seroney. He slept in the Chamber and then woke up suddenly. He went to a corner in the Chamber and removed his shorts to urinate there.

The Speaker asked him what he was doing and he said; “Mr. Speaker, Sir, you know where I come from, we do not go out at night because we fear *Shifita*. So, we pee in the houses, which is what I was doing. I thought I was in my house in Meru.”

(Applause)

Therefore, the Government moved very swiftly to correct that problem. It fought the *Shifita* and that militia was crashed. So, I stand with my colleagues to remember this great leader.

Those who have spoken before me also hailed him as a former Deputy Speaker. That is what I heard from Sen. Cherarkey. So, this is my former colleague. I really want to remember the work he did. Unfortunately, as we speak, when I became the Deputy Speaker of the Senate, I learned that there is another group of almost ten former Deputy Speakers, who are still agitating to get their benefits. It is a package similar to what is given to the Speakers and other constitutional office holders.

Still, these Deputy Speakers are on the streets writing letters as Sen. Omogeni put it. However, nobody has listened to them. This means that if this issue was sorted, even the late Hon. Seroney and his family could have gotten support through this package because he is a former Deputy Speaker. I am not speaking on this matter because I am serving, but let the former – not even me but the former – at least get that package, so that they can also support their families.

Sen. Cherarkey, this leader really agitated against corruption, misuse of power by the Executive and land grabbing. You can see at the end of the day, he suffered the same things he was struggling to rectify. As you put it, his land was given out. As other colleagues have said, the Committee that will handle this Petition should visit his family and his grave. I will be happy if you will invite me to also go and witness where this great leader lived.

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

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Nasimama kuunga mkono dua mbili ambazo zimesomwa katika Bunge hili.

Ninamshukuru Bw. Waikwa kwa kuleta dua kuhusu shamba lililoko Kambi Simba katika eneo la Rumuruti. Shamba hilo ni zaidi ya ekari 370. Mzee Kenga wa Mwendia alipatia Idara ya Misitu shamba lake mahali panaitwa Lariak.

Baada ya kupatiana Lariak, aliaambiwa atabadilishiwa na shamba lingine huko Rumuruti, Kambi Simba. Baada ya kupeana shamba hilo, Serikali haikubadilisha na kutamka ya kwamba shamba hilo sasa ni la Bw. Kenga wa Mwendia.

Kwa hivyo, imekuwa vigumu sana kwa watu walionunua shamba hilo kutoka kwa Kenga wa Mwendia, kutengenezewa barabara na Serikali yetu ya Kaunti. Hii ni kwa sababu inasemekana ni shamba la msitu. Inajulikana wazi ya kwamba huwezi kujenga barabara, shule, hospitali ama zahanati katika sehemu hiyo.

Hivyo basi, ninaomba Kamati itakayoshughulikia jambo hilo --- Hivi tunapozungumza, ni zaidi ya miaka 43 baada ya lile jambo kutendeka. Bado wakaazi wa sehemu ile wanaendelea kusosoneka. Hakuna barabara, hospitali wala shule.

Kwa hivyo, Bw. Waikwa angependa sisi kama Kamati ya Seneti tushughulikie jambo hili ili watu wanaoishi hapo kwetu Laikipia wasiendeleo kuteseka. Serikali ilipata shamba iliyotaka pale Lariak lakini haikufanya juhudi shamba lirudi kwa Bw. Mwendia na aweze kushughulikia kadri tunavyotaka.

Hayo ndio maombi yetu. Ninaomba Kamati itakayoshughulikia jambo hili ifanye halahala ili wakaazi wa Kambi Simba na sehemu zilizoko hapo, waache kusononeka.

Bw. Spika, dua la pili la Sen. Cherarkey ni kumhusu Mhe. Seroney. Nimesikiza na kusoma historia kidogo kumhusu Mhe. Seroney. Vile ambavyo ninamjua Sen. Cherarkey na vile nimesoma kumhusu Mhe. Seroney, nimejua ya kwamba tunda halianguki mbali na mti lililotoka. Ushujaa wake na vile anavyoongea bila kuogopa, hilo ndilo jambo.

Hata hivi majuzi nilikuwa na woga wakati Sen. Cherarkey alivyonaswa na kutiwa ndani. Nilidhani mambo yameanza kuwa magumu kwake. Kwa sababu Mhe. Seroney alifanya kazi nzuri katika Serikali yetu, tungependa kuomba Serikali iwafidie familia yake. Kulingana na hilo dua, wanaonekana tayari mali yao yote ilinadiwa na wanaishi kwa hali ya ufukura.

Baada ya fidia, tuangalie Mhe. Seroney atakumbukwa vipi kwa sababu alitendea Serikali yetu kazi. Alifanya vile alivyopaswa. Kama vile Sen. Kathuri alivyosema, anapoketi katika kiti hicho, anafanya kadiri ya Kanuni za Kudumu za Bunge. Hafanyi jambo lolote akitaka kujinufaisha yeye mwenyewe. Hivyo basi, tungetaka Mhe. Seroney na familia yake watunzwe.

Sen. Cherarkey, kwa sababu ya ushujaa huo, alishikwa na kufungwa ijapokuwa haijulikani. Nimesikia Senior Counsel akisema Sen. Cherarkey alishikwa na Serikali na kufungwa. Vile vile, Seneta wa Kaunti ya Mombasa amesema kwamba Serikali hula watoto wake. Lakini ukiangalia Serikali iliyokuwepo, mtu alikuwa anashikwa Ijumaa na kukaa ndani siku tatu. Kiongozi wa Walio Wachache alishikwa kwa masaa matatu. Kwa hivyo, angalau sasa.

(Applause)

Alishikwa kwa sababu alikuwa akiandamana na ilikuwa kinyume cha sheria na ilijulikana wazi. Ni vizuri yasemwe. Sen. Wambua anafurahi na ninaona akiniambia niendelee kuongea lakini sitaongea mengi.

Ijapokuwa nimemsikia Seneta wa Kaunti ya Mombasa akisema Serikali hula wana wake, anajua ya kwamba zimwi likujualo halikuli likakwisha.

(Applause)

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

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise to support my colleague, Sen. Cherarkey, but just for today.

Mr. Speaker, Sir, the way we treat great statesmen in this country will determine the kind of generation that we raise. The way we treat our former and current heroes, both living and dead, will determine how many patriots we inspire from the existing and coming generations.

Mr. Speaker, Sir, I remember how the former Cabinet Secretary, hon. (Dr.) Matiang'i, was recently frustrated, while our brothers from Kenya Kwanza were excited and hysterically clapping. I remember them writing all over the social media, 'what goes

around comes around.’ At that moment, they forgot that what goes around comes around and then, again, it comes around.

We were watching as the Orange Democratic Movement (ODM) Party, and how the last regime of Jubilee were fighting within their house of Jubilee. When hon. (Dr.) Matiang’i was in power, Jubilee Party frustrated its own people back then. Recently, hon. (Dr.) Matiang’i was the one being frustrated. I implore on our colleagues from Kenya Kwanza, that the same way it came around for hon. (Dr.) Matiang’i, is the same way that it could go back around towards them. We must always aim to operate within the confines of the law while respecting our nation and treating our former heroes who sacrificed and served our nation in a manner that is worth emulating and recording.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, the half an hour meant for comments is long spent.

Hon. Senators, pursuant to Standing Order No. 238 (1), the Petition by Mr. Charles W. Waigwa is hereby committed to the Standing Committee on Lands, Environment and Natural Resources for its consideration. In terms of Standing Order No.238 (2), the Committee is required in not more than 60 calendar days from the time of reading the Prayer to respond to the petitioners by way of a report addressed to the petitioner and laid on the Table of the Senate.

Further, pursuant to Standing Order No.238 (1), the Petition by the hon. Sen. Cherarkey on behalf of the family of the late Jean Marie Seroney, be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Justice, Legal Affairs and Human Rights. In terms of Standing Order No.238(2), the Committee is also required in not more than 60 calendar days from the time of reading the Prayer to respond to the petitioners by way of a report addressed to the petitioner and laid on the Table of the Senate.

*(The Petitions were committed to
the relevant Senate Committees)*

The Speaker (Hon. Kingi): I have a Communication to make before we move to the next order.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE UNIVERSITIES STUDENTS ASSOCIATION IN HOMA BAY COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, visiting students from the Universities Students Association in Homa Bay County. The delegation is in the Senate for a one-day academic exposition.

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

(Applause)

VISITING DELEGATION FROM THE UNIVERSITIES STUDENTS
ASSOCIATION IN MIGORI COUNTY

I wish to acknowledge the presence in the Speaker's Gallery this afternoon, visiting students from the Universities Students Association in Migori County. The delegation is in the Senate for a one-day academic exposition.

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

(Applause)

I will allow the 'youth leader' of ODM, Sen. (Dr.) Oburu, to welcome the delegations.

(Laughter)

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

The Speaker (Hon. Kingi): What is your point of order? Confine your point of order to Standing Order No.98.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have a point of order on your Communication. I just need further clarification. We have students in both the Public and Speaker's Gallery. You know the pecking order and significance of sitting arrangements in this Parliament. Why did you deny the students ---

(An. hon. Senator spoke of record)

What is your problem? I am not offending you.

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

Sen (Dr.) Khalwale: Mr. Speaker, Sir, in my understanding, the Speaker's Gallery is rated higher than the Public Gallery. Therefore, the students should have been subjected to the same treatment, so that the Senator of Siaya acknowledges both of them when they are both in the Public Gallery or the Speaker's Gallery. They should receive equal treatment. I thought we fought for the new Constitution, so that all Kenyans are treated equally. This is the House of equity.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale that does not amount to a point of order. However, administratively, the Clerk has taken note.

Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I do not know whether Sen. (Dr.) Khalwale wanted them to be honoured more or less. Whatever the case, the students need to be honoured more because they are not only just leaders of tomorrow, but also of today.

Mr. Speaker, Sir, the delegations visiting the Senate have decided to come here to learn from us, some of whom are in the evening of their exit. This is a very important occasion for the students. I encourage the students from the great County of Migori to work hard. There is no shortcut to being a leader. If you want to be leader, you must work hard. You must also be honest, truthful and be committed to service. I wish you success in your studies.

The young people of these days adore wealth more than morals. Some of the young people nowadays admire richness and wealth. When you are wealthy, young people think that you are a very successful person. However, you can be very wealthy but unethical. You may have acquired wealth through crooked means. I want you to be of very high moral standards, work hard and earn your wealth honestly through sweat and hard work. This is the only value that I wish to impart on you.

(Applause)

I thank you very much for choosing to come to the Senate. This is a great institution. Your choice is not a disappointment. This House is better than the other one, where I sat for about 30 years. We should be an 'Upper' House.

Thank you, Mr. Speaker, Sir.

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

PAPERS LAID

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, 11th of April, 2023 -

PERFORMANCE AUDIT REPORT ON RESPONSE TO FLOODS IN KENYA

Performance of the Audit Report of the Auditor-General in response to the floods in Kenya.

REPORTS OF THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate:

Report of the Auditor-General on the financial statement of the following:

Bungoma County Trade Development Loans Fund for the year ended 30th June, 2022.

Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2022.

Nyandarua County Executive (State and Public Officers) Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Nyandarua County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Nyeri County Executive Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.

The County Revenue Fund – County Government of Nyeri for the year ended 30th June, 2022.

Nyeri County Health Services Fund for the year ended 30th June, 2022.

County Executive of Garissa for the year ended 30th June, 2022.

Garissa County Assembly for the year ended 30th June, 2022.

Garissa County Investment Development Authority for the year ended 30th June, 2022.

Garissa County Emergency Fund for the year ended 30th June, 2022.

County Executive of Wajir for the year ended 30th June, 2022.

County Assembly of Wajir for the year ended 30th June, 2022.

Kiambu County Executive Staff Car Loan and Mortgage Scheme for the year ended 30th June, 2022.

Kiambu County Health Services Facility Improvement Fund (HSFIF) for the year ended 30th June, 2022.

Kiambu County Jiinue Fund for the year ended 30th June, 2022.

Busia County (Public Officers) Revolving Fund for the year ended 30th June, 2022.

Turkana County Executive of for the year ended 30th June, 2022.

Turkana County Assembly of for the year ended 30th June, 2022.

Receiver of Revenue – the County Government of Nyeri for the year ended 30th June, 2022

Thank you.

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

The Speaker (Hon. Kingi): Next order.

Sen. (Dr.) Khalwale: I beg your pardon, Mr. Speaker, Sir. I missed one report and I beg to lay it on the Table.

Report of the Auditor-General on the financial statements of Nyeri County Health Services Fund for the year ended 30th June, 2022.

Thank you.

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

The Speaker (Hon. Kingi): Next order.

Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. I kindly request if I can look for my notes and do it afterwards.

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

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I have three Statements and I will go ahead to read them. The first one is on the welfare of street families and children.

The Speaker (Hon. Kingi): Sen. Kibwana, you are supposed to give Notice of your Motion.

Sen. Kibwana: Mr. Speaker, Sir, I beg to give Notice of the following Motions-

NOTICES OF MOTION

STATE OF MENTAL HEALTH OF POLICE OFFICERS

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

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

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

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

- (i) declare the current mental health situation within the Police Service a national emergency;
- (ii) urgently establish a specialized facility to cater for police officers with mental illness;
- (iii) develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed;
- (iv) prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers, the service considers the health of the affected officers.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Crystal Asige.

DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES

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

AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emissions and vehicle congestion costs, which are in excess of Kshs100 billion in Gross Domestic Product (GDP) per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors (CoG) and the National Climate Change Council (NCCC) to;

(i) identify, publicize and execute suitable monthly car-free days and county car-free zones in urban areas;

(ii) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;

(iii) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and

(iv) The use of electric hybrid buses and provide appropriate incentives for their use and design an infrastructure that can support non-motorised transport facilities such as pedestrian and bicycle infrastructure in urban areas and ensure internal connectivity among the various transport modes.

I thank you.

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

QUESTIONS AND STATEMENTS

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe Ltumbesi, Senator for Samburu, is not in. However, we will start by taking the Statements from the Chairs of the Committees first before we go to the general Statements.

Therefore, I am going to call the following Chairpersons: The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, is supposed to issue a Statement relating to the activities of the Committee. Kindly, proceed.

Sen. Cherarkey: On a point of order.

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

Sen. Cherarkey: Mr. Speaker, Sir, I just need your clarification. Under Standing Order No.1, you have given opportunity to the Chairs to issue Statements relating to activities of committees. The clarification I would like to have from you is whether you will allow interventions, contributions or riders on the Statements by Chairpersons which are critical.

Therefore, I seek your indulgence because when it comes to agriculture, for example, through the Chair, we might want to know the status of subsidized fertilizers for our farmers across the country. So, are we going to ask further questions on the Statement?

Mr. Speaker, Sir, looking at the Order Paper, I can see that we have quite a number of Statements by colleagues under Standing Order Nos.52(1) and 53(1). Maybe you need to give direction on that. Is it that the Chairs will read without interventions from the House or we will also make comments on the Statements by the Chairs?

Mr. Speaker, Sir, maybe you can guide us. You also have powers under Standing Order No.1.

The Speaker (Hon. Kingi): Thank you, Sen. Cherarkey. Because of the time factor and if you look at the Order Paper, we have substantial business to transact today. Therefore, I will allow at most, two interventions per Statement made by a Chairperson of a Standing Committee, so that we cover as much business as we can, especially the business that is appearing on the Order Paper.

Let me just share this with you. We were agonizing on this particular matter when we sat as the Senate Business Committee (SBC). You will notice that there is business that is almost a fixture on our Order Paper. Some business keeps on recurring and the reason is that they are never reached.

We need to be alive to the fact that though we may want as many of you to make comments and interventions, but because of the time factor, we will limit the number of Senators to speak per Statement. In this regard, I will allow just two after the Chairperson has made a Statement.

Kindly, proceed Chairperson of the Committee on Agriculture, Livestock and Fisheries.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES

Sen. (Dr.) Murango: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Agriculture, Livestock, Fisheries and Blue Economy from 14th October, 2022, to 30th March, 2023.

The Senate Standing Committee on Agriculture, Livestock and Fisheries is established under Standing Order No.228(3) of the Senate Standing Orders. It is mandated to consider all matters relating to agriculture, irrigation, livestock, fisheries, development, veterinary services, and blue economy.

During the period under review, the Committee held a total of 22 sittings during which it considered five legislative proposals, four Bills, 11 Statements and one public participation and tabled the report. During the period, the Committee considered the following legislative proposals and resolved that they be published –

(1) The Legislative Proposal on Agriculture and Livestock Extension Services Bill, 2022.

(2) The Legislative Proposal on the Coffee Bill, 2023.

(3) The Legislative Proposal on Rice Bill, 2023.

(4) The Legislative Proposal on the Protection of Livestock and Produce Theft.

(5) The Legislative Proposal on the Agriculture and Food Authority Bill, 2023.

Mr. Speaker, Sir, first, I would also like to commend the Cabinet Secretary (CS) for Trade, Investment and Industry, Hon. Moses Kuria, for lifting the ban which came after our work on the Macadamia (Amendment) Bill.

Concerning Bills, during the period under review, the Committee considered the following four Bills –

(1) The Agriculture and Livestock Extension Services Bill (Senate Bills No.12 of 2022). This Bill was referred to the Committee on 15th February, 2023, following its introduction in the Senate by way of First Reading. The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders and prepared its report and will be tabled in the Senate this week.

(2) The Mung Beans Bill (Senate Bills No.13 of 2022). This Bill was referred to the Committee on 15th February, 2023, following its introduction in the Senate by the way of First Reading.

The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders. The Committee further conducted physical public hearings on the Bill in Kitui County and covered four areas namely; Tseikuru, Ngomeni, Mutomo and Kisuyani and prepared its report which was subsequently tabled in the Senate.

(3) The Tea (Amendment) Bill (Senate Bills No.1 of 2023). This Bill was referred to the Committee on 16th February, 2023, following its introduction in the Senate by way of First Reading.

The Committee facilitated public participation, pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders through requesting for written memoranda. The Committee intends to conduct a physical public participation on the Bill and will thereafter table its report in the Senate.

(4) The Cotton Development and Industry Bill (Senate Bills No.5 of 2023). This Bill was referred to the Committee on 2nd March, 2023, following its introduction in the Senate by way of First Reading.

The Committee facilitated public participation, pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders through requesting for written memoranda. The Committee intends to conduct a physical public participation on the Bill.

I will now move to Statements. During the period under review, 11 Statements were sought from the Committee.

The Committee considered and concluded five of them and it is currently considering the remaining six. In considering the same Statements, the responses were shared with respective Senators who sought the Statements.

Mr. Speaker, Sir, the Statements below have been concluded.

(1) The Statement regarding the State of rice farming in Kisumu County by Sen. (Prof.) Tom Ojienda, MP.

(2) Statement regarding the State of Cage fish farming in Kisumu County by Sen. (Prof.) Tom Ojienda SC., MP.

(3) The Statement regarding the State of sugar cane and sugar cane industry in Kisumu County by Sen. (Prof.) Tom Ojienda, MP.

(4) Statement regarding the invasion by rice field by quelea birds in Kisumu County by Sen. (Prof.) Tom Ojienda, MP.

(5) Statement of the status of National Agricultural and rural inclusive growth project in Vihiga County by Sen. Osotsi.

Mr. Speaker, Sir, the Committee is yet to get responses on the following Statements:

(1) Statement on the current drought mitigation program in Arid and Semi-Arid Land (ASAL) by Sen. Wambua, MP.

Mr. Speaker, Sir, I note that the responses for this was first brought to the Senate and given to Sen. Wambua, but he was not satisfied. So, we are still working on it.

(2) The Statement on the planned importation of maize by the Ministry of Agriculture and Livestock development by Sen. Chararkey, MP.

(3) Statement on the status of distribution of subsidised fertilizer in Laikipia County by Sen. Kinyua.

(4) Statement on the state of the nut industry in Kenya by Sen. Kibwana

(5) Statement on the state of Macadamia nut production and marketing by Sen. Mundigi, MP.

On the macadamia nuts, we were working on a Bill. I report that the ban on the sale of raw macadamia has been lifted by the Cabinet Secretary (CS) for Industrialization. hon. Moses Kuria, which is commendable.

(6) Statement on the Status of Horticultural Crop Directorate by Sen. Mundigi, MP.

Mr. Speaker Sir, the Committee considered one Petition named; the Petition on the Ethics and Anti-Corruption Commission EACC graft investigation on West Kano irrigation Scheme. The Committee has met with the Petitioner and the Chairperson Ethical and Anti-Corruption Commission (EACC).

However, the Committee has not met with the CS, Ministry of Water Sanitation and Irrigation. The Committee will consider and adopt its report once it has met the CS.

Committee induction and Stakeholder engagement - the Committee conducted its induction retreat from 2nd – 5th March, 2023 and met with the Ministry of Mining and Maritime Affairs. Also, the Ministry of Water, Sanitation and Irrigation and the Agricultural Food Authority in order to understand the agricultural sector specific policy direction for each state department and agency. It also sought to identify legislative gaps, priority areas for the 13th Parliament and opportunity for collaboration and cooperation with various stake holders.

The Committee also met with the Agricultural Sector Network (ASENET) to deliberate on the implementation of Water Resource Regulation 2021 which seeks to set the water user fee for irrigation, domestic water, public water supplies and livestock use.

The Committee resolved to meet with the CS, Ministry of Water Sanitation and Irrigation to deliberate further on the regulation.

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

Lastly, I thank the Members of the Committee for the commitment and diligence in their contribution during the activities of the Committee.

I thank you.

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Devolution and Intergovernmental Relations, you have the Floor. We will hear the Statements and thereafter proceed to the interventions.

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS

Sen. Abass: Thank you, Mr. Speaker Sir. I rise pursuant to Standing Order No.56(1)(b) to make a statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period commencing 29th September, 2022 to 31st March 2023.

The Committee has considered several statements sought by the Hon. Senators, which include:

(1) A request for statement sought by Sen. Gataya Mo. Fire, MP., regarding the relocation of National Government Administrative Services from Chuka Town to Kathwana Town which is the gazetted headquarters of Tharaka Nithi County,

(2) A request for Statement sought by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP, regarding Border disputes between Kisumu, and Nandi counties over Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere towns, and Kericho and Kisumu Counties over the Sondu area;

(3) A request for Statement sought by Sen. Chute, regarding the acquisition and distribution of relief supplies by the County Government of Marsabit and neighbouring County Governments sourced from the counties development;

(4) A request for Statement sought by Sen. Mwaruma, MP, regarding the County Boundary Cutline Between Taita Taveta County and three of its neighbours, namely, Makueni, Kwale and Kajiado Counties;

(5) Is considering the Statement by Sen. Seki, MP regarding the implementation of second level of Devolution through decentralization of services in urban areas.

Mr. Speaker Sir, in its consideration of a request for statement sought by Sen. Gataya Mo. Fire, MP, regarding the relocation of National Government Administrative Services from Chuka Town to Kathwana Town, which is the gazetted headquarters of Tharaka Nithi County.

The Committee wrote to the Ministry of Interior and Administration of national Government seeking for a response as to why the relocation of national Government services has not been effected. The Committee received a comprehensive response from the Cabinet Secretary which was shared to the requester of the Statement.

The Committee undertook a county visit to Tharaka Nithi County from 20th to 21st January, 2023 to ascertain the status of the delayed operationalization of Kathwana Town as the County headquarters; and held meetings with the EACC and the Controller of Budget to deliberate on matters affecting the stalled construction of the Tharaka Nithi County Assembly Chambers.

Mr. Speaker Sir, in the course of its investigations, the Committee has made the following keyfindings -

(1) THAT Tharaka Nithi County was among the Counties that received the conditional grant intended to supplement financing of the construction of County Headquarters and as at June 2022 the Cumulative expenditure for the construction was Kshs217 million and the project was 85 per cent complete.

(2) THAT there is lack of adequate infrastructure in Kathwana town that can accommodate all the national Government departments. The current available office infrastructure can only accommodate six departments including the office of the County Commissioner.

(3) THAT there were unfinished works on the construction of the county headquarters including erection of a perimeter wall and electricity connection.

(4) THAT there was a caveat put by the Ethics and Anti-Corruption Commission in a letter to the county government of Tharaka Nithi stopping the release of funds for the construction of the County Assembly until the EACC completes its investigations.

(5) THAT EACC investigates into the irregular procurement of consultancy services for architectural designs for the construction of the Tharaka Nithi County Assembly Chambers and that of the irregular procurement for the construction of the Chambers.

(6) THAT the size of the proposed structure was significantly larger than the required capacity to accommodate the 26 Members of the County Assembly (MCAs).

The Committee is about to conclude its investigations on this matter and the report shall be soon tabled in this House.

Mr. Speaker, Sir, on consideration of the Statement regarding county border disputes, the Committee took important note of the history pertaining this particular issue. It is instructive to note that the issue of border disputes between counties has been a long-standing problem spanning from the 10th to the current Parliament, with a myriad of disputes across the country. As you are aware, border issues are emotive. The Committee has taken serious considerations and is still addressing the matter. A Bill is coming to that effect.

The Committee also resolved that the framework for a peaceful resolution of inter-county boundaries and border disputes is clearly encapsulated in the Constitution and the relevant Statutes. This includes the Intergovernmental Relations Act No.2 of 2012 and the County Governments Act No.17 of 2012.

Upon considering the numerous reports previously presented by various stakeholders, the Committee advises that the most applicable solution is espoused in Article 188 of the Constitution---

(Sen. Osotsi and Sen. Wambua consulted loudly)

The Speaker (Hon. Kingi): Sen. Osotsi and Sen. Wambua, kindly adhere to the Standing Order No.118.

Chairperson, please, proceed.

Sen. Abbas: Mr. Speaker, sir, it provides that the boundaries of a county can only be altered through a resolution of an independent Commission set up for this purpose by Parliament.

Mr. Speaker, Sir, the Committee is currently considering the County Boundaries Bill, 2023 (Senate Bills No.6 of 2023). It seeks to provide for a mechanism for the resolution of county boundary disputes, as well as give effect to Article 188 of the Constitution by providing for the procedure of alteration of county boundaries.

Once the Bill is enacted, the necessary Commission shall be put in place to resolve all county border disputes. The Committee believes this shall be the most appropriate solution to all county border disputes.

Mr. Speaker, Sir, all the other three statements before the Committee have been processed and invitation for responses from the relevant offices have been sent. The Committee is set to expeditiously deal with them as soon as they are received to ensure they are dispensed with.

Concerning Bills, one Bill is before the Committee. This is the County Boundaries Bill, 2023 (Senate Bills No.6 of 2023). The Bill seeks to provide for a mechanism for the resolution of county boundary disputes, as well as give effect to Article 188 of the Constitution by providing for the procedure of alteration of county boundaries.

The Committee is presently carrying out public participation on the Bill and once all the views have been taken into account, it shall prepare and table its report before this House before 21st April, 2023.

Mr. Speaker, Sir, regarding county visits, the Committee has visited Tharaka Nithi and Meru counties. The Committee visited Tharaka Nithi County from 21st to 22nd January, 2023 to ascertain the status of the delayed operationalization of Kathwana Town as the County headquarters. A report of the findings and recommendations by the Committee shall be tabled in the House.

I also would like to take this opportunity to inform the House that the Committee had been concerned with the issues that took place in Meru County Government, since this is a critical matter that affects the governance and management of county governments. In the interest of protecting devolution, the Committee had considered playing a mediatory role in the wrangles between the Meru County Executive and the Assembly. Unfortunately, the process of impeachment of the County Governor through a Petition by the County Assembly had commenced before the Committee could intervene.

However, I wish to report that between 21st to 22nd January, 2023 the Committee visited Meru County and held successful engagements with the governor and also the MCAs. This was as a follow up on how the county is moving on in the aftermath of the impeachment trial of the governor.

In this regard, I wish to assure this House of the commitment of the Committee in enhancing and strengthening good inter-governmental and intra-governmental relations, in all the counties which it regards as the cornerstone for the success of devolution.

Mr. Speaker, Sir, on stakeholder engagement, the Committee has held meetings with its various stakeholders in the spirit of fostering good working relationships with them. This includes the State Department of Devolution; the Intergovernmental Relations

Technical Committee (IGRTC); County Assemblies Forum (CAF); Council of Governors (COG); the Senate Liaison Office (SLO) and the West Minister Foundation for Democracy (WMWFD).

I wish to inform the House that together with the State Department of Devolution – which is a key player in the devolution space – we had fruitful discussions that set the tone for strengthening our collaboration and building on robust engagements that aim to achieve the successful implementation of all devolved functions.

Mr. Speaker Sir, in recognition of the role that IGRTC plays as the State agency responsible for consultation, cooperation and coordination of the two levels of government, the Committee has held three meetings with the agency. Our aim is to find ways of collaborating in deepening devolution and entrenching effective inter-governmental relations within the devolved system of governance.

In appreciating the critical role county assemblies play in legislation of county affairs and oversight of the county executives, the Committee has held two meetings with CAF to identify the areas of support and collaboration with the Senate.

I wish to inform the House that together, we had fruitful discussions on areas of legislation and support, capacity enhancement and opportunities for strengthening of intra-governmental relations for effective governance of county governments.

Mr. Speaker Sir, the CoG is also a central player in the management and governance of devolution. In this regard, the Committee has held a meeting with the Council and deliberated on areas and opportunities of collaboration in effectively implementing devolution. The Committee continues to engage the Council in critical aspects affecting the counties and looks forward to a successful working relationship in this term of Parliament.

With regard to foreign visits, in ensuring continued capacity building for institutional strength and competence in execution of its mandate, the Committee attended a training in Dubai, United Arab Emirates (UAE) from 14th to 22nd January, 2023. The training was organised by the Eastern and Southern Africa Management Institute (ESAMI). The training was important in acclimatizing Members with knowledge and skills on effective governance and management of devolution and equipped their leadership capacity as representatives of the people.

Mr. Speaker, Sir, in order to give the Members a deeper understanding of the Committee's mandate and to prepare them for the huge task in the 13th Parliament, the Committee held an induction and work planning retreat from 5th to 8th February, 2023 in Naivasha. This also gave the Senators an opportunity to interact with its various stakeholders, as well as identify areas of priority for this term of Parliament.

For continuous improvement and effective performance on its mandate, the Committee has considered a performance assessment and review report that was conducted by the Senate Liaison Office (SLO) in collaboration with WMWFD, which identified the challenges that were clawing back on the performance of the Committee in the previous Parliament. The Committee is taking robust measures to implement the recommendations made from the report which shall enhance and strengthen its effective delivery.

Mr. Speaker Sir, the Committee considered the 2023 Budget Policy Statement and the Medium-Term Debt Management Strategy on which it made critical observations and sustainable recommendations on the policies touching on the various fiscal challenges and risks that are facing the county governments.

The Committee has submitted its report to the Standing Committee of Finance and Budget and hopes that the House takes into account its recommendations.

Oversighting the implementation of the Urban Areas and Cities Act (No. 13 Of 2011) - In line with fulfilling its mandate, the Committee is determined to ensure that urban areas and cities in the country are governed and managed in the manner contemplated in Article 184 of the Constitution.

To this end, the Committee is currently developing a framework of establishing whether cities, towns, and market centers have fulfilled the provisions of the Urban Areas and Cities Act (No 13 of 2011.)

The Committee is considering the review of devolved sector laws that should be aligned to the Constitution. This is to ensure that all the devolved sectors that existed before the Constitution of Kenya 2010, which need to be reviewed to align to the Constitution.

The Committee has so far identified 79 laws in the different devolved sectors that need to be aligned to the Constitution as indicated in the table below-

	Devolved Sector	Number of laws
1.	Land and Environment	23
2.	Health	20
3.	Agriculture	19
4.	Trade	4
5.	Devolution	3
6.	Roads	3
7.	Labor and Social Welfare	2
8	Energy	1
9.	Finance and Budget	1
10.	County Public Accounts	1
11	Information Communication and Technology	1
12.	Security	1
	TOTAL	79

The Speaker (Hon. Kingi): Hon. Senator, you are supposed to make your Statement for not more than 10 minutes. Pursuant to Standing Order No.51(2). You have already overshot the runway. Kindly conclude and table your Statement.

Sen. Abass: Mr. Speaker, Sir, allow me to conclude. In total, I have 79 laws to be reviewed. It is important to note that this non-conformity of the devolved sector laws has been a huge claw back in the success of implementing devolution and, as such, the

Committee believes that its report on the matter will help the other Senate Committees to have this challenge looked into and a mechanism providing for a solution put in place.

Mr. Speaker, Sir, in conclusion, the Committee plans to carry out the following key activities in this Session-

- (a) Consideration of various Legislative proposals and Bills touching on Devolution with a view of enacting them into law.
- (b) A Meeting with the Deputy President since the State Department on Devolution lies in his office.
- (c) Oversighting the implementation of the Urban Areas and Cities Act (No. 13 of 2011).
- (d) Review of the Devolved Sector Laws that should be aligned to the Constitution.
- (e) Review of the Intergovernmental Relations Act, 2012 with the aim of making reviews on both relations between the national Government and county governments and relations amongst county governments, based on the lessons learnt on the past 10 years of devolution.

Finally, Mr. Speaker, Sir ---

The Speaker (Hon. Kingi): Let it be final.

Sen. Abass: Finally, Mr. Speaker, Sir,

(f) Undertake county visits to ascertain the status of various issues that are under the Committee's mandate. For example, ascertaining the of implementation of the county headquarters whose construction was being supported by the national Government.

(h) Regular retreats with the key Stakeholders and other non-state actors; the Society of Clerks at The Table, The Kenya Private Sector Alliance, The Katiba Institute, to ensure maximum engagement on collaborations that will steer the success of devolution.

(i) The Committee shall also undertake other activities that are generally aimed at strengthening devolution.

Finally, I wish to appreciate the Office of the Speaker, the Senate Leadership and the Office of the Clerk of the Senate for the steadfast support that they have accorded this Committee.

Thank you.

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Education, proceed.

Clerk, Kindly, time the Senator for 10 minutes. Beyond that, let the microphone switch off automatically.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. However, your directive will be disadvantageous to me.

ACTIVITIES OF THE COMMITTEE ON EDUCATION

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities of the Standing Committee on Education for the period between 14th October, 2022 to 30th March, 2023.

The Standing Committee on Education is established under Standing Order 228 (3) of the Senate Standing Orders and is mandated to consider all matters relating to education and training.

During the period under review, the Committee held a total of twenty-four (24) sittings, during which it considered three Bills, 11 Statements, one public Petition and tabled one report.

On Bills, during the reporting period, the Committee considered the following three Bills -

- (a) The County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022). This Bill was referred to the Committee on 8th November, 2022 following its introduction in the Senate by way of First Reading. The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders and prepared its report which was subsequently tabled in the Senate.
- (b) The Learners with Disabilities Bill, 2023 (Senate Bills No. 4 of 2023). This Bill was referred to the Committee on 7th March, 2023. The Committee consequently facilitated public participation and has prepared its report, which is currently undergoing consideration and will be tabled in the Senate this week.
- (c) The Kenyan Sign Language Bill, 2023 (Senate Bills No.6 of 2023). This Bill was introduced in the Senate on 22nd March, 2023 and thereafter stood committed to the Committee on Education. Pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145 (5) of the Standing Orders of the Senate, the Committee has invited interested members of the public and stakeholders to submit their representations on the Bill for consideration during preparation of its report.

Mr. Speaker, Sir, on Statements, during the reporting period, 11 Statements were sought from the Committee. The Committee considered and concluded seven of these Statements. In considering the said Statements, the reports and responses received by the Committee were shared with respective Senators who were also invited to attend and participate in the Committee meetings. The Committee is currently considering the following four remaining Statements and will conclude within the next two weeks -

- (a) The reversal of delocalization of teachers' policy in Embu County by the Teachers Service Commission (TSC) sought by Sen. Mundigi.
- (b) Scholarships on education programs between counties in Kenya and academic institutions outside the country, sought by Sen. Samson Cherarkey, MP;
- (c) Status of Kaimosi Friends University, sought by Sen. Godfrey Osotsi.
- (d) Credibility of a course offered to Kenyan Immigrant workers by the NITA, sought by Sen. Tabitha Mutinda, MP.

Mr. Speaker, Sir, on petitions, one Petition, regarding the 1997-2007 retired teachers' claims was referred to the Committee on 8th March, 2023 and is currently undergoing consideration. The Committee has received submissions from the petitioners and has identified and invited key stakeholders to a meeting with the Committee to deliberate on the petition.

The Committee will conclude on this matter within the coming two weeks, prepare its report and respond to the petitioner in line with the provisions of the Standing Orders.

Mr. Speaker, Sir, on Committee induction and stakeholder engagements, the Committee conducted its induction retreat between 6th and 10th February, 2023 and met with stakeholders drawn from the Ministry of Education in order to understand education sector policy directions for each State Department and Agency, identify legislative gaps and priority areas for the 13th Parliament.

The Committee further met with non-state actors and development partners to acquaint itself with their roles and functions in the implementation of the Education Sector policy and legal framework.

During other engagements with stakeholders, the Committee also received submissions and views on different legislative and other business under its consideration.

Mr. Speaker, Sir, on county oversight visits, the Committee is scheduled to conduct county oversight visits during the recess in May to add to the evidence gathered during consideration of different legislative business that have been brought to its attention.

Mr. Speaker, Sir, notably, the Committee will be seeking to confirm the reports received from the Council of Governors (CoGs) and the Salaries and Remuneration Commission (SRC) on the plight of Early Childhood Development Education (ECDE) teachers and caregivers in the counties countrywide. The Committee believes that these county visits will also provide firsthand evidence and avail an opportunity for extended public participation.

Mr. Speaker Sir, in conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support extended to the Committee in the conduct and execution of its mandate.

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

That is the perfect example of keeping time.

The Speaker (Hon. Kingi): Thank you, Senators. Before I give Members time to make comments on the three Statements by the Chairpersons of those Standing Committees, allow me to make the following Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE USA

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a visiting delegation from the United States of America.

They are in the Senate as guests of Senator for Makeni County, Sen. Daniel Maanzo MP.

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

- (1) Griffith Morgan, Member of Congress, Virginia State

- (2) Sara Jacobs, Member of Congress, California State
- (3) Janti Soeripto, Chief Executive Officer (CEO), Save the Children
- (4) Griffith Hilary, member of delegation.
- (5) Gleason Christy, member of delegation
- (6) Laws Arion Nechelle, member of the Delegation.

Hon. Senators, 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 Makueni and Sen. Maanzo to share a very brief word of welcome.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. We are delighted to welcome this team. It is a big team of 26. Yesterday, we went to Turkana County, particularly, Kakuma Camp. They are on a mission in the country to promote education, especially to disadvantaged children. That is why they are accompanied by the CEO of Save the Children Fund of the USA.

In fact, I am a beneficiary of Save the Children Fund, UK. It took me to Starehe Boys Centre when it was fundraised by Princess Anne. They are concentrating on the plight of the disadvantaged children who deserve an education in the Kakuma Camp and any other camp in the country.

Mr. Speaker, Sir, the Congressman from Virginia is in the Committee of Energy in the Congress, and Sarah, who is a Congress Lady from California, is in the Committee on Foreign Relations. The Congressmen and women have teamed up with those other organizations so that they can do something for the children of Africa and the rest of the world in relation to education as their passion.

They also visited Masai Mara. They are here for a few more days and will visit other places.

Recently, Sen. Chris Coons was in town. I was lucky to host him in one of the occasions for dinner. He did a lot of work in the bipartisan process. If you look at the current Congress man and Congress woman, they are also from two different political parties. One is a Republican, and the other is a Democrat and they are very bipartisan even in the way they conduct activities when serving the nation and the world.

Mr. Speaker, Sir, I take this opportunity to welcome them. I am sure one or two other Senators will join us as we have a cup of tea after this so that they can interact more.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I join you and my colleagues in welcoming the two Congress persons from the USA to this great Republic of Kenya.

I am very happy that you are working with Save the Children Fund. I am very conversant with the work that they do. I am happy that you got a chance to visit the Masai Mara. I represent Narok County, which has the Masai Mara Game Reserve.

I welcome you again to consider assisting young girls and boys from the Maasai Mara region in Narok County. We are heavily affected by the drought, which has completely devastated homesteads and is a big challenge for us.

I hope that when you are here, you will be able to also visit Kajiado County and see how they have been greatly affected.

I requested to welcome you because America is my second home. I know the amount of work that you do. To see two Congresspersons from the Republican Party and the Democratic Party working together will assist us to learn to be bipartisan.

Just like the USA, the Senate of the Republic of Kenya and the National Assembly are growing to be two different, distinct bodies. We represent the interests of our counties, they represent the interests of their districts or their constituencies, which I am sure you represent.

How we represent people here in Kenya is a bit different because our term is five years. I know yours is two years, but we do the same work. Therefore, enjoy your time here in Kenya. I hope that you will say good things about Kenya and have more foreigners, especially from the Committee on Foreign Relations, come to Kenya which is a good country.

I serve in the Committee on Energy in the Senate. I am happy that we can be able to relate.

Thank you very much.

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

(Sen. Wambua spoke off record)

The Speaker (Hon. Kingi): Your comments on the three reports that have been read out.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate the Chairman, the Committee on Agriculture, Livestock and Fisheries where I sit.

I asked to comment on this issue because it is true that Article 118 of the Constitution requires that Committees of Parliament conduct public participation in the process of handling Bills and legislation. The requirement there is directed to Parliament that those committees shall be facilitated to undertake public participation.

As a House, we need to define that facilitation properly. This is because, in the process of dealing with one of those Bills, that Committee almost landed in some trouble.

We went to a place in my county. Since the people of Kitui County love their Senator, when they heard that we were coming for public participation on The Mung Beans Bill, which they grow in large numbers, a public participation that we expected would have a maximum of 100 people ended up with more than 1200 people.

(Applause)

We processed the Bill. However, you know how the situation in our country is. We had to find a way of taking care of the people that came for public participation. If the Senator for Kitui County and the Chairman of the Committee on Agriculture, Livestock and Fisheries were not men of means, I do not know what would have happened to the image of the Senate on that day.

Therefore, let us define public participation for committees. When they go out to meet people for public participation, what kind of facilitation do we need to afford so that the image of the Senate is not dented?

On the Report by the Committee on Devolution and Intergovernmental Relations, the Chairman has left, but let it go on record.

Mr. Speaker, Sir, I still insist that this House is the anchor for devolution. If we do not get it right here, then we will not get it right anywhere else. I would have wanted to hear in that report - and it is not too late; they can do it in the next report - about situations where the Committee *suo moto*, on their own Motion, reached out to county governments.

When you talk about county governments you are talking about the county executives and the assemblies. The places to engage for the benefit of the Committee would be the Council of Governors (CoG). They should have unlocked more conversations with the CoG and the County Assemblies Forum (CAF) so that they understand what issues the assemblies and executives are going through and see how to intervene before we get to levels of impeachment and other instances that may not paint devolution in very good light.

I thank you.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I wanted to comment on the Statement by the Committee on Agriculture, Livestock and Fisheries. My congratulations for the work they have done so far. A brief and quick one. The Committee omitted a very critical issue which I wanted to hear about.

As the previous Senator has said, the committees and their chairpersons need to know - because they will read this on record - that we are very concerned as a Senate that a lot of money is remaining at the headquarters of the Ministry of Agriculture, Livestock, Fisheries and Irrigation yet agriculture is a devolved function.

We want to hear what efforts the Chairperson and his Committee on Agriculture, Livestock and Fisheries are making to ensure that more money goes down to the counties because we have continued to have this complaint. Where we can connect and put matters on record, we are not seeing movement.

It is not enough for the Chairman to come and tell us they have processed two, three or four Bills or they have done such Statements. What about their own *suo moto* movement to make sure that the anchor of agriculture is actually devolved?

Seventy per cent of the people of Kenya are employed in that sector and these are in the counties, not in the towns. We are not hearing much going on from their side. We need to hear this in their next report: How they engaged with the CoG. How much money is coming down and how are we benefiting in the counties. In particular, rural counties, like Tana River County, we need the money from the national Government where the policy makers are and it should roll down to the counties.

I thank you.

The Speaker (Hon. Kingi): Thank you. We now move to Statements pursuant to Standing Order No.52(1).

Sen. Crystal Asige, proceed.

STATEMENT

COMMEMORATION OF THE WORLD AUTISM AWARENESS DAY

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 52(1) to make a Statement of topical concern on commemorating World Autism Awareness Day and Month. World Autism Awareness Day is a global event observed annually on the 2nd of April and continues throughout the month.

Autism spectrum disorder is a developmental disorder characterized by behavioral and communication challenges that impact a person's ability to navigate social interactions and also causes their repetitive and restrictive behavior.

The first historical appearance of the word autism was made in 1911 by the psychiatrist Eugen Bleuler. It was in 1943 when paediatrics psychiatrist Dr. Leo Kanner characterized autism as a social and emotional disorder.

In 1944, Hans Asperger published his article where he described autism as a disorder of normal intelligence children who simply have difficulty with social and communication skills. These articles were an important contribution to the studies that help to classify autism as a disorder separate from schizophrenia.

It is important to note that as children with autism grow older, they face multiple obstacles because many do not speak, write or identify social cues as you and I do. They often become targets for bullies or are excluded all together. Children with autism are also vulnerable to kidnapping, getting lost or even drowning because they are prone to wander from homes and schools. Due to their inability to communicate, they struggle to tell someone their name, where they are from or where they live.

Additionally, autistic adults in our neurotypical society are more likely to be isolated, uneducated, underemployed or unemployed completely. Only recently has autism spectrum disorder become recognized in Kenya. It is true that some behaviors of those with autism can be eccentric and therefore misunderstood, but they are not violent or evil.

Luckily over the past few years, autism awareness has slowly spread throughout the country. Global statistics show that one in 88 children will be diagnosed with autism. It is even more alarming to note that more children will be diagnosed as autistic than with cancer, AIDS and diabetes combined.

Autism affects approximately 4 per cent of the Kenyan population. In an effort to be inclusive of autistic learners, the first unit was established in City Primary School in Nairobi in September 2003 by a group of parents with autistic learners. The unit currently has 40 learners whose ages range between three and 16 years. This is just a small percentage, however, of the over 500 learners within the Nairobi area alone who have been assessed and found to be autistic, but it is certain that there are more.

This means that most non-disabled children during their school years will come into contact with autistic learners. When this happens, it is our responsibility to make sure that they are accepting and do not discriminate against those who are different from them.

It goes without saying that public policy and sensitization is incredibly important through the Ministry of Education for teachers of autistic children to exercise more than anyone else as this is an essential prerequisite for effective classroom management.

Mr. Speaker, Sir, while the day celebrates the stories and lives of those with autism, it is important to remember that this is a lifelong condition with varying degrees of severity. Therefore, therapy for autistic learners would be best offered in schools because without it, it gives rise to further disadvantages to them and their families.

Being that a lot of autistic learners are currently not receiving any therapy as it is only offered in main Government hospitals, it means that parents are forced to choose either making frequent requests to their employers for days off to travel long distances to seek therapy for their autistic children and risk losing their jobs or left with no choice but to leave these learners at home to fend for themselves.

This is an unfair choice to be forced to make and can be resolved through integration in schools, inclusivity and medical support being offered in all Government schools, which have a better footprint across the country. With schools being in charge of educational progress and consistency with regard to attendance and interventions, many autistic learners can grow up to be successful and independent members of society once therapy is made accessible and affordable to them within schools.

Integration is also for protection. Those on the spectrum are beaten, hidden away, tied to trees or bed posts for the day, or killed because it is believed that they are demon possessed. The UK is one of the few countries that has successfully implemented legislation to ensure that learners with neuro-diverse conditions receive consistent therapy within schools.

Mr. Speaker, Sir, in conclusion, I wish to underscore the need for us to create legislation that enhances the lives of persons with autism, promote autism awareness throughout the month of April, and educate Kenyans on the signs, symptoms, and facts related to the condition.

Some of my recommendations include-

(1) THAT the Ministry of Education, in collaboration with the Ministry of Health, provides for Applied Behavior Therapy also known as Applied Behavior Analysis (ABA), as well as Sensory Integration Therapy within school institutions where learners with autism are enrolled.

(2) THAT the Ministry of Education, in collaboration with the County Governments through the Council of Governors (CoG), creates frameworks that exclusively incorporates learners with disabilities in bursary allocation, so that learners with autism can also benefit as a form of affirmative action.

(3) THAT the Parliamentary Service Commission (PSC) hosts or supports events promoting autism awareness and encourage persons with autism to share their stories and make their voices heard.

(4) Mr. Speaker, you can also attend any of the several events planned through April to show your support as a leader, in commemorating World Autism Awareness Day.

(5) Colleague, Senators, can speak out about autism throughout the month of April, to help eliminate the stigma associated with it.

(6) The Senate Secretariat can use the hashtag *#WorldAutismAwarenessMonth* to help raise autism awareness on our Senate social media pages.

(7) The Standing Committee on Education, through the Ministry of Education, can organize campaigns to raise awareness in schools and teacher training facilities. A great way to help kids get to embrace diversity is by using the opportunity that World Autism Awareness Day offers and teach our children something more about the behaviours and actions that may arise in parents with autistic children.

I thank you.

The Speaker (Hon. Kingi): Let us now go to Statements pursuant to Standing Order No.53(1).

ALLEGED MISMANAGEMENT AT THE SPORTS,
ARTS AND SOCIAL DEVELOPMENT FUND

The Speaker (Hon. Kingi): Sen. Cherarkey is not in the House. Therefore, the Statement is dropped.

(Statement dropped)

The Senator for Kisumu, Sen. Prof. Tom Ojienda, SC, is also not in the House. Consequently, both his two Statement are also dropped.

POOR STATE OF DELIVERY OF HEALTH
SERVICES IN KISUMU COUNTY

(Statement dropped)

OPERATIONS OF THE KISUMU CITY BOARD

(Statement dropped)

Sen. Kibwana, you may proceed to request your Statements.

Sen. Kibwana: Mr. Speaker, Sir, I have three Statements. My first Statement is about the welfare of the street families and children.

STATE OF WELFARE OF STREET FAMILIES AND CHILDREN

I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare on the state of welfare of street families and children. In the Statement, the Committee should-

(1) State the number of street families and children living on the streets in the counties in Kenya, segregating this data in terms of gender.

(2) Outline measures, if any, that the Government has put in place to cater for the basic needs such as shelter, food, healthcare, and the state of mental care to this special group of people.

(3) State measures, if any, to address the increasing number of street families and children, outlining programmes in place to rehabilitate and reintegrate them into society.

(4) Outline measures in place to protect street families and children from abuse and exploitation while living on the streets.

(5) State targeted interventions to prevent children from ending up on the streets in the first place, stating steps taken to ensure that street children have access to education and other opportunities to improve their future prospects.

(6) Cause an audit of prevailing policies on the welfare of street families and children, proposing legislative interventions, if any, to cater to this special group of Kenyans.

I will move to the next Statement.

DISPOSAL OF STATE-OWNED ENTITIES
WITHOUT APPROVAL OF PARLIAMENT

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 claims of disposal of state-owned entities without the approval of Parliament.

In the Statement, the Committee should-

(1) Clarify whether there are plans to dispose off state-owned Chemelil Sugar Company, South Nyanza Sugar Company, Nzoia Sugar Company, Miwani Sugar Factory, Kabarnet Hotel, Mt. Elgon Lodge, Golf Hotel, Sunset Hotel Kisumu, Kenya Safari Lodges and Hotels, Consolidated Bank, Development Bank of Kenya, Agro-Chemical and Food Company, Kenya Wine Agencies, Kenya Meat Commission and certain public universities through privatization without the approval of Parliament.

(2) State the policy behind the move to privatize these entities, disclosing plans, if any, to undertake public participation among relevant stakeholders.

(3) Disclose the criteria used in choosing the entities, stating the valuation of each corporation and the expected proceeds from the proposed sale.

(4) Detail the procedures to be undertaken, stating the criteria for identifying potential buyers, as well as the terms and conditions of the sale.

Mr. Speaker, Sir, I will move to the last Statement on Green Climate Funds Capacity Building Programme for legislators in Kenya.

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

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

UPTAKE OF THE GREEN CLIMATE FUNDS CAPACITY
BUILDING PROGRAMME FOR LEGISLATORS IN KENYA

Mr. Temporary 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 Green Climate Funds (GCF) Readiness Fund for Kenya and how it could be used to support potential legislation and capacity building for Senators. In the Statement, the Committee should-

(1) Disclose the status of Kenya's readiness programme for accessing GCF funding, disclosing steps being taken to ensure that Kenya is fully prepared to access and utilize these Funds.

(2) Table Kenya's implementation strategy of the Fund, stating plans, if any, to involve the Senate in its implementation.

(3) State the specific requirements and criteria for accessing this Fund for the development of climate-related legislation.

(4) Disclose the total amount of money available for capacity building for Senators for the period 1st January to 31st December, 2023, stating specific areas the Readiness Fund covers, timelines and procedures for accessing the Fund.

(5) State measures, if any, to ensure that the GCF Readiness Fund is aligned with Kenya's national climate change priorities, stating ways in which this Fund can support the development of a robust and sustainable climate finance architecture.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Kibwana. I can see the hon. Sen. Wambua. Do you want to speak to one of the Statements?

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

The Temporary Speaker (Sen. Wakili Sigei): All right, go ahead.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I want to speak to two. One of them is on the welfare of street children. These children are Kenyans. First of all, it is the responsibility of the caregivers, either parents or guardians to take care of them because they are our future. In the event they are unable to do so, then that responsibility shifts to Government institutions that should take care of them and make sure that we do not have street families and children. They should give them dignity and hope in life.

Mr. Temporary Speaker, Sir, nonetheless, I want to spend a bit of time to speak to the second Statement on a decision by the Executive to bypass Parliament in the process of privatizing parastatals.

Simply defined, sustainable development is the ability of the present generation to extract benefits from our resources today in a manner that does not jeopardize the ability of future generations to extract benefits from the same resources.

Mr. Temporary Speaker, Sir, I would stand guided by Sen. Mungatana, MGH, that the interpretation of the Constitution is not a matter to be undertaken by everyone. As it were, there is a reason why parliamentary approval is necessary before disposing off public assets.

In times of recession, like we are going through now, the situation does not look very good. The financial standing of many Government institutions is not very healthy. There is always the temptation to go for quick fixes; to fix problems today, without much thought on what will happen tomorrow. I find it completely irresponsible and I say this advisedly.

We may want to dispose off so many parastatals now to deal with the current crisis without much regard to the benefits that the public gets from those resources now and into the future. I want to go on record as the Senator of Kitui County and a leader of this country. We have some parastatals in our region that have been earmarked for privatization.

The Committee to which that Statement will be forwarded must have serious talk about the role of Parliament in the process of privatizing public institutions. We should not just accept to privatize today to deal with a problem that we are facing and then tomorrow when the same problem comes, we do not have a fallback position.

Lastly, I again say this advisedly, governments will come. We have had governments before this one. There will be other governments later, but we have only one country called Kenya. Whatever we do, our decisions must not only begin and end with the aspirations of the Government of the day. We have a country to look into and take care off.

I thank Sen. Kibwana for bringing this Statement so that we can have an honest and robust conversation. When the matter goes to the Committee, I hope that Senators will also find time to follow up the Statement and make their contributions.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Mungatan, MGH.

Sen. Mungatan, MGH: Mr. Temporary Speaker, Sir, I thank you very much for giving me an opportunity to comment on Sen. Crystal Asige's Statement and also on the Statement by Sen. Kibwana with regard to privatization.

Mr. Temporary Speaker, Sir, I was reading the story of the wife of the founding father of Tanzania, the late Julius Nyerere, whom we hold in very high regard. There is a story told about his very wonderful *mama* who is highly regarded in Tanzania and East Africa as a whole.

Amongst the seven children that they raised together with the late President, two of them had mental conditions. I am mentioning this to join with my colleague, Sen. Crystal Asige, to fight stigmatization of people who have issues with their mental status.

Mr. Temporary Speaker, Sir, autism can happen to the best of us, best families, Presidents, Ministers of the gospel, Ministers in Cabinet, Members of Parliament and Senators. We could all have children who have Autism because the causative factors are environmental, biological and some of them are inherent. You cannot prevent it. If it is going to happen, it will happen.

Mr. Temporary Speaker, Sir, you have a child whom you love very much, but they have this repetitive behaviour as my colleague, Sen. Crystal Asige, has said. You have this child that you love very much, but when you smile at them, they do not smile back nor maintain eye contact. They are not able to answer to their names. Over a period of time, you get that assessment from the hospital and the doctors tell you that it is autism.

We have been given the statistics. We cannot live without this part of our society. It is a sign of development and civilization that we take care of our weakest in the society. In fact, that is civilization.

I really want us to support that Statement. I pray that the Committee which is going to deal with it, will give very serious attention to the proposals such as putting aside certain amount of National Government Constituencies Development Fund (NG-CDF) for education, towards sustaining children who have disabilities such as Autism.

The Committee can also look at a possibility of having this second day of April commemorated across the counties because counties, including Tana River County, do not mention or talk about some of these things. However, we have schools such as the Hola School for the Mentally Handicapped which support the disabled.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, you may need to close your support to the Statement.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, the Committee should look at the possibility of making it mandatory for counties to commemorate this day so that we create that awareness.

I also wanted to make an observation on the issue of privatisation without involving Parliament. I speak with a lot of sadness. In Tana River County, for example, there was once the Hola Ginnery, which was owned by the National Irrigation Board (NIB), now the National Irrigation Authority (NIA). It was disposed off. That site is now a shell of the past. No one is employed there, nothing is going on and it was sold off to people who are just prospecting on the land where the machinery used to stand. It should not happen again.

Mr. Temporary Speaker, Sir, the same story can be told of Kilifi Cashew Nuts Factory, which was also Government-owned together with the people there. It is a shell of its past. Disposing off these assets without involving the voice of the people - the Parliament - should be a no-no. The people's representatives must be involved and we must not surrender our power of oversight. We must know why the people interested in buying those assets, cannot buy shares in order to keep those assets moving.

When people purchase these items in privatisation, they just dispose off that machinery at throwaway prices. People lose jobs and economies around those particular regions collapse. At the end of it, those people who purchase those assets end up being speculators on that land where that machinery stood yet the same machinery was bought with public funds.

Mr. Temporary Speaker, Sir, that decision must be really examined again, if it is there. I am urging the Committee that will look into the question of privatisation to protect the interests of the people. They must speak to the fact that those enterprises seeking to be privatised were running, giving jobs to people and running local economies. If at all we must go in that direction, we must find a way of sustaining those jobs, local communities and the lifestyles that were created around those enterprises, without destroying what the people invested in.

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

Hon. Members, kindly limit your comments to a maximum of two minutes when commenting.

Sen. Orwoba, you had checked in as Sen. Cheptumo. I will allow you to comment and limit your comments to two minutes.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. Technology and faults. I do not know why my card is reading Sen. Cheptumo, but thank you for the opportunity. I will make a few remarks in support of Sen. Kibwana's Statements on the State of Welfare and Street Families of Children.

All of us, including us here in the Senate, are literally one sickness away from being in the streets. Affordable healthcare has become too high that even just one sickness can put a whole family out on the streets. We are having *harambees* to ensure people can access medical care. We are having all sorts of desperate situations just to save one life of a family.

Sen. Kibwana's Statement on the street families and children portrayed a real situation. It can happen to any one of us even here in the Senate. I can see Sen. Oketch Gicheru in the House and it is as real as having Sen. Oketch Gicheru going to live on the streets because of one sickness.

Mr. Temporary Speaker, Sir, this Statement was presented to the Floor. Being a Member of the Committee on Labour and Social Welfare, I thought that while we will look at it on a social welfare kind of mitigation, some issues have to be addressed, particularly the issue of job creation. We are living in times where we have to be intentional on creating jobs. Jobs come from entrepreneurship. It is all inter-twined.

As much as this will be pushed to the Committee on Labour and Social Welfare, I find myself thinking that the Committee on Education should be part of it. Our education should also be geared to educating our children to become entrepreneurs and stop looking for employment and set up businesses.

While we address the current situation of the street children and families by offering some form of social welfare, we will also be mitigating that in the next 10 to 15 years, we will not have any Kenyan in the streets because they have a source of income through employment or entrepreneurship.

Mr. Temporary Speaker, Sir, I was thinking of how we talk about affordable housing, which the Kenya Kwanza Government is trying to implement. This is one of the issues that needs to be really prioritised. Street families are not out in the streets because they are not earning. Some of them have jobs and earn. However, the problem is that they cannot afford to even pay rent or have homes wherever they want to settle.

Mr. Temporary Speaker, Sir, as I support Sen. Kibwana's Statement, I pray that you do not think of it as a narrow thing to send the Committee on Labour and Social Welfare. This is a multi-faceted issue that even touches on our education and how we can push for entrepreneurship.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. I will try to be as succinct as possible. I will first make a few comments in support of Sen. Kibwana's Statement on street children.

The issue of street children in this country perturbs me because it shows the inhumane nature of our Government. The average population of street children today is between 15,000 - 20,000. These people then bear children on the streets – and rightfully so – with enshrined rights in the Constitution of belonging to this country, but then they look like they are stateless.

The one innovative thing that the Government can do on the issue of street children is to, first, give them a chance to be registered. Registering them and giving them Identification Cards (IDs) will give them a sense of belonging to the country and then every other thing can follow.

As this Committee considers this Statement, I would wish to see how we can give these children a sense of belonging so that they feel like Kenyans. When they become registered, they will start enjoying being Kenyans with regard to other aspects of their rights as enshrined in the Constitution.

Mr. Temporary Speaker, Sir, there is pressure of time, but I wanted to comment on the issue of privatisation. Privatisation of State entities is an issue of the will of the people of Kenya. It is not the will of the Executive or one arm of Government.

Mr. Temporary Speaker, Sir, this is the highest level where sovereignty is extremely tested. If you look at Article 94 of the Constitution, this particular role is given to Parliament. The reason why this is important, is that Article 94(2), Parliament manifests the diversity of the nation, represents the will of the people and exercises that sovereignty.

When you are going to talk about State institutions and entities that have been placed as investments in different counties like what I saw my brother Sen. (Dr.) Khalwale talking about the Nzoia Sugar. These are places where Kenyans invested both emotionally and economically to the extent.

(Sen. Oketch Gicheru's microphone went off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, you have one minute as you close.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, some of these Statements are very important to dissect. This Statement should even come as a Motion for us to discuss it further.

This House should also try as much as possible that we do not give some unalienable rights to ourselves to represent the people. All legislative powers that are affecting the people with regards to things like privatization are actually held in this House.

Due to time constrains, on this issue of privatization, I urge Sen. Kibwana to consider forwarding this Statement to the relevant Committee, the Committee of Finance and Budget, which I sit in. She should also consider bringing it as a Motion so that we can vent about it properly and cement the role of Parliament concerning this issue.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, do you have a comment to the Statements or you want to read yours because I am seeing in the Order Paper, your Statement is equally listed for today?

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, I want to comment about a Statement by Sen. Kibwana and later on, read my Statement.

The Temporary Speaker (Sen. Wakili Sigei): Very well, go ahead.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to comment on Sen. Kibwana's Statement on privatization of State Corporation.

Mr. Temporary Speaker, Sir, this Statement has come at the right time because it will allow us to understand the justification and rationale of privatizing the State corporations, especially doing so, without involving Parliament. When the Executive is operating or working, the architecture of our Constitution requires that Parliament does oversight. What I want to get from the Committee of Finance and Budget is the criteria that was used to identify the State corporations that are going to be privatized.

Mr. Temporary Speaker, Sir, our experience has not been so good in Kenya. We have a situation where the management of State corporations under some unscrupulous Government entities connive to milk State corporations dry and then they sell them away for a song; they sell them away very cheaply. We do not know if this is the ploy, but this Statement will bring to the fore why the Government of the day decided to privatize these corporations without involving Parliament, which is an oversight arm of Government.

We have two hotels in my county; that is, Way Safari Lodge and Guliya, which are going to be privatized. I do not know the criteria that was used and how much will be raised by privatizing them. I am supposed to be given opportunity to understand why they are being privatized and also make my contribution. What happened to public participation when we you are governing?

Mr. Temporary Speaker, Sir, I will be waiting for the responses from the Committee of Finance and Budget. I know this Statement will go a long way into maybe getting us involved and deciding whether or not to allow, or to see how we can prevent such from happening.

(Sen. Mwaruma's microphone went off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, your time to contribute is up.

You may go ahead to read your Statement.

(Sen. Cherarkey consulted loudly)

DELAYED DISBURSEMENT OF LOANS
BY THE HIGHER EDUCATION LOANS BOARD

Sen. Mwaruma: Thank you, Mr. Speaker, Sir. Please, protect me from Sen. Cherarkey. Thank you for allowing me to read this Statement.

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Education regarding the delayed disbursement of Higher Education Loans Board (HELB) funding to university and Technical and Vocational Education Training (TVET) students.

In the Statement, the Committee should-

(1) Explain the reason(s) for the delay in disbursement by the HELB of loans to students in tertiary institutions, outlining the measures the Government has put in place to cushion students who solely depend on HELB funding to stay in class.

(2) State reasons that led to students undertaking diploma and certificate courses in the universities being considered ineligible for HELB funding.

(3) Provide a comprehensive report of the annual budget as disbursed by HELB indicating amounts allocated to undergraduate, TVET and *Afia Elimu*, clearly stating amounts contributed by other partners of the HELB.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mwaruma.

Hon. Members, I have got a request from Sen. Cherarkey as well as Sen. (Prof.) Kamar and you both have got Statements pending. I do not know whether you want to comment on the Statement by Sen. Mwaruma or to your Statement that is scheduled for this afternoon as well.

Sen. Cherarkey, the Speaker dropped your statement because it was called out in your absence. If you would like to comment on the Statement that has been read, then I will ask you to limit your contribution to a maximum of two minutes so that we can transact other business of the House.

I thank you.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. The great people of Bomet County must be proud of what you are doing in the House considering that this is your first term and we are proud of you.

Mr. Temporary Speaker, Sir, when I hear issues of HELB, I get mad, but I am not running mad. The chunk of the money that is sent by HELB to private universities is killing public universities. We must have this conversation. It is good that we have a former Minister of Higher Education, Sen. (Prof.) Kamar in the House.

We are using public money to fund private universities. I agree that the children in private universities are also our children; they are “public children” if you want to call them so. However, what is scuffling HELB is not even about delay of disbursement. A majority of the HELB disbursement or three quarter of their allocation goes to private universities. That is why Moi University, Egerton University and all the other public universities are collapsing.

I might not know the university that my brother, Sen. Oketch Gicheru, went to, but I can tell you that it is also collapsing if it is a public university. We must have a conversation on how---

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, on a point of information.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, do you want to be informed?

Sen. Cherarkey: Yes, I would like to be informed, but in only one second because my time is running out.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, it is important that my brother Sen. Cherarkey knows that I went to Yale University in Connecticut in the United States (US). My Alma mater is doing very well. It is not collapsing.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, the HELB and the Ministry of Education should fact check the universities well. You know one of the principals in Azimio has a fake degree.

Mr. Temporary Speaker, Sir, what I am saying is simple. We must agree as a nation to believe in public institutions. The comrades are suffering. You know when the comrades open university, they eat chicken. After sometime, they eat eggs after which they start eating what the chicken is eating. Please, let these disbursements be done as soon as possible.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you did not mince your words in your comments. Thank you for that.

Sen. (Prof.) Kamar, you have the Floor.

Sen (Prof.) Kamar: Mr. Temporary Speaker, Sir, I will take two minutes to contribute and then read my Statement.

I rise to support the Statement by Sen. Mwaruma on the HELB. I only want to put across one thing; that is, sustainability of HELB. Once upon a time, as it has been said by Sen. Cherarkey, I was the Minister for Higher Education, Science and Technology.

Our interest at that time, in 2012, was the sustainability of the HELB. In fact, we hired a banker by the name Mr. Ringera for that one reason. We wanted somebody who would look at things differently, behave like a bank and loan consistently. If the delay is because of Government, it means there is no sustainability within the HELB itself.

As the Senate Standing Committee on Education looks into this question, I think they should grill the HELB executive and committee on that one fact of when it will be sustainable. They must show us how they are going to make it sustainable in the long run. If we do not make it sustainable, we will be hitting at Government instead of ensuring that the HELB recovers money in time to be able to take care of the loans. I will leave it at that.

When our students suffer in university, they become agitated. They disrupt everybody, themselves and their academic programme.

We know that a hungry child is angry always. So, let us help our children so that they can get the support.

Mr. Temporary Speaker, Sir, may I now then read my own Statement.

FAILURE BY THE MINISTRY OF EDUCATION TO RELEASE CAPITATION FUNDS FOR SPECIAL SCHOOLS

Sen. (Prof.) Kamar: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the failure by the Ministry of Education to release the capitation funds to special schools since January 2023.

In the Statement, the Committee should -

(1) Outline the reasons for the failure by the Ministry to ensure transfer of capitation to special schools leading to a financial crisis that could cripple learning in these schools across the country.

(2) State the plans the Ministry has put in place, if any, to ensure that the non-teaching staff at the said schools who have not received any salary for over eight months are duly paid.

(3) State when the top-up payments for pupils living with disabilities were last sent to schools outlining the amount paid per child.

(4) Explain whether the transferred funds are sufficient to cover all that the school needs to cater for the learners with special needs.

Mr. Temporary Speaker, Sir, two weeks ago, we had our public participation on the Learners with Disabilities Bill. We listened to the Chairman of the Special Schools Heads Association give us the horror stories under which they are handling their students.

The special students are already special. We are dealing with students who do not have enough food. We recently heard of a school where they only have one meal per day. It is a very common---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Prof.) Kamar, you just need to read your Statement. Do not debate it.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I put it to rest.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Crystal Asige, do you want to comment on the Statement by Sen. (Prof.) Kamar?

Sen. Crystal Asige: Mr. Temporary Speaker, Sir, yes, please.

The Temporary Speaker (Sen. Wakili Sigei): Go ahead. You have two minutes. We are limiting our comments to two minutes.

Sen Crystal Asige: Thank you very much, Mr. Temporary Speaker, Sir. I rise to support the Statement made by Sen. (Prof.) Kamar on issues of capitation being released to special schools in the country.

The majority of learners with disabilities in primary schools are underfunded. This is owing to the same figures that are budgeted for every single year. Despite the increase of People Living with Disability (PWD) enrolment to the schools, the Government provides an annual capitation grant at the rate of Kshs1,420 per child in primary school, and a top-up of Kshs2,300 for learners with disabilities.

Special secondary schools receive a capitation of Kshs22,244 and a top-up of Kshs35,000 for all learners with disabilities. This flat rate model assumes that there are uniform costs across all learners with disabilities, which is a dangerous assumption.

This cost should also take into account that children with disabilities are not monolithic. Each child and each disability need its own specialized care and, therefore, capitation and budgeting.

My proposed way forward is that there is a need to move away from a flat rate capitation. Funding procedures should expressly provide for differentiated unit costs that take into account various disability categories.

Implement the 2018 Presidential directive allocating 20 per cent of Ministry of Education infrastructure funds to schools to be applied to special schools from 2018. Secondary schools that are special should be availed funds as they are for any other special schools in the country.

It is a real problem and children with disabilities are suffering. This is because every single year, the budgeting remained the same yet our children who are in special schools or need special attention in education, are increasing every single year.

Mr. Temporary Speaker, Sir, I support the Statement by Sen. (Prof.) Kamar. I will also be looking forward to hearing the responses from the Ministry of Education.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, you have the Floor.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to comment on this very important Statement by Sen. (Prof.) Kamar about funding of education in special needs schools. It is really discouraging to hear that capitation that is supposed to finance education in special needs schools is not forthcoming.

From the Statement, salaries for employees who are supposed to support the students who are living with disabilities in the schools is not forthcoming. The employees have salary arrears running up to eight months.

Learners in special needs schools are already marginalized and disadvantaged. So, if we do not fund them properly, we marginalise them further. So, I would want to know, from the response of the stakeholders who will be invited, the reasons for marginalizing and disadvantaging a group of people who are already disadvantaged.

We have schools in Kenya, which deal with disadvantaged students. They have a shortage of teachers because they require, at least, one student per teacher for some disabilities. For example, Timbila Primary School in Taita Taveta County has a shortage of eight teachers. What are we saying about our focus on how we need to support the special needs education?

So, I support the Statement. I would be waiting to get the responses.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, you have the Floor.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. This is a very important matter.

In the Constitution, we are telling PWD that we are waiting for them here in the Senate, the National Assembly and the Cabinet to play affirmative action so that they are seen to participate.

Are we waiting for them to come here when they are totally illiterate?

If you are expecting that, they come here and participate at the standard that would be expected of them, who do you expect to bring them to this level?

I speak with a lot of emotion about this because this is an area where I committed my efforts when I was controlling the Constituency Development Fund (CDF) in Ikolomani. I built Kushiro Primary School, Eregi Mixed School and Muikhomo Primary School.

It is a pity that this is coming up. It was only two days ago when I was having breakfast with the headteacher and the deputy who is impaired; cannot talk and cannot hear, but can see. They came to request me to give them two bags of beans and three bags of maize because the children had no food. Have we sunk to a level whereby Senators should be releasing their meagre salaries to buy food for children who are disabled?

Mr. Temporary Speaker, Sir, the Statement must be strong enough and a proper proactive answer should be brought before us because we cannot treat children who are living with disabilities as if they have committed a crime for not having been born with all the five senses.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, that brings us to the end of time assigned for Statements. We earlier on had dealt with Statements from the various chairpersons of the committees.

Next Order.

BILLS

First Reading

THE COFFEE BILL (SENATE BILLS No. 10
OF 2023)

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

The Temporary Speaker (Sen. Wakili Sigei): Next Order. Hon. Members, this one will be deferred because of the numbers.

Second Reading

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

(Division)

(Bill deferred)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, this will also be deferred.

Second Reading

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO. 3 OF 2022)

(Division)

(Bill deferred)

Next Order.

Second Reading

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

(Sen. Mungatana, MGH, on 23.3.2023)

(Resumption of debate interrupted on 30.3.2023)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, we are resuming debate on this. I am just getting a confirmation; we had Sen. Veronica Maina on the Floor of the House when the House was adjourned on 30th March. You have got a balance of four minutes. I invite you to conclude making your contributions to the Motion.

Please proceed.

Sen. Veronica Maina: Thank you, Mr. Temporary Speaker, Sir. This debate was adjourned at a point when I was coming close to the conclusion of discussing the points that I wanted to raise regarding the Bill that was brought to the Floor of this House by Sen. Mungatana, MGH, from Tana River County.

I was on this point where I was explaining that there was need to effect certain amendments in order to enable this Bill meet the purpose of the drafting of this legislation and in order to meet the purposes of Article 43 of the Constitution of Kenya 2010.

Mr. Temporary Speaker, Sir, there is also need for a national conversation on the concept of progressive realisation of economic and social rights as provided for under the Constitution. It is, therefore, important that this conversation presents a review of measures that will be undertaken by both the national Government and county governments at different levels to assess the impact and to analyse what they have worked on and come up with a review of what has worked and what has not.

Mr. Temporary Speaker, Sir, a framework must be established after this conversation within this Bill to enable a measuring scale to show what would be deemed as having worked at the county government and the national Government level and the assessments of the measures taken by both levels of Government in order for these rights under Article 43 to be fully enjoyed by the citizens of Kenya.

In that national conversation, there is also need to review the judicial decisions and the practice in comparative jurisdictions as to the criteria or index that should be applied in measuring and tracking the realisation of economic and social rights.

Mr. Temporary Speaker, Sir, the oversight mandate of Parliament regarding monitoring and implementation of economic, social and cultural rights should be clearly provided for in this Bill. That means we need to have included in the Bill development of indices that even Parliament itself as an institution can use, first, to monitor the implementation of the economic and social rights by the two levels of Government. Second, to oversight other institutions that are working at a national level in giving or monitoring these rights.

There are institutions like Kenya National Commission on Human Rights (KNCHR) and National Gender and Equality Commission (NGEC). What indices do they use to gauge whether these rights have been realised fully or partly? If it is partly realised, how far have they been realised and what remains to be done?

During our Committee meeting, it was then agreed that it would be ideal to seek that this Bill be amended to include all those issues that we had discussed earlier. There is need to hold an extensive stakeholders' engagement to make sure that every single view that needs to be included within this Bill since the first time it was being legislated upon, is then captured within it to give it the full effect.

Mr. Temporary Speaker, Sir, as I rise to support, I also ask that the amendments be effected. We hope the Mover of the Motion, our Senior Senator, Sen. Mungatana, MGH, will consider the input that we have done as the Justice, Legal Affairs and Human Rights Committee (JLAHRC) and find it necessary to include it within the Bill.

(Sen. Veronica Maina's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Senator, your time is up. Sen. Cherarkey, please proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. From the onset, Sen. Mungatana, MGH, continues to distinguish himself. He is churning very serious Bills and I must commend him. He is also senior because he has served in this House, especially the 'Lower' House. I believe this is the first time that he is serving in the 'Upper' House and it looks like he has been doing his homework very well. It is not a case where the dog ate the homework as in some cases.

I support this Bill, The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill as per Article 43 of the Constitution. The assent of 1948 on United Nations declaration on human rights expanded and gave way to human rights.

Mr. Temporary Speaker, Sir, as a legal practitioner, I know that rights continue to expand. Originally, we had basic rights, for example, right to food and shelter. Now we have advanced to gender rights. We are now discussing the two-thirds gender rule and appreciating environmental rights. In the past, this was not a norm. The first category were civil and political rights.

Kenya is one of the signatories of the charters on human rights. The famous one is Banjul Declaration on Human Rights. Where a country is a signatory to the charter, it forms part of our laws. When you read Article 43 of the Constitution, the issue of health has been highlighted.

As I speak, doctors in my county are on strike. Article 43 of the Constitution provides for the right to healthcare. This law will give power to the KNHRC such that a governor and a County Executive Committee Member (CECM) for Health may be surcharged if they do not provide healthcare services, which is a basic human right that is *ultra vires* and contrary to Article 43.

Doctors have not been paid and are not in hospitals to serve the people. What is happening in Nandi County is unfortunate. If someone walks to a hospital suffering from malaria and they are not treated, that amounts to abuse of Article 43.

Any government, be it national or county, has an obligation to promote human rights. When you look at limitations and fundamentals of human rights, we enjoy these rights because Article 43 of the Constitution is specific on the right to healthcare.

I am told that the Women Representative for Kirinyaga County will take a Bill to the National Assembly proposing to fine people who deny medical emergency services. There are many accidents happening in the country. Some of the private hospitals demand deposits before attending to patients.

We must have these conversations. Both state and non-state actors must be obligated and not cherry-picking. Article 43 that talks about the right to healthcare must be respected.

There is also the issue of reproductive healthcare. There is a conversation on the reproductive healthcare in the United States of America (USA), but I do not know the specific state. The judge suspended the use of abortion pills.

It is a huge conversation where women are demanding for their right to decide what to do with their bodies. I do not know why people there like aborting. Sen. (Dr.) Khalwale is the father of many nations. We should be doing the work the Lord want us to do. He is not 'father Abraham' even if many people are. The problem is deadbeat fathers across the country.

(Sen. Tabitha Mutinda walked across the aisle without bowing)

On a point of order, Mr. Temporary Speaker, Sir. I do not know why Sen. Tabitha Mutinda is coming in between me and you. This is violation of the Standing Orders. Thank God, you did not see.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha Mutinda, you crossed over from this side to the other side. Go back and properly respect the House.

(Sen. Tabitha Mutinda bowed to the Chair)

I will allow Sen Cherarkey to proceed.

Sen. Cherarkey: Mr. Temporary Speaker, the issue of reproductive healthcare is emotive. Most of us are Christians and Muslims. Religious persons do not want to have the conversation on whether we should train students on reproductive healthcare in schools.

The MP for Homa Bay Town, Hon. Kaluma, is proposing a Bill to ban teaching biology and reproductive healthcare. I have seen an abridged version on the issue of Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual (LGBTQIA). When we talk about reproductive healthcare, should we include men who marry men or women who marry men as part of reproductive healthcare?

President Museveni said that he will lock in a house two men who will marry until the day they will give birth. That is when he will allow LGBTQIA relationships. I have never understood what a man would look for in another man.

I want to thank the President because when he was in Germany, he said that we respect the cultures and values of other societies. They should respect ours as well. They

should tell us why it is a sin for Africans to be polygamous, but not a sin for them to be members of the LGBTQIA. This is a conversation we must have.

When we discuss reproductive healthcare, we must look at the progress we have made. Article 24 of the Constitution talks about limitation of rights and fundamental freedoms. It does not mean that you abuse a right. Where your right ends, another person's right begins.

Sen. Mumma is a Member of the Speaker's Panel. Two weeks ago, they were on the streets. They have a right under Article 37, but they do not have a right to destroy property, maim and kill. Where a right ends, another right begins. That is limitation of rights.

On the issue of housing, I would like to thank the President since this agenda is on top of his priorities. Every Kenyan should have access to affordable housing. We will start with Migori County, so that they can see how the Government is working.

People like Sen. Oketch Gicheru are good friends of mine. He is a fine gentleman and an academic par excellence. When they hear about development, they become allergic to it. We will ensure that we have affordable housing. We are having a conversation as equals in this House.

When you look at Article 43(3), it states that-

“The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.”

The state in itself has an obligation. That is why the President is pushing for affordable housing. We have told the President that it should not only be done in Nairobi, Kisumu, Eldoret, Mombasa and other major towns. It should also be done in other areas as well. Even in Ikolomani Constituency, we must have affordable housing there.

When you talk about freeing people from hunger as the Bill proposes --- It is sad that more than four million Kenyans are facing starvation and hunger. We want to thank the donors and the Office of the Deputy President who have been doing a lot to provide food to people and animal feed.

There is a bipartisan committee that has been formed. I do not know if Sen. Oketch Gicheru is a Member. Maybe he will brief me over a cup of tea because I am not a Member.

Mr. Temporary Speaker, Sir, you are a Member of the Committee and we are proud of you. We know you will do a good job.

On the issue of subsidies, the Government has an obligation. Under Article 43, the Government must free its people from hunger. We do not want any Kenyan to die because of hunger.

The President said that we must subsidize production over consumption. We do not want to have *unga* subsidy like we used to have the 'happy hour' in clubs. People who drink water and *uji* like me may not understand the meaning of 'happy hour'.

There are Kenyans who take other drinks after 7.30 p.m. and they know the meaning of 'happy hour'. This is similar to what was happening with the *unga* subsidy. You may hear that *unga* is available in a certain supermarket, only to go there and find it depleted.

The President is proposing cultivating of over one million acres of land in Galana-Kulalu and giving subsidized fertilisers to farmers in Bomet, Siaya and Kakamega. I am happy that this is also happening in Busia County. We are now planting quality and affordable seeds.

Mr. Temporary Speaker, Sir, over the Easter Holiday, the President himself led the nation in planting. I also planted in my small way, but my shamba is small, so I could not take a photo. However, the President has shown the nation that you can do something from wherever you are.

That is why we are challenging the Kenya National Trading Corporation (KNTC) in future to purchase subsidised fertiliser in November. This is so that by November, December and January, farmers should have subsidised fertiliser.

Mr. Temporary Speaker, Sir, if KNTC brings subsidised rice after 14th April this year, we, in my region, will have closed the planting season. I also request that they diversify subsidised fertiliser to include coffee, tea, sugar cane and even mung beans from *Ukambani*. My “brother”, Ngusya is there.

We must agree to approach the issue of hunger through 3D. We do not just look at it from the normal angle. I thank the President because he is working towards freeing Kenyans from hunger. Therefore, when this Bill comes, it will have a role to play as Sen. Mungatana, MGH, said, because the KNHRC is given an opportunity.

Hon. Senators, from the other side, respectfully, you do not need to carry *sufurias* or the cooking pot on your heads. We need to agree, go back to the farm, do proper farming, get enough food, take down the *sufuria* and go cook that food for the benefit of all Kenyans. That is the only way we will change.

Even if we do a bipartisan approach and discuss the cost of living and unga subsidy and what have you, it is not sustainable. Any person who stepped in a class of Economics knows that subsidies are never sustainable.

You saw the fuel subsidy where Kshs34 billion could not be accounted for. In fact, we had to censure the Cabinet Secretary of Energy in the previous “handshake” Government - where the political godfather of Sen. Oketch Gicheru - was a big brother in that engagement. The case was the same for the unga subsidy.

On the issue of cost of living and food, I ask my brothers to allow farmers in Migori, Nandi, Kakamega, Bomet and Mandera to go back to farming. We can do irrigation in Galana-Kulalu.

Mr. Temporary Speaker, Sir, even as we talk today, I am told floods are wreaking havoc in the northern part of Kenya. Why do we not use water pans and harvesting dams so that during the dry season, we can do irrigation and get enough and sufficient food?

President Mbingu wa Mutharika in Malawi ensured that that country became food secure from food insecurity through what the President is doing-provision of subsidy in production. By the way, if a country cannot provide food for its people, it is a threat to national security. I thank the President and we need to actualize this.

Since I want to finish with the issue of water. The President and the Government has committed to build 100 dams. For example, in my county, Nandi, we are building Keben Dam which will cost about Kshs10 billion. On the border of Kericho, Nandi and Kisumu counties, there is Soin Koru Dam, that is around Kshs30 billion.

We are also building Kipkaren Dam at a cost of Kshs1.2 billion. We also have two rivers dam in Uasin Gishu, Karemno and Thwake dams. You saw the President at Mwache Dam on Thursday commissioning it and ensuring its completion.

There is Mzima Springs in the Coast that is not sufficient for those people. One hundred 100 plus dams will be built across the country, even in Nyanza, Siaya, Homa Bay and Kisumu counties. This is because the President has realised that he has an obligation to ensure clean and safe water under Article 43.

There is the Mukumu Girls issue, where Sen. (Dr.) Khalwale comes from. We send our deepest condolences to the parents and stakeholders of Mukumu Girls and the other school. This is because we have lost a number of students. I do not know whether it is because of unclean water. However, as investigations are ongoing, we will be able to know the cause.

The provision and access to clean water is very critical. Most diseases are waterborne. Therefore, the Government must go a step further and build 100 dams.

We want to provide water in this city. There is this issue of Murang'a County providing water. The water from the Kindaruma Dam tunnel is no longer sufficient to this city. Most of the people in this city are drilling boreholes to get water.

Mr. Temporary Speaker, Sir, even during demonstrations, getting water was a problem. I saw in Pipeline where ordinary Wananchi were offering water and washing our brothers and sisters that had been sprayed with pink or purple water. Water is life. It is important that the President has realised so.

Finally, we were just discussing the issue of education. When I see many people laughing on social media, for us who were comrades - I do not know whether Sen. Oketch Gicheru went to some university in the USA--- I think the Ministry of Education should get us the accreditation properly so that some of us can pronounce, whether they had comrades. This is because at the beginning of the semester, comrades eat chicken, after two or three weeks when the HELB boom is easing off, comrades start eating the egg. After some time, we eat what the chicken eats. That is the *kales* and many others.

It is also important that education should be for all. I have a very strong argument. Why would we use public money to fund private universities? That is why you find everybody is running to private universities. I am happy and proud that, for the first time, most of the young people are now shunning universities to go to Technical Vocational Training Centers (TVETs). This is because all of us cannot go to the university. I am happy the turnover of the children who are going to TVETs are doing so for their benefit and lives.

I know it will be unpopular. I ask Cabinet Secretary (CS), Hon. Machogu, to restructure. When they are giving capitations of HELB, they should not give priority to private universities. I think the former CS of Education must have done an unholy alliance with these private universities.

Our public universities are dying. When you visit them, they have no toilets, the buildings are pathetic and lecturers are not being paid. Lectures are living in squalor. You will find that, at the end of the day, lecturers are running to private universities such as Strathmore, Kabarak and many other that we know.

Mr. Temporary Speaker, Sir, why do we not use HELB funds to fund public universities to make them competitive? Most of our universities have shut down research. They are not getting funding to do research. How can we expect our graduands to be competitive?

Sen. Oketch Gicheru was mentioning the issue of server. How can we make sure our children are able to know what the “server” is when we say “open the server”? We want to see the algorithms.” I know he is in Information Technology (IT). Education must be affordable. Quality that is my argument.

On the issue of junior secondary schools, there were allegations that one teacher was teaching all the subjects. How can we ensure affordable and quality education?

This Bill will do what is best for us who are champions of human rights---

(Sen. Cherarkey’s microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, your time is up.

Sen. Mumma, you may have the Floor.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir.

First, I congratulate Sen. Mungatana MGH on this very important Bill. This may very well be one of the most important Bills that this country needs to have. We have a Constitution that recognizes the entire range of human rights, including the socio-economic rights. For those of you who know what socio-economic rights are, these are rights that are not just achieved at ago, but progressively.

Mr. Temporary Speaker, Sir, Article 21 of the Constitution calls upon the State to put in place legislative measures to ensure that standards for achieving progressive realization of the rights in Article 43.

This Bill is an attempt to help us achieve that. The rights under Article 43 include the right to health – including reproductive health rights – the right to water and sanitation; freedom from hunger; right to education; right to housing; and the right to emergency treatment, among others.

Mr. Temporary Speaker, Sir, Kenya is also signatory to international treaties, particularly the United Nations Convention on Economic, Social and Cultural Rights (UNESCO). Article 2 of the Constitution makes that Convention part of the laws of Kenya. We are also a signatory to the African Charter that has also provided these socio-economic rights.

The way to implement these rights is through the sectoral ministries and counties. For instance, the right to health is implemented cooperatively by the Ministry of Health (MoH) and county governments, so is the right to water, education and so on. Therefore, the number one space where these rights are implemented are the sectoral policies and laws on water, health and all other rights provided.

Article 21, which is the one that this Bill seeks to implement helps us to enforce the implementation of these rights. This Bill intended to do this. Our Constitution contemplated that we would have oversight independent institutions and these include Article 59; Commissions, including the KNCHR; and, the National Gender and Equality

Commission (NGEC). Section 8 of NGEAC actually gives the mandate to set the standards for implementing Article 43 rights to NGEAC.

This Bill proposes to give that mandate to the KNCHR. If passed as is, it would have consequential implications on both the KNCHR Act and the NGEAC Act. I happen to be a Member of the Committee on Justice, Human Rights and Legal Affairs. One of the recommendations we made is that we need to look at this Bill. As we amend, we need to ensure that we are reading other laws that should be impacted by this Bill to ensure harmony and not confusion.

We also recommended that the best way to ensure the sector implements its responsibilities under Articles 21 and 43 is to ensure that the policies and laws of that sector actually entrench that responsibility.

For instance; to ensure progressive realisation of the right to health, are best entrenched in the Public Health Act in the Health policy at the national level and in the county sectoral laws and policies, if any. Implementers in the Executive usually have central policies and laws that guide their implementation. It is our responsibility to ensure that all those laws recognise health, water, sanitation and others as a right.

In the Committee, we suggested that this Bill would call upon those in the different sectors to mainstream or recognize the responsibility to implement all their sectorial policies and laws and ensure that they are there.

The enforcement or the oversight role has been given to Article 59 Commissions. The NGEAC in particular which was to put in place standards, we need to find a way in which Parliament can oversight on the entire process. Parliament's role is to represent, legislate, and oversight. This law should come up with guidance on how we can hold the Article 59 on Commissions responsible in respect of the mandate given to them to oversight the implementation of Article 43 rights.

It should equally provide the standards that the Parliament can use to enforce the implementation of these rights by the Executive. The recommendations that we have made in the Committee Report were to amend this. The report specifically calls upon possibly a joint committee or relevant Committees in the two Houses that deal with human rights with a requirement to put in place a mechanism and a standard that can assist us in measuring progressive realization of these rights.

These rights happen to align with the Sustainable Development Goals (SDGs) with some of the Big Four Agenda of the previous Government and with the manifesto of the current Government that it wishes to implement. All we are saying in terms of implementing or enforcing these rights is putting in place a mechanism that can enable Sen. (Dr.) Khalwalwe and other Senators to go to Kakamega and wherever else to assess.

If only some percentage of citizens of Kakamega can access primary health care in 2023, what measures are we going to put in place so that we find out whether that measure is better come 2026? Are we able to tell Kenyans that through our evaluation mechanism, we are making progress in so far as facilitating access to the right to health in Kakamega County is concerned?

Equally, we will find out whether we are clawing back. Maybe Tana River was at a particular percentage in facilitating access to water. However, two years later, we find that percentage has dropped. We would measure to find out whether we are clawing back

on these rights. This is a very important Bill that we must carefully ensure that we have crafted it in such a manner that it will not be a dead law. It will enable us to hold people accountable.

The Auditor-General can use this prospective law as a tool to measure performance. In our conversation with the Auditor-General recently, we talked about performance auditing. This is one of the tools that will facilitate performance auditing because we will be able to know what the impact of giving so many billions of shillings is. We will be able to know what it has delivered and what it has not delivered.

We will also use it to question the governors who are leaving office. We will ask the governors: “As you are leaving, are you leaving that county in a better position or worse off position?” I urge that we collectively work as the Senate with Sen. Mungatana, MGH, to take into account all the issues that have been discussed, including the discussion of the Equalization Fund, which is discussed and factored in the Public Finance and Management (PFM) Act. However, this Bill has not made that cross reference. The Bill suggests that socio-economic rights should be implemented using the Equalization Fund.

It was the view of our Committee that the Equalization Fund is an Affirmative Action Fund intended to handhold the areas that were historically marginalized. It was not the tool for implementation. The primary budget of the Government is the place that should hive off the money for implementing the right to health, water, and housing. The Equalization Fund can only come in to handhold the regions that have lagged behind because they were historically marginalized.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mumma, you will have your seven minutes to conclude your comments when the House resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6:30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, 12th April, 2023 at 9.30 am.

The Senate rose at 6.31 p.m.