

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 15th November, 2023

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Serjeant-at-Arms, I am informed that we do have Quorum now. Kindly stop the Bell.

Clerk, proceed to call the first Order, please.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM BUSIA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from the County Assembly of Busia. The delegation comprises nine Members and six officers of the Committee on Delegated Legislation who are on a benchmarking visit with their counterparts in the Senate.

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

1. Hon. Joseph Okoth - Chairperson
2. Hon. Irene Eduwa
3. Hon. Dalmas Onjole
4. Hon. Alexander Ayieko
5. Hon. Agnes Nangame
6. Hon. Said Jelle
7. Hon. Dennis Okinda
8. Hon. Mary Odongo
9. Hon. John Makabwa
10. Ms. Maureen Ogombe
11. Mr. Duncan Ojasi Otuoma
12. Ms. Brenda Kanani
13. Mr. Arthur Mbetera
14. Mr. Edwin Kanu
15. Mr. Godwin Wanyama

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

VISITING DELEGATION FROM GARISSA COUNTY ASSEMBLY

Hon. Senators, I also wish to acknowledge the presence in the Speaker's Gallery this afternoon, of three research officers from the County Assembly of Garissa who are in the Senate for a one-week benchmarking visit.

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to them and wish them a fruitful visit.

I will allow the Senator for Busia, Sen. Okiya Omatah, under one minute---

(Sen. Okiya Omtatah stood up in his place)

Have your seat, Sen. Okiya Omtatah. The Chair is on his feet.

The Speaker (Hon. Kingi): Even if you are pinched, you are supposed to stay put.

(Laughter)

I will allow the Senator for Busia under one minute to say words to welcome the delegation from Busia County.

I will also allow Sen. Ogola, under one minute, to extend a word of welcome to the delegation from Garissa County Assembly.

Proceed in that order.

Sen. Okiya Omtatah: Mr. Speaker, Sir, thank you for the opportunity to address this August House in welcoming the delegation from Busia County. The honourable Members and their support staff from Busia County Assembly belong to the Committee on Justice and Legal Affairs. They are on a study tour to familiarise themselves with parliamentary processes because they want to ensure that Busia County flies high. They want to ensure that the by-laws made are in consonance with the Constitution and national legislation.

I welcome you to this August House. Feel at home and make use of the opportunities you have.

Mr. Speaker, Sir, I also plead with you, if you have any slash funds somewhere to help them, because they really need a lot of training to do what they are supposed to do. They realised their capacity is very low and are reaching out to the Senate for assistance.

With those few remarks, I welcome you. Feel at home and have a fruitful tour.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I take this chance to welcome the team from Busia County Assembly. I wish to comfort them that we are partners in the oversight function that the two levels play over county governments.

I also give them the convenience that the County Public Finance Laws (Amendment) Bill is finally going to give assemblies the autonomy in running their funds. This has been long awaited and county assemblies have been longing for this independence.

The Public Finance (Amendment) Act, has been amended by inserting the following new sections immediately after Section 109 - the most critical is that there is establishment for each county a fund to be known as the County Assembly Fund. That is good news for counties and as the Senate, we are committed to give service to counties as expected.

Thank you.

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

PETITION

PROTECTION OF CONSTITUTIONAL RIGHTS AND FREEDOMS OF RESIDENTS OF UYOMBO VILLAGE IN KILIFI COUNTY

Sen. Okiya Omtatah: Mr. Speaker, Sir. I have a Petition for protection of the right to life, health, clean environment and other constitutionally protected rights and fundamental freedoms of the residents of Uyombo Village in Matsangoni Ward, Kilifi North Constituency, Kilifi County.

WE, the undersigned citizens of the Republic of Kenya and residents of Uyombo Village in Matsangoni Ward, Kilifi South Constituency, Kilifi County draw the attention of the Senate of the Republic of Kenya to the following-

THAT, Kilifi County has a population of 1,453,787 people according to the 2019 census and is home to 4,153 fishermen and has a total of 199,674 families practising agriculture on 112,879 hectares of land. The county has continued to support education

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programmes with 1,550 ECDE centres, 41 vocational training centres, 538 primary and 86 secondary schools.

THAT, Uyombo Village in Matsangoni Ward, Kilifi North Constituency in the north coast region of Kenya has been earmarked to play host to a nuclear reactor by the Nuclear Power and Energy Agency (NUPEA).

THAT, NUPEA is a State corporation established under section 54 of the Energy Act of 2019 and tasked with the responsibility to promote and implement Kenya's nuclear power programme.

Paragraph Four lays out the mandate of NUPEA and I will skip it because it is in the Statute.

THAT, the preservation and realisation of the right to a clean and healthy environment for all is brightly anchored in the strict adherence to procedural environmental rights, that is access to information, public participation and access to effective remedy in cases of the violation, in ensuring the right to a clean and healthy environment. Therefore, it is pertinent that all procedural rights are upheld without compromise.

THAT, the people of Uyombo have been denied access to information regarding the nuclear reactor and have been excluded from the decision-making process.

THAT, the Uyombo community have been excluded in the participation that led to choosing the site. No measures have been put in place for effective remedies or access to justice in cases of the nuclear spill for the people of Kilifi County. The nuclear modular reactors will use uranium in their processes. Uranium will produce radioactive waste. The half-life of uranium is 4.5 million years. This makes the project highly sensitive, risky, extremely toxic and dangerous for the County and beyond, for people, land flora and fauna, into future generations.

The Petition quotes the report of the Presidential Taskforce on the review of power purchase stated. I will not read that as it is on record.

THAT, the Ministry of National Treasury and Economic Planning, therefore, as a result of that report, erred in allocating Kshs2 billion to NUPEA. The sustainable development calls for prioritising sustainability and community wellbeing and environmentally friendly projects to avoid social and cultural disruptions. Nuclear energy is an extremely sensitive venture that requires high levels of professionalism and strict due diligence and fidelity to the rule of law.

THAT, NUPEA has exhibited a high level of mediocrity and unprofessionalism in choosing the location for the nuclear power plant.

THAT, Uyombo Reef and Mida Creek, with its mangrove system, part of the Watamu National Park and Reserve, is home to many endangered species of marine life and is included in the Watamu/Malindi United Nations Educational, Scientific and Cultural Organisation (UNESCO) biosphere reserve. The area attracts many special interests; conservationists, scientists and tourists, who are opposed to the location of the project. This area is known as a biodiversity hotspot and must be protected at all costs.

THAT, Uyombo community also borders Arabuko Sokoke Forest. Nature Kenya states that Arabuko Sokoke Forest is the last large protected fragment of the East

African Coastal Forest and home to four endangered mammals and six threatened birds. The Forest also provides sources of livelihood for the neighbouring communities and ecological services for the country. It must be conserved for the people of Kenya.

THAT, the area is a home to coral reefs, mangroves, dolphins and whales which attract many tourists, researchers and special interest groups. Therefore, the area is a very sensitive and unique ecosystem, deserving for protection for Kenya's future generation. Kenya's tourism with the socioeconomic benefits must not be exposed to such high-risk ventures. This therefore, disqualifies the location chosen by NUPEA and calls for further research into a new location for the reactor.

THAT, choosing Uyombo increases the cost on the taxpayer for risk mitigation. NUPEA has failed to perform risk assessment analysis in choosing the proposed site.

THAT, Kenya has signed the Vienna Convention on Civil Liability for nuclear damage that covers liability and compensation. Kenya is yet to ratify the Pelindaba Treaty making it possible grounds for suspicion of setting up nuclear weapons by any mischievous regime in power, which could cause instability in the region.

THAT the legal framework for management of nuclear power plants in Kenya is not adequate. Environment Management Conservation Act (EMCA) is weak on risks assessment, liability and compensation.

THAT, there is no effective legal framework for disaster management in Kenya, based on how floods, drought and Owino-Uhuru lead contamination case and other disasters have been managed.

THAT, there are no existing guidelines on health impact assessment with respect to projects and related disasters.

THAT, there is no existing policy framework for radioactive waste management.

THAT, there is no remediation policy in Kenya and National Environment Management Authority (NEMA) is unable to even deal with the Owino-Uhuru led contamination and poisoning that happened in 2009 and is fighting in court against remediation to the affected community.

THAT, Japan's Ministry of Economy, Trade and Industry estimated the total cost of remediating the Fukushima site at Japanese Yen21.5 trillion, equivalent to Kshs187 billion, almost twice the previous estimate of Yen11 trillion which is USD96 billion.

THAT, the Kenyan taxpayer cannot be made to take such a risk as a taxpayer cannot such remediation costs.

THAT, there is no proven need for nuclear power as Kenya suffers no energy deficit and in addition, Kenya has geothermal, wind and solar resources which offer renewable energy with less risks.

THAT, the socioeconomic and social impact report was not done by professionals in nuclear energy and radioactive waste management.

THAT, in parallel, through omission or commission, NEMA has failed to respect laws and procedures related to licensing and the research project was allowed to be implemented in a location that is contrary to the rules and regulations on the requirements related to the environmental impacts.

THAT, NEMA is also legitimising the illegal work of NUPEA by being part of the presentation and defence of the strategic environmental and social assessment (SESA) report.

THAT, Kilifi County Government has failed in its mandate to control toxic industries producing toxic waste by either providing suitable infrastructure or if the infrastructure is inadequate, to advise against the commissioning of such projects.

THAT, the Principal Secretary (PS) for Energy, during a visit to endorse the site, ignored the issues raised by the community and went ahead to rubberstamp NUPEA's decision on the location, signifying the ground breaking of the project activities in the community despite the concerns posed by the community.

THAT, we raised our issues before relevant institutions and organisations; that is the Ministry of Energy and Petroleum, Ministry of Environment and Forestry and the Kilifi County Government, but were ignored.

THAT, the issues raised above are not pending in any court of law or any other legal body.

THEREFORE, your humble petitioners pray that the Parliament of the Republic of Kenya, through the Senate, urgently consider this uneconomic environmental and moral issue for the country and that they act with the view of-

(1) Ordering all responsible state agencies to remove Uyombo from the list of possible sites for a Nuclear Reactor.

(2) Ordering NUPEA to immediately explain evidence-based research and the science that lead them to choosing Uyombo as their preferred site.

(3) Ordering the Ethics and Anti-Corruption Commission to institute mechanisms to prosecute individual NUPEA officials found culpable of wasting taxpayers' funds by recommending Uyombo as their preferred site.

(4) Ordering NUPEA to stop interfering in the issuance of title deeds to the Uyombo community.

(5) Ensuring the freedoms of the residents of Uyombo village and other Kenyans under the Constitution of the Republic of Kenya.

Your petitioners will ever pray.

Mr. Speaker, Sir, the Petition is dated 12th October, 2023 and presented to the Senate by the Senator for Busia County on 15th November, 2023.

Thank you.

The Speaker (Hon. Kingi): Thank you. Pursuant to Standing Order No.238(1), this Petition is committed to the Standing Committee on Energy. The said Committee may work jointly with the Standing Committee on Land, Environment and Natural Resources in preparation of a report.

In terms of Standing Order No.238(2), the Committee is mandated to within 60 calendar days from the date of reading the prayer, which is today, to respond to the Petitioner by way of a report addressed to the Petitioner and tabled on the Table of this Senate.

It is so directed.

(The Petition was committed to the Committee on Energy)

Next Order, Clerk.
Senate Majority Leader, proceed.

PAPERS LAID

SASRA (SPECIFIED NON-DEPOSIT TAKING) LEVY ORDER, 2023

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 15th November, 2023-

The SACCO Societies Regulatory Authority (SASRA) (Specified Non-Deposit Taking) Levy Order, 2023.

Thank you.

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

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, proceed.

JOINT REPORT ON APPROVAL BY PARLIAMENT OF DEPLOYMENT OF NATIONAL POLICE SERVICE OFFICERS TO MULTINATIONAL SECURITY SUPPORT MISSION FOR HAITI

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 15th November, 2023-

The joint report of the consideration of the request for approval by Parliament of the deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission.

Thank you.

(Sen. Cheptumo laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

POINT OF ORDER

SUBSTANTIATION OF ALLEGATIONS MADE IN THE HOUSE DURING THANKS FOR THE PRESIDENTIAL ADDRESS

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

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The Speaker (Hon. Kingi): Just hold on, Clerk. Sen. Sifuna, you know very well at what point a Senator ought to rise on a point of order. This does not present that opportunity.

(Sen. Sifuna spoke off the microphone)

Okay. Proceed with your point of clarification.

Sen. Sifuna: Mr. Speaker, Sir, I wanted to request your indulgence that at this Order on Papers Laid, since yesterday I was required to table some papers regarding the debate, can I do it at this particular juncture?

The Speaker (Hon. Kingi): Very well. If you recall, hon. Senators, the hon. Senator of Nairobi City County, Sen. Sifuna, made certain allegations. Through some points of order, he was requested to substantiate.

He was unable to substantiate immediately and, therefore, sought time to do so today. I will, therefore, allow the hon. Senator to proceed to substantiate pursuant to Standing Order No.105(2).

Sen. Sifuna: Thank you, Mr. Speaker, Sir. During the debate yesterday, I made certain assertions on the Floor of the House and requested that you allow me time to table evidence to support the assertions. There were three matters that I was required to substantiate. I am going to substantiate two of those and withdraw one.

Mr. Speaker, Sir, the one I am going to withdraw was on the question of whether the Wi-Fi at city markets are working. My idea of substantiation was to prepare sworn affidavits by traders in those markets to demonstrate that, in fact, those Wi-Fi hotspots do not work.

Due to the time that it is taking to produce those affidavits, I withdraw that remark so that in the event that I have the affidavits ready, I will be able to make that allegation or assertion again.

Secondly, I was required to substantiate an assertion I made here that, in fact, the loan default ratio of the loans that have been disbursed under the Hustler Fund are higher than the loan default of commercial banks in Kenya.

I have here with me, an extract of the Central Bank of Kenya (CBK) Annual Report and Financial Statement for the Financial Year 2022/2023. This report is available on the CBK official website from where I got it. In addition, it is available on the regular Monetary Policy Committee updates, which are available to Members of this House.

Mr. Speaker, Sir, I want to point specifically to page 27 of that report.

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it is about procedure. The Senator was proceeding very well, having described the evidence he has, he is supposed to table it. You will peruse through the clerks, and be satisfied if it meets the standard, and then he can speak to it after you have made that clearance. That is the procedure. He is supposed to table without---

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The Speaker (Hon. Kingi): Allow him to highlight the contents. After that, he will table it. Of course, I will have the opportunity to peruse through it and thereafter make a ruling as to whether that particular document, indeed, substantiates the allegations made yesterday.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. When you peruse, I want you to note page 27, where the CBK has extracts of statement of comprehensive income for commercial banks. I have highlighted for you the loan portfolio *vis-a-vis* the non-performing loans and the bad loans. You will see that the non-performing loans, as at the end of June 2023, stood at 14.5 per cent.

As you are aware, the non-performing loans for the Hustler Fund are at Kshs3 billion, which is 30 per cent of the outstanding, which is Kshs10 billion. It is simple math. I wish to table.

(Sen. Sifuna laid the documents on the Table)

Secondly, there was an assertion here that, in fact, as a country, we received a donation of free fertilizer from the Republic of Russia. I have here with me an extract of the official Russian Embassy in Kenya Twitter page.

On this one, I want to thank Kenyans on Twitter for pointing me to this particular page. It is a verified page and electronic evidence, for those who want to shout point of order, and is admissible in this country.

You will see a communication on the official Twitter handle of the Russian Embassy in Kenya of a donation of 34,000 tonnes. I have gone further to attach, and I wish we would be allowed to play videos the way we were playing videos during the hon. Kawira Mwangaza's impeachment proceedings. However, I have photographic evidence.

The Speaker (Hon. Kingi): Sen. Sifuna, is the fertilizer in question the same fertilizer in that Twitter handle?

Sen. Sifuna: Mr. Speaker, Sir, in fact, indeed, that is my point. This is the free fertilizer that we were told has now been subsidized. The point I was making is that you cannot subsidize something you got for free.

I have attached photographs and news items of the Cabinet Secretary responsible for Agriculture receiving that consignment of free fertilizer.

Mr. Speaker, Sir, I wish to table the documents.

(Sen. Sifuna laid the documents on the Table)

(Applause)

The Speaker (Hon. Kingi): Clerk, get seized of these documents. We will look at their authenticity. I will make a ruling as to whether they can be used to substantiate your claim.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I believe in your wisdom. However, as you are perusing those documents, the evidence that is being tabled there, should be

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clear that same consignment moved from where the Minister of Agriculture received it, went to distribution areas, and it is the same fertilizer that has been given to the people of Kenya as subsidized fertilizer.

There is responsibility here. Let us stop politicking with things that deal with food and the lives of our people.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): I will peruse these documents. Sen. Sifuna knows the consequences of his actions. Upon perusal of these documents, if indeed they do not substantiate the claim as made yesterday, then the consequences will naturally flow.

Thank you.

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.52 (1). Sen. Kibwana, proceed.

LAUNCH OF THE TIME USE SURVEY REPORT

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52 (1) to make a Statement on a matter of general topical concern regarding the recent release of Kenya's first ever Time Use Survey Report.

This development is pivotal in the pursuit of gender equality and the acknowledgment of women's contributions to our national economy. The survey provides us with valuable data that highlights the significant, yet often, invisible contributions that women make to our society and economy through unpaid domestic and care work.

The stark gender disparities in the distribution of unpaid care work underscore the urgent need for targeted interventions and policy reforms that support and empower women. The survey was conducted as a joint effort by the Kenya National Bureau of Statistics (KNBS), the State Department for Gender and Affirmative Action, UN Women, the World Bank and Oxfam International.

The report presents a comprehensive analysis of time use data based on the 2021 Kenya Continuous Household Survey.

Mr. Speaker, Sir, the findings are both enlightening and concerning. The report---

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

The Speaker (Hon. Kingi): What is the point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The distinguished Senator is obviously speaking to an opinion poll. In this country, opinion polling is covered by a statute. Before she makes us consume that survey, could she tell us who the opinion polling agent is and whether the survey they have taken was in accordance with the law?

I say this with the maximum respect to my colleague. Unfortunately, people are even doing opinion polls on their phones.

The Speaker (Hon. Kingi): So, what are you requesting?

Sen. (Dr.) Khalwale: I am requesting the Member to tell us who the opinion polling company is.

The Speaker (Hon. Kingi): Just get me right. Under what Standing Order are you basing your point of order?

Sen. (Dr.) Khalwale: Thank you. Mr. Speaker, Sir, Standing Order No.105.

The Speaker (Hon. Kingi): Okay, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, I have made my point. The accuracy of the information she is about to table. I have nothing personal against the Senator, but we want to be sure that we are not consuming what they say in computer colors, garbage in, garbage out.

The Speaker (Hon. Kingi): Sen. Kibwana, what is the accuracy of this Statement you are making pursuant to Standing Order No.52(1)?

Sen. Kibwana: Mr. Speaker, Sir, I request my colleague, Sen. (Dr.) Khalwale, to give me time. He has not even understood the gist of the Statement. I had not even started yet. I do not see why he is getting jittery on this one and yet I had not even started. Kindly give me time. I will disclose the opinion---

The Speaker (Hon. Kingi): Are you saying that the response as to the accuracy of your Statement is in the body of your Statement?

Sen. Kibwana: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Okay, proceed.

Sen. Kibwana: Thank you, Mr. Speaker, Sir. The findings are both enlightening and concerning. The report reveals that, on average, women in Kenya spend approximately five times more time than men on unpaid domestic and care work. This not only perpetuates gender inequalities, but also impedes women's empowerment, hindering their ability to engage in productive activities and public life.

The invaluable partnership of the National Gender and Equality Commission (NGEC), the Council of Governors (CoGs), and the University of Nairobi (UoN) in this survey highlights the collective commitment to addressing the gender disparities embedded in unpaid care workers.

As we delve into the specifics, the survey indicates that, on average, women and girls in Kenya over the age of 15 spend three hours every day on unpaid domestic and care work. There is a significant time investment that, unfortunately, is not adequately accounted for in our national economy.

The geographical distribution of this unpaid work reveals additional layers of disparity. Women in Marsabit County, for instance, spend a staggering seven hours per day on unpaid domestic and care work, nearly double the national average. Similar trends are observed in other counties, emphasizing the need for targeted interventions.

The implications of this data are profound. The under-recognition of the contributions of women to the national economy, specifically in the realm of unpaid care work results in an incomplete representation of our economic activity.

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This oversight has broader implications, including the perpetuation of the feminization of poverty and a hindrance to the full realization of women's potential in economic and social development.

To address these challenges and pave the way for a more equitable future, it is imperative that we not only recognize the disproportionate burden placed on women, but also take concrete steps towards policy development and legislative reforms. The report emphasizes the need for an unpaid care and domestic work policy to legally recognize, reduce, and redistribute this workload.

Furthermore, it calls for the development of labour policies that support the integration of unpaid caregivers into the labour force, establishing family-friendly working arrangements and ensuring decent terms and conditions of employment.

As Senators, we have a critical role to play in championing these policy changes and legislative reforms. The Time Use Survey Report is a call to action. It is a reminder that we must take decisive and concrete steps to address the gender disparities in unpaid care work and fully recognize and value the contributions of women to our economy and society.

By doing so, we will not only be advancing the cause of gender equality and women's empowerment, but we will also be building a more just, equitable and prosperous Kenya for all.

I thank you, Mr. Speaker Sir.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.53 (1). Sen Kibwana.

ESTABLISHMENT OF MENTAL HEALTH UNIT
DESKS IN ALL INSTITUTIONS IN KENYA

Sen. Kibwana: Thank you Mr. Speaker, Sir. I will proceed with my second Statement on the establishment of mental health unit desks in all institutions in Kenya.

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to request for a Statement from the Standing Committee on Health on the establishment of mental health unit desks in all institutions in Kenya.

In the Statement, the Committee should-

(1) Outline initiatives undertaken by the Government to establish mental health unit desks in all public and private institutions in Kenya explaining any coordination with mental health professionals and organizations to provide timely interventions and support;

(2) State plans by the Government to ensure that mental health unit desks in institutions have adequate resources and qualified personnel, to assist in conducting regular awareness campaigns, workshops and seminars;

(3) Provide information on the budget allocation and funding mechanisms in place for the establishment and maintenance of mental health unit desks, and finally;

(4) Recommend the establishment of a standardized monitoring and evaluation framework to ensure the mental health desks meet their objectives.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Kisumu, Prof. Tom Ojienda.

PROVISION OF AGRICULTURAL EXTENSION
SERVICES IN KISUMU COUNTY

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Speaker, Sir. I have got three Statements. The first Statement is on the provision of agricultural extension services in Kisumu County.

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the provision of agricultural extension services in Kisumu County.

In the Statement, the Committee should-

(1) State the extent to the provision of agricultural extension services in Nyando, Muhoroni and Nyakach sub-counties in Kisumu County;

(2) State measures put in place to upscale the provision of agricultural extension services in the three sub-counties;

(3) Give a breakdown of how the budget allocation by the national Government and County Government of Kisumu towards the provision of agricultural extension services was utilized for the Financial Year 2022/2023 and how the funds set aside for the Financial Year 2023/2024 would be utilized for agricultural extension services in Kisumu County.

EARLY CHILDHOOD DEVELOPMENT
EDUCATION IN KISUMU COUNTY

Mr. Speaker, Sir, my second Statement is on Early Childhood Development Education (ECDE) in Kisumu County.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from Standing Committee on Education regarding ECDE in Kisumu County.

In the Statement, the Committee should-

(1) State the number of ECDE centres in Kisumu County and their respective pupil enrolment.

(2) Apprise the Senate on the number of teachers deployed by the County Government of Kisumu to the Early Childhood Education (ECD) centres, their terms of employment, including remuneration and other benefits and the teacher-pupil ratio.

(3) Provide a report on the level of national and county government investments in infrastructure development and teacher training in ECD centres, stating the budgetary allocation at both levels of Government, disclosing any donor funding that went on structural development and promotion of quality child care in the centers for the Financial Year 2023/2024; and

(4) Outline any measures put in place by the county government to optimize the teacher-pupil ratio in ECD centres within the county.

PENDING BILLS ACCRUED BY THE COUNTY
GOVERNMENT OF KISUMU

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Finance and Budget on the pending bills accrued by the County Government of Kisumu.

In the Statement, the Committee should-

(1) State the number of pending bills accrued by the County Government of Kisumu during the Financial Years 2013/2014 to 2022/2023 indicating the nature of these bills and the status of their payment to date;

(2) State the reasons for non-payment of pending bills at the county government; and,

(3) State the amount of funds set aside by the County Government of Kisumu, for the Financial Years 2023/2024 for the payment of pending bills, stating measures put in place to ensure the prompt clearance of all pending bills accrued by the County Government.

I thank you.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No. 56(1)(aa). The Chairperson Standing Committee on Roads, Transport and Housing.

Sen. Kinyua: Thank you, Mr. Speaker Sir, I am not the Chairperson of the Standing Committee on Roads and Transportation, but I am a Member of that Committee. So, I am reading on behalf of the Chairman.

Mr. Speaker, Sir, Standing Order No.56(1)(aa) provides that a Chairperson of a Committee may make a Statement relating to a matter for which the Committee is responsible.

Mr. Speaker Sir, Pursuant to Standing Order No.56(1), I wish to issue a status report on the progress of consideration of the following six Statements-

(a) Statement by Sen. Crystal Asige, MP regarding retesting of Public Service Vehicle (PSV) upon expiry of their driving licenses;

(b) Statement sought by Sen. Joseph Kamau, MP, regarding the construction status of the road connecting Lake Kenyatta Primary School to Uziwa Junction, Lamu County;

(c) Statement sought by Sen. Kathuri Murungi, MP on the progress of the evaluation of tenders and the commencement of dualling works of Meru Town Roads B66/A9 project Phase One;

(d) Supplementary information to a Statement on the illegal diversion of staff training funds from the accounts of the Kenya Maritime Authority;

(e) Statement sought by Sen. James Kamau Murango, MP, regarding speeding by drivers transporting miraa in parts of Kirinyaga County; and,

(f) Supplementary information to a Statement by Sen. Beatrice Ogola, MP, regarding the death of *boda boda* riders and their passengers by sugarcane trailers of a local sugar miller (Sukari Industry) in Ndhiwa Constituency.

RETESTING OF PSV DRIVERS UPON EXPIRY
OF THEIR DRIVING LICENSES

In the Statement, the Committee was requested to-

(a) Explain the justification and criteria for retesting holders of driving licenses with class endorsements B3, D1, D2, D3, C, C1, CE and CD, upon the expiry of the holder's license as communicated by the National Transport and Safety Authority (NTSA) on 20th June, 2023, stating the associated fees;

(b) State the professional qualification requirements for individuals conducting the retest;

(c) State whether the proposed biometric licenses are obligatory, specifying which category of drivers would be required to obtain them and the cost associated with obtaining a biometric license, explaining the difference in cost, if any; and

(d) Shed light on the extent to which representatives of long-distance drivers and conductors' associations were involved in arriving at the decision by the NTSA to retest drivers holding the said driving licenses.

Mr. Speaker Sir, in response to the request by Sen. Crystal Asige, MP, the Committee sought and received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport.

At its Sitting held on 12th October, 2023, the Committee considered the response to the Statement and observed that the response was unsatisfactory and sought supplementary information.

The Committee will, therefore, pursue the supplementary issues raised in the Statement to its conclusion.

CONSTRUCTION OF THE LINK ROAD BETWEEN LAKE
KENYATTA PRIMARY SCHOOL AND UZIWA
JUNCTION IN LAMU

At a sitting of the Senate held on Wednesday, 31st May, 2023, Sen. Joseph Kamau, MP, sought a Statement regarding the construction status of the road connecting Lake Kenyatta Primary School to Uziwa Junction, Lamu County.

In the Statement, the Committee was requested to-

(a) Provide details of the tender for the upgrade of the road from earthen to concrete paving blocks, including the date, identity of the contractors who won the award, the amount of funds allocated for the project and the scope of works to be undertaken;

(b) Clarify whether the Ministry of Roads, Transport and Housing is aware that the work was done, but the concrete paving blocks were subsequently removed by the contractor and, if so, state the reasons for the same; and

(c) State the measures in place, if any, by the Government to have the road reconstructed to the specifications provided in the tender award, providing the timeline for completion of the project.

Mr. Speaker Sir, in response to the request by Sen. Joseph Kamau, MP, the Committee sought and received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport.

At its sitting held on 12th October, 2023, the Committee considered the response to the Statement and observed that the response was unsatisfactory and sought supplementary information.

The Committee will, therefore, pursue the supplementary issues raised in the Statement to its conclusion.

PROGRESS IN EVALUATION OF TENDERS AND DUALLING ROAD WORKS IN MERU TOWN

At a sitting of the Senate held on Wednesday, 12th April, 2023, Sen. Kathuri Murungi, MP, sought a Statement regarding the progress in the evaluation of tenders and the commencement of dualling works of Meru Town Roads B66/A9 project Phase One.

In the Statement, the Committee was requested to-

(a) Apprise the Senate on the status of the evaluation of tender numbers KeNHA/2536/2022 and KeNHA/2540/2022 for dualling, consultancy services for the construction and supervision of Meru Town Roads B66/A9 Phase One works, noting that the two tenders were closed on 18th March, 2022 and 22nd March, 2022, respectively;

(b) State reasons for this delay in the completion of evaluation processes; and,

(c) State when the dualling of Meru Town roads B66/A9 Project Phase One will commence, giving the projected date of completion, stating measures, if any, being taken to ensure that the project will be completed within the scheduled timeline and budget.

Mr. Speaker, Sir, in response to the request sought by Sen. Kathuri Murungi MP, the Committee sought and received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport.

At its sitting held on 12th October, 2023, the Committee considered the response to the Statement and observed that the response was unsatisfactory and sought supplementary information.

The Committee will, therefore, pursue the supplementary issues raised in the Statement to its conclusion.

ILLEGAL DIVERSION OF STAFF TRAINING FUNDS FROM
KENYA MARITIME AUTHORITY ACCOUNTS

On supplementary information to a Statement on the illegal diversion of staff training funds from the accounts of the Kenya Maritime Authority (KMA), at the sitting of the Senate held on Tuesday, 8th November, 2022, Sen. Mohamed Faki, MP, made a Statement on the Illegal Diversion of Staff Training Funds from the accounts of the KMA.

The Committee received a response to the Statement from the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs and considered it on 28th February, 2023, where the Committee sought the following supplementary information to the Statement-

a) Whether a Maritime Attaché at the Kenyan High Commission in London was appointed.

b) Copies of documentation used in compliance of Section 43(1) of the Public Finance Management (PFM) Act and Regulations 48(1) of the Public Finance Management (National Government) Regulations, 2015, during the budgetary re-allocation of funds from the Staff Training Budget Vote to the establishment of the Office of the Maritime Attaché in London.

c) Copies of the agreements/negotiations of KMA with shipping lines, ships and classification societies that offered free training or discounted training cost to KMA employees.

Mr. Speaker, Sir, the Committee received a response to the supplementary information sought and considered it on 17th October, 2023. The Committee observed that the response was unsatisfactory and resolved to invite KMA on Thursday, 2nd November, 2023, to clarify on the issues of staff training.

SPEEDING BY DRIVERS TRANSPORTING MIRAA IN
PARTS OF KIRINYAGA COUNTY

Mr. Speaker, Sir, the fifth Statement, a Statement by Sen. James Kamau Murango, MP, regarding speeding by drivers transporting *miraa* in parts of Kirinyaga.

At the sitting of the Senate held on Wednesday, 16th November, 2022, Sen. James Kamau Murango, MP, requested for a Statement from the Standing Committee on Roads, Transportation and Housing regarding speeding by drivers transporting *miraa* in parts of Kirinyaga County.

In the Statement, the Committee was requested to-

(1) Apprise the Senate on the extent of compliance to provisions stipulated in the Traffic Act by drivers transporting *miraa*.

(2) State the measures put in place, if any, to curb accidents caused by the drivers, who continue to create havoc on Ndindiruku-Gathigiriri Prison Road and Thiba, Red Soil, Murubara and Ngurubani areas in the county.

(3) Enumerate the actions being taken by the Government to ensure peaceful co-existence among road users, including motorists, cyclists, and pedestrians, and dealing strictly with traffic offenders to curb cases of traffic offenses and accidents.

The Committee received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport and considered it on Tuesday, 25th April, 2023. The Committee resolved and sought the following supplementary information-

The National Transport and Safety Authority (NTSA) should strictly enforce the Traffic Act on *miraa* transport drivers who contravene the Act.

(a) The Ministry of Roads and Transport should engage *miraa* transporters through their SACCOs and Associations and develop a sensitization programme for compliance of Traffic Act by the *mirraa* drivers.

(b) The Ministry of Roads and Transport to submit a report to the Committee on the implementation of proposed interventions to improve road safety as stated in the response to the Statement.

In response to the request sought by Sen. James Kamau Murango, MP, the Committee sought and received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport.

At its sitting held on 17th October, 2023, the Committee considered the response to the Statement. It observed that the response was satisfactory and, therefore, concluded the Statement.

DEATH OF *BODA BODA* RIDERS AND THEIR PASSENGERS
BY SUGARCANE TRAILERS OF SUKARI INDUSTRY
IN NDHIWA CONSTITUENCY

Mr. Speaker, Sir, the last Statement was sought by Sen. Beatrice Ogola, MP, regarding the death of *boda boda* riders and their passengers by sugarcane trailers of a local sugar miller, Sukari Industry in Ndhiwa Constituency.

At the sitting of the Senate held on Tuesday, 15th November, 2022, Sen. Beatrice Ogola, MP, requested for a Statement from the Standing Committee on Roads, Transportation and Housing regarding deaths of *boda boda* riders and their passengers by sugarcane trailers of a local sugar miller (Sukari Industry) in Ndhiwa Constituency.

In the Statement, the Committee was requested to-

(1) Explain why cane trailers belonging to a local miller in Ndhiwa; Sukari Industry, transport sugarcane at night when visibility is poor leading to frequent cases of accidents specifically involving *boda boda*, their passengers and other pedestrians. Noting that local access roads are very narrow and the trailer-loads of cane are abnormally big.

(2) State whether recent cases of accidents involving cane trailers of the said company, *boda boda* riders and other road users where approximately 20 people have lost their lives and dozens injured have been investigated and culprits brought to book.

(3) Cause the sugar miller to clear cane trailer breakdowns along the local roads promptly noting inordinate delays in clearing broken down cane trailers from the roads

continues to pose danger to road users.

(4) Explain whether families of persons who have lost their lives or sustained injuries arising from accidents involving cane trailers and *boda boda* operatives have been compensated by the sugar miller where investigations have found the miller culpable.

(5) Outline plans, if any, by the Kenya National Highways Authority (KeNHA), the Kenya Rural Roads Authority (KeRRA) as well as the County Government of Homa Bay to expand local access roads and repair dilapidated sections as well as clearly mark the roads with appropriate signage.

The Committee received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport and considered it on Thursday, 27th April, 2023. The Committee resolved and sought the following supplementary information-

(1) Data on the accidents that have occurred in Ndhiwa Constituency since 1st December 2022 to 31st March, 2023 and indicate the cause of the accidents, the roads along which the accidents occurred, the owners of the vehicles involved in the accidents, the fatalities or injuries per accident and the action taken as a result of the accidents by the NTSA and the National Police Services (NPS).

(2) Whether there are any applications and grants made for exemptions of load capacity by sugarcane trailers in Ndhiwa Constituency.

Mr. Speaker, Sir, in response to the request by Sen. Beatrice Ogola, MP, the Committee sought and received a response to the Statement from the Cabinet Secretary, Ministry of Roads and Transport.

At its sitting held on 17th October, 2023, the Committee considered the response to the Statement and found the response to be satisfactory and, therefore, concluded the Statement.

Mr. Speaker, Sir, the Committee has noted with concern the high rate of deaths (over 4,500 deaths per year) arising from increased roads accidents in the country. As such, the Committee has scheduled to hold a meeting on 7th November, 2023, with the stakeholders involved in road safety awareness and sensitization so as to deliberate on actions that should be taken to reduce the number of road accidents.

During consideration of responses to the above Statements, the Committee invited the Senators who requested for the Statements.

Mr. Speaker, Sir, I thank you for allowing me to read this response.

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

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to Standing Order No.25 (1), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 9th November, 2023 and further

that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1)(c) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 14th November, 2023 -

(i) The Tenth (10th) State of the Nation Address by His Excellency the President delivered at a Joint Sitting of Parliament on Thursday, 9th November, 2023;

(ii) The Tenth (10th) Annual Report (2022/2023) on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and

(iii) The Annual Report to Parliament on the State of National Security, November 2023.

(Sen. (Dr.) Khalwale on 14.11.2023)

(Resumption of debate interrupted on 15.11.2023 Morning Sitting)

The Speaker (Hon. Kingi): Hon. Senators, at the rise of the House this morning, Sen. Beatrice Ogola had the Floor and had a balance of seven minutes. She is not in the House. She has to familiarize herself with Standing Orders because those seven minutes will go up in air once I move to the next Senator to speak.

Proceed, Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I support the Motion of the presidential address. As much as I want to note that we have had our own share of challenges, it is equally important to note some of the progress that this administration has made in the first year in office.

Mr. Speaker, Sir, one of such progresses we have made is that farmers across the country were able to receive the subsidized fertilizer. As result, we have had decreased prices of *unga* in our supermarket shelves. That is one thing we cannot go without acknowledging in this administration.

Mr. Speaker, Sir, why should we---

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

Sen. Sifuna: Mr. Speaker, Sir, under Standing Order No.105 on responsibility for statements, I want the nominated Senator, Sen. Okenyuri, to demonstrate to this House a reduction in the prices of *unga* to the levels she is claiming.

The Speaker (Hon. Kingi): I think the Senator is referring to the Address by the President.

Sen. Sifuna: That is exactly what I am on about.

The Speaker (Hon. Kingi): It is contained there. She is simply lifting it as it is contained in that Address.

Sen. Sifuna: But she is not the President.

The Speaker (Hon. Kingi): Hon. Senator, the only time you will be called upon to substantiate is when you, yourself, make certain allegations. However, if you are

lifting a statement from a book or a report, then that burden does not lie on your shoulders.

Proceed, Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for guiding the hon. Senator for Nairobi. Not every other thing that one is making reference to deserves rising on a point of order.

That said, we come to the issue of the health sector whereby we saw the Community Health Promoters (CHP) whom we now have across the country. I had a one-on-one encounter with CHPs the other time the Senate Committee on Health had county tours in Ekerenyo Division, Nyamira where we had gone for our inspection visits.

I can assure you that the people in the locality were very happy to see these new developments because services were getting closer to them. Unlike initially when they relied on travelling all the way to the health facility, they can now actually get advice and help at the grassroots level before they seek for specialized support in hospitals.

Mr. Speaker, Sir, those are one of the best developments we have because a healthy nation is one that is able to work on themselves and get the economic status to support their families.

This is supporting many women, especially those in rural areas. The other day the Senate was in Turkana County and for the Senators in the Committee on Health who had an opportunity to visit the dispensaries in Turkana County, you can concur with me as to why we really need the CHPs.

If women in rural parts of Turkana are not able to access dispensaries because of the distance, why do we not make it easier for them? I equally realized they are a conservative community and the women would not want to be exposed, especially when they visit these facilities during delivery. This is a good way of getting services closer to the people and to also accommodate their interests.

Those are the discussions we should be having. I want to commend the Address by the President. As I initially indicated, in as much as we have had our own share of challenges partly well-known, we got the wells dug deeper. We could not continue digging deeper yet we are trying to cover up some of those mistakes made by the previous regime under popular handshake, which was a very bad leadership experiment in this country.

Mr. Speaker, Sir, allow me to conclude with that bit and say that we keep learning on a daily basis. I urge the Members of the opposition side that if they have better engagement on how this administration can implement some of these issues--- I always remind members that leadership works when we ignore issues that divide us and come together to agree on what works. This is because you are a Kenyan first before you become Kenya Kwanza or Azimio.

We are Kenyans and as leaders we need to put our heads together and support the President in steering this administration because Kenyans spoke and they made a choice. We now have the ball in our court to ensure that whatever choices we made work for the several millions of Kenyans who are relying on us.

I thank you.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for the opportunity to also add my comments to the Address by the President. I seek your guidance first before I make my comments on whether you have ruled on the admissibility of the statements and documents laid by Sen. Sifuna to substantiate his claims on the Floor; specifically, in relation to the issue of the fertilizer subsidy.

In my comments, I want to touch on that issue of fertilizer. However, I do not want the wrong impression to be created that I am commenting on a matter that you have not made a ruling on.

The Speaker (Hon. Kingi): Hon. Senator, if you were keen, I said that I would look at those documents. Whether they are admissible or not, that can only be after I have looked at them. Therefore, the first thing I have to pronounce myself on is the admissibility of the documents that have been laid there.

Once they are admissible then I shall proceed to the second leap, whether they are sufficient to substantiate the claim that was made yesterday. If I find that they are inadmissible then, of course, the matter rests right there. So, that is the ruling I shall make first thing tomorrow when we resume the House.

Sen. Wambua: I am well guided, Mr. Speaker, Sir. I will see how to navigate my comments.

First of all, I want to say on record that before I joined the Senate in 2017, I was a senior editor in this country. I used to dispatch journalists to cover this very event; the Address of the President in Parliament. The first question I would detail my journalists to ask Members of Parliament before the Address would be: What are your expectations on the presidential Address? After that, I would debrief them on whether the expectations were met.

Mr. Speaker, Sir, now that I am seated here as a Senator and leader in this country, I must confess that going by the trend that I have seen this administration conduct itself in public, and the suffering that the people of this country have been subjected to by this administration, I did not have any expectations on that Address.

Having made that statement, I would want to inform us that the entirety of Article 132 of the Constitution places an obligation on the President to address Parliament.

Just a casual reading of that Article will demonstrate that the President's Address to Parliament is the first function assigned to the President. It cannot be a matter of ticking boxes. It must be an address that brings change and inspires hope in the nation through the leadership of Parliament. The requirements are clear and simple. The President should address us as representatives of the people of this Republic on the State of the Nation. Where are we as a country?

He is supposed to address us on the measures that have been put in place by his administration and the progress made in the realization of the national values and principles of governance as captured in Article 10 of the Constitution.

Lastly, he is supposed to address us, as representatives of the people, on the state of our national security. Are our borders safe? Are we safe in this country? This is what the Constitution requires the President to do. Having gone through the Address of the President over and over again, I am extremely disappointed. I am disappointed because

issues are glaring at Kenyans today that those who had expectations would have wished that the president addressed the nation on them. I will mention only two or three issues.

On the matter of the cost of living, I said I would find a way of navigating the issue of the fertilizer because you are yet to make a ruling on it. Allow me to say that the mention of the subsidy to fertilizer from Kshs6,500 to 2,500 even if this were true, is too little at a time like this to be the only thing that the President of a Republic mentions when it comes to addressing the issues of the cost of living.

I have said many times that there are Kenyans who do not use fertilizer to grow crops. People who do not use fertilizers to keep their animals and poultry. If the only serious matter that the President could speak about on bringing down the cost of living was the issue of fertilizer, then it is too little to talk about. I would have said a few other things about it. However, since I am awaiting your ruling, I will stop there. However, I will remind the President and this administration that the cost of living is a serious issue.

As I comment on the Address of the President, millions of Kenyans are unable to make ends meet or place a meal on the table for their children. Millions of students in this country are confused. We have students in our universities who are not able to sit for their exams because there is confusion about the system we are using and the system of funding for university education. These are issues that would have attracted the attention of the President and gotten a bridal place in his speech.

On the issue of inclusivity as required in Article 10 of the Constitution. I say this with a lot of seriousness. A few months ago, we concluded the recruitment of service men and women.

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise on a point of order on the accuracy of speech. Is the Senator for Kitui County in order to mislead the public who might not have followed the President's speech during the joint sitting that the President did not highlight the important matter of education? He did so in bullets 53, 54, 55, 56, 57, 58, 59 and 60.

The Speaker (Hon. Kingi): Hon. Senator, you have made some allegations of the fact that the President did not mention anything concerning education. The Senator for Kakamega has drawn your attention to those paragraphs that, indeed, His Excellency the President took time to explain.

Sen. Wambua: Mr. Speaker, Sir, I do not know whether the Senator for Kakamega has already made his contribution on this matter. Since I now have time to make my contribution, if he listened to my opening statement, I said that this is not just an act of ticking boxes and telling people that they are starving, they already know this.

What I am talking about is providing solutions to the challenges that face our university, secondary schools, system of education in general and our system of funding of our education. Not just mentioning that these things are happening, we already know there is a problem and we are looking for solutions.

On the issue of inclusivity as required in Article 10 of the Constitution, a few months ago, there was a recruitment of service men and women to join the Kenya

Defense Forces (KDF). I raised a question on the Floor of this House seeking to know why the sub-county called Tharaka in Kitui County had been denied an opportunity to have a recruitment centre for the service men and women joining the KDF.

To date, it has not occurred to the Chairperson Committee on National Security Defence and Foreign Relations that this was a Statement that had timelines and needed to be addressed before the recruitment was done so that we afford our young people an opportunity to present themselves for recruitment.

On account of the requirement by the Constitution, I will be requesting this House that the President be guided by the principle of inclusivity when it comes to access to opportunities in this country. I request that we do a proper audit of the past recruitments of KDF so that we establish regional balance. How many young people from each region were accorded the opportunity to be recruited in the KDF? I say this because I know this is not an isolated case. I had conversations with my colleague the Senator for Tana River who had a similar challenge. A section of his people were denied an opportunity to present themselves for recruitment.

If we allow these things to continue, at the end of the day, we will have regions of this country that have provided young people to serve in the military and other regions that are denied that opportunity.

Mr. Speaker, Sir, ---

The Speaker (Hon. Kingi): Sen. Wambua, the Senator for Migori County wishes to inform you.

Sen. Wambua: I am okay, he can inform me.

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

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. The issue that the Senator for Kitui has raised is very close to my heart. The issue around inclusivity not only in the recruitment of Kenya Defense Forces (KDF), but also, in the general recruitment in the public sector.

My information is that I actually have two statements that I have forwarded to the relevant Committees. I forwarded one to the Committee on Labour and Social Welfare, to scan and give us that proper audit on the entire public service of the country.

Yesterday, I also submitted a statement to the Ministry of Defence to inform us on how exactly this recruitment was done per county and ethnic groups. I am informing you so that you take a very keen interest in these two statements when they will be given in the House. Then, you can do that audit with the information that will come from these two Ministries.

I thank you.

Sen. Wambua: Thank you, Sen. Oketch Gicheru. I will indeed take more than passing interest in the response to those Statements. While at that, because I have the Floor, we must also find a way of getting Chairpersons of Committees to fast-track responses to statements, either administratively or otherwise. It does not help to respond to a Statement one year after it was sought.

Mr. Speaker, Sir, I will conclude my remarks on the matter of food prices. So that Sen. (Dr.) Khalwale does not accuse me of not reading the Statement, I will take an excerpt from the President's Address and ask questions from it.

In Paragraph 17, the President says that as a result of the interventions that he had mentioned earlier, today, a two kilogramme packet of maize flour is selling at a low of Kshs145 and a high of Kshs175, depending on the brand, down from Kshs250. A *gorogoro* of maize is selling at between Kshs60 and Kshs75. That is directly lifted from the Address of the President.

Mr. Speaker, Sir, I have taken time and travelled far and wide to validate that very statement by the President. This statement by the President is not true. On Sunday, I was in Luanda, Vihiga County. I took the pain to go around and ask the people of Luanda whether the price of a *gorogoro* was retailing at Kshs70. All of them said that the least you can get is Kshs90. In most cases, it is Kshs100 and Kshs110.

Today, I sent my staff, paid by the Parliamentary Service Commission (PSC), to go around the supermarkets and establish the price of maize flour. They returned the verdict that the lowest that they found was Kshs149 and the highest was Kshs235. I know that the President relies on the advice of his technical team to deliver certain speeches. On this one, they have left egg on his face. They have misled him and he has miscommunicated to this nation.

Mr. Speaker, Sir, the matter of food prices in this country does not know political affiliations. It does not matter whether you subscribe to the ideals of the Kenya Kwanza Administration or the Azimio government-in-waiting. It does not matter. The only thing that matters is that people want to have food on the table. This Government has done too little to deal with the matter of the cost of living.

I am happy that we have the National Dialogue Committee---

(Sen. Wambua's microphone went off)

The Speaker (Hon. Kingi): Sen. Wakili Sigei, you can have the Floor.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. First of all, I appreciate the fact that Sen. Wambua, indeed, can acknowledge that this particular Speech referred to some commitments that were made and have already been achieved to the benefit of the Kenyans.

(Applause)

His option is to tell us that last Sunday, he was in Luanda and confirmed that the prices are not what was given in the Speech. It is also something that I can say. I come from an agricultural zone where the prices sometimes are even below that which the President quoted in his Speech.

Mr. Speaker, Sir, I must appreciate the fact that we have had challenges. This is truly acknowledged in the Speech by the President; that, indeed, when we came into

office, we had as much challenges as those given in the Speech and those not given. History will never be forgotten as you push towards achieving the plans that you have.

The frankness in the Speech by the President, in the commitments made and the achievements, cannot be ignored. We cannot say that we have achieved 100 per cent of the promises made. However, where we were and where we are is something that the Speech, indeed, acknowledged in a number of its provisions.

One of it is the cost of living. The President, indeed, acknowledged this in very many paragraphs. Out of this, I can very well recall Paragraph 15 of 102 of the President's Speech. It is where he, indeed, made specific comments on the efforts the Government has made.

My colleague has acknowledged the fact that one of the items that the National Dialogue Committee is discussing and coming up with is a proposal on how to deal with the cost of living. In that particular Speech, it is acknowledged that it is not a one-off thing. It is not something that we can just go across in the shops and buy. The cost of living is a process that begins somewhere and takes time.

One of the ways within which the cost of living has been addressed by this administration is the effort in the agriculture sector. The Government has given support not only towards bringing down the cost of maize, but also milk. There are efforts to ensure that we add value to the produce from our farmers and, by extension, we will fetch better prices in the market.

That same effort is enlisting the farmers, so that we have a database of the people who need Government support. We acknowledge the fact that not all of us are farmers. Even in this particular House, not all of us can do the same thing. There are various people with engagements and commitments. This particular Speech acknowledges that those who are in agriculture and business are supported.

In this case, there is particular reference to the people in the small sector holdings, where the Hustler Fund, which they have intentionally decided to say it has not helped, is acknowledged. This is an approach that the Government made in its campaign, to reach out to the small business community.

Indeed, the statistics that you have been given have confirmed that it is not only the small business people who have borrowed this money, it has gone beyond that.

The second phase of this Fund has equally been alluded to. Instead of reaching out to the single business entrepreneurs, groups will be supported by borrowing. This borrowing touches the business community in two ways. One is by supporting them to enhance their business enterprises and the approach which led to the removal of a number of these people from the bureau where they had been listed as non-credit worthy. If a person borrows from a facility, he or she will be supporting and enhancing his or her business for her credit worthiness.

Mr. Speaker, Sir, this particular Speech gave Kenyans the hope that we gave them in the course of the campaigns. That hope is what keeps Kenyans going in order to see tomorrow and achieve the dreams that they have.

One of the things that we must not forget is the independence that this particular administration has provided to independent institutions, one of which was the immediate

appointment of the six judges. I am a practitioner in the judicial sector and I know the importance of having to recruit judges and give them their independence. That alone is something that takes justice, not to only those who go to court, but to the rest of the Kenyans.

Giving independent management to the Judiciary Fund, which is enhanced to Kshs3 billion, is a very important aspect in building the independence of the Judiciary. This enhances access to justice and by extension, expands job opportunities. This is because, by this Fund, the Judiciary has been given more opportunities to employ. This is what we cry for every day. Many young Kenyans have gone to school and are seeking employment opportunities. This Fund alone will create employment to many Kenyans.

Beyond that, there has been efforts in the affordable housing sector. For the period that we have been in office, Kenyans have been given the opportunity to not only go and get these houses, but create more employment.

A good number of my friends who sit on the Minority side have participated in a number of those sessions, where the affordable housing programmes are being launched. On one hand, it is enhancing the availability of housing and, on the other hand, giving Kenyans the opportunity to get employment.

It has also opened up for the business community to supply the materials for construction, whether it is the *fundis* who have been trained or hardware owners.

Mr. Speaker, Sir, I want to applaud the efforts that this administration has made. The Speech by the President was very honest. He alluded to the challenges the administration has gone through and the efforts the administration, which he leads, is pushing to make Kenya a better place. In this way, Kenya is going to be a better place in the near future.

As I end, one of the most important things that we cannot forget is that several Kenyans are unable to sustain their business enterprises because of the debt bracket that this country has.

The commitment by the Government and the President is that there will be a bullet payment of the outstanding amount in advance, is a show of the direction the country is headed.

I am sure that we will be able to make this payment by December, as committed by the President in his Speech. We are going to open up this country so that investors can also have confidence. Also, the number of visits that the Head of State has made has been opening up Kenya for investments globally.

Mr. Speaker, Sir, I applaud the efforts that this administration is making towards making Kenya a better place to live in.

I thank you for the opportunity.

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

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir, for this opportunity. I rise to differ, disagree and refuse the false promises, false hopes and failed expectations of Kenyans that were contained in the Presidential Address.

It saddens my heart that the President of the Republic of Kenya addressed and the hon. Members of Parliament (MPs) in this country failed to give Kenyans hope on the expectations that they have had in this new administration.

My expectation as Senator Beth Syengo was for the President to apologize to Kenyans for lying to them, for false promises and making life more difficult.

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

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

Sen. Beth Syengo, kindly take your seat.

Sen. Mungatana, MGH: Mr. Speaker, Sir, this is a House of record. Irrespective of how you feel, whether you like a person or not, you cannot use words like 'lying'. It is unparliamentary. We have already finished one year. Some of these things should not be happening.

(Loud consultations)

No, you cannot say 'lying.' That is not parliamentary, my young daughter.

The Speaker (Hon. Kingi): Sen. Mungatana, you have made your point of order.

Sen. Cherarkey, kindly hold your horses.

Sen. Beth Syengo, this is a House of rules and procedures.

(Applause)

Sen. Beth Syengo: Yes, Mr. Speaker, Sir. I know and recognize that.

The Speaker (Hon. Kingi): As you make your contribution, kindly, be guided by rules and procedures, and use parliamentary language.

Sen. Beth Syengo: Mr. Speaker, Sir, it is good to follow and use parliamentary language. However, when one makes a promise that has never been fulfilled, what do we call that? When Kenyans---

The Speaker (Hon. Kingi): Sen. Beth Syengo, the reason I am guiding you is to help you take your point home by using parliamentary language. If you insist, you know exactly what will befall you.

Please, proceed.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I am guided. However, the challenges facing Kenyans are too enormous. The cost of living is unmanageable. The price of fuel cannot even be imagined.

The President of the Republic of Kenya talks of transforming the economy by giving loans and supporting Kenyans to ask for loans, which they are expected to repay. This is not a new thing; it has been happening. Kenyans have been living in very difficult conditions of borrowing and repaying loans. I do not see how it is a new way of transforming the economy.

When we talk of giving Kenyans hope, it will start with practical things that the current administration is doing to improve the living standards of Kenyans.

On inclusivity, it also saddens my heart. When the Kenya Kwanza administration was campaigning, they talked of how they would stand by women, support them, and appoint them. It is disappointing to see the same women, who have been played games on, being misused, struggling and crying to even take their children to school or to place food on the table for their children.

Mr. Speaker, Sir, as representatives of the people of this great nation of Kenya, we must speak the truth. We should not stand here to lie to Kenyans how the current administration---

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

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

Sen. Cherarkey: I stand under Standing Order No.98, 103 and 105. You will now have to invoke Standing Order No.121 for disorderly conduct. You have directed that the Senator uses parliamentary language, but she continues to use the word 'lie.' We have been here for more than one year. I have been offering free lessons to many people like her, so that they can understand what you can say on the Floor of the House.

You can disagree with the Government; it is okay. Unless there is a problem, kindly use parliamentary language. Is it in order to decline your directions that we have said let us all use parliamentary language? Respectfully, if she continues with the same, can you invoke Standing Order No.121 on disorderly conduct, and we allow her to go enjoy her afternoon siesta?

The Speaker (Hon. Kingi): Sen. Beth Syengo, I have advised you on what is and what is not parliamentary language.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I stand guided.

The Speaker (Hon. Kingi): I am still speaking. Despite my guidance, you have insisted to use unparliamentary language. I will, therefore, proceed to caution you.

Secondly, before you proceed, as a way of helping you, we are debating the Motion on the President's Address to Parliament. What you ought to debate here is the Address made by the President. I hope you have it before you. It has one or two bullets. If you are not agreeing with any of those bullets, you call them out. I am referring to Paragraph 100 of the President's Address. You say, "I do not agree because of A, B and C. That is how hon. Members debate; honourably.

Please, proceed.

Sen. Beth Syengo: Mr. Speaker, Sir, if I may change the wording to 'untruthful statements' amounts to not telling Kenyans the truth. It is good that I stand guided. Sincerely, I am holding the Speech in my hand. If I may look at point---

The Speaker (Hon. Kingi): Sen. Beth Syengo, I will continue guiding you because I need you to continue contributing, as opposed to asking you to withdraw from the Chamber. I guided you pretty well that what we are debating now is the Address made by the President to Parliament in a Joint Sitting. You must have a copy before you.

Our debate is confined to that Address, not to some campaign pledges made in Vihiga County. It is a debate on what you have before you. Anything else is beyond this Motion. So, restrict yourself to what is there. Lift out what you think you disagree and

tell us what you think you agree and vice versa. That is the essence of this debate. It may be untrue to you, but true to others.

Sen. Beth Syengo: Mr. Speaker, Sir, when I mentioned the campaigns, it was just expounding on some points. As I had indicated, I am holding a copy of the Speech. When I expound on a point, I do not expect hon. Members in this House to support that which is not true. That is my point.

Point 12 of the Speech indicates that the leadership has transformed the national political conversation from personalities to regional or ethnic issues to opportunities. My heart is bleeding because when we are talking of opposition leadership, it is the alternative Government-in-waiting.

(Laughter)

(Loud consultations)

The Speaker (Hon. Kingi): Order, Hon. Members. Of course, the opposition is a Government-in-waiting.

Sen. Beth Syengo: We are ready to offer better leadership, truthful promises and deliver to Kenyans. Kenyans want development and to live a life that they would be proud of; not to feel downtrodden, depressed, crying every day and worrying what the price of fuel tomorrow would be. It is unfortunate.

From the Speech, I would disagree with point No.14 because there is a lot of wastage by this Government. On Monday, we were treated to a spectacular thing where we saw people flying from one county to another using chartered planes and choppers. The cost of hiring a chopper ranges between Kshs200,000 to Kshs300,000, yet there is a Kenyan waiting for their child who has completed Class Eight, and they do not know where to get school fees from. There are Kenyans who are going to bed hungry, they do not know where to get the next meal from.

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, Sen. Beth Syengo is quite right to laud the wastage in Government. However, is she in order to do so in total ignorance of the fact that this Government has a policy on transport? When a public servant travels---

The Speaker (Hon. Kingi): Under what Standing Order are you giving information or rising on a point of order?

Sen. (Dr.) Khalwale: I am rising on Standing Order No.105 to compel---

(Sen. Oketch Gicheru spoke off record)

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

Sen. (Dr.) Khalwale, please proceed.

Sen. (Dr.) Khalwale: Do not be angry; it is debate. What is the anger for? If my view is wrong, you will bring yours, which is right.

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The Government has a policy on transport. Public servants are free to go for other options if they find that policy not convenient. A public servant moving from Nairobi City County to a function in the periphery has a public vehicle with a work ticket.

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

Sen. (Dr.) Khalwale: She is misleading the people that we are using state resources to hire choppers, when we know that some of our Cabinet Secretaries are millionaires, they can afford their own choppers.

The Speaker (Hon. Kingi): Sen. Beth Syengo, proceed to conclude your remarks.

Sen. Beth Syengo: I am very sure that Sen. (Dr.) Khalwale, my good friend the bull fighter---

The Speaker (Hon. Kingi): Sen. Beth Syengo, proceed to make your remarks.

Sen. Beth Syengo: Sen. (Dr.) Khalwale, my good friend “the bullfighter” knows that I am well educated. When he calls me ignorant, I cannot understand which Standing Order allows him to call me ignorant.

Allow me to conclude by saying that I am also very sure that Sen. (Dr.) Khalwale knows that the transport policy that the Government may have does not allow wastage of public resources in the Government.

Thank you.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am elated this afternoon listening to Members debate the President’s Speech. For the very first time, it is an opportunity for many of them to critique, agree and disagree.

I want to begin by lauding the President on a very serious departure from the past from those that have been in the corridors of Parliament for a quite a while. You will know that there are many things that have been the hallmarks of presidential speeches; they did not feature or were not granted prominence on that particular day.

Of particular note is the reference to the House of Parliament as a gathering of duly elected representatives of the people, giving an account of what their Government under the leadership of President William Ruto has been able to do to the people of Kenya.

You will note that in the past years, we have always been treated to rants and chants of “my Government, my Government!” It is a single act of patriotism when, as a leader, you appreciate and know that the position of a President is of public trust. Others have considered that this is an opportunity through which you can lead and make the lives of the people who elected you better.

Secondly, is to celebrate and appreciate the fact that in all the 102 paragraphs that formed part of this Speech, the President is spot on 100 per cent. He speaks and gives an account of policies, programmes, legislative interventions in terms of funding and other policies that have been undertaken in the last 20 months of trying to make the lives of Kenyan people better.

Thirdly, this conversation cannot be complete; you cannot have a complete picture. I know that while Mr. President tried to avoid delving into our past, we know that it is the past that informs us of the future.

He did not tell the country that he found a tattered economy with only Kshs90 million in the accounts of Central Bank of Kenya (CBK). Kenya was like a baby that had escaped the jaws of a crocodile along River Tana where Sen. Mungatana comes from. This economy had been battered and mismanaged and things were terribly bad.

I agree with those who have argued before that in the unfortunate event that this Government had gone to the very hands that were managing it before September, 2022, we would be worse than Ghana today. We would have been auctioned. We would have been victims---

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

The Speaker (Hon. Kingi): What is your point of order Sen. Eddie? Sen. Eddie proceed with your point of order.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I rise under Standing Order Nos.101 and 105. You gave a ruling when a Member of the Minority side was submitting on the content of this Speech and restricted the Senators to the contents of this Speech. The Senate Majority Leader is introducing things that the President did not talk about in this Speech.

Secondly, on the statement of facts, the Senate Majority Leader is telling the country that when the President took over office, the national coffers had only Kshs90 million. Can he substantiate that statement in the House and tell us how a country was running on Kshs90 million with all the public service components of this country going to trillions of money?

Is he in order to cast aspersions on a whole country to have been that broke where the President himself was a Deputy President flying with choppers, driving vehicles that could not sustain themselves even for a month at Kshs90 million?

The Speaker (Hon. Kingi): Senate Majority Leader, you have made allegations to the extent that when His Excellency the President took over the running of the affairs of this country, at that time the books of this country were reflecting Kshs90 million at hand. You need to substantiate that. You may either do so right away or you may do that tomorrow.

(Sen. Omogeni and Sen. Osotsi consulted loudly)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thought there is only one Speaker in the House. I am struggling to get your instructions because there is a whole battalion of---

The Speaker (Hon. Kingi): Sen. Osotsi and Sen. Omogeni, if you proceed in the manner you are proceeding, you will watch the Senate Majority Leader from the lounge. Kindly let me steer the House.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I want to dissuade you from sending Sen. Omogeni out. These are the few instances he is in the country. Allow him to enjoy the proceedings of the House.

(Laughter)

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Mr. Speaker, Sir, first of all I will provide---

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

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

Sen. Omogeni: Mr. Speaker, Sir, you cannot let my good friend, the Senator of Kericho, get away with that statement. I took over from the Senator of Kericho. I have looked at his records at the Commission *vis-a-vis* the times he used to be in this House. In fact, my yardstick has always been to ensure that I do not outperform what Sen. Cheruiyot did in travelling. He should be the last person to speak about travelling. In fact, we are working so hard to ensure that we do not do the kind of travels he did.

The people of Nyamira know that I am a very diligent person---

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

Sen. Omogeni: Mr. Speaker, Sir, I am challenging Sen. Cheruiyot to withdraw that statement he has made that this is the only time - you heard him say so - I am in the House. You can look at the record. I am always in this House. That statement by Sen. Cheruiyot who is my friend is imputing bad motive on my person as the Senator of Nyamira and I am asking him to withdraw and tender an apology to me.

The Speaker (Hon. Kingi): Sen. Cheruiyot, you made an assertion to the effect that for the first time the Senator for Nyamira is in the House because he is always out of the country.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I wish to withdraw the words “only today being in the House” and instead say that this is one of the rare occasions.

(Applause)

I am not casting aspersions, but Sen. Oketch Gicheru, you must appreciate the fact that Sen. Omogeni is a constitutional office-holder. The work of a Commissioner is very busy that sometimes it may involve travel within and without these borders. Therefore, it is not a wrong thing to say that the Commissioner is busy and travels. When he has an opportunity to be in the House, it is important that he be granted an opportunity. I do not think there is anything wrong with that.

The Speaker (Hon. Kingi): Sen. Cheruiyot, that is not what you said. Now, you are explaining it in a more honourable way. Conclude.

The Senate Majority Leader (Sen. Cheruiyot): Yes! How can I conclude, Mr. Speaker, Sir? I have not begun. I have 60 minutes. I will conclude at about 5.30 p.m.

The Speaker (Hon. Kingi): Proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I wish to carry on with the debate and congratulations to H.E the President on a brilliant Speech that he gave on account of the work that his administration has done.

Of course, I made remarks to the effect that when H.E the President took over this administration, as per the Central Bank of Kenya (CBK) records on the bank balances that were maintained, there was only Kshs90 million.

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

The Speaker (Hon. Kingi): Sen. Mwaruma, what is your point of order? Now, Hon. Senator, we need to make progress on this matter. You will notice we have spent a lot of time on points of order.

Sen. Mwaruma: Mr. Speaker, Sir, I think Sen. Cheruiyot was supposed to substantiate the fact that the coffers had Kshs90 million before ---

The Speaker (Hon. Kingi): He was doing exactly that when you rose on a point of order.

(Sen. Oketch Gicheru, spoke to the Speaker off record)

Sen. Oketch Gicheru, knows exactly what he is doing. You prompt me to do something, I will throw you out.

The Senate Majority Leader (Sen. Cheruiyot): I wish Sen. Mwaruma was listening because that is exactly what I was explaining. I will provide this House in the next 24 hours, the CBK balances of the Government of Kenya (GOK) at that particular time.

It goes beyond saying, that things were so bad at that time that billions were being withdrawn *via WhatsApp* messages. We have it on authority of the Controller of Budget (CoB), the constitutional office holder that is allowed to grant withdrawal out of the Exchequer.

Therefore, it is not wrong to point out---

Mr. Speaker, Sir, I do not know if I will be allowed to ---

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, we need to make progress. Let the Senate Majority Leader conclude his remarks.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, the second thing is that H.E gave an account of programmes that have been run by this administration. Of course, top of which featured prominently is a very successful Hustler Fund initiative that has lent out billions of Kenya Shillings to ordinary citizens.

More than 10 million Kenyans have borrowed. I do not know what are the latest statistics from CBK on bank customers. Nonetheless, if we were to rank the Hustler Fund with various commercial banks of this country, it will prominently feature among the top two if not the top three.

These are ordinary citizens that previously would not have had ease of access to credit. We have rescued ordinary 'hustlers' who were borrowing at 300 per cent to now borrowing at 8 per cent.

In fact, I heard one of the leaders speak, I think it was Sen. Sifuna, because I watched yesterday. He was celebrating about the default rate. He ought to be ashamed of himself because he knows that as a leader, he is one of the people who told ordinary

citizens to take that money and not pay. We - as Members of Parliament - when we take our 3 per cent mortgage, we make sure that we repay so that we are able to borrow again.

Such bad examples from leaders and speeches have inspired many young people to be misled. I celebrate the fact that I have seen further down the President's Speech that an amnesty is being extended to many of these young people.

We have cited examples of people from across the country, for instance, from the coast to north eastern and to the western part of the country, who have borrowed in excess of 1,000 times. They have saved many times and are now able to transact and do business courtesy of this revolutionary product.

I urge and insist on the President to continue investing in that particular product and even double the amount which ordinary citizens can borrow.

I am aware because I represent the Government side in this House, that on the 30th of this month, such a product is going to be launched. To the ordinary people that are continuing to borrow and partaking of this particular product, their life is increasingly getting better.

Mr. Speaker, Sir, at the default rate of 73 per cent for a GOK product, is extremely successful. People need to compare what are the default rates of other Government and economic stimulus programmes that have been ran before.

People used to take money and disappear, but at least on this particular product, it is at a 73 per cent. I know it is going to increase and it will get better because there are people who disappeared with Kshs500.

Nonetheless, at the end of this month, when they see what is going to happen to those that have been diligent, that have borrowed and repaid and *vice versa*, many of them are going to be diligent enough and return to this product.

Mr. Speaker, Sir, one of our campaign promises, which the President spoke very prominently about in that Speech was the fertilizer subsidy programme. Therefore, because of that specific intervention, we have added more than 200, 000 bags of maize into the economy.

It is an irrefutable fact that today if you walk into any supermarket in this country, you will buy a packet of unga anywhere between Kshs145 to Kshs180. The obtaining price at the time this administration came into office was in excess of Kshs200 and that is what we are speaking about.

We are bringing down the cost of living in a way that ordinary citizens are able to see. We are subsidizing production, as opposed to the lopsided economy that was being ran by the cartels who were in charge previously. Subsidization of consumption only benefited the millers and the big boys of this town who were running big corporations and big farms.

Mr. Speaker, Sir, the person that we have subsidized and made sure that they are able to produce cheaply and competitively is the farmer of the republic of Kenya. If you go across this Republic from every corner, they have been recipients of this particular programme.

I am aware that even as we go into this financial year, that programme shall be made better. Part of the reason I celebrate this programme is that, I know before the

coming into place of this administration, the previous administration had tried to register the farmers of this country.

They were being given bills running into billions of shillings as the amount that was going to take to register farmers and find out the size of lands that they have in this Republic.

Nonetheless, courtesy of the ingenuity of this administration, using the provincial administration and asking our chiefs and Assistant Chiefs (ACs) to go out to the farm lands and register our farmers, this project was done at near zero expenses by the GOK.

Therefore, more than five million farmers of this country have been registered. We are now able to tell, what is the size of land under their cultivation, what they are cultivating and how much fertilizers they need.

The making of policy decision that is driven by data is the key to the successful implementation of any manifesto. I laud the president for leading that effort. I know with such interventions; the farmers of Kenya can only get better.

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

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

It is my hope and aspiration that this programme shall be extended to all the crops and not just to the maize farmers that are doing this under the subsistence farming. I believe that as they model this programme, they will make it in a better way. That it shall be crop specific so that tea, sugar and coffee farmers and so on and so forth, are able to benefit from this enormously from this programme.

Mr. Temporary Speaker, Sir, of course I know for a fact and this is something that we need to check as a House, in to ensure that our farmers access this subsidy fertilizer at the nearest point. I know this because this was the initial test run. Many of them had to travel long distances to go and pick a bag or two of fertilizer.

It is my hope that the Ministry of Agriculture, Livestock and Fisheries can team up with our Agriculture and Veterinaries (Agrovets). At least in every village that I know in this republic, that has a farming population there is an Agrovet.

Mr. Temporary Speaker, Sir, in these Agrovets, they can link up together with our Ministry of Agriculture, Livestock and Fisheries, so that a farmer walks to the centre closest to their home, picks up this subsidized fertilizer, go and till their land and produce cheaply.

Of course, we know for a fact that the Government has worked extremely hard to bring down the cost of inflation from a high of 9.8 per cent last September, now to a downwards of 6 per cent. It can even get better as we continue to produce and tap into the long rain seasons that we are having.

There is need to invest further in post-harvest handling because we know many of our farmers continue to lose almost 20 to 30 per cent of their products because of post-harvest loses.

Mr. Temporary Speaker, Sir, it is my sincere hope with the assurance that was given by the Head of the State in his Presidential Speech, that this is being addressed. He alluded that on the day he was speaking before Parliament, that the first batch of large-scale and small-scale dryers for maize, wheat and rice farmers was docking in the Port of Mombasa and that the same can be cleared quickly to get into the farms and help our farmers so that they do not lose even a single bag of the crop that they have produced.

I know the President did speak to the values, aspirations and the challenges we continue to have as a country. Corruption is a challenge we continue to face. The question we must ask ourselves is that we have set up the Ethics and Anti-Corruption Commission (EACC) for more than 10 years, thanks to the new Constitution but two administrations down the line, this being the third, we continue to see an increase in corrupt practices in our public offices and private sector.

We must begin to ask ourselves very difficult questions as the people of Kenya, whether the issue is about the institutions because many times you listen to Kenyans, they tell you that EACC needs to do this or the Directorate of Criminal Investigations (DCI) should do the other, without addressing this particular challenge of corruption from a values problem.

However, we must begin to teach our children right from school and even us who are in leadership about the values that to espouse, the values we expect to see in other people and whether the same can be replicated. Even here in Parliament, there are many things that Members do ignorantly and they think that maybe, that is not an act of corruption but if it is checked under the prism of values and Chapter 10 of our Constitution, you are actually not living up to the expectation of this Constitution.

Mr. Temporary Speaker, Sir, how many times do you see Members, particularly on Wednesday morning - I do not want to say which side of the House is fond of doing this - walk in, sign and leave without making any contribution or sitting to listen to the proceedings of the House? The House just captures and records that you are part and parcel. You are cheating the system, but is that a reflection of the values that have been espoused under Article 10? You ought to do better as a leader.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, what is your point of order?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, the Chair had ruled on Standing Order No.101 - parliamentary language. A Member of the Minority side was gagged from using the term 'the President is lying and the Members of the Majority are lying.'

What is different in using the word lying and throwing aspersions on Members of Parliament (MPs) and saying they are cheating? Is the Senate Majority Leader in order to throw these aspersions and further use non-parliamentary language by indicating that there are Members of this House who are cheating the system?

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, I urge you to restrain yourself from that language and use parliamentary language.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, he needs to listen to what I said. I did not say Members are cheating. Cheating the system is

completely different from lying or cheating. Cheating the system is when a gadget or a particular system gets the impression that you have done something while you have not.

When you log into this system, it assumes that you have sat through the sitting and you will be marked as having been present. That is what is called in simple English, Sen. Oketch Gicheru, as cheating a system. It is not the same as cheating. It is basic English.

The Temporary Speaker (Sen. Wakili Sigei): The Senate Majority Leader proceed and restrain yourself from the language that you are using and make sure you use parliamentary language.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, what I need to restrain myself from is the kind of English I use. Perhaps, it will find better favour if I spoke in simple language where everyone will appreciate and say that I have not misled or insulted anyone. It is my plain understanding and rarely do I lose my cool or speak ill of others.

I was gracious enough not to mention the person who usually does these kind of things, yet the whole House knows that. Allow me to proceed without having to respond to that.

(Sen. Oketch Gicheru spoke off record)

Mr. Temporary Speaker, Sir, you need to protect me from Sen. Oketch Gicheru, otherwise, I will be distracted.

I will continue to speak on an important topic that the President touched with regard to the transformation that is happening in our economy. It is a fact that cannot be disputed that our debts to the Gross Domestic Product (GDP) ratio is at an all-time high. However, as we speak today, a 71 percent debt exposure simply means that for every hundred shillings that you are collecting, only 29 percent is left for counties to pay salaries and do development. It is a fact that not even a magician can work any miracle when you are handed over such an economy.

However, we need to ask ourselves what the President and this administration have done. I agree with him when he reports that this country is on a path of transformation because the first and simple basic thing he has done is to reduce our fiscal deficit; from an upwards of 8 - 9 percent to 5.4 percent in this current financial year. I know for a fact that there is a further Supplementary Budget which our colleagues in the other House are likely to debate tomorrow that is lowering that fiscal deficit to ensure that firstly, we live within our means and secondly, we become responsible in our borrowing.

Thirdly and most important, we should tell Kenyans the truth that for a long time, we have lived a lie. We are behaving like university or college students that I used to see in our university days. They would get Higher Education Loans Board (HELB) money and buy all the flashiest clothes, nicest shoes and when eventually arrived at the university, they could not even afford food. They would be left begging.

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Mr. Temporary Speaker, Sir, that is the kind of economy we have been running for many years. That is why when we say we must tighten our belts and teach our people that they cannot enjoy better services without having to pay a share of it, it is the truth and nothing can be done about it. I know people want to play popular and populist politics on this particular issue of taxation but we have to be realistic and tell ourselves about the options left with us as a country.

Default is not an option. There is no responsible administration that is going to default on its debts and look straight into the eyes of its citizens and say, because we did not want to make you feel the burden, allow us to default. We know what has happened to countries that have defaulted. Things will get even worse but the President is telling the country, let me be a responsible father and tell you the hard facts that are between you as the adult population today in the Republic of Kenya and the future generations - our children and young people in schools - feeling the pain of a country that has been ravaged by debt.

Mr. Temporary Speaker, Sir, we would rather feel the pinch as the parent generation, so that our children can inherit a sound economy, a country that is thriving and a better nation than what was handed over to us. I agree with the President on that particular decision. Many a times, people debate and speak about these issues and how there is too much taxation and the cost of living is too high.

There is no assumption and I know each and every part of the country is complaining about these issues but the difference between us and our critics is that we are honest with our people. We are telling them that this is the cause and the reason why we are facing this particular situation but there is hope in the hinterland. The things we are doing today are for a better 2024, 2025 and a more prosperous 2030.

If we decided to run a subsidized economy like our colleagues were doing and despite the fact that many people are speaking about the challenges in the fuel sector, we know that at the time of the coming in of this administration and thanks to the fuel subsidy program that was being run, this present financial year we are clearing a debt of close to Kshs80 billion, paying for the previous fuel that Kenyans consumed, was not paid for but it is part and parcel of the bills we are living with today.

Mr. Temporary Speaker, Sir, up to how long---

Sen. Oketch Gicheru: On a point of information---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cheruiyot, do you want to be informed by Sen. Oketch Gicheru?

The Senate Majority Leader (Sen. Cheruiyot): Until he learns how to seek the attention of the Speaker. You know in this House, you graduate and learn. If he has not known how to use gadgets and he is using his mouth, does he really merit to inform a Senate Majority Leader?

The Temporary Speaker (Sen. Wakili Sigei): He has done it now.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, let me help you.

The Temporary Speaker (Sen. Wakili Sigei): There is an intervention.

The Senate Majority Leader (Sen. Cheruiyot): You get the intervention of the Speaker by pressing and waiting. You do not shout. That is the lesson that I want to pass on to Sen. Oketch Gicheru.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, it has been rejected.

Proceed, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I do not mind being informed by Sen. Oketch Gicheru now that he has learnt. So long as he promises not to be shouting at the Speaker. However, at the next opportunity, he must commit before informing me that he has learnt the lesson of how to seek the attention of the Speaker.

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

Sen. Oketch Gicheru: Senate Majority Leader, I want to call you a very special name 'Majority', not even Senator. You have talked about a very pertinent issue on taxation. I agree with you, to some extent, that we must raise some capital to help our country deal with the issue of debt. However, it cannot be we are going towards over-taxation.

When you raise taxes to the extent that we have seen in the past few months, whether you like it or not, businesses have to make a decision. Are you aware that 30 per cent of the businesses that the President found have now closed down? This includes Saracen, which is one of the biggest marketing agencies in the country. They have crossed borders and opened offices in other countries to avoid high taxation.

The consequence, therefore, becomes other means of seeking revenue befalls the President. That is why he is forced to start looking for resources in other places such as Identification Cards (IDs), death certificates and other channels that cannot raise revenue.

High taxation is what we are talking about. I urge the Senate Majority Leader to think about moderate taxation and not high taxation that is killing businesses in this country.

It is not a point of order. It is a point of information.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, that should be declared a point of misinformation.

(Laughter)

These things he has said are completely the opposite of what we know. He needs to check the records of how many new businesses have registered this financial year alone. This is because people can see the transformational path and the journey that Kenya is on. I can tell you for a fact that I now know more than 100 businesses that have since set up shop in this country. They would not be reporting.

Sen. Oketch Gicheru, do not be lied to by many of these fake reports that you read in our newspapers about companies moving to this or that country. There is no business that comes to do charity in Kenya. They are here because they know this is East Africa's largest economy. The opportunity to make profit here is better than in any other East

African country. Nobody should sit here and pretend as if they were doing any charity work in Kenya. They are here to make money. Therefore, I laud the policies that have been introduced.

Finally, on this issue of taxation. Sen. Oketch Gicheru, his team and those that think like him need to read and understand that Kenya's tax to Gross Domestic Product (GDP) ratio stands at a paltry 17 per cent. If you compare with our peers that we want to compete with such as South Africa, Egypt and Nigeria, they are way higher with an upward of 20 per cent.

Therefore, we cannot be competing with economies which are not in our region; smaller economies which are doing less than \$50 billion GDP. If we are aspiring to be a stronger economy, a middle-income nation by 2030 as espoused in Vision 2023, then this is the right path that we have to accept. There will be temporary pain for permanent pleasure in the future. Therefore, I agree with the decision and the taxation policies that have been introduced.

In fact, on these controversial issues of the ID, Sen. Oketch Gicheru, do you know that the Kshs100 has been in existence since the 1900? I took my ID more than 20 years ago and I paid Kshs100. Is it the argument of those that are saying that the Government should not review whatsoever that Kshs100 that even the factors of production alone can inform? It might not be the Kshs2000 that is being proposed. However, we must agree. I do not expect a President that I elected into office to go to China to beg for money for printing IDs for my children if I can pay for the same. There must be a review.

(Loud Consultations)

Finally, I urge my colleagues from the Minority side that even as you critique the Government, kindly offer alternatives. Let us hear your ideas. You are not strangers nor are you new to this country.

We have seen you before in office. We know how you operated during the dreaded dark days of the 'handshake' government and the things that used to happen to many people, including many Members of this House.

If you disagree with the policies being proposed, be it on financial inclusion, taxation or subsidy programmes being run, kindly offer an alternative. If you have a better idea, we are willing to listen. We will be convinced by the strength of the argument that you carry not the loudness of your noise.

I laud the President for a speech---

Mr. Temporary Speaker, Sir, I should have been added more time because of the interruptions from Sen. Omogeni and Sen. Oketch Gicheru. However, in the interest of time, I do not mind being informed by Sen. Crystal Asige.

The Temporary Speaker (Sen. Wakili Sigei): Unfortunately, Sen. Crystal Asige has not sought for the---

(Sen. Cheruiyot spoke off record)

The Senate Majority Leader (Sen. Cheruiyot): *Wacha aniambie kidogo---*

Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir. I thank the Senate Majority Leader for his contribution.

The information I would like to give him and the House is that he is well aware that solutions are being offered by many MPs across board from both Houses.

I have gotten in touch with the good Senate Majority Leader seeking audience to discuss matters especially for Persons with Disabilities (PwDs), youth and women, so that he can listen on a one-on-one basis, and not just back and forth here on the Floor of the House where everyone is busy and walking in and out.

I wanted his unequivocal attention so that he can hear the issues of PwDs, which is the mandated special interest group that I have been put here to represent.

Unfortunately, one year on, we have not met. I know he is a very busy man. I understand. Sky team folks, of course, are very busy. However, those of us on the ground are waiting for his feet to be planted where we are so that he can hear our very elaborate suggestions on how the Government, through the Executive, can improve the lives of PwDs, youth and women.

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I am guided.

I was to attend the album launch of Sen. Crystal Asige, but I sent Sen. Cherarkey instead to represent me. I have seen his videos, dancing, ably responding to the positive vibes.

I want to assure my good friend, Sen. Crystal Asige, now that I have concluded my remarks, I will move over to sit next to her and grant her one or two hours, if she has the time or the entire evening to listen to the proposals she is making.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey: The entire night.

(Laughter)

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir. I want to add my voice to the views given by my fellow Senators on the Address by His Excellency President William Ruto to both Houses of Parliament; the Senate and the National Assembly.

From the onset, I was not happy because I did not get what I wanted from the President. I expected him to address the issue of the cost of living, which the Senate Majority Leader is saying should not bother us. The cost of living is a very emotive issue in our country today and we cannot wish it away. Whether we like it or not, this issue must be addressed squarely. The President talked about national values which should be

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implemented practically. If you look at the records, not long ago, our people were going for demonstrations under the provisions in the Constitution on the right of Kenyans to demonstrate, picket, and hold public rallies. The police came out to demand---

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

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order Sen. (Dr.) Khalwale?

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, I hope I am not going to be unnecessarily disrupted by my brother.

The Temporary Speaker (Sen. Wakili Sigei): Your time will be frozen.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise under Standing Order No.105 to challenge the Senator for Siaya County who is my good neighbour back home in Luanda doho and Luanda dudi to retract his statement that the President disappointed him because he never mentioned the cost of living. Is he in order, knowing that in bullets 15,16,17,18,19 and 20 the President told the country that he has established 22 new fish landing sites in the counties of the lake region and the coast? He went further to say that he has established management units, cooperatives, and hatcheries at Kabonyo and Shimoni. Is he in order to mislead the public?

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

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, I am asking my brother, Sen. (Dr.) Khalwale, to be patient with me so that I can finish what I am saying. I did not say that the President did not mention the cost of living. In my view, he did not offer any solutions. In Sen. (Dr.) Khalwale's view, he offered them but in my own, he did not. Sen. (Dr.) Khalwale is talking about the beaches. You do not transform a bee management unit into a cooperative and say that you have helped the people. These are management units which are meant to regulate the fishing---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, there is a point of order. Pay attention to the Chair.

Sen. Cherarkey: Mr. Speaker, Sir, I am standing under Standing Order No.98. You had given direction and you need to use your powers pursuant to Standing Order No.121. You have directed that we restrict our argument, reasoning, and presentation within the confines of the State of the Nation Address by the President. I request the table office to provide the speech both in soft and hard copies to Members so that they restrict their contribution to the Address. Is it in order for Sen. (Dr.) Oburu – the youth leader – to mislead the House and defer your ruling? I request that you exercise Standing Order No.121 on disorderly conduct and throw out Sen. (Dr.) Oburu.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, listen to the Chair. You were in the House when the Chair made a ruling that our debate be confined to the Address by the President. In the course of your contribution, you might comment outside your Address. However, I would like you to ensure that it is within the spirit of the Address by the President. Also, use parliamentary language.

Sen. (Dr.) Oburu, proceed.

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, I am trying to do my best to confine myself within the Address but the people on the other side are not being patient.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, please, be patient. I withdraw the Statement. I am restricting myself to what the President said. The President talked about national values. I am relating this to what happened to us when his officers were not keeping national values. They sent the police to kill people when they were exercising their democratic rights. Secondly, the President said that one of his achievements was to pay the Judiciary Kshs3 billion when he took over.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, take your seat. Sen. Mandago, proceed.

Sen. Mandago: Mr. Speaker, Sir, I would not have wished to interrupt the senior colleague. He knows I have tremendous respect for him. As per Standing Order No.105, is it in order for Sen. (Dr.) Oburu to say the Government sent the police to kill people? If this is so, can he provide evidence of a command?

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, listen to the Chair. I wanted to invite you to make comments as to whether the Government sent police to kill people. Sen. (Dr.) Oburu should be heard in silence. Sen. Osotsi, you are not on the Floor.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir. If you heard the Inspector General of Police, he specifically said the opposition had hired dead bodies from mortuaries to display them. This was a serious statement. However, I will proceed to the next point.

I did not take kindly on one of the achievements mentioned by the President in the Address. He stated that Kshs3 billion was paid to the Judiciary. It could have been paid in good faith. However, perhaps, it was a thank-you for the rulings that they made during the petitions on the Presidential election.

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. (Dr.) Oburu. Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I stand under Standing Order No.101 on the content of speech. The President in bullet No.11 said he appointed six judges and enhanced allocation to the Judiciary by Kshs3 billion. There is nowhere that the President indicated that he was paying Kshs3 billion to the Judiciary because of favorable rulings. Could you allow Sen. (Dr.) Oburu to mislead the House? This issue is in black and white. Is he alleging that the Judiciary has been bribed by the Executive? He should withdraw and apologize not only to Kenyans but to the Judiciary. This is an enhancement to the Judiciary budgetary allocation by Kshs3 billion. The President said he has enhanced allocation to the budget for agriculture by about Kshs10 billion. Why is Sen. (Dr.) Oburu hell-bent on misleading the House? Is it to score quick political gains?

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, before I give you the microphone, I also bring to your attention the provisions of Standing Order 101. I will read it because this is serious-

“Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion---”

Sen. (Dr.) Oburu, I direct you to withdraw the reference to the payment to the Judiciary and proceed to conclude your contributions.

(Applause)

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir,---

(Sen. Oketch Gicheru spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, you are a very poor learner. You have been previously informed as to how you get the attention of the Speaker.

Sen. (Dr.) Oburu, proceed.

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, you have ruled that I should restrict to discussing the Address by the President. This particular clause of paying Kshs3 billion was by the President. Am I discussing the person of the President or the speech?

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, it was not a payment to the judiciary, it was an allocation.

Sen. (Dr.) Oburu: No, he said, his Government paid Kshs3 billion. Not him personally, but the Government.

(Loud consultations)

It is in his Address that the Government gave Kshs3 billion.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Oburu, Sen. Oketch Gicheru is on a point of order. Proceed.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I am on Standing Order No. 1. I have been here the entire afternoon. The substantive Speaker, noticing that sometimes, there are frivolous points of orders being raised in this House, made a judgment that sometimes, let a Senator proceed to conclude.

The kind of ranking and respect that I give to the Senate Majority Leader is stature. The position and leadership he holds in this House--- When he was speaking, he was not interfered with frivolous points of order. I agree with it. However, in the same manner, Sen. (Dr.) Oburu is a serious ranking Member of this House. I find it---

(Loud consultations)

Can I be heard in silence?

The Temporary Speaker (Sen. Wakili Sigei): Allow the Senator to be heard in silence.

(Sen. Chimera and Sen. Cheruiyot consulted loudly)

Sen. Chimera and the Senate Majority Leader, please.

Sen. Oketch Gicheru: I find it out of order when every single opinion that the Senator expresses in this particular speech, is going to be interrupted by frivolous points of order from the other side.

(Loud consultations)

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

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I beseech you in the name of the ranking Member that let him finish---

The Temporary Speaker (Sen. Wakili Sigei): Take your seat, your point of order is taken.

Hon. Members, Sen. Cherarkey, Sen. Chimera and the Senate Majority Leader, allow Sen. (Dr.) Oburu to conclude his debate.

Proceed Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, I move to the next point

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members.

Sen. (Dr.) Oburu: The next point is on taxation. The burden of taxation is too high. The President, who is my former colleague, knows very well that when we came into Government with him in 2002, I was there personally. We adopted a policy. I want the Senate Majority Leader to listen to this because he is saying, we offer constructive recommendations.

Mr. Temporary Speaker, Sir, the policy of taxation must be taken very seriously. I believe the policy we adopted is the one we should use now. The policy was that we lower the levels of taxation but expand the tax base and then we close all the loopholes for corruption and leakages. Once you do that, the revenue will go up. Not introducing too many taxes as if, those who are introducing those taxes are not Kenyans. The revenue was Kshs480 billion and the economy was growing negatively when President Moi left office. However, within less than two years, the revenue had shot up from that to Kshs1 trillion. We were not complaining that the previous regime had done this and that. They had done those things, yes, but that was not our concern. Our concern was what we should do to revive the economy and we did it.

Mr. Temporary Speaker, Sir, I want the Government to take this matter seriously so that we just do not complain. Let us find a way of helping our people out of this burden of very heavy taxation. Even when you come to the airport, you find people ransacking your luggage because you have brought something that is more than this and that. We are introducing the old systems which even jailed people for having foreign currency. For a small amount of money, Hon. Waruru Kanja was jailed for one full year for coming in without declaring USD100. That is one issue that should be taken seriously.

The other one is on forex. Forex is a very good indicator of how the economy is performing. When we say that we cannot reduce the cost of fuel---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, what is your point of order?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I am truly constrained. It is true we are on the President's Address. You have made a ruling.

(Sen. Oketch Gicheru spoke off record)

Should I continue reminding you when I am rising under Standing Order 101(1)? It is true that it is difficult for the Senator of Siaya to differentiate between talking about the conduct of the President and speaking to his speech. We can give that to him. However, when he said that money was paid to reward judges of the Court of Appeal, and you directed that he should withdraw that remark, it is important for the integrity of this Senate that that remark is withdrawn from the HANSARD so that the next time, the judges of the High Court---

(Sen. Oketch Gicheru spoke off record)

Senator for Migori County, for your information, they include Justice Ouko, who was the President of the Court of Appeal. You cannot suggest that even if you do not like the President, our judges were bought. Let him retract that particular response and then we go ahead.

The Temporary Speaker (Sen. Wakili Sigei): Point taken, Sen. (Dr.) Khalwale

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, even though I did not say those words exactly the way Sen. (Dr.) Khalwale is saying, if that is the word that you do not like, then I withdraw it.

(Applause)

(An hon. Senator spoke off record)

Okay. I know you want the master to hear you.

(Laughter)

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Mr. Temporary Speaker, Sir, the forex is a very good indicator of the performance of the economy. When this regime took power, the Dollar was at Kshs120. The Dollar has now gone to Kshs150 and it is weakening.

Our Shilling is weakening against our neighbouring currencies and not just against the Dollar. We are saying that there is nothing we can do; that our hands are tied and that whatever is happening here is because of the international economic situation. This is not true. Why is it that the economy of Tanzania, which should be much inferior to us---

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, this is a House of records. What we say here today goes in the HANSARD and it can be read 100 or 200 years from now.

I need your guidance and indulgence under Standing Order Nos.1 and 98 and an interpretation of Standing Order No.121. Sen. Oketch Gicheru - and I do not want it to appear on the record - has insinuated that all of us who have raised points of order are frivolous. The power to rule whether they are frivolous or not, lies with you, the Speaker.

Is it in order to request that Sen. Oketch Gicheru's statement saying that points of order raised by Members are frivolous, be struck out of the HANSARD; so that our record, the future of the HANSARD and the tradition of the House can be respected?

I thank Sen. (Dr.) Oburu because he has withdrawn. It is not within his purview as per the tradition and the jurisprudence of this House, for a first time Senator, to rule that it is frivolous.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, that was not a ruling by Sen. Oketch Gicheru. I remember I did not allow him. He referred to the interruptions by Members by raising points of order. So, it is not a ruling on his part and I rule you out of order.

Proceed, Sen. (Dr.) Oburu.

(Sen. Oketch Gicheru consulted loudly)

Order, Sen. Oketch Gicheru!

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, because of the impatience from that side, I do not want to continue. Every time I want to make any point, there is a point of order and yet he says it is not frivolous. It is frivolous.

Thank you.

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

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. I rise to comment on the President's speech in the National Address to Parliament and the country.

It is important to note that when the Kenya Kwanza Government came in, the economy was in the Intensive Care Unit (ICU). It was bad as has been said. The Senate Majority Leader has said that tomorrow, he will substantiate that the balance at the

Central Bank of Kenya (CBK) during the time of the takeover, was only Kshs93 million. The economy was pathetic. It was basically in ICU.

When we were growing up, we would take Malariaquin whenever we suffered malaria. I remember in primary or high school, we used to be injected. If you did not get an injection, it was like you were not going to heal. The injection used to be painful.

Since the economy was in ICU, it was dilapidated. Some painful decisions must be made to ensure we recover economically. That is why the Minority side is complaining because of the painful decisions that Kenya Kwanza Government is taking, so that we do not sink further.

What would have happened if we were unable to pay Eurobond and other debts? The country would be declared as distressed and we would suffer even more. We would pay higher interest rates because of being declared in distress or default of paying our debt.

It is good to accept that for that reason, let us bear these painful measures that have been taken. Within a year or so, we will recover fully and our people will enjoy life. The cost of living will come down. As you even saw yesterday, people expected the cost of fuel to go up. However, the prices of diesel and kerosene went down. The price of petrol remained the same.

As the Vice-Chairperson of the Committee on Energy, we have been informed that within the next three months, prices will come down. Prices are still high because there is a high demand. It is winter in the Western counties and people are using a lot of fuel now.

Mr. Temporary Speaker, Sir, there is conflict between Ukraine and Russia and between Palestinians and Israelis. The production of fuel has gone down and that is why fuel prices are generally higher. If you compare within the region, the cost of fuel in our neighbouring Tanzania, is higher than in Kenya. It is good to get the facts right.

I wish to declare in this House that I am a farmer and I benefited from the subsidised fertilizer. We paid Kshs3,500 last year. This year, it has come down to Kshs2,500 and there is a bumper harvest across our region. In the North Rift in places such as Eldoret, Elgeyo-Marakwet and Kitale, the cost of a 90 kilogramme bag of maize has dropped from as high as Kshs8,000 to Kshs3,000. If we do simple mathematics, divide Kshs3,000 by 40 *gorogoros* and you get Kshs75. A 90 kilogramme bag of maize is 40 *gorogoros*.

That is why the President said the cost of a *gorogoro* is between Kshs60 to Kshs75. I believe it will still come down even though this cost of Kshs3,000 is not fair to the farmer. I know it is fair to the consumers, but not to the farmer because the cost of production is high. I believe it was wise for the President to subsidise production instead of subsidising consumption.

Mr. Temporary Speaker, Sir, allow me to move to what the President talked about. In less than 12 months, the Kenya Kwanza Government employed 56,000 teachers, something which has never been done in the last 10 years. This is basically creating opportunities for our youth to earn a living and help their families.

This recruitment will ensure we do not have a shortage of teachers in our schools. Therefore, we are reducing the burden on our head teachers. A school's Board of Management (BoM) will not have to ask for additional resources from parents to pay BoM teachers. The President has also promised that within the next year or so, 50,000 more will be recruited to reduce the backlog. They will be drawn from those who cleared school as early as seven or ten years ago.

The President touched on the Universal Health Coverage (UHC). President Kibaki's and the last regime talked about UHC for a long time. Our people have been waiting. It is important to note that this House passed about four laws recently, to ensure that we actualize UHC for our people to benefit. Instead of relying on treatment, we are basically doing preventive. We do not have to wait for people to get sick in order to start treatment any more.

Already 100,000 Community Health Promoters (CHP) have been taken in. This is a partnership between the national and county governments. These CHPs who were formerly known as Community Health Volunteers (CHVs), will now get a stipend. They were not getting anything. They used to just walk around, working for free. Now, county governments have promised to pay them Kshs2,500 and from what the President said last Thursday, the national Government will match it up. This is good.

These particular CHPs already have equipment and the kits to move around to measure pressure, take blood sugar and ensure our people do not get sick. I am happy that this weekend, on Sunday, the Cabinet Secretary for Health, Hon. Susan Nakhumicha, was able to launch for West Pokot County. On Tuesday, the one for Elgeyo Marakwet County was launched at Iten Kenya Medical Training College (KMTC) grounds and now our CHPs are well equipped to help our people.

Mr. Temporary Speaker, Sir, I want to touch on something we have discussed in this House several times. I come from the North Rift region where we have had insecurity for the last over 50 years. The first battle we fought with the people of Elgeyo Marakwet, West Pokot and Baringo counties. I have had conflict in terms of banditry. It started as early as 1960s or 1970s. We have lost so many lives.

I am happy that the President touched on this particular issue on insecurity and said within this regime of Kenya Kwanza, banditry is going to be a thing of the past. It has been attempted in the past, but nothing has happened. I am happy he has given a firm commitment that we will get rid of this.

Mr. Temporary Speaker, Sir, at the moment, we had requested as a region that we have the KDF camps within Elgeyo Marakwet, West Pokot and Baringo counties. Already they have been set up. Security roads have been put in place to ensure this thing is gotten rid of. I believe this time, once and for all, this will be sorted out.

I assure the people of Elgeyo Marakwet County that the President is committed and this will be sorted out, once for all. There will be peace. People can do their farming and children will attend school. We will progress like everybody else instead of talking about security, year in, year out.

On digitization, I remember when we went to Turkana County for Senate Mashinani, we were able to launch free Wi-Fi zones in two markets. The President has

committed that basically over 25,000 markets will be given free Wi-Fi. This has happened and our youth are benefitting. All our over 1,000 wards across the country will have Constituency Innovation Hubs (CIH) to enable the youth access digital opportunities globally. You do not have to be employed. You can do research and be paid working from home or accessing free Wi-Fi within the markets and the CIH.

Mr. Temporary Speaker, Sir, another important one that has also generated a lot of employment is affordable housing. We urge our governors to give land and partner with the national Government so that all our counties can build in conjunction with the national Government, houses that will be sold to the county government employees that will generate employment for our youth when we are doing the construction.

It is important that minority criticises well. Do not just criticise for the sake. If the President was not William Ruto, the country would have gone to the dogs. He is the right person for this job and who can fix this country.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, please proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to comment on the President's speech which is provided for under Article 132 and 240 of the Constitution.

Before I dive into the contents of this speech, allow me to comment on this provision in the Constitution. This provision in the 2010 Constitution was revolutionary. Before that, we never used to have this opportunity where the President could come before Parliament and talk about the policies and measures he has put in place to address national issues. This is progressing.

At the same time, this particular provision must be enhanced, so that we do not have a scenario where the President just appears in Parliament, reads a long speech then we come here, debate it and there are no specific actions that Parliament takes based on the speech by the President. I know this practise is borrowed from the common wealth tradition and from the United Kingdom (UK) where in the 16th Century, the head of the monarchy used to address Parliament once.

This practise has further been enhanced. This is because in other jurisdictions like India, when the President makes a speech to Parliament, it is debated in the House in a very serious manner. The Prime Minister responds to Members concerns and a substantive Motion is tabled before the House. Members debate it and amend it where necessary.

Here, look at the Motion that we are debating. The Motion is only doing two things. One, thanking the President; thanks of the Senate be recorded for the exposition of public policy. Two, the Senate 'notes' not 'takes any action' the following reports submitted by His Excellency the President.

If we want to enhance parliamentary oversight, this is the provision of the Constitution that needs to be tightened, so that Parliament can have a stronger oversight on the Executive. It is useless for the Head of State to appear before Parliament, talk, get out and no questions are posted after that to Government officials. We simply record what he has said and come here to debate a Motion that has no action. These are some of the weaker points that we have in the Constitution.

Mr. Temporary Speaker, Sir, if we have an opportunity to amend the Constitution, it is important that this particular Article is amended so that we can question the President on accountability issues. For example, in this case, we can question him on unfulfilled promises that he made to Kenyans when he was seeking to get into this office.

We will question him on the adequacy of his address to Parliament. When I read through this speech, it does not adequately deal with Article 10 of the Constitution. Article 10 talks about 20 national values and principles of Government.

In his speech, he has basically dealt with less than 10 of the national values. The depth of what he has dealt with is shallow. For example, Sen. (Dr.) Oburu has talked about the issue of police brutality. Police brutality is a very serious human rights issue, which is one of the values of Article 10 of the Constitution. That speech did not deal with it.

We have had so many Kenyans who lost their lives. As a Head of State, we expected him to say something about what his Government is doing to address the issue of police brutality. That is not covered.

Mr. Temporary Speaker, Sir, Article 10 is also very wide because it talks about the issues of good governance and sustainable development of the country. The key word here is sustainable. If you read through the speech and you look at Article 10 of the Constitution, then you realize that this speech was highly inadequate in addressing the provision of Article 10 of the Constitution.

Just like some of the Senators who have spoken before me, I was very disappointed with the speech of the President because key issues affecting Kenyans at the moment were not adequately addressed in that speech. When we hear our colleagues who are very fast and quick at rising on point of order Nos.105, 101 and 98, have simply forgotten their role as legislators.

We are not here as defenders of the Executive. We are here to perform an oversight role. So, hon. Members, I think we need to understand our role. When you have a Member standing to defend the Government and even saying that this Government found Kshs90 million in the coffers. I am eagerly waiting for the substantiation by the Senate Majority Leader.

We are going to ask him so many questions. One of the questions will be: The assumption of office cost more than Kshs90 million. Where did the Government get additional money to conduct the assumption of office processes?

Mr. Temporary Speaker, Sir, this Government is running on propaganda. If I may quote one of the leading economists and central banker in Africa Dr. Mahamudu Bawumia from Ghana said: "The lesson from the history of government is that you cannot manage the economy with propaganda. In fact, you can engage in all the propaganda you want, but if the fundamentals are weak, the exchange rate will expose you."

This is not me saying this. This is a renowned economist saying that please, focus on the job. Stop talking about the former regime. Even today I saw one of the senior Cabinet Secretaries blaming the leakage of a roof at Jomo Kenyatta International Airport (JKIA) on the former regime.

You are blaming the former Government that we have a leakage; that water is flowing and our visitors are seeing the shame in this country, yet you have had 13 months to fix the problem. Please, let us stop the propaganda and focus on the job.

Let me talk about the cost of living, we cannot ignore it. Yes, I see some attempts, although very minimal, talk about the cost of living. However, it is a bigger issue. It is more than just giving people fertilizer of Kshs2,500.

It is a complex issue. We expected to see very specific measures that the Government is taking to address the issue of the cost of living. They say, "A hungry nation is an angry nation." So, when we talk about the cost of living, it is also a serious security issue which should have been part of the speech based on Article 240 of the Constitution. It requires the President to mention something about national security.

I also expected the President to address the increasing economic hardship in this country. Our people are suffering. Some county governments have even borrowed from him. You find people like Sakaja harassing poor people who are on the streets just looking for some little money to buy *unga* for their children. They are increasing taxes, harassing people and the Kenyans are suffering. We cannot continue politicking, regardless of which side of the House you are, on serious issues like hardship that our people are facing.

Mr. Temporary Speaker, Sir, people are going to bed on empty stomach for days. Nonetheless, because we have tea there in the canteen, we have taken good lunch and we will take good supper, we do not think about that. We come here. We forget our role as legislators and start becoming the defenders of the Executive. That is wrong.

I also expected that the President will in specific terms and not in general terms, talk about punitive taxation in this country. There is no country in this world, which has grown by over taxing its people. Over taxation will affect the savings, innovation, investment and even lead to increase deficit. It will also discourage work.

We cannot say that we want to increase taxes so that we have more revenue and do well as a country. That is wrong. Already we are receiving reports of capital flight and closure of companies and, therefore, loss of jobs for our people. These are issues that I expected the President to talk about.

The other issue is inclusivity and non-discrimination, which is one of the values of Article 10 of our Constitution. We expected the President, because he was appearing before a House of honour, to talk about what his Deputy President has been telling Kenyans, that Kenya is a company with shareholders; that some Kenyans are bigger than others.

Nonetheless, the President kept quiet, yet the second in command; the person who would take over as the President if something happens to the President, is the one promoting the culture of discrimination, non-inclusivity and ethnicity.

We have heard reports that recruitment to KDF, TSC and Kenya Revenue Authority (KRA) was done in a very discriminative manner. Some communities benefited than others and Mr. President kept quiet on this.

These are serious issues that people wanted to hear about from him. When you talk about international obligations, the bigger issue is that of Haiti. That Kenya is going

to send forces to Haiti. This is a very serious issue considering the situation in Haiti. We expected the President to shed light on that. This is one of the obligations under Article 240 in his speech. He kept mum about it.

He has already decided that the country is going to send forces to Haiti and yet the Constitution under Article 240 requires Parliamentary approval. He has done that because he knows that, probably some of us here, are just voting machines. He will decide, come here, put a Motion and the voting machines will vote.

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

Sen. Osotsi: Mr. Temporary Speaker, Sir, my friend Sen. Methu wants to disrupt me. He has just walked in and found me talking and should allow me to finish.

The Temporary Speaker (Sen. Methu): Sen. Osotsi, there is an intervention by Sen. Methu. What is your point of order, Senator?

Sen. Methu: Mr. Temporary Speaker, Sir, I would not have wanted to interrupt my very good friend Sen. Osotsi. However, I would want your guidance on whether he is in order to refer to hon. colleagues as voting machines.

The Temporary Speaker (Sen. Wakili Sigei): Indeed, you are out of order to that extent. Sen. Osotsi, you need to withdraw that and apologize. For your information, you will recall that there was a report that was tabled before the House from the National Assembly and this House on the deployment of forces to Haiti and it was debated before the Floor of this House. You need to be aware of that, even as you make the comments you have just made.

With regard to the point of order by Sen. Methu, you need to withdraw and apologize. That is the directive from the Chair and take note of the comments on the Haiti matter.

What is your point of order, Senate Minority Leader?

The Senate Minority Leader (Sen. Madzayo): You will notice that my colleague, Sen. Methu, just walked in. He did not even listen to what Sen. Osotsi, who was on the Floor, was saying. He heard the word 'voting machine' and stood on a point of order and said that people are being called voting machines.

I do not think that Sen. Osotsi meant that any Senator inside here is a voting machine. He simply said that a voting machine is where we put our votes, but we are not voting machines. It must be understood here that by telling Sen. Osotsi to withdraw because he has talked about voting machines, is very unfair. Sen. Osotsi did not point at any Senator, and if he did, the person who raised the point of order should have asked that he substantiates as to who he was referring to as a voting machine.

Mr. Temporary Speaker, Sir, every time the opposition speaks - to some people and not all - especially to Sen. Methu, if I have to mention, he believes he is being insulted or the Government is being insulted. This is a House where all of us have a right to speak our minds.

I am glad that my brother, Sen. (Dr.) Khalwale, has noted that it is okay because this is a debating Chamber. We are where we are right now because we keep on gagging. We have made this House not interesting.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Madzayo, you have been heard. Resume your seat.

The Senate Minority Leader (Sen. Madzayo): It is not interesting here anymore because Members are not in. Look at the House!

The Temporary Speaker (Sen. Wakili Sigei): Order! Sen. Madzayo, Order.

The Senate Minority Leader (Sen. Madzayo): Look at the House. Mr. Temporary Speaker, Sir, with tremendous respect---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Madzayo, resume your seat. Your point has been taken and I will respond to it right away.

The Senate Minority Leader (Sen. Madzayo): Mr. Temporary Speaker, Sir, with tremendous respect, as the leader of the House, restore the energies the Senators had.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Madzayo, resume your seat.

The Senate Minority Leader (Sen. Madzayo): We are spoiling this House! We are destroying this House, if that is the attitude.

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Madzayo. Order! I note the fact that you also just came in. You have not been seated this whole afternoon. I listened very well to the comments by Sen. Osotsi with regard to the comments about voting machines and the Chair was aware when he made the directive that he needed to withdraw that comment.

Sen. Osotsi, you are directed by the Chair to withdraw the comment, making reference to Members as voting machines.

Sen. Osotsi: Mr. Temporary Speaker, Sir, to be honest and the HANSARD will bear me witness, I said that some of us probably are taken as voting machines. Listen to that phrase. I would want the HANSARD to be produced---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, that is exactly the statement I am telling you to withdraw. Do not refer to hon. Members in this House as voting machines. That is the statement I would like you to withdraw, and I direct as so.

Sen. Osotsi: Mr. Temporary Speaker, Sir, just because I want to finish my contribution and do not want to be gagged anymore, I will withdraw the 'voting machine' aspect. However, I am an expert in the computer industry and I know what a machine does. A machine is a gadget that is directed as to what to do and it does exactly what it is directed to do. Garbage in---

(Sen. Osotsi's microphone went off)

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

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to make my contribution to this Motion on the President's Speech during the State of the Nation Address. The President's Speech was very timely. It came at a time when Kenyans are hard hit and are experiencing deteriorating---

(Loud consultations)

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Mr. Temporary Speaker, Sir, kindly protect me.

The Temporary Speaker (Sen. Wakili Sigei): Order, Senators. Kindly watch your language.

Sen. Nyamu: Mr. Temporary Speaker, Sir, before Sen. Madzayo behaved in a very unparliamentary manner, I was saying that the President's Speech was very timely. This is because it came at a time when Kenyans are hard-hit by the deteriorating cost of living. This Speech was very inspiring to Kenyans. The President outlined what he was doing to improve the economy. It ignited hope to the citizens and potential investors.

I commend the Kenya Kwanza Government on the efforts they have put to implement the Kenya Kwanza Manifesto that they put to the people during the campaigns.

In a record one year, the President has made tangible effects to the country. I will outline some of the gains we have had as a country. The first is the fact that the President has enhanced justice delivery to Kenyans by appointing the six judges, whose appointments were unlawfully delayed. We know the far-reaching effects of that as practitioners of the law.

Secondly, the President has given the police service independence by making the Inspector General (IG) of Police an accounting officer, so that they are in control of their budget.

Also, the shift from subsidizing consumption to subsidizing production. This move was not only timely, but smart. The 5.5 million bags of fertilizer that the President subsidized increased production in the farms, and in turn, reduced food costs and made it easier for Kenyans.

The relentless effort made by the President to curb the growing appetite for the country on the public debt has also gained fruit. It is very inspiring to hear the President confirm to all Kenyans that we are going to be able to pay the first instalment of \$300 million that is part of the \$2 billion of the Eurobond. This is inspiring because it has been a concern since the previous regime got us there. The transformational agenda has been felt heavily in the health sector.

I commend my colleague Senators because in record time, while we were in Turkana County, we passed two legislations on the Universal Health Coverage (UHC). There are also two other Bills on the same that we have passed as a House.

Another very key component of the President's agenda is the digitization of Government services. I commend the President because he has led this initiative by ensuring that 13,000 Government services are now digitally available promptly, effectively and efficiently for Kenyans.

In seeing that this agenda is effectively delivered to Kenyans, I have drafted a Bill referred to as the Digital Literacy and Opportunity Bill that will be tabled in this House in the coming days. I urge colleagues to support me. One of the provisions of the Bill is to make it mandatory for all civil servants to have a globally recognized certification in Information Communication and Technology (ICT). Also, to inculcate digital literacy in primary, secondary and tertiary institutions.

In conclusion, I will quote His Excellency the President, Dr. William Ruto-

“We have had to make hard decisions and make painful choices because we owe it to Kenyans to do the right thing and confront facts as they are without flinching.”

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Nyamu. Hon. Members according to a resolution of this House of 15th February, 2023, the debate under Standing Order No.27(6) on the Presidential Speech, it was resolved that it will be done limited to a maximum of three sitting days. This means that today is our last day to debate on this Motion.

I, therefore, call upon the Mover to reply. In his reply, he will donate his time to the remaining Senators who have requested to contribute to this Motion.

Sen. (Dr.) Khalwale, proceed to reply and donate part of the time to Senators.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank you. Is it possible for you to extend the sitting by 15 minutes? Then, I can donate time to Sen. Shakila Abdalla, Sen. Munyi Mundigi, Sen. Faki and Sen. Tobiko.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, the time will be shared before the House rises. As you reply, they should limit their contributions to the available time.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, my intervention was based on my intention to give each Senator three minutes, this would have totalled to 15 minutes. However, colleagues if you do not mind, you can limit your contribution to two minutes. This will be a total of eight minutes and I will respond in the balance of the time.

I will start in this order; Sen. Shakila Abdalla, Sen. Faki, Sen. Munyi Mundigi and finally Sen. Tobiko. Please, utilize the two minutes and then I will respond.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order Sen. Faki?

Sen. Faki: Bw. Spika wa Muda, nimekaa hapa kutoka Saa Nane na Nusu kusubiri fursa hii. Kwa vile sikuweza kupata fursa ya kuchangia Hotuba ya Rais, nachukua hizo dakika mbili ambazo nimepewa kumregeshea Kiongozi wa Walio Wachache.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Shakila Abdalla, proceed.

Sen. Shakila Abdalla: Asante Bw. Spika wa Muda. Tunaambiwa kuwa hatuongeti kwa hili Bunge lakini ni nafasi tunanyimwa. Nashukuru kwa kupata nafasi hii ya dakika tatu kupitia kwa *Majority Whip*.

Nitaanza na kuzungumza kuhusu mafanikio ya Hotuba ya Rais. Mafanikio haya ni kama vile kwenye kilimo, bei ya mbolea imepungua kutoka Kshs6,500 mpaka Kshs2,500 na kuongezeka kwa mapato ya kilimo kwa ekari 200,000. Pia kufufua sekta ya sukari ya umma. Nampongeza sana kwa hayo.

Kwa upande wa uvuvi alisema kuwa ataanzisha vituo ishirini na mbili za tovuti za kutua katika mikoa ya Pwani na Nyanza. Tunampongeza kwa hili. Lakini pia, kuna changamoto ambazo Mheshimiwa Rais hakuziguzia kwa kina.

Changamoto ya kwanza ni kuhusu elimu ya juu. Elimu ni swala nzima ambalo hakuliangazia kwa kina na kupeana suluhisho la kudumu kwa kupanda kwa karo. Wazazi wanahangaika sana juu ya gharama za elimu. Vile vile changamoto ya watoto kupata

elimu bora na ya nafuu. Hayo ni maswala ambayo Rais angefaa ayaongeelee na tuone kwamba amepeana suluhisho la kudumu kwa wazazi ili kupambana na elimu ya juu.

Bw. Spika wa Muda, jambo lingine ni bei ya petroli na mafuta. Ameacha pengo kubwa sana kwa kukosa kuguzia petroli na mafuta. Hii ni kwa sababu kupanda kwa bei ya petroli na mafuta inaleta ongezeko kubwa sana kwa bei ya usafiri na chakula, hususan chakula ambacho kinatoka kwa viwanda. Kilimo cha umwagililaji wa maji pia kinatumia mafuta na hii inafanya bei kuongezeka. Tegemeo kubwa la mashini ya kilimo inategemea petroli. Hiyo pia ni changamoto.

Nikimalizia, tumeona kwamba Rais hakuwa na ramani ya kina ya kuleta mabadiliko ya uchumi. Vile vile, hakuleta mikakati wala hatua zozote ambazo zitaweza kuchukuliwa kubadilisha uchumi wetu. Kwa hivyo, tunaona kwa jumla kwamba kuna maswala nyeti ambayo hakuyaguzia. Hayo ni maswala ya mafuta, elimu, kupanda kwa bei ya maisha na maswala ya kina ya ramani ya kubadilisha uchumi.

Tunajiona kwamba bado tuko pale pale, tunahangaika na maisha. Hatukupewa suluhisho lolote la kudumu la kubadilisha maisha ya mkenya, kupunguza bei ya maisha na elimu ambayo ni kigezo kikubwa sana. Watoto wanakaa manyumbani, hawasomi. Elimu inabadilika hivi na vile, gharama ya kila aina kwa mzazi ambayo imekuwa ngumu. Kwa hivyo, tunaomba Rais aangazie hayo maswala muhimu ambayo yanamfinya mwananchi wa kawaida.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Munyi Mundigi, you may have the Floor.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda. Naunga mkono Rais wa Kenya kwa ile Hotuba yake ya siku ya Alhamisi. Ingawaje kuna wajumbe ambao hawakuhudhuria kikao hicho, mazungumzo yake yalikuwa mazuri kwa sababu yaliguzia mambo ya deni. Kaunti zimekuwa na madeni mingi na zimepewa pesa za kulipa deni hizo. Na pia, alipata Kenya ikiwa na madeni mengi kutoka kwa serikali iliyopita lakini anaendelea kuyalipa.

Jambo lingine aliloligusia ni swala la kilimo. Hakusema ni kaunti gani za kilimo. Katika Kenya, tuko na kaunti 47 na hakusema ni Busia ama Embu. Alisema amepunguza bei ya mbolea kutoka Kshs6,500 hadi Kshs2,500 ili kila mtu apate chakula kwa sababu kila mtu amekubali kulima. Wale watu ambao wanadanganya wengine ili wavae sufuria kwa kichwa wawache.

Pia, alizungumza kuhusu elimu. Kwa elimu, walimu hawajaajiriwa kwa kipindi cha miaka 10. Watu wengi wamesomea elimu na wakawacha kutaka kuwa walimu. Lakini kwa sasa, ameajiri walimu 50,000.

Pia, aliguzia mambo ya afya. Wafanyakazi wengi wa afya walikuwa wanafanya kazi bila kulipwa. Ametoa hayo mambo yote kutoka kwa Serikali kuu akapeleka kwa serikali gatuza na hata mashinani.

Jambo lingine ambalo alizungumzia ni jambo la nyumba. Wale watu ambao hawajiwezi watukuwa na nyumba kwa kipindi kifupi kijacho. Jambo lingine alilolizungumzia ni kupanda miti kutoka Serikali ya juu hadi vijijini. Tulishuhudia aliposema kwamba siku ya Jumatatu iliyopita, iwe likizo ili kila gavana katika kaunti zetu

apande miti. Hadi alitoa asilimia tano ya pesa za National Government Constituency Development Fund (NG-CDF) ili zitumike katika shughuli ya kupanda miti.

Alisema mambo mengi. Pia akasema kuwa kila kaunti ijengewe *Industrial Park* ili watu wawe akipeleka mavuno yao ili kukuza biashara na mambo yawe mazuri.

Nikimalizia, Rais aligusia hata mambo ya *disability*. Kuna kisa kilichosimuliwa ambapo watu wawili walijenga nyumba. Mmoja alijenga juu ya mwamba na mwingine juu ya mchanga. Wakati mvua ilinyesha, nyumba iliyojengwa juu ya mchanga ilibomoka na kuanguka kwa sababu ya uzito. Kwa upande mwingine, nyumba iliyojengwa juu ya mwamba, ilisimama.

Wakenya, tuko kwa shida lakini nina wahakikishia kuwa Serikali ya Kenya Kwanza tunajenga nyumba juu ya mwamba. Tunajua kuwa tutashinda vita hivi vyote. Kwa hivyo, ninaomba tuungane Maseneta wote na tuunge mkono Serikali ya Kenya Kwanza.

(Sen. Mundigi's microphone went off)

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

Sen. Tobiko, you may proceed.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. To be able to engage myself with the Presidential Address to the nation in three minutes, I must be a genius. However, I will try to go to the key points.

We must appreciate the environment in which the President was making the Speech. The cost of living has gone high and it is good that the President acknowledged that fact. Fuel prices are high and the Kenyan Shilling is struggling. However, I appreciate the fact that the President went to work immediately he was sworn in. He appointed the six judges whose appointment had been delayed. He also designated the Inspector General (IG) of Police as the accounting officer for the National Police Service (NPS). We also appreciate that the President did appoint Justice David Maraga to lead a taskforce to review the terms and conditions of the members of NPS.

The President mentioned and went through the measures that have been taken to support agricultural production. Of course, the most popularly in the country is the subsidised fertilizer, whose cost has come down to Kshs2,500 from Kshs6,500.

He also mentioned the issue of the livestock value chain. I would have wanted the President to dwell more on the issue of livestock production and the value chain. This is because when we were going around the country, people contributed in our economic forums and a lot was mentioned about the livestock value chain. It included how we are going to benefit from the sale of hides and skins. I believe the President must be on course on this one, and it is being awaited.

When the President mentioned the issue of the Eurobond, I am sure many Kenyans were relieved that the USD2 billion and another USD300 million have already been paid in advance.

Mr. Temporary Speaker, the President also mentioned the Hustler Fund, which has benefited many common Kenyans. He touched on UHC and the CHPs who have been

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engaged. I can go through quite a bit of what he mentioned. He even went into the issue of education, where 56,000 teachers have been employment. This has benefited all regions.

I believe the President is on course. He has put the structures down. The structures may be painting at the moment, but I believe there will be a time when Kenyans will come to appreciate all the structures and systems he has put in place, in order to deliver according to the plan of the Kenya Kwanza.

Mr. Temporary Speaker, Sir, I support and appreciate the efforts of the President.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, please, proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise to respond. I thank the entire House for the interest they have shown in this very important Motion and the valuable contributions. My thanks to Members of this Senate on the Government side because they have remained factual.

I also thank Members of the opposition because, whereas they were speaking in the negative, I did not see too much of criticism. What I saw was critique, which is most welcome.

I end by using this opportunity, on behalf of the people of Kakamega County, to thank the President for giving us the second national polytechnic to add to Sigalagala National Polytechnic. Now we have launched Shamberere National Polytechnic.

We also laud the President for the work he is doing in improvement of roads. The people of Kakamega County thank the President because, at the moment, the construction of Ikoli-Kimangeti-Malava-Samitsi-Navakholo Chebuyusi Road is in the process. Finally, the people of Turbo and Likuyani Constituencies in Kakamega County are very happy because the road from Turbo to Seregeya to Soi is underway; about 60 per cent complete. This is something we are celebrating.

I thank the President for allowing me a meeting with him during which clarity was put on the confusion that was starting to arise in the upgrading of Kakamega Airstrip to an international airport, where he reiterated that the airport would be constructed at Khwi China. He also directed that with quick speed, the Governor of Kakamega County facilitates in paying off the settlement of the people who are being moved.

Further, the President committed that his Government is going to also help in half of the cost of relocating these people. We owe it to him. We assure him of our firm support.

Last but not least, I noticed that in his Speech, the President steered clear of politics. In the Speeches of Mwai Kibaki and Uhuru Kenyatta under whose tenures I was in this House, I saw the tendency for them to do politics on the address. However, President William Ruto steered clear of politics. The time for us to do politics will come and even when we want to do a little of it, we know where to do it from, so we do not waste the time of this House.

I thank Members and beg to respond.

(Question put and agreed to)

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ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 16th November, 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.