

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday 20th September, 2023

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, can you ascertain whether we have the requisite quorum?

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

I request Serjeant-at-Arms to ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

Hon. Senators, we now have quorum. Clerk, kindly proceed to call the first Order.

(Loud Consultations)

Order, hon. Senators! Kindly, take your seats.

PETITIONS**AMENDMENT OF LAWS ON THE ELECTION OF
DEPUTY PRESIDENT AND DEPUTY GOVERNORS**

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I hereby report to the Senate that a Petition has been submitted to the Senate by Mr. Taratisio Ileri Kawe concerning the introduction of an amendment to the Constitution of Kenya and other relevant laws on the election of the Deputy President and Deputy County Governors.

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

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

The salient issues raised in this Petition are-

THAT, Articles 136(1) and 137(1) of the Constitution provide for the mechanism by which the President is elected.

FURTHER, Articles 148(1) and 149(1) of the Constitution provide for the mechanism by which the Deputy President is nominated and the mechanism by which the said position is filled in the event there is a vacancy respectively.

THAT, Article 180 of the Constitution provides for the mechanism by which a county governor and a deputy county governor are elected.

FURTHER, Article 182 of the Constitution provides for the mechanism through which the position of a county governor is filled should a vacancy arise.

THAT, the aforementioned provisions of the Constitution on the nomination of a Deputy President and filling of a vacancy in which Office of a County Governor by the Deputy Governor; and subsequent nomination of a Deputy Governor by the new Governor, give rise to a situation where, these positions are taken up by non-elected and in some cases unpopular leaders.

THAT, there is a need to amend the Constitution and other relevant laws to allow for a democratic process where citizens are given an opportunity to elect office holders in the position of the Deputy President and Deputy Governor in order to protect the citizens of Kenya from being led by non-elected and unpopular leaders.

THAT, provision to be made in the Constitution stating that, should the Office of the Deputy President fall vacant, a Cabinet Secretary at the National Government acts as the Deputy President for a period of six months to give time to a substantive Deputy President to be elected.

THAT, should a vacancy arise in the Office of the Deputy County Governor, the County Secretary acts as the Deputy Governor for a period of six months until the substantive Deputy Governor is elected.

Therefore, the Petitioner prays that the Senate intervenes in this matter and introduces amendments to the Constitution and other relevant laws to provide for:

(i) A mechanism in which the Office of the Deputy President and that of Deputy County Governor are directly elected into office.

(ii) A by-election in the Office of the Deputy President after assumption to the Office of President by an elected Deputy President.

(iii) A by-election in the Office of the Deputy County Governor, after assumption of the office of the County Governor by an elected Deputy Governor.

(iv) A mechanism by which the President has the power to appoint a Cabinet Secretary in an acting capacity to the Office of the Deputy President in the event of a vacancy for a period of six months until a substantive Deputy President is elected.

(v) A mechanism by which the County Governor has the power to appoint the County Secretary in the acting capacity to the Office of Deputy Governor in the event of a vacancy for a period of six months until a substantive Deputy Governor is elected.

(Sen. Abass walked into the Chamber)

Hon. Senator, find your way to the nearest seat so that we can conclude.

Hon. Senators, pursuant to Standing Order No.237, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

However, if you allow me, I can request Sen. Mwaruma to read out the next Petition and then we combine the comments.

Sen. Mwaruma, please proceed.

DISCRIMINATION IN PAYMENT OF HARDSHIP ALLOWANCE
TO TEACHERS IN TAITA TAVETA COUNTY

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir. I will read this Petition on behalf of the Petitioners.

We, the undersigned citizens of the Republic of Kenya, being the Kenya National Union of Teachers (KNUT), Taita Taveta Branch, wish to present this Petition to the Senate on behalf of all teachers, who do not get hardship allowance in Taita Taveta County.

We humbly draw the attention of the Senate to the following:

THAT, all Taita Taveta County teachers qualify to be paid hardship allowance as per Legal Notice No.534 of 1997 and as per the 13th July, 2021 Collective Bargaining Agreement (CBA) between Teachers Service Commission (TSC) and Kenya National Union of Teachers (KNUT) and Kenya Union of Post-Primary Education Teachers (KUPPET) and the Kenya Union of Special Needs Education Teachers (KUSNET).

THAT, despite the existence of Legal Notice No.534 of 1997 and the 13th July, 2021 CBA, not all teachers working in Taita Taveta County benefit from hardship allowance.

THAT, TSC pays hardship allowance to teachers teaching in Voi and part of Mwatate Sub-Counties leaving out the following areas:

- (a) Taveta Sub-County
- (b) Taita Sub-County
- (c) Ronge Zone of Mwatate Sub-County
- (d) Mbololo Secondary School
- (e) John Mark Mwanjumwa Secondary School of Voi Sub-County

THAT, teachers in these areas need the allowance to cushion them against the following:

- (a) Insecurity caused by marauding wild animals from Tsavo National Park.
- (b) High cost of water due to lack of clean water and drought.
- (c) High cost of travel due to impassable roads, occasional floods and remoteness.
- (d) High cost of housing due to lack of rental houses within the vicinity of the schools.
- (e) Too much work caused by understaffing.
- (f) High cost of medical care due to unavailability of medical facilities.
- (g) High communication costs due to poor network coverage.

THAT, there is no justification to discriminately pay hardship allowance to some areas in Taita Taveta County and leave out others since these areas have comparatively similar characteristics in terms of climate, topography, security situation and availability of social amenities.

THAT, it is surprising that some of the most marginalized areas in the county like Ronge Zone in Mwatate Sub-County, Kishushe in Taita Sub-County, and Chala in Taveta Sub-County, are denied hardship allowance while others are getting.

THAT, unlike TSC, the Commission on Revenue Allocation (CRA) identified Chala Ward in Taveta Sub-County as the most marginalised area in Taveta County to benefit from Equalization Fund.

THAT, teachers are reluctant to take up teaching positions in areas that are not entitled to hardship allowances and thus causing staffing problems which has adversely affected performance and general development of these areas.

THAT, TSC's failure to pay hardship allowance to teachers working in Taveta and Wundanyi Sub-Counties amounts to discrimination and unfair remuneration and thus contravening Article 27 and Article 41 of the Constitution of Kenya.

THAT, Kenya National Union of Teachers Officials and other leaders have made every effort to resolve the matters raised in this Petition without success.

THAT, there is no case pending in a court of law, constitutional or any other legal body, on the matters raised in this Petition.

Therefore, your humble Petitioners pray that, the Senate, through the relevant Committee:

(1) Investigates and finds that Teachers Service Commission's selective payment of hardship allowance to some teachers in Taita Taveta County and leaving out others is unjustified and discriminatory.

(2) Recommends that TSC pays hardship allowance to all teachers working in Taita Taveta County without any further discrimination.

(3) Takes any other appropriate action it deems fit and your Petitioners will ever pray.

(Interruption of debate on Petitions)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM VIHIGA COUNTY ASSEMBLY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the County Assembly of Vihiga comprising Members of the Justice and Legal Affairs Committee and its secretariat.

The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

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

- | | | |
|-------------------------|---|-------------------------|
| 1. Hon. Hellen Mwanika | - | Chairperson |
| 2. Hon. Richard Muhiga | - | Vice-Chairperson |
| 3. Hon. Wincy Osore | - | Member |
| 4. Hon. Patrick Ngumba | - | Member |
| 5. Hon. David Onchiri | - | Member |
| 6. Hon. Lida Atieno | - | Member |
| 7. Hon. Hellon Esipila | - | Member |
| 8. Hon. Gladys Yalwala | - | Member |
| 9. Hon. Vera Ajega | - | Member |
| 10. Mr. Rodgers Obuhuma | - | Committee Clerk |
| 11. Mr. Astone Emire | - | Researcher |
| 12. Mr George Kibisu | - | Senior Serjeant-at-Arms |
| 13. Ms. Daisy Nyandiko | - | Hansard |

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

I thank you.

The Senator of Vihiga County, you have two minutes just to acknowledge and welcome your visitors.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity to welcome the MCAs from my County of Vihiga who are in this Senate for benchmarking.

This morning we had a very wonderful meeting with the Senate Standing Committee on Justice Legal Affairs Committee where we exchanged a lot of information with the MCAs from Vihiga. This kind of thing needs to be strengthened between the Senate and our county assemblies.

All the Members who are here representing various wards in Vihiga County, we have encouraged them to continue with their good work to oversight the County Executive of Vihiga.

As you know, the MCAs play an important role of primary oversight. So, I call upon this Senate, we have several issues that are pending before us. One of them is the unresolved issue with the SRC.

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I want to call upon the relevant committee of this Senate which is handling this matter to handle it with speed so that our leaders who represent us in the wards are empowered to perform their role of oversight,

Otherwise, MCAs, you are welcome. I am also pleased to note that the MCAs were conducted by one of our great personalities from Vihiga County who is now our staff and that is Mr. Collins Injera who is the most prolific rugby player of our time.

(Applause)

Thank you very much, hon. MCAs, and welcome to learn more and apply what you learn in your oversight role in Vihiga County which requires more oversight than ever before. I thank you.

The Deputy Speaker (Sen. Kathuri): I want to use my discretion to allow the chairperson of the Senate Committee on Justice, Legal Affairs and Social Welfare because that Committee is that of Justice and Legal Affairs of Vihiga County.

Now, chairperson for JLAC, can you welcome your counterparts from the County Assembly of Vihiga?

Sen. Wakili Sigei: Thank you very much, Mr. Deputy Speaker, Sir. I pressed the intervention button when you asked Sen. Osotsi to welcome his visitors.

The team led by Hon. Mwanika Hellen from the Vihiga County Assembly were my guests in my Committee in the morning and we welcomed Sen. Osotsi as a friend to the Committee.

I want to appreciate him for creating time in the morning to join us and more importantly to thank the team from Vihiga County Assembly for the great experience that we shared in the morning.

Earlier on, in the last session, we had a number of county assemblies that came and it was quite surprising that a number of them did not have JLACs in their assemblies. However, this particular county assembly has their team working closely with the mandate that JLAC in the Senate, JLAC at the level of the county assembly is mandated to do.

Indeed, as Sen. Osotsi said, they had quite a lot of programmes that we can engage in and also support them at the county level to enhance the protection of devolution and its functions. I want to encourage them to take home the experiences that we shared in the morning.

We shared a number of very good experiences that they have had with their guest in the Justice and Legal Affairs Committee. I wish them the best as they enjoy their experience and learning in the Senate. I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Chairperson, Senate Standing Committee on Justice Legal Affairs and Social Welfare.

(Resumption of debate on Petitions)

Now, we go to the 30-minute window for the comments on the Petitions. We do not need to utilize the 30 minutes, if we can use 20 minutes or so, it will be okay.

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Today I want to give the leadership of the House the first priority and I will start with Sen. Olekina, the Minority Whip.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the two Petitions and I will start by supporting the Petition which was read by Sen. Mwaruma.

In this country today, our teachers are suffering. I have been agonizing on what to do on whether to bring another Petition here because of the welfare of the teachers. We have over 30,000 teachers who have died and their families have not been compensated in accordance with the law.

We pass laws in this House. We have the Public Service Superannuation Scheme (PSSS) Act which we passed to ensure that there is no personal liability or disability, but the teachers are never compensated.

Now, we have a crisis where everybody is talking about the challenges that the teachers go through in North Eastern. The teachers have been crying to the TSC and asking to be transferred from there.

Today, we have another challenge for teachers who are living in very dilapidated hardship areas like Taita Taveta and Narok County. These teachers are the ones who are responsible for us to be here. We do not care about our teachers. It is about time that this House prioritizes these teachers.

Whenever I go back to my rural area and I meet people who taught me; persons who I believe are the ones who contributed to my being here, I feel very sorry for them.

So, I want to support this Petition. I hope the committee that will look into this issue will extend it to other parts of this country. For example, Narok County, Kajiado County, Lamu County, Garissa County and Kitui County. We just need to be realistic.

I like the fact that everybody is aware of this. In 100 years, none of us will be here. In 50 years, maybe most of us will not be here; we will be gone and in 100 years, we will be forgotten. Therefore, let us do something so that the future generations will think of us positively and say that we supported our great grandmothers who was teachers and could not get houses and trekked or used a motorbike to go to school to be able to make sure we had good leaders in this country.

I call upon the TSC that if there is an agreement that you have passed, why not commit to it. Why are we having this bad behaviour where we are quick to sign a covenant, but then we are very fast in running away from it?

I fully support this Petition.

Now I go to the second Petition, which is of paramount importance. A few years ago, we had a very interesting situation in this country, Nairobi City County, when the former Governor Mike Mbuvi Sonko was impeached by this House. In fact, I will go on record and say I did not vote to impeach him.

Some of the challenges we faced while impeaching him is that his deputy whom he had chosen as per the Constitution had resigned. There was no law that could address that lacuna. However, we referred back to the law and asked ourselves what the framers of the Constitution had in mind when they said that a person to be elected as a governor had to choose a running mate.

What we forgot is that the people we represent in this House, do not only vote for a governor, but look at the entire team. So, I think this Petition is worth looking into it. I think it may require a referendum. However, it is something worth our debate.

We have the issues of the Deputy Governors and Deputy President as well. It is very interesting because when you read the Constitution, one of the qualifications for a person to be able to serve as a Deputy Governor or Deputy President, is that he or she must have the qualification to be elected as a governor or Deputy President, respectively.

Mr. Deputy Speaker, Sir, there is an interesting thing here which we need to discuss. The Petition introduces something to the effect that the way we are dealing with this issue currently; we might get somebody who is not popular as a deputy governor.

Are we electing people who are popular or are we electing people who the Constitution says they qualify to become elected as either President or Governor? So, I think it is important to consider this Petition.

I do not necessarily agree with the suggestions of the Petitioner that, maybe, a governor nominates a county secretary, or the President nominates a cabinet secretary. However, these are things which we can legislate on and discuss.

Mr. Deputy Speaker, Sir, this has come at a very good time when we are talking about the National Dialogue. The Committee which is led on our side by the hon. Kalonzo Musyoka and on the other side by National Assembly Majority Leader, hon. Kimani Ichungwa, is calling upon people to submit their views. Perhaps, it is time that this Petitioner also submits his views in that National Dialogue.

If we are talking about fixing this country for future generations, not for ourselves---. We can spend all the time accumulating all the wealth. However, I just remind us that we are only here for a very short time. These Petitions call on us to think about the future, not about us. Let us think about the future.

I support.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you know we risk 30 minutes being utilized by two or three Members. I give further direction that every Member takes two minutes at the maximum, just to make a comment.

This is not a debate, but just a comment.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I want from the onset to support the Petition.

The Deputy Speaker (Sen. Kathuri): Today, what is the problem with your eyesight.

Sen. Cherarkey: No, I have been seeing wonderful things that the President has done until it has shocked my eyes, but I am recovering.

Mr. Deputy Speaker, Sir, I want to support the Petition by Sen. Mwaruma over the hardship allowance. Even for us in Nandi County, many people assume that we are in the land of Canaan of honey and milk. However, when you go to some areas such as Terik Ward in Aldai, Tinderet and Mosop, our people there need hardship allowances.

It is not for Taita Taveta alone. I think most of the parts of the country ought to have an opportunity of ensuring that our teachers get hardship allowance.

I think the biggest enemy of teachers in this country is the TSC. We have had incessant complains of non-payment to teachers who retired in 1997. We saw teachers embarrassingly standing at TSC because their lives are in danger in the Northern part of Kenya, where daily, they are being butchered, massacred and killed.

It is a high time that the TSC did their job. In fact, there is a proposal that they are being floated around. For instance, the Chairperson of the Judicial Service Commission (JSC) is Chief Justice Martha Koome. Why do we not have one of the union leaders of this organization of teachers being the Chairperson of TSC or Chief Executive Officer (CEO) of TSC so that they understand?

Where Sen. Faki comes from, they say *kikulacho ki nguoni mwako. Hakiwezi kukuramba*. So, we need somebody who is part of it, so that the mess can be sorted out.

Finally, on the issue of the Petition on elections, the deputy governors and deputy presidents, I think those are issues that will go to popular initiative and referendum.

The Committee on Justice and legal Affairs and Human Rights should not waste their time because those are things that will end up in popular initiative.

To allow my colleagues to add on this Petition, allow me to rest my case there.

Thank you and I support both Petitions.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment on the two Petitions.

From the onset, I will support the two Petitions. However, after saying that the one dealing with the Deputy President and Deputy Governor can only go to a referendum. Although, it is a good suggestion to this House, probably, it will also be forwarded to the Committee dealing with the bi-partisan issues.

It is one of the sensitive issues because from the case of Governor Sonko; the former Governor of Nairobi, immediately there was a vacancy, there was a very big problem. Filling it was quite a process.

The way the two systems work is that the County Assembly has now to elect a new deputy and in case of a Deputy President, the Parliament has to elect a new Deputy President. I think that does not go back to the people, but to the representatives of the people. Therefore, it is a matter which needs to be dealt with by all Kenyans in accordance with the current Constitution.

On the issue of hardship allowance, it is very nasty for a teacher to be sent to a hardship area, where they have to meet elephants while going to teach. Additionally, there are no facilities near the school and they have to travel.

More so, that is not only happening in Taita Taveta County, but other parts of the country, including Makueni. Therefore, it is a matter we should take seriously and summon TSC and probably the Ministry of Education to this House.

This is to ensure that when the teachers are doing their work, they should love it, feel free and feel sufficiently compensated for any hardships that they are going through. Teachers have been killed by elephants while on duty and have not been compensated up to date.

Teachers have been killed in banditry areas and they have not been compensated up to today. Their families have been left to suffer. Therefore, it is a high time we rose to

protect our teachers and make sure that this hardship allowance is availed with immediate effect. This is so that our teachers who are very important can educate our children with freedom and give them the best so that they can have a future as ours.

I thank you, Mr. Deputy Speaker, Sir. I support.

The Deputy Speaker (Hon. Kingi): Thank you. Proceed, Sen. Kisang.

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Petition by the Senator from Taita Taveta. It is unfortunate that some teachers in that county get hardship allowance and others do not. It is basically discrimination. The Senator has enumerated so many things stating that place is a hardship area. It is semi-arid, there are many wild animals, the roads are bad and they do not have water. The county supplies water to the counties in the coastal region, but they do not have water for their use.

These teachers are suffering and they deserve to be given hardship allowance. It is not just Taita Taveta County alone, but many other parts of the country such as Makueni, Kitui and Narok. The TSC and the other Government Ministries, agencies and departments need to sit down and map out the country to determine which areas deserve to be given the hardship allowance.

We should not waste time on the first petition that came through your office about the deputy president and the deputy governors. It should go to the dialogue committee because it is a referendum issue. When you are campaigning for President or Governor, you get somebody you can work together with as a running mate. This House cannot just amend it because you need chemistry to work together. If we go for a general election for a deputy governor or deputy president, then basically that leaves room for chaos. I know 80 per cent of governors do not see eye to eye with their deputies and they only took them in order to win elections. After that, they started fighting. I support the petition on hardship and let us not waste time on this other one.

I thank you

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. Quickly, I would like to comment on the second petition on hardship allowance for teachers in Taita Taveta County. It is important that the Committee on Education - which is going to look into this Petition - to not only look at the challenges that teachers are facing in Taita Taveta County, but also look at the entire 47 counties because this problem is common.

Even as we are talking about hardship allowances for teachers, we also need to ask for a review of the criteria in identifying hardship areas. We have areas, which clearly are difficult to stay in, but they are not listed as hardship areas yet we have teachers who are supposed to work there. Those two issues can go together, so that the Committee can look at the criteria for listing places as hardship areas.

In my county, we do not have any area that is listed as a hardship area. However, I can clearly tell you that there are some areas which are very difficult to stay in and we do not even qualify for the Equalization Fund. The criteria for the determination of all these things is also key so that we do not discriminate against teachers who deserve to be given hardship allowance.

On the second issue regarding the request of the constitutional amendment, I want to agree with colleagues that it is now a constitutional moment because this Constitution has been in place for about 12 years now and there is increasing request for constitutional

amendment. It is a high time this country sat down and re-looked at this Constitution; what is working and what is not working. For example; this idea of deputy governors, if you ask me I would say that governors do not really need a deputy governor.

When there is a vacancy in the office of the governor, people should go for elections so that we do not have a scenario where someone comes into office as a deputy governor; when something happens to the governor then he becomes the Governor and yet he has not been elected by the people. This is a serious matter which this Committee on JLAC should look into.

(Sen. Osotsi's microphone switched off)

The Deputy Speaker (Sen. Kathuri): Hon. Senator, your time is up. Proceed Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Asante, Bw. Naibu Spika. Ningetaka kuunga mkono ombi lilioletwa na shemeji yangu Sen. Mwaruma, Seneta wa Taita Taveta. Shida ambayo walimu wako nayo ni kwamba walimu wanaofunza katika maeneo magumu hawapewi pesa ambazo wanastahili kupewa. Hili ni swala nyeti. Sehemu ninayotoka huko Kirinyaga hii imekuwa shida kubwa mpaka hata watoto kutoka sehemu ya Mwea ambao wanafaa kuenda shule---

The Deputy Speaker (Sen. Kathuri): Samahani Sen. (Dr.) Murango. Sen. Osotsi, hoja yako ya nidhamu ni kuhusu nini?

Sen. Osotsi: Mr. Deputy Speaker, Sir, this is a House of order and rules. The substantive Speaker made a ruling on the dressing in this Chamber and disallowed the short-sleeved shirts. My good friend the Senator for Kirinyaga is putting on a short-sleeved jacket. Is he in order?

The Deputy Speaker (Sen. Kathuri): I am reliably informed that the Senator for Kirinyaga has been allowed to dress that way because of some other reasons.

Proceed, Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Bw. Naibu Spika, ningeomba Seneta wa Vihiga awe anahudhuria hivi vikao ili ajue mambo inavyoendelea kwa sababu hilo jambo lilitatuliwa kitambo sana.

Sen. Osotsi ameingilia mtiririko wa mawazo yangu. Nikieleza hapa ameshaharibu. Nilikuwa ninasema ya kwamba katika Kirinyaga---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango kuna hoja mbili za nidhamu kuhusu mavazi ambayo umevaa. Subiri dakika moja.

Sen. Sifuna proceed.

Sen. Sifuna: Mr. Deputy Speaker, Sir, it is important that when you give such direction you make it clear under what provision of the law he has been allowed to dress like that because there are no specific rules for individual Senators. The rules apply to all of us.

The Deputy Speaker (Sen. Kathuri): There is, Sen. Sifuna.

Sen. Sifuna: If there are some unique understandings then we should know so that I can also save money on material such that instead of wearing a full-sleeved, I can wear a half-sleeve.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you know when I do not disclose matters it is because some of the issues are private. That is why I did not disclose it. As a professional, I did not try to say the reason. However, I said that there is a genuine reason that was given by the Speaker to allow him to dress that way. I do not need to disclose whether, maybe, he has itchy arms or problems with his body. When the Speaker gives direction, you just go by it kindly. You are out of order, Sen. Sifuna.

Proceed, Sen. (Dr.) Khalwale, you had a point of order.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, we cannot forever be wasting the time of this House on the issue of dress code. Having pronounced yourself that there is a special circumstance that allows, not just Sen. (Dr.) Murango, but any other Senator to enjoy that exception. In the same breath, kindly clarify which condition it is so that if Sen. Sifuna has a similar condition he can stand guided.

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

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango, proceed and conclude.

Sen. (Dr.) Murango: Bw. Naibu Spika, tukiendelea hivi itabidi wengine tutoe nguo ili tudhihirishe shida zenye tuko nazo.

(Laughter)

Hon. Senators: Toa! Toa!

Sen. (Dr.) Murango: Bw. Naibu Spika, siwezi kutoa nguo kwa sababu nimeambiwa na Sen. Sifuna nitoe. Hii ni kwa sababu yeye ni mwanaume kama mimi.

Shida ambazo tuko nazo katika eneo ya Kirinyaga zinaambatana na ombi ambalo limeletwa katika Bunge hili na Sen. Mwaruma. Ukienda huko Kirinyaga na Embu unapata kwamba walimu ambao wako kwenye mazingira ambayo inafanana, wengine wanapewa pesa za ziada kwa sababu ya kuishi kwenye mazingira magumu na wengine hawapewi. Watoto wa chekechea kutoka Kaunti ya Kirinyaga huvuka mpaka kwenda Kaunti ya Embu ambako kuna lishe shuleni. Ilhali mazingira kwenye Kaunti ya Embu ni sawa na Kaunti ya Kirinyaga.

Maswala haya yafaa yazingatiwe kwa njia inayofaa ili kuhakikisha kwamba kuna usawa kati ya walimu ambao wanafunza maeneo yale, ili wasihamie mazingira mazuri, na wanafunzi wanakosa walimu kwa sababu ya pesa za ziada.

Bw. Naibu Spika, nitakomea hapo na ikiwa kuna mtu anashida zaidi kuhusu mavazi yangu, anaweza niona kando nimueleze kwa nini nimevaa hivi.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I would like to comment on the Petition concerning teachers and hardship allowances. Time is ripe for the country to come up with a proper policy framework on which areas are classified as hardship areas and which ones are not. It is a shame that there are some areas in this country which qualify for the Equalisation Fund because they are considered as marginalized. However,

when it comes to the issuance of hardship allowances to teachers and civil servants working in those areas, they do not qualify. There is need to harmonise the two.

I am happy because we have that Bill before us. We must insist that the Commission on Revenue Allocation (CRA) working with Senators and Governors come up with a formula of determining which areas in this country are marginalized and, therefore, hardship areas where civil servants and teachers qualify for the allowance.

I thank the Petitioners led by the Senator for Taita Taveta for bringing up that matter because it is live in Kitui County. We need that matter harmonized for the teachers and civil servants.

The Deputy Speaker (Sen. Kathuri): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir for the opportunity to contribute to these two Petitions. First, I will commend Sen. Mwaruma for the Petition which speaks to the interest of the teachers. It is time for the current policy on areas where the TSC has designated as hardship areas be reviewed. Out of the many areas which have been earmarked, it only reflects a small section of the known areas that benefit from the Equalisation Fund. What was laid out in the Petition by Sen. Mwaruma speaks to the volumes of challenges that teachers, not only in counties referred to in the Petition go through, but across the country.

We still have a long way to go in terms of equitable benefit to teachers because of skewed marginalization of certain areas by the TSC.

In my county, there are three wards in Chepalungu Constituency that directly benefit from the Equalisation Fund. The wards are Sigor, Nyangores and Chebunyo. They benefit from the Equalisation Fund because they are earmarked as hardship areas. They are recognized as hardship areas because of the nine listed challenges that such employees face when they are seeking to deliver the services to the people of Kenya.

I support the Petition. Once it is assigned to a particular committee of this House, I request the Committee to expand its scope to not only deal with the specific areas where Sen. Mwaruma has petitioned, but also focus on the country as a whole. As a result, the Committee's resolution will speak to the challenges of all teachers across the country.

I support the second Petition to the extent that we need to amend the provisions of the law that deals with the roles and election of the deputy governor. However, that is a constitutional amendment that will require a referendum. Therefore, a Committee cannot deal with such a Petition to its conclusion, other than making recommendations for purposes of advancing it to the National Dialogue Committee or recommend an amendment to the Constitution by popular initiative.

Thank you.

(Interruption of debate on Petition)

COMMUNICATION FROM THE CHAIRVISITING DELEGATION FROM MAI MAHIU
BOYS HIGH SCHOOL, NAKURU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Public Gallery, this afternoon, visiting teachers and students from Mai Mahiu Boys High School. The group comprises three teachers and 41 students who are in the Senate for one-day academic exposition.

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

Thank you.

I am convinced that Mai Mahiu is in Nakuru County.

Sen. Tabitha Keroche, proceed.

Sen. Tabitha Keroche: Thank you, Mr. Deputy Speaker, Sir. I would like to take this opportunity to welcome students and teachers from Mai Mahiu Secondary School, which is a good school.

I assure them that being here will add value to them. They should take all the advantage and also visit the National Assembly. I am looking forward to having you as future Senators of Nakuru County. When you go home, *salimia kila mtu. Asanteni sana, tuko pamoja.*

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Keroche, maybe there is the Mai Mahiu Secondary School that you mentioned. The wonderful boys in the public gallery are from Mai Mahiu Boys High School. They should be recognised as such.

(Sen. Tabitha Keroche stood in her place)

Thank you. It was on a light touch.

(Resumption of debate on Petition)

The Deputy Speaker (Sen. Kathuri): Sen. Ogola, proceed. The 30 minutes stipulated in the Standing Order for contribution to Petitions are almost over.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir, for granting me the opportunity to support the Petition by the Senator for Taita Taveta County.

Teaching is one of the most discriminated professionals in this country. If we are not discussing the discrepancies in issuing the hardship allowances, we will be discussing their transfers.

It is important to note that even when there is a legal notice that spells out the counties where teachers should receive a hardship allowance, the TSC still decides the sub counties this allowance will be issued and the ones that will be denied.

We should remind ourselves of the basic work teachers do in school. Other than teaching, teachers also play the role of nurses, lawyers, judges, caregivers to pupils and students as they grow up. It is because of teachers that we are seated here today.

Mr. Deputy Speaker, Sir, bear with me. All teachers deserve a hardship allowance despite their geographical situation which is often looked at. The teachers who taught, for example, Sen. (Dr.) Khalwale, Sen. Orwoba and Sen. Sifuna, if at all they went to school, deserve hardship allowance.

(Laughter)

Mr. Deputy Speaker, Sir, as I wind up, I want to comment on the first Petition on the election of deputy governors and deputy presidents. In leadership, there must be centres of power, a hierarchy and order. In the present situation, His Excellency the President and governors are in New York for official duties. Such offices must be maintained by their deputies.

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

(Sen. Lemaltian spoke off record)

Okay. You were pressing the wrong button for intervention.
Sen. Sifuna, have you made any request?

(Sen. Sifuna spoke off record)

Let us have the last Member, Sen. Tobiko, contribute to this order.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir. Thank you for the opportunity. I was almost going to ask for some affirmative action like a hardship allowance to be given to Senators from those hardship areas who are not getting an opportunity to speak in this House.

I rise to support and contribute to both Petitions. On the Petition about the functionality of the deputy governors and those other offices, it is a constitutional moment in this country. In fact, the Standing Committee on Justice, Legal Affairs and Human Rights (JLAC) and other Committees should take note that we have already gone beyond the allowance in terms of the Constitution for the review of electoral boundaries in this country. It is time that we got engaged in that debate.

For the issue of teachers, I agree with Sen. Mwaruma, whose county neighbours Kajiado. We suffer the same hardships and our teachers go through a lot. We have schools in places like my former constituency, Kajiado East in Poka Kenyawa around Kiboko where students cannot go to school because of the wildlife yet you find which Kajiado has been categorized as one of the most comfortable counties. They do not give hardship allowance to teachers just because of places such as Kitengela, Rongai and

Ng'ong' that neighbours Nairobi and host the majority of Members and others working in the Civil Service.

There are places in Kajiado County such as Shompole and Magadi that are really hardship areas. Any teacher who is in those areas deserves a hardship allowance.

Just like my sister, Sen. Ogola, has said, teachers do a lot of work. They go beyond the call of duty. They counsel parents because children come to school with all sorts of problems. Teachers should be paid allowances.

All of them should be paid responsibility allowances because their work goes beyond the classroom. It goes into the communities and they have become role models. Some of us come from communities that never knew the importance of educating girls. We were supported by teachers throughout to make it to the level that we are today.

Mr. Deputy Speaker, Sir, I rise to support that all teachers should be given, not just hardship but also responsibility allowance.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, hon Senators. We have come to the end of the 30-minute comments window for those two Petitions.

Hon. Senators, pursuant to Standing Order No. 238(1), the Petitions should be committed to the relevant Standing Committees for consideration. The first Petition, by Mr. Taratisio Ileri Kawe, goes to the Committee on Justice, Legal Affairs and Human Rights and the second one to the Committee on Education.

In terms of Standing Order No. 238(2), the Committees are required in not more than 60 calendar days, from the time of reading the prayer to respond to the petitioners by way of a report addressed to the petitioner and laid to the Table of the Senate.

Next Order.

PAPERS LAID

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of this Senate, today, 20th September, 2023-

THE ARCHITECTS AND QUANTITY SURVEYORS (AMENDMENT) BY-LAWS, LEGAL NOTICE NO.133 OF 2023

The Architects and Quantity Surveyors (Amendment) By-Laws, Legal Notice No.133 of 2023.

THE ANNUAL NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT

The Annual National Government Budget Implementation Review Report.

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

The Deputy Speaker (Sen. Kathuri): There is another Paper by Chairperson Standing Committee on Devolution and Intergovernmental Relations, Sen. Abbas.

Sen. Abbas: Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 20th September, 2023-

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

Report of the Standing Committee on Devolution and Intergovernmental Relations on the application of the conferment of city status to the Municipality of Eldoret.

I beg to lay.

(Sen. Abbas laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Next Order.

NOTICE OF MOTION

Sen. Abbas, you may give notice of the Motion

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

Sen. Abbas: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion-

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

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next Order

QUESTIONS AND STATEMENTS

We have Statements under Standing Order No.53(1). We start with the Senator for Vihiga County, Sen. Osotsi.

STATEMENTS

STATUS OF CONSTRUCTION OF
STADIUMS IN VIHIGA COUNTY

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. I wish to request a Statement on the status of the construction of stadiums in Vihiga County.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the status of construction of stadia in Vihiga County.

In the Statement, the Committee should:

(1) provide an update on the construction of stadia in Vihiga County, indicating the contractors who won the awards, total funds allocated to date, work done so far, actual expenditure incurred to date, budgeted amounts in the current Financial Year 2023/2024 and reasons for inordinate delay in completion;

(2) outline the measures put in place by the County Government to expedite the completion of stadia for use by Vihiga based teams participating in national leagues, indicating the expected date of completion of works on the stadia; and,

(3) furnish the Senate with the original Bill of Quantities (BQ) for the projects stating any variations that may have occurred *vis-a-vis* the initial projects planned.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you. The next Statement is by the Senator for Meru County. It stands deferred until the next sitting.

DESIGNATION OF KABM AS A CONFORMITY
ASSESSMENT PROVIDER

(Statement deferred)

The Deputy Speaker (Sen. Kathuri): Next is the Senator for Nakuru County. You have two Statements. Read them simultaneously.

STATE OF HEALTHCARE IN NAKURU COUNTY

Sen. Tabitha Keroche: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health, regarding the state of healthcare in Nakuru County.

In the Statement, the Committee should:

(1) state the number and causes of infant deaths recorded across Nakuru County from September, 2023 to date, particularly in Naivasha Sub County where there were recent reports of 25 infant deaths;

(2) apprise the Senate on the capacity-building programmes undertaken by the healthcare workers in Nakuru County indicating whether there are plans by the County Government in partnership with the national Government on capacity-building

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programmes for specialised fields such as paediatric care, cancer treatment and productive health which may be too costly for the county to fund;

(3) state whether there are plans by the County Government to employ additional healthcare workers to bridge the extent of manpower shortage, indicating measures put in place to curb unlawful recruitment practices such as corruption and nepotism; and,

(4) Recommend measures to curb the attrition of healthcare workers and the deterioration of healthcare services in hospitals, healthcare centres and dispensaries in Nakuru County.

Thank you, Mr. Deputy Speaker, Sir.

UNPROCEDURAL DISMISSAL OF HEALTHCARE WORKERS IN NAKURU COUNTY

Sen. Tabitha Keroche: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Committee on Health, regarding the unprocedural dismissal of healthcare workers in Nakuru County.

In the Statement, the Committee should:

(1) state the rationale behind the unprocedural dismissal of well-trained and experienced health workers by Nakuru County Government and their replacement with recent graduates; and,

(2) explain why the County Government has not expunged the health workers from the duty roster and withheld their salaries for July and August, 2023 in disregard of a court order reinstating them.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you. The next Statement is by Sen. Cherarkey. You also have two Statements.

CONSTRUCTION OF SIX INTERCHANGES ON NAIROBI'S WESTERN BYPASS

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the omission of construction of six interchanges on the Nairobi's Western bypass.

In the Statement, the Committee should:

(1) state the reasons behind the omission of six interchanges from the original plan by China Roads and Bridge Corporation (CRBC) for the Nairobi Western Bypass despite the initial approval;

(2) clarify the rationale behind disbursing the payment of Kshs21.5 billion to the contractor, despite the contractor's failure to complete interchanges as initially intended through the Bill of Quantities (BQ);

(3) state the measures put in place by the Government to introduce junctions or interchanges along the Western Bypass, to ensure accessibility for the densely populated areas situated along the road; and,

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(4) highlight the steps taken by the Government to hold to account the officials involved in colluding with the contractor in payment of Kshs21.5 billion, leading to the omission of interchanges.

STATUS OF REHABILITATION AND EXPANSION
OF AIRPORTS AND AIRSTRIPS IN KENYA

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the status of rehabilitation and expansion of Airports and Airstrips in Kenya.

In the Statement, the Committee should:

(1) report on the progress made in the rehabilitation and expansion of airports and airstrips in Kenya, highlighting the completion status of each project;

(2) provide details of how allocation of Kshs1 billion towards airports and airstrips targeted for rehabilitation and expansion will be distributed; and further state the feasibility of the entire project;

(3) indicate the total number of roads leading to and within the various airstrips scheduled for construction or renovation, across the country;

(4) outline the number of counties that are set to benefit from the ongoing expansion, upgrading, and renovation of airports and airstrips across the country; and,

(5) elucidate the status of expansion projects at the Kisumu and Eldoret International Airports, to support and handle commercial flights and heavy cargo operations.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Mwaruma, proceed.

TAITA TAVETA EDUCATION REVOLVING
EDUCATION FUND BY HELB

Sen. Mwaruma: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Education, concerning the Taita Taveta County Revolving Education Fund by the Higher Education Loans Board (HELB).

In the Statement, the Committee should:

(1) provide details of all applicants and beneficiaries of the Fund, including the colleges they attend, admission numbers, the amount allocated to each and disbursement dates from 2013 to date;

(2) examine and table a report of any erroneous recoveries for loans not issued, stating the measures in place to refund those who were wrongfully made to pay loans not issued to them; and,

(3) investigate and report to the Senate any evidence of malpractice on the part of the Fund, committee or county employees detailing steps that will be taken against those culpable.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next is the Senator for Lamu, Sen. Githuku.

STATUS OF HEALTHCARE PROVISION IN MPEKETONI
SUB-COUNTY, LAMU COUNTY

Sen. Githuku: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the status of healthcare provision in Mpeketoni Sub-County Hospital in Lamu County.

In the Statement, the Committee should:

(1) provide a comprehensive assessment of the equipment and facilities at Mpeketoni's Sub-County Hospital in Lamu County; indicating whether it meets the required standards for a level four hospital in Kenya;

(2) state the current staffing levels at the hospital including the number of medical professionals, nurses and support staff; explaining whether the staffing levels are adequate;

(3) outline measures put in place to ensure the hospital maintains an adequate stock of essential medicine to meet the prescription needs of patients, stating whether such measures have proven effective.

Mr. Speaker, Sir, under the Standing Order No.53(1), I still have another Statement on Insecurity in Lamu County.

SECURITY SITUATION IN LAMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on National Security Defence and Foreign Relations regarding the insecurity situation in Lamu County.

In the Statement, the Committee should:

(1) explain whether the current insecurity in Lamu County stems from historical injustices or it is as a consequence of terrorism activities, specifically by al-Shabaab;

(2) outline the measures the Government has implemented to ensure the safety and security of Lamu County residents, stating the action undertaken to resettle individuals displaced due to insecurity in the affected areas;

(3) confirm if any arrests have been made and perpetrators prosecuted for their actions; and,

(4) state whether funds, if any, have been allocated to compensate the victims of terrorist attacks in Lamu County, disclosing the budget allocated and criteria used in compensating the beneficiaries.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Agnes Kavindu.

INCESSANT HUMAN-WILDLIFE CONFLICTS IN
MASINGA DAM AND OL-DONYO SABUK
GAME RESERVE IN MACHAKOS COUNTY

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the incessant attack by wild animals in Masinga Dam and Ol-Donyo Sabuk Game Reserve in Machakos County.

In the Statement, the Committee should:

(1) indicate the number of people living in close proximity to Masinga Dam and Ol-Donyo Sabuk Game Reserve, injured or killed by crocodiles or hippopotamus and other wild animals;

(2) explain the reason for the delay in fencing the dam and the game reserve by the Government to avert the attacks to the residents;

(3) outline the measures put in place by the Government to ensure proper safeguarding of all water reserves and wild habitats to protect residents from potential encounters with wild animals; and,

(4) state compensation measures put in place for injuries sustained by the human and domestic animals, loss of human and domestic animal lives, damage of crops, vegetation and property resulting from wildlife attacks.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next is the Statement by Sen. Thang'wa. Sen. Thang'wa is not around, so the Statement is dropped.

THE STATUS OF EXPLORATION OF THE TURKANA AQUIFERS

(Statement dropped)

Proceed, Sen. Faki.

CIRCULAR ISSUED ON FOREIGN TRAVEL
FOR COUNTY GOVERNMENTS

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir.

I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of national concern, namely the Circular issued by the Principal Secretary for Devolution in the Office of the Deputy President on Foreign Travel for county governments.

Mr. Deputy Speaker, Sir, on 30th of June, 2023, the Principal Secretary for Devolution in the Office of the Deputy President issued a circular entitled "Policy for international travels to all governors and county assembly employees in the country".

In the policy, the Principal Secretary sought to provide for clearance to all county executives and county assembly employees traveling outside the country before their intended travel date. Pursuant to the said circular, the Office of the Controller of Budget

has now stopped issuing any approvals for foreign travel to county executives and county assemblies without the authority and approval from the State Department of Devolution.

Mr. Deputy Speaker, Sir, this illegal procedure has created delays in processing of travel outside the country for county employees attending courses and important meetings outside the country which are beneficial to the county governments.

This bureaucracy has further curtailed budget implementation by county governments, which will impact on budget absorption at the end of the financial year leading to unnecessary audit queries. This in turn negatively impacts on the budget performance of our county governments.

Mr. Speaker, Sir, the clearance is personally issued by the Principal Secretary for Devolution and the delays have on many occasions caused panic on the part of the county officials and in some instances, necessitating payment of illegal inducements to fast-track the issuance of the clearance. I am told the payment is Kshs5000 per delegate who is traveling. This in turn opens up avenues for corruption.

Our Constitution under Article 6(2) provides for two independent and distinct governments; one at the national level and the other one at the county level. Any oversight and accountability matter should be addressed by the respective assembly. I am not aware of any provisions in law that allow the PS for Devolution to vet travel by officials of the county governments.

This, in my humble opinion, is a grave violation of the Constitution and usurpation of the powers of the county governments. The Senate should not remain silent when the county governments are being oppressed by the Executive.

Mr. Deputy Speaker, Sir, I kindly urge the relevant Committee to take interest in this Statement as the Circular has very grave repercussions on our county governments.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Faki. There was one Statement by Senator for Meru which I had deferred to the next sitting but we can have it read under Standing Order No.53(1). I will ask Sen. Mutinda to ask it on my behalf.

DESIGNATION OF KABM AS A CONFORMITY ASSESSMENT PROVIDER

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, on behalf of the Senator of Meru County, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the possible conflict of interest arising from the designation of KABM as a conformity assessment provider.

In the Statement, the Committee should:

(1) state the criteria for accreditation and designation of conformity assessment providers to the Public Service Vehicles (PSVs) and bus body builders by the Kenya Accreditation Service (KAS) and the National Transport and Safety Authority (NTSA) respectively;

(2) explain how the KABM was designated as a conformity assessment provider despite the potential conflict of interest that may arise as the membership of association comprises of PSV bus body builders;

(3) clarify whether there is a collusion between the Association and the PSV bus body builders for the body builders to deal exclusively with KABM to compromise for the prescribed standards of the buses and stifle competition in violation of Section 21 of the Competition Authority Act, 2010; and,

(4) outline the measures put in place by the NTSA and the Competition Authority of Kenya to ensure fair competition and discourage monopolistic practices where bus body builders take all their business to KABM.

I thank you, Mr. Deputy Speaker, Sir.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATE FROM LAMU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, an officer from the County Assembly of Lamu County, Ms. Consolata Mwaura, who is a clerk assistant. Ms. Consolata is in the Senate for a one-week attachment.

Hon. Senators, on behalf of the Senate and on my own behalf, I wish her well during her attachment and in her future endeavours.

Thank you.

Next Order.

MOTIONS

ADOPTION OF REPORT OF THE COMMITTEE ON POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF SEN. ORWOBA

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the inquiry, on its own motion, into conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of Parliamentary Privilege, laid on the Table of the Senate on Wednesday, 9th August, 2023.

(Sen. Shakila Abdalla on 10.08.2023)

(Resumption of debate interrupted on 10.08.2023)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this Motion was halted at some point but it is now ripe for debate today. We will proceed from where we left. Members who wish to contribute can do so.

From my screen, I can see Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this Motion.

I thank the Committee on Powers and Privileges for taking the time to listen to the various witnesses who appeared before them and producing this Report that is before the House for discussion. This Motion calls for the adoption of the Committee on the conduct of one of us, Sen. Orwoba as well as establish, if the conduct constituted a breach of parliamentary privilege.

I will point out a few things with regard to our conduct as honourable Members. We are called honourable Members because we are supposed to conduct ourselves in an honourable manner. The Senate can only be strengthened when we get to a situation where we have to question the conduct of one of us. We have witnessed instances in this House and some of us worry that this House of the Senate is retarding and is losing its honour.

Mr. Deputy Speaker, Sir, the first House where my senior, Sen. (Dr.) Khalwale, sat had senior personalities sitting in it. We had Hon. James Orendo, Hon. Kiraitu Murungi, Sen. (Dr.) Khalwale and others. The last Senate was also a distinguished House save for a few Members. We need to look back to those days so that we align our conduct with the previous two Senates.

Secondly, this is a House of rules, this is a House of traditions and this is a House of norms. All this is meant to make us work in an organized manner where we respect each other. When I was a student at the university, I used to be a frequent visitor in the public gallery. That was when the multiparty system had just started. One could imagine that if those hon. Members met in the Chambers, they will fight each other or do something out of this world. However, those Members carried themselves with decorum.

Imagine a House that had Hon. Kenneth Matiba, Hon. Jaramogi Oginga Odinga, Hon. Raila Odinga, Hon. Mwai Kibari, Retired President Daniel Moi and Hon. Paul Muite. These people had serious divergent views on matters of national importance, but when they were in the House, they would conduct themselves with decorum, follow rules and always respected each other. We are beginning to see that scenario quickly disappearing from our Houses. This is a serious concern.

Mr. Deputy Speaker, Sir, I sat in the same Committee with this particular Member. She sponsored the Konza Technopolis Bill. The Committee tried its best. We gave our input although we had some reservations on a number of issues, but this Senator mistreated Members of the Committee!

At some point, she came to this Floor and alleged that the Committee was trying to kill her Bill yet the same Bill was listed on the Order Paper.

Mr. Deputy Speaker, Sir, I was not given an opportunity to appear before the Committee on Powers and Privileges. This is because I am among the Members she accused of trying to kill the Bill. The only reason the Committee had a divergent view was that the Ministry of Information, Communications and The Digital Economy had the same Bill which was more comprehensive. We said why do we not marry the two and have one Bill so that your Bill does not appear like it is trying to compete with the Ministry Bill. That alone earned us that kind of disrespect from this Senate.

I am among the Members who rejected this Bill on this Floor largely because of the reason that that Bill was insufficiently addressing the issues of how to manage technopolis in this country. Second, the Ministry of Information, Communications and The Digital Economy was in the process of processing a similar Bill.

This Senator went on social media and labelled us as a community that is trying to fight her because Sen. (Dr.) Khalwale and Sen. Wafula opposed it. Just because we share the same tribe, she went and blackmailed us on social media that we voted against the Bill because we are Luhyas. I voted against the Bill because of the reasons I have stated.

Mr. Deputy Speaker, Sir, we have also seen the kind of decorum that this Senator has subjected our Clerk, Mr. Nyegenye, to. Mr. Nyegenye is one of the longest serving employees of Parliament. I served in the National Assembly and worked very closely with him. I know he is a very professional and respectful employee but then this Senator comes with the allegations against the Clerk and the Clerk has no voice. Is he supposed to keep quiet? Mr. Nyegenye deserves respect and justice and the justice is for us to pass this Motion.

I support this Motion because we must stop this kind of decorum in this House. We must bring back the respect of this House and protect the staffers of Parliament. These are professionals; not people who are in politics like us that we subject them to social media where they have no avenue to defend themselves then you use the privileges of this House to come and fight these innocent staffers.

I will stand firm to support this Motion even though some of us will be having alternative views. Even if you have alternative views, think about the Senate. Where are we heading? For how long are we going to allow this kind of decorum in this House? We have seen many other things in this Senate. Sometimes, you sit here and get shocked at how some of our colleagues behave. I encourage Members to support this Motion so that it can serve as a lesson to those who want to do the same.

Mr. Deputy Speaker, Sir, I served with you in the National Assembly and we had similar cases. We had a case involving Hon. Babu Owino. There was no problem, we discussed it, he apologised to the House and the matter ended there. We had another case on Hon. Didmus Barasa. The Hon. Member claimed that we were receiving sugar money in the toilet and he could not prove it. When he went to the Committee on Powers and Privileges, they found out that he had a case to answer. The matter was discussed in the House, the House agreed and Hon. Barasa apologised to the House.

There is no problem in us discussing this Senator. All we want from her is for her to come and apologise to the House and to our innocent Clerk that he blackmailed on social media, then we will consider to accept the apology and move on. We cannot stop discussing the conduct of a Member just because we fear some issues. We will discuss. I encourage Members to discuss this Motion soberly and pass it so that we establish precedent that Members in this House will follow and we ensure that this Senate adheres to established norms and cultures of Parliament across the world.

I support.

The Deputy Speaker (Sen. Kathuri): Sen. Nyamu, please proceed.

Sen. Nyamu: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this report tabled by the Committee on Powers and Privileges.

We have seen this play out in our social media platforms and official WhatsApp group page between Sen. Orwoba and the Clerk. I also happen to be in the Committee that he is referring to, the Committee on Information, Communications and Technology (ICT). I am privy to some of the alleged conduct by my colleague, Sen. Orwoba.

However, I beg to differ with the report and state that not only is it very punitive to our colleague, Sen. Orwoba, but it also seems to be discriminatory because, first, we are tabling and debating this report in her absence but in the full knowledge of the Secretariat of the Senate and your office, Mr. Deputy Speaker.

We have also seen conduct that could be similar, if not worse to what Sen. Orwoba is accused of. When the Minority Side was having an altercation with Sen. Dullo, we saw Sen. Eddie Gicheru get rough and disorderly in the House. I have seen my colleague, Sen. Sifuna, tell the Speaker 'shame on you' to his face. Is it because Sen. Orwoba is a woman? Do not get me wrong, I am for---

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

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you are next to contribute. You can combine all your issues at that point.

Sen. Nyamu: Do not get me wrong, I am for the role of the Committee on Powers and Privileges.

The Deputy Speaker (Sen. Kathuri): Just a minute. He has a point of order because you have mentioned his name.

Sen. Sifuna, please, proceed.

Sen. Sifuna: Mr. Deputy Speaker, Sir, pursuant to Standing Order No. 120 on relevance, the matter that is before us is a report of the Committee on Powers and Privileges on the conduct of a named Senator. I urge 'my sister' to restrict herself to the contents of this report. It is a matter of record in this House that I have been punished severely for every crime that I have ever committed on this Floor so that nobody can bring that into this particular discussion. I have never been let scot-free, not because of my sex or anything. I have been punished for all transgressions that have ever happened on this Floor. I do not see how relevant it is to the discussion before this House this afternoon.

The Deputy Speaker (Sen. Kathuri): You should also thank this Chair because; you have equally been pardoned several mistakes.

Sen. Nyamu: Mr. Speaker I also---

The Deputy Speaker (Sen. Kathuri): So, proceed and finish but avoid dragging the names of your colleagues on this matter. Just keep to your issues.

Sen. Nyamu: Mr. Deputy Speaker, Sir, I am guided. I do not want to be misunderstood, and do not get me wrong. I am for the discipline of the Members for the Senate's respect and for order. However, we cannot punish a Member for six months from this House, because, maybe she did not express herself in the way that we expected or did not conduct herself in a way that we all expected. Here, we are different characters. As young people, we can get overzealous and overenthusiastic.

So, even if we are to act against Sen. Orwoba, I am of the opinion that six months is too punitive and unnecessary. If we are to adopt the Report, we adopt it with changes

so that we minimize and reduce that period where our colleague is supposedly to be away from the House.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you have the Floor.

Sen. Sifuna: Mr. Deputy Speaker, six years ago, there was a famous black French footballer called Mr. Benjamin Mendy, who arrived at the Manchester Club called Manchester City, as the most expensive defender at the time.

Around November of 2020, this gentleman was arraigned in court and charged on six allegations of rape. At that particular point, when those charges were brought against Benjamin Mendy, his career entirely stopped.

His contract at Manchester City, of course, was put on hold and his bright future as a footballer was thrown into confusion. It was only in January of this year that that footballer called Mendy was cleared of those charges.

There are certain truths that we know in our society. There are certain crimes called crimes of morality. For as long as an allegation is made that you have been involved in a crime of morality, for instance, rape or defilement of a minor, the public already in the minds make a determination that you as a man are guilty.

There is also a tenet of law that the person who makes an allegation has the responsibility to prove that allegation. He who alleges must prove.

I have seen my colleague, the nominated Senator from Nairobi, trying to make a comparison between some of the things that have happened on this Floor, to some of the allegations that have been labelled against members of the Clerkship in this House by the Senator under discussion, Sen. Orwoba.

Mr. Deputy Speaker, Sir, this Report is what we are supposed to restrict ourselves to this afternoon. Sen. Orwoba made very specific allegations that have been captured in this Report. We all have responsibility for the statements and the allegations that we make.

The first one which is found on page 8 of the Report by the Committee, is an allegation of pursuit of sexual favours in this House. I have said, in some of these allegations, especially for crimes of morality, immediately the allegation is made, especially to a man, you are done.

Society will not wait for the court case or be interested in what the witnesses will come to say. In the minds of those people, you are a rapist once the allegation has been made and that is the good truth.

So, it is not to say that you cannot make an allegation or probably that there are no people in this institution of Parliament who are seeking sexual favours. That is not what we are saying. We are saying that immediately you pronounce that so-and-so is seeking sexual favours from you, you have a responsibility to substantiate those allegations.

On the second count, there was an allegation of favouritism and discrimination in the execution of the work by the Office of the Clerk and officers of this institution.

Now, all that is required to do after making an allegation, if indeed it is true, you must demonstrate with evidence that these are things that you have not just conjured up; that things are happening the way that you are putting them. This is because these allegations once made against officers or any person in this House have consequences. It is only fair that you make that substantiation.

The third one, and all these are on Page 8, is an allegation of corruption. On diverse dates, she said that there were cases of corruption in Parliament. She posted various messages on social media that there were allegations of corruption. You know for a fact that none of us here would survive an allegation of corruption if we are going to continue to be public servants in this Republic.

I had a conversation in this Chamber with Sen. Orwoba. I told her that the beauty of our system is that there exists a mechanism through which you can demonstrate, using evidence and facts, that these things are happening to you. That was the invitation that came from the Committee on Powers and Privileges.

What is most disheartening is that when you read this Report, Sen. Orwoba, on two separate occasions, was invited to appear before the Committee on Powers and Privileges.

If you look at page 7 of that Report, paragraph 12(a), the first thing is that the Committee confirms here that Sen. Orwoba was given an opportunity to appear before the Powers and Privileges Committee, ostensibly, to table evidence to back her claims of sexual favours, corruption and favouritism in this particular House.

You can see that in paragraph 13, some of those allegations that she had made were the subject of investigations by none other than the Directorate of Criminal Investigations (DCI).

In paragraph 13(a), the Report says that the evidence submitted was not enough to sustain a criminal charge in court. That is to tell you that the DCI had concluded the investigations and that they found the evidence that was provided not substantive enough to sustain any charges against anybody.

In paragraph 14, the Committee says that no evidence was tendered by Sen. Orwoba to rebut the charges, and hence the allegations that she made remained unsubstantiated.

On the day of the hearing itself, the Report says in paragraph 11 on page 6, that it had granted her an opportunity to be heard. She refused to take that opportunity to be heard, refusing to continue with the proceedings, and the Committee elected to proceed and hear this matter.

So, all I am saying is that, when this matter was first brought before the House, I was inclined to some of the thinking that I have heard some of our colleagues say that the punishment that has been proposed by the Committee was too harsh.

However, if you have gone through certain things in this House; you have publicly said this is what you are going through and that it is impeding your work as a Senator in this House, and then you are granted an opportunity to table evidence against these things. I do not believe that it is impossible for you to demonstrate bias. You can demonstrate if any Member here has treated you unfairly. There will be tracks. However, for you to make allegations and accusations against people who cannot defend themselves in public, it is very unfair for you to be granted an opportunity to substantiate and refuse to do so.

One of the most unfair things in these particular proceedings is that the person who was a subject of these allegations that remain unproven and unsubstantiated is a

Clerk in this House who does not have the same political platform as Sen. Sifuna to be able to answer you.

For me, everybody in this House knows, that if you come after me, we will be with you *mundu khu mundu*. I have no problem with that. You are very free to come and attack Sen. Sifuna on any day because I will deal with you perpendicularly, *circumfoniously*; whatever it is. However, the Clerks seated at this Table, they do not enjoy the same privilege. What is the most hurtful thing? The Clerk, Jeremiah Nyegenye, has demonstrated some level of restraint and maturity that I personally do not believe I possess.

I cannot be in a forum with you, yet you are making allegation after allegation, and you are given an opportunity to substantiate. I have to read all that information and just look at you and keep quiet. It will not happen. Some of us are built of more volatile material that is easily combustible. I will not allow you to continue like that.

So, for those reasons, I believe that Sen. Orwoba, having made those allegations, had a responsibility and opportunity to substantiate those allegations before the Committee. However, she elected not to appear before that Committee or tender any evidence. Those allegations remain unsubstantiated. Therefore, the punishment that has been proposed by the Committee is something that I am willing to support.

I hereby support.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Sifuna. For your information, we are made from the same material. So, we are okay. That is a good material.

Proceed, Sen. Murango.

Sen. (Dr.) Murango: Asante sana, Bw. Naibu Spika. Nitarudia jina langu, Murango. Kazi ya mlango ni kufunga ama kufungua.

Nimekuja hapa kupinga Taarifa ambayo imeletwa hapa kuhusu, Sen. Orwoba. Hii ni kwa sababu, kuna njia tofauti za kujieleza. Kuna wale ambao wanajieleza vizuri kama Sen. Sifuna. Kuna wale ambao wanakaa katikati kama sehemu nyeti; hawataki kusema upande ambao walipo.

Hata hivyo, mimi niko hapa kupinga Taarifa hii kwa sababu tumeona mambo ambayo imefanyika katika hili Bunge hapo awali wewe mwenyewe ukiwa Naibu Spika.

Tunakumbuka kuna mambo ilifanyika pale na Seneta wa Migori, kisha ukatoa kauli ambayo tulikuja tukakaa chini na tukaipindua. Hii imefanyika kwa sababu huyu ni mwanamke ama imefanyika kwa nini? Mimi kama baba ya watoto wasichana nimesimama hapa kupinga.

Bw. Naibu Spika, maneno inasemekana ilifanywa sio kufanywa. Yale maneno ambayo yalifanywa hatujaiongelelea sana. Lakini yaliyosemwa tumeyaongelelea sana.

Nakubaliana na adhabu, lakini sio kufukuza mtoto msichana kwa miezi sita kwa sababu ya kauli aliyosema. Sisi wanaume ambao tuko hapa ni mangapi tumesema ambayo hayafai na bado tuko hapa?

Nikiangalia Taarifa ambayo imeletwa hapa, imetiwa sahihi na wanaume watano. Waswahili husema katika ‘mahakama ya fisi, mbuzi hapati haki.’

Kuna wakati katika kukosa kufuatilia sheria za Spika, mmoja aliyevunja zaidi ni Seneta tuliye naye hapa, Sen. Cherarkey. Tulikuwa naye hapa na akakaidi amri ya Spika

kutoka nje. Alikuwa pia anafaa kuitwa katika kamati ya *Powers and Privileges*. Kwa nini hakuitwa? Lakini huyu kwa sababu ni mama, amepewa adhabu ambayo haifai.

Katika maneno ambayo wanasema, na sitayataja hapa, huwa hakuna ushahidi wa mambo ambayo imeongelewa baina ya mwanauume na mwanamke. Sio siri kama imefanyika ama haijafanyika. Sisemi kwamba imefanyika.

Hata hivyo, tunastahili tuketi chini kisha tumwangelie huyu kama mwenzetu na tumpe adhabu inayofaa, sio kumfukuza kwa miezi sita ambayo hata kanyaga katika hivi vikao, tukijua ya kwamba anakazi ya kufanya kama mama katika hili Bunge la Seneti.

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

Sen. (Dr.) Murango: Bw. Naibu Spika, mimi ninangoja kwa sababu ninajua kuna mtu atakaidi lile agizo lako tena hapa ndio nione kama yeye pia atafanyiwa kama Sen. Orwoba.

Katika historia ya hii nchi, tunajaribu sana kuangalia na kupunguza ubaguzi wa wanawake. Hii ndio maana kunasheria maalum ambayo ililetwa, kwamba lazima kuwe na theluthi mbili katika kila kikao ili tuweze kuwapatia wanawake nguvu.

Sasa hivi tumeketi hapa wengi tukiwa wanaume kujaribu kufukuza mwanamke. Mimi ninapinga kwa dhati kama Sen. Murango hilo ---

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, under Standing Order Nos.96 and 101, we need to be responsible in the statements that we make. This is a House of rules and order.

Therefore, to assert that I am being treated with kid gloves is misleading. This is because I have received the punishment. The fact is that on several occasions, I have suffered the punishment like Sen. Sifuna. So, it depends with the offence that you have committed.

It is good that Sen. Murango should be attending sessions. When I declined to sit, the punishment I received was to be chased out of the session for the rest of the day. So, crime and punishment must go together.

I took my punishment with glory and humility. So, to make assertions to other Kenyans who are watching these proceedings that Sen. Cherarkey and other Senators are making mistakes on the Floor of the House and they do not suffer consequences is misleading.

Mr. Deputy Speaker, Sir, can the Senator withdraw and apologise? It is on record that I have been punished on several occasions as per the Standing Orders of this House.

It is very unfortunate. I did not expect such. I wish he could have qualified his statement by saying that Sen. Cherarkey has been an affront to Standing Orders and has been punished accordingly.

Mr. Deputy Speaker, Sir, that is it. However, he cannot draw the gender card and try to intimidate some of us to support an illegality. We shall not be cowed or intimidated.

I have never asked for sexual favours from anybody. That is a very serious offence as a man. As a person, your family where you come from ---

The Deputy Speaker (Sen. Kathuri): You are on a point of order. Now you are veering off.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I am mad because you can imagine, as a man, if somebody accused you of requesting for sexual favours. We cannot be intimidated.

The Deputy Speaker (Sen. Kathuri): Let Sen. Murango conclude his presentation.

Sen. (Dr.) Murango: Bw. Naibu Spika, Kanuni za Kudumu 122 (a) inasema kwamba kosa moja kubwa sana ambalo unaweza kufanya, nikukosa kutoka nje ukiambiwa na Spika utoke kwa sababu umekosa nidhamu.

Ninajua ya kwamba kila kitu tunayosema hapa kuna rekodi maalum. Ninajua hiyo rekodi maalum iko kwa sababu ninachoonea ninajua ni ukweli mtupu.

Wakati jambo kama lile lilifanyika, mwenye alikuwa amefanya makosa alikuja akaitwa, kukawa na kikao alafu akarudi baada ya siku moja ama mbili. Tunayeongelea hapa kwa mambo aliyosema, anafukuzwa kwa kipindi cha miezi sita.

Bw. Naibu Spika, hata kama kuna makosa imefanywa na mtu yeyote, kipindi cha miezi sita ni nusu mwaka. Majukumu ambayo Sen. Orwoba anafaa kufanya katika Bunge hili yako dhahiri shahiri katika Katiba. Ni vibaya kusema kwamba kwa muda huo wote hafai kukanyaga hapa ama kuhudhuria mambo yoyote ambayo itakuwa inaongelelewa katika Seneti.

Kwa hivyo, sikutaja Seneta wa Nandi ili kumkasirisha. Lakini nilikuwa napeana mfano ambao unajulikana. Je, kuna makosa makubwa kushinda mtu ambaye anaambiwa na Spika anyamaze alafu anakuja anatoa vibango katika meza na hakupelekwa katika ile Kamati? Tuliona hiyo ikifanyika hapa katika Seneti.

Nikimalizia, mghala muue na haki yake mpe. Kila mtu ako na njia yake ya kujieleza. Tunayeongelea kuhusu, Sen. Orwoba, ni msichana mdogo kimiaka. Anafaa kuvumiliwa pamoja na wale wamama wengine ambao wako na umri kama ule. Hiyo ndio kuwapa nafasi ya kukuwa katika hii Seneti.

Bw. Naibu Spika, anaweza kuwa alikosea kwa kutojua ama kwa kujua. Hata hiyo, ningeliza ya kwamba, sisi wenyewe tuko hapa, isipokuwa wale ambao wanadhani sio baba ya wasichana kama mimi. Hata Biblia ilisema ya kwamba asiyekuwa na makosa achukue jiwe la kwanza kumtupia yule mwanamke ambaye anasemekana katika Bibilia. Yesu akasema vile. Na mimi ninauliza hivi; yule ambaye hajakosa katika hili Bunge la Seneti, awe wa kwanza kutupa mawe, kumkashifu na kumfukuza Sen. Orwoba.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaletian, proceed.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I rise to strongly oppose the Report. Everybody deserves a second chance and most important, I note that we are all not equal. All human beings are made very differently. There is no way we can confine human beings to behave or express themselves in a particular way.

For those of you who think you are gifted in expressing yourselves or projecting frustrations, not everybody can be like you. As mature human beings and leaders, we need to learn to tolerate each other. If you know the character of a person, then know how to tolerate and respect who they are. We all have different characters and personalities.

Secondly, let us not forget that we are talking about sexual harassment. This is something that has been downplayed over many years. Many of us have gone through frustrations of refusing sexual advances particularly from men and, therefore, losing employment.

Moreover, I know of some young men in offices who have gone through sexual harassment from older ladies. As a young person in this country, I am very frustrated because that has been the norm in this nation. Somebody asks for sexual favours and if you do not conform, you remain jobless. At the same time, many are losing and missing opportunities because of this thorn in the flesh.

This House should be talking about putting strong and stringent laws forward to regulate sexual harassment, especially in public and Government offices. It should be from the top to bottom.

We have had many reports even in the media of women being sexually harassed. Right now, the public sees a young and assertive woman, who rose and defended against sexual harassment. Many times we might see different things in the House, but what does the public see? Many times when assertive women come out and defend their position on these issues, their heads are pressed down.

This House should discuss how to prevent sexual harassment. Many times when a victim has been harassed, you are not in a position to get evidence. Things flow and you do not have evidence.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Lemaletian. What is your point of order, Sen. Sifuna? Let us not continue just raising points of order.

Sen. Sifuna: No, Mr. Deputy Speaker, Sir. I am not in the habit of raising frivolous points of order. Under Standing Order No.120, just to remind this House, the Report before us is the Report of the Committee on Powers and Privileges. In this case, nobody has accused Sen. Orwoba of being an assertive woman or lack of proper expression. We are not saying that she cannot express herself. She is one of the most eloquent Senators in this House.

The Report of the House is very simple; she made allegations and needed to substantiate, but she failed to. There are consequences of dragging people's names through the mud and then you do not say.

(Applause)

You do not come here to lecture us about sexual this or that; show us the evidence.

An hon. Senator: Correct!

Sen. Sifuna: Nobody is interested in sexual advances here. *Ala!*

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you cannot put the exact words that any Senator can use in this House, as long as she is contributing to this particular matter. If I listened to her, she is defending women and young women leaders. To me, she is not out of order.

Sen. Lemaletian proceed and conclude your minutes.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. This is exactly what happens when young women are assertive in this country. It is time---

(Loud consultations)

Some people---

An hon. Senator: Who is young people?

Sen. Lemaletian: I am.

An hon. Senator: Are you?

Sen. Lemaletian: I am and I have the right to be heard.

Mr. Deputy Speaker, Sir, kindly protect me.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaletian will be heard in silence. Senators, you will have your time on the Floor.

Sen. Lemaletian: Mr. Deputy Speaker, Sir, protect me from people exhibiting male chauvinism.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaletian, stop addressing Members. Just proceed and conclude your contribution.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. Sen. Sifuna does not utilise my eyes. I do not use your eyes to read the Report, neither do you live with me. There is no way you will know if I read the Report or not. So, stick to your lane.

The Deputy Speaker (Sen. Kathuri): Sen. Lemaletian, stop addressing Members directly. Kindly, address the Chair.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I reiterate that this House needs to discuss how to protect people, especially young women from sexual harassment. Many times when these allegations are made or we have case like this, they are thrown under the bus because there is no evidence. In many instances when this is happening, you do not have time to get evidence.

We need to be very fair in how we approach these issues. This House belongs to all of us. Everybody deserves respect. I do not agree with insults levelled against fellow colleagues. At the same time, when you have a hammer, you see every problem as a nail. We must not use hammers or guns to correct or deal with very small problems.

The Deputy Speaker (Sen. Kathuri): Sen. Miraj, proceed.

Sen. Miraj: Asante, Bw. Naibu wa Spika. Ninasimama kupinga Ripoti hii iliyoletwa na Kamati ya *Powers and Privileges* kwa sababu zangu.

Kwanza, samahani kwa Karani wetu wa Bunge ambaye amepitia mengi ambayo tumekuwa tukiona kwenye ukurusa wetu wa *WhatsApp*. Hata mimi sipendelei jinsi anavyojibeba dada yangu, Sen. Orwoba.

Jumla ya hayo, ninasimama kupinga uamuzi wa Kamati hii. Hakuna mahali popote ambapo mwanamke au mwanamume yeyote anaweza kutoa ushahidi kuwa ameombwa mapenzi. Inasikitisha kusikia katika kanda za Seneti kwamba ikiwa kila mwanamke anayeombwa mapenzi atajibeba jinsi ambavyo Sen. Orwoba amejibeba, basi tutawafunga wanaume wengi.

Bw. Naibu wa Spika, kauli hio imenisikitisha sana kama kiongozi wa kike mchanga ambaye nimejitosa katika tathnia ya kisiasa. Mtakubaliana na mimi kwamba tunapitia changamoto nyingi kama wanawake na zaidi kama watoto wa kike wa umri

wetu, kuweza kufikia hadhi hii ya kisiasa ambayo Sen. Gloria, mimi na wengine tumefikia.

Ni jambo la kusikitisha zaidi kuona kuwa Bunge la Seneti na hata uongozi wake – Walio Wengi na Walio Wachache – wamekosa busara na hekima ya kutatua tatizo hili pindi lilipoanza.

Sisi Waswahili husema, kidonda huanza kwa muwasho, kikakunwa mpaka kikakua kikubwa. Malalamishi ya Sen. Orwoba hayakuanza jana wala juzi.

Nitakubaliana na Sen. (Dr.) Murango, kwamba kuna makosa mengi yamefanywa na viongozi wenza kama aliyofanya Sen. Orwoba. Kila mtu ana jinsi ya kujieleza anapokumbwa na changamoto kwenye maisha yake. Kuna watu ambao wamejitundika katika miti na *ku-commit suicide* kwa matatizo ambayo wangekaa na wenzao na kuyatatua. Sen. Orwoba hajafanya jambo geni ambalo viongozi wengine wa kiume hawajalifanya.

Nilikuwa katika *Senators Lounge* wakati Sen. Sifuna alikuwa anatusi Spika wa Muda wa Bunge hili, Sen. Veronicah Maina. Alisema “*Shame! Shame!*” Spika alimfurusha kwa majuma kadhaa, lakini kwa sababu ni Seneta wa kiume, siku ya pili kwa kikao cha Saa Nane, Sen. Sifuna aliregeshwa na kuendelea na shughuli zake za kuwawakilisha watu wa Nairobi.

(Sen. Sifuna spoke off record)

Kiswahili ni lugha ya kitaifa yenye hadhi kuliko kimombo chenu kilichokuja na meli hapa nchini.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Sifuna! Stop exchanging words across the Floor.

Sen. Miraj: Bw. Naibu Spika, hii ndio tabia na nidhamu ambayo tunasema. Ni nidhamu potovu kuliko yale Sen. Orwoba amefanya katika hii Seneti, lakini kwa sababu--

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(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Miraj, a minute. This House must have some order.

Sen. Miraj, proceed.

Sen. Miraj: Asante Bw. Naibu Spika kwa kunilinda. Hii ndio nidhamu mbaya ambayo tunazungumzia, ambayo ni potovu kuliko kile Sen. Orwoba amefanya.

(Sen. Sifuna spoke off record)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, stop exchanging words across the Floor. If you would like to address anything, do it through the Chair.

Sen. Miraj: Samahani, Bw. Naibu Spika. Tunaona yale yanayoendelea. Kimya chetu kisichukuliwe tu eti tuko na hatujui kile ambacho tunafanya hapa. Sisi kama *Nominated Senators*, wengi wetu ni watoto wa kike, huko nje tunaitwa wanawake ambao

wamepewa vyeo kwa ajili ya kulala na wakuu katika vyama vya kisiasa. Leo, Sen. Orwoba anakuhukumiwa kwa sababu ni mtoto wa kike ambaye ametumia matumshi yasiyofaa ambayo watu hawakubaliani nayo.

Nakubaliana na ndugu zangu kwamba yapo matamshi ambayo dadangu Seneta anayatumia hata dhidi yangu, lakini sisi kama viongozi tutumie hekima na busara. Tusitumie nafsi zetu kutaka kumuadhibu mtoto wa kike ambaye amepitia yale ambayo wengi kule nje wameshidwa ili kufika hapa. Sisi *Nominated Senators* tumeletwa kwenye Bunge kuwakilisha wanawake wengi ambao hawakupata fursa ya kufika katika nyumba kama hii.

Leo nimechangia Hoja hii ili iweze kuwa katika kumbukumbu ya historia ya taifa la Kenya ya kwamba sitakubali mtoto was kike anyanyaswe kwa sababu ya jinsia yake. Uamuzi mmoja unaweza kutumiwa katika kosa hilo ambapo mwanaume ametajwa na uamuzi uwe tofauti kwa kosa lilo hilo wakati ni mwanamke.

Nimetangulia kusema kwamba nasimama na Katibu wa Seneti. Yale yaliyotamkwa hata mimi nikitoka nje na mtoto wa kiume anifinyie jicho, ukiniambia nitoe ushahidi huo, sitaweza kuwa nao. Pia ni ngumu kutoa ushahidi wakati umeombwa mapenzi.

Kabla ya kumuadhibu Sen. Orwoba ningependa kuuliza kama Kamati ya *Powers and Privileges* walimpeleka dada yetu hospitali na kubaini kama ni mzima. Hii ni kwa sababu tabia za Sen. Orwoba zinahitaji kusimamiwa na daktari ili tuweze kujua *tunadeal na colleague* wa aina gani.

Sisi kama wenzake ambao anatarajia kuwa tutamtetea, tumekuja hapa na bunduki na maneno ya kejeli na nyundo, tayari kumgonga. Naomba ikiwa kuna suluhu ya kumsaidia Sen. Orwoba, apelekwe katika zahanati aweze kupimwa kama ni mzima.

(Applause)

Huu ni wakati ambao Sen. Orwoba anatuhitaji.

Asante, Bw. Naibu Spika, kwa hayo machache.

The Deputy Speaker (Sen. Kathuri): Asante sana.

Sen. Okiya Omtatah, proceed.

Sen. Okiya Omtatah: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I would gladly have skipped the opportunity because of the amount of Sulphur I can smell in this House. It is like I am in hell and the devil is behind. There is a stringent smell of Sulphur in this House.

The Report before us is not a gender issue. You could remove Sen. Orwoba's name and put Sen. Sifuna's and the Report would still stand. I do not understand where the invitation to discuss gender is coming from.

Secondly, you cannot stand here and purport to argue that the Clerk is guilty as accused. They are saying that you cannot prove if someone has "*kufinyia jicho*." This is an assumption that once an allegation of sexual harassment is made, it is proved. Sen. Sifuna has demonstrated here how somebody has suffered on false allegations.

Sen. Orwoba was given a chance to defend herself. I followed the discussions keenly. I would like to submit that if you go to the records, the allegation on sexual

harassment came at the tail-end. I wonder how the sexual harassment would happen after what had been alleged had occurred.

Let us sober up and debate what is before this House. Also, two wrongs do not make a right. Since somebody else misconducted herself or himself, it does not mean that we misconduct ourselves.

When you write on social media platforms and sponsor billboards, some of the hashtags were ‘#Impeach Nyegenye’. This was totally uncalled for. There had been no report to law enforcement about sexual harassment. There is no record in this Report that an Occurrence Book number was obtained alleging that the Clerk had sexually harassed Sen. Orwoba or any Member of Secretariat.

I would request that as we contribute, we should respect the right of individuals to a good reputation, which is in the Constitution. Let us not make pronouncements that have no support in evidence. We live in a country that is governed by the Constitution, which prescribes due process. Due process was accorded to Sen. Orwoba to defend herself. If you do not defend yourself, you lose.

Let us not cast aspersions and make grave allegations against innocent people. In this country, you are innocent until proven guilty. What I am hearing on this Floor is demonic and satanic, and we cannot allow it to continue.

Whether you are a woman or a man, take it out there, we did not choose---

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, kindly use Parliamentary language.

Sen. Okiya Omtatah: I thought the words ‘demonic’ and ‘satanic’---

The Deputy Speaker (Sen. Kathuri): There is no hon. Senator who can be satanic.

Sen. Okiya Omtatah: No, I said what I heard. There is no satanic or demonic Senator---

The Deputy Speaker (Sen. Kathuri): There is no Senator who can even try to demonstrate satanic ways.

Sen. Okiya Omtatah: No, but they can utter satanic and demonic words.

The Deputy Speaker (Sen. Kathuri): Just use proper parliamentary language. You were doing so well. Just use the right language.

Sen. Okiya Omtatah: I am guided, Mr. Deputy Speaker, Sir.

Let us have a sober debate on this Report. The Committee on Powers and Privileges has spent its time, and from where I sit, the Report is detailed. Maybe we could discuss the kind of punishment that is recommended.

(Loud consultations)

Mr. Deputy Speaker, Sir, protect me from my friend, Sen. (Dr.) Murango, who is consulting loudly

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango, kindly consult in low tones.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I would urge that we look at this thing without putting on the gender lens. The gender lens has been wielded to destroy the

boy child and even the boy child can fight back. Let nobody think that this world belongs to women, it does not. It belongs to both of us with equal rights. If a matter is being prosecuted, let us prosecute it on the merits of the case before us. The merits of the case before us is that there are allegations that were made, as Sen. Sifuna has said.

The allegations were presented before the Committee of this House performing a quasi-judicial function. The Committee using its powers, gave the person making the allegations the right to be heard. The person declined to be heard. The person did not show up before the Committee. The offer was to either appear in person or by advocate. The person did not appear.

The allegations are being made against people who like every one of us, have the right to a good reputation; people who have been serving us diligently.

If I may go back, a few months before this happened, there had been serious allegations that vehicles had been broken into at the Senate parking. Police got involved and the CCTV reels were run. Some had not even packed their vehicles there on that day. It is just that the secretariat, led by the Clerk, decided to cool things off and let those Senators go. This idea of making wild allegations must come to an end. If you cannot prove it, shut up.

To say that it is impossible to prove these kinds of things, it is not true with the kind of technology we have today. With key-hole cameras and even sunglasses, like the one worn by the indomitable Senator for Nandi County, can be used to record things.

What we should concern ourselves is that the kind of sanctions that have been proposed against Sen. Orwoba are a bit draconian. We can shorten the term and request her to make an apology. We have a tradition that says, 'when you bite your tongue, you cannot spit out all the blood.' You may have to swallow some. So, let us swallow some of the blood. Let us punish, not to kill, but to correct.

I think that as a House, we owe it to ourselves to be our brothers' keepers. I use the word 'brothers' to include even women. That is how the idiom is; you cannot modify an English idiom. Do not accuse me of being gender-biased when I say 'to be our brother's keeper.' What happened at creation time was that it was two brothers who fought.

I support this Report. I pray that we adopt the Report, but modify the punishment. I would recommend that the period of suspension be shorter and that the apology be rendered not just to this House, but to the members of staff who are maligned.

I think Mr. Nyegenye deserves a direct written apology and not just the House because the House was not insulted; it was individuals who were insulted. Let us modify the Report to include an apology directed at the staff members who were affected by the vitriol that spewed out from our sister's fingers when she typed on the keyboard of her phone or whatever gadget she was using.

With those few remarks, I support the Report.

Sen. Tobiko: Thank you, Mr. Deputy Speaker, Sir for this opportunity. I rise to oppose the Report.

After seeing the kind of character and wordings that have been on our *WhatsApp* pages from Sen. Orwoba, I do agree that it is not fit for a leader at this level. However, what I oppose in this Report is the kind of punishment that is being meted on Sen.

Orwoba. I believe there was a better way for this House to deal with matter. It should not have reached at this level, to be on the Floor of the House for the entire public to be entertained with the kind shenanigans that we have seen going on. It is neither good for Sen. Orwoba nor the Clerk of the Senate. This House has integrity and some standards to maintain.

Mr. Deputy Speaker, Sir, a lot of things go on. I want to tell our younger sisters who are joining politics now that in the political field, you will hear and go through so much. I am not telling them to keep quiet, but to know the way to handle situations. This is because the way you jump through the hurdles is what will determine your success tomorrow.

Our sister, Sen. Orwoba, had better ways of dealing with this. She should have appeared before the Committee and given evidence. As earlier speakers have said, we do not know what we are dealing with exactly in terms of the mental health of our sister. Maybe she needs to be given time. Maybe she is dealing with bigger matters than even this one. The frustrations can be a lot even from the kind of work we do.

I think, Sen. Orwoba might not have handled herself in a way that is acceptable, but the punishment that is being meted here has gone overboard. It is excessive, insensitive, and inconsiderate. I am not trying to water down the effects of this on the Clerk. However, I believe even the House leadership should have dealt with this matter better. This was not meant for public fora like this. It was not meant to reach here. The House leadership should have done better.

I rise to say that the punishment that is prescribed in this Report is not fair and should not happen. There are better ways of dealing with this situation should be got. Either way, without telling ladies to be silent on what they go through, I will also tell our sisters that people asking sexual favours will now depend completely on you. Whether you reject or accept is upon you.

We would have gone to the rooftops and the top of the Kenya International Convention Centre (KICC) if our sister was sexually molested, raped or taken advantage of without consent. On that one, we would have gone to the KICC to shout against it. Without proof, we are put in a very awkward situation on how to defend her. We are put in a very awkward situation, knowing that the Clerk is a family person and so is Sen. Orwoba.

This House has not been given sufficient facts to be able to conclusively deal with this case. Therefore, there was no way we could take the hammer against Sen. Orwoba, neither were we going to tell her to be silent if she has gone through the kind of harassment that is alleged here.

I tell Members of this House to consider fairly both the accused and the accuser. We should take our time to know what the hon. Senator has gone through. I do not believe in the right state of mind she can just make wild allegations that do not hold water. Maybe the way she has approached the whole matter is the problem.

I also do not imagine the accusation against the Clerk with a reputation and a long-standing experience in this House without any allegations. It is something that baffles me. It is only the two of them that will be able to come out clean on this matter.

Either way, according to me, the buck lies with the House leadership. They have failed to protect the integrity of this House by solving this matter at early stages.

Mr. Deputy Speaker, Sir, I oppose.

The Deputy Speaker (Sen. Kathuri): Sen. Ogola.

Sen. Ogola: Thank you, Mr. Deputy Speaker for the opportunity to add my voice to this Motion that we least expected we would use the Floor of the Senate to discuss.

I begin by giving a short occurrence in my village and other villages. There are notorious women in my village who when they beat their husbands, make the loudest noise. Even though the community knows that these women physically molest their husbands, when they do it, they are the first to come out of the buildings making the loudest noise.

(Laughter)

Men equally have suffered in this country at the hands of women. In most organizations--- At my level, I was young then, younger than Sen. Orwoba and a number of us here--- As old as we are, we were once young. In practice, I do not see anybody here who does not have the capacity to say ‘no’ when there are advances made against them.

(Applause)

Then why would they be here? I am a woman Senator. Kenyans must take note that as women we cannot continue to use the gender card to harass men left and right. Here, we are talking about sexual harassment. It is not only limited to women and men. Some women continuously harass men for sex. If we went further, we would find a situation where the people making allegations are the ones harassing the men here even more.

Who cannot say no? We want people to come out and say, “I am here and I am not able to say when there is a sexual advance.” We have serious issues to talk about in the Senate and some of these are not the ones we are talking about.

(Sen. Mundigi consulted loudly)

The Deputy Speaker (Sen. Kathuri): Order, Members! Order, Sen. Mundigi.

Sen. Ogola: This is not the first time---

The Deputy Speaker (Sen. Kathuri): You know the words you are exhibiting are--- These men are happy that you are able---

(Laughter)

Sen. Ogola: I can tell you given an opportunity and out of the Floor here, you will find that it is some of these women who are harassing these men.

(Applause)

This Motion came up on the Floor of this House. What were we treated to? We respected the fact that our Majority and Minority Leaders came to stand down the Motion. We expected that this was going to be handled elsewhere. We did not expect that we were going to take weeks and then be treated to the same story. Now that it has come, let us say the truth.

Women cannot continue, because they are woman, to harass men over sex. Even though we keep on saying young, young what? Who is a child here? How did we end up with children in the Senate?

(Applause)

Once the Senate Majority Leader and the Senate Minority Leader came in, we saw what happened. The content of the discussion has been an issue of official *WhatsApp* communication. What did we see as Senators? The conversation continued from the same Senator. That is a sign that she was not ready to even go for mediation and listen.

Alternative Dispute Resolution (ADR) is a mechanism enshrined in the Constitution of Kenya. If somebody is not ready to listen to leadership and anybody here, including colleagues, what then do we do? As the saying goes, when you are in a hole, you should also stop digging.

Let me remind ourselves that as Senators, I believe all of us signed the code of conduct even with our nominating parties. This House is here to protect the Constitution. The Constitution is very clear about leadership and integrity that talks about personal integrity and respect for others. It talks about a leader conducting themselves to bring dignity to the office that they hold. Is what the Senator doing bringing any dignity to her office as a nominated Senator or as to the Senate, as a House?

The same Constitution talks about rights and it is not limited to women. The rights are limited to the rights of women and men. It talks about equal rights and equal protection. Let us not delude ourselves that if you have had an opportunity to be a Member of this House--- There are thousands of Kenyans out there that should have been here, yet you want to behave as if you are above rules and laws.

Leadership requires that you behave with decorum, respect each other and maintain some discipline and personal integrity. I am not saying that our sister be axed out of this Senate, but as Senators--- Some of us came to the Senate by choice because we believe it is a House of order, sobriety and discipline, but not what we are seeing.

Mr. Deputy Speaker, Sir, I support that Motion.

(Applause)

As I support it, Parliament should not be used to seek attention. If you are seeking attention, seek it elsewhere. I advise anybody who listens because a number of Senators who think they are young and believe we were never young; think they cannot listen to others.

(Laughter)

Alternative dispute resolution must be used as a mechanism for sorting out conflicts. We should stop digging holes when we are already in one. The reason I say this is because even after allegations about the Clerk, we have seen the same conflict move from officer to officer, Senator to Senator. We have also seen the same abuse being directed at other Senators. Are these not people who also have rights to protection?

I thank you, Mr. Deputy Speaker, Sir.

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

Sen. Wafula: Asante Bw. Naibu Spika kwa nafasi hii ambayo umenipa kuchangia mjadala huu.

Wakenya wanatazama kwa makini sana yale tunayojadili. Wanajua ya kwamba walipigia viongozi timamu, watu wazima, kura. Hawakuchaguwa watu kwa sababu ya urembo, sura, ulimi, mate--- Walichaguwa watu wenye akili timamu.

(Applause)

Haiwezi kuwa mtu akipita barabarani akitabasamu, anatembea katika baraza za mji na katika majengo ya Bunge, kisha binti mmoja ambaye anadhani kwamba ni mrembo kwa wote anapomuona wakati anapita, anapiga nduru akisema anammezea mate. Ni tabia mbovu.

Umenge au jinsia ya mtu haimpi ruhusa kudunisha mwingine. Yale tumeona kwenye mtandao ni kinaya sana. Seneta anaandika maneno yasiowezakusomeka na sisi ni maseneta wenye hadhi na tajriba ambayo tuko nayo hapa sasa.

Nilikuwa katika vikao hivyo. Binti huyu amejipodoa sawa. Amekuja na mawakili wakiwa wamebeba majadala mazito, ila hamna chochote ndani ya majadala hayo. Ilikuwa kutisha maseneta kwamba ameleta mawakili. Wengine wetu ni walimu sio mawakili, lakini tunatumia hekima tuliyojaliwa nayo.

Tulijadili tukaona kuwa huyu msichana anahitaji matibabu. Madaktari wako hapa na huo ni mtazamo wangu, Sen. (Dr.) Khalwale. Apewe dawa apone au kuna wale madaktari wa akili ambao wataketi naye wamsikize. Kama ni nyimbo, aimbiwe, kama ni maombi, bishop wako hapa wamuombee ili Jumba la Seneti likose kuwa kicheko kwa wakenya.

Nimeona Maseneta wanawake hapa ambao wanasahau kwamba watahitaji wanaume siku zijazo. Lazima wavumilie. Vijana kama mimi ambao tunataka kuongeza wake lazima tuvumilie, ila nikikutazama sio kwamba nakutaka. Huenda nakuhurumia.

(Laughter)

Bw. Naibu Spika, kule kwetu, sisi husema ukimuona binti unapopita, na unapopiga miluzi kila mara anageuka kukutazama, anafikiria huenda mwanya katika mdomo wake unakupendeza. Kumbe ni tabia yake mbaya inayokufanya unataka

kukimbia, ni kama umemuona nyoka. Ndio hayo ninayoona katika Jumba la Seneti. Ukimuona nyoka, toroka.

Yale ambayo tumependekeza kama Kamati ya Mamlaka na Heshima ya Bunge ni kali, lakini unapoyavulia, lazima uyaoge.

(Applause)

Namuonea huruma. Tunaweza punguza nusu lakini mwezi moja iwe ya matibabu kisha miwili awe nje ya Bunge. Hiyo ni miezi mitatu na nyinyi mnajuwa mambo ni matatu.

(Laughter)

Sitaki kupita hapo, ila naomba Maseneta tufanye kazi pamoja; tuwe na heshima. Kiongozi kama Nyegenye amechukuwa miaka mingi ya kusoma kuwa na tajriba, ana familia, hadhi na kutambulika kote ulimwenguni. Haiwezekani mtoto bado ananyonya anakuja kumpaka tope.

Sisi tutasimama na mapendekezo na nadhani kwamba heshima itadumu katika Jumba la Seneti. Kwa hayo mengi, wanaume wenzangu, tukaze kamba tujitetea tunapotetea wanawake, lakini wasitumie uume wetu kama donda la kufanyia mzaha.

Nikimalizia, nyinyi mnakumbuka kuna matamshi wamekuwa wakisema kama una kile kitu kitumie kikupe kile unachokitaka. Sijui ni kitu gani, shangaeni tu. Hata mimi nashangaa ni kitu gani. Lakini hicho kitu ni Katiba. Tukitumie kujilinda na kujitetea wanaume kwa wanawake, Jumba la Seneti lisonge mbele.

(Laughter)

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

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir for this opportunity to contribute to this very important Report tabled by one of the most important committees we have in this House.

Parliament, including National Assembly and the Senate, is a work place. It is a unique work place that has staff of the Parliamentary Service Commission (PSC) brought to provide services to elected Senators and the National Assembly Members. We then have Senators and Members of the National Assembly as part of this workplace, but properly speaking, employees of the people being provided for services by the PSC.

I have looked at the Parliamentary Service Commission (PSC) Human Resource (HR) Policy and matters sexual harassment as well as other harassment are addressed only to the extent that touch on members of staff. Currently, we only use the Standing Orders and the Committee on Powers and Privileges which is not given detailed guidance on how to deal with allegations.

Mr. Deputy Speaker, Sir, it is possible to have sexual harassment between Members of Parliament, between a Member and a staff member and between a staff

member and Member. Those are serious allegations and where such allegations have been made on sexual misconduct, they have to be taken seriously by the House. If it is found that the allegations are made in the air and for publicity, it is then important that we discourage such behaviour.

World over, allegations of sexual harassment have brought down very powerful people. They are not tolerated anywhere. It is therefore imperative that when anyone comes up with allegations that so-and-so sexually harassed me, they must be able for the sake of the rights of whoever they are accusing, to substantiate whatever they are saying.

Mr. Deputy Speaker, Sir, this Report shows that allegations were made and those allegations were not substantiated. These allegations were not made at the back but in a forum where we all are. If you are fair human beings or judges, you know exactly what those allegations were. Unfortunately, the person who was being accused is a member of staff and we stand in power over that member of staff. They were therefore unable to respond to this anywhere or to anything at all.

If this happened in the Executive, I am sure there would be defamation lawsuits in our courts that might yield a lot of damages. As we debate in this House, let us not trivialize this matter and let us remember that what we are doing now is the only recourse that members of staff have against allegations made against them.

Are we condoning sexual harassment? No. if anyone engages in sexual harassment and we find them culpable, the House must deal with that issue. That is why when the matter went on and on, we suggested that the Committee on Powers and Privileges sits and calls the Senator involved to bring the evidence. The Report shows she was not able to do that.

Mr. Deputy Speaker, Sir, I come from the women's movement and as women, we are watching closely. I may have been the first person to say that if there were any allegations by the Senator on sexual harassment, they must be dealt with. A check through the WhatsApp should show that I insisted the matter be investigated.

Out there, we have hundreds of girls and women who get harassed but are not able to access justice. Therefore, when women leaders weaponised gender, they actually harm the women's movement. I will say this clearly knowing that the public is watching; we will defend all cases of sexual harassment but we will not allow gender to be weaponized in order to hurt the movement for women because we know that many women are hurting out there.

Sexual harassment is not about a man against a woman. It can go either way. Those involved are human beings with rights. Mr. Nyegenye has a wife, a daughter and a son. I dare all of you to tell us how you would look if your daughter was told that you have harassed someone sexually!

(Applause)

Mr. Deputy Speaker, Sir, we must protect those who are going to be hurt outside there because of our careless utterances in this House. I ask both men and women in this House to stand up for what is right and know that they are State Officers and are subject

to Chapter Six of the Constitution; and that they will not use this House to individually hurt the rights of others.

As we move forward, I recommend that the Parliamentary Service Commission (PSC) use this situation and others before it to put a framework in place that can ensure protection of those who may be sexually harassed as well as protection for those who may be harassed else-how for political and other purposes. We need to put our House in order.

Mr. Deputy Speaker, Sir, this is a shameful day that I stand here as a woman and say that I do not believe what a woman has said. It is saddening but let us not kid ourselves. Let us do what is right. Tomorrow it will be you who will be accused falsely of sexually harassing.

As I finalise Mr. Deputy Speaker, Sir, in case Sen. Orwoba believes this House is not fair, sexual harassment is an offence under the Laws of Kenya. She can go to the courts and sue Mr. Nyegenye.

(Applause)

Mr. Nyegenye should also be encouraged. He also has his rights. The fact that he serves us does not mean that we take away his rights. He can also go to court to sue on defamation if it turns out that the charges against him cannot be sustained.

Mr. Deputy Speaker, Sir, on the issue of punishment, I will be among those who are saying we give her half the time and not six months. I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. May our collective resolve and decision this afternoon raise the bar and improve the respect for women in politics and similarly, may it strengthen Parliament.

I have two points. In the House of Commons, the Prime Minister of Great Britain, Boris Johnson, the one who led Britain to exit the European Union and one of the most remarkable leaders in the history of European Union, was found with the misdemeanour of going to a party against the Covid-19 rules. When he was asked to speak to it, he misled the House instead of admitting the charge and saying he was sorry.

Mr. Deputy Speaker, Sir, for that reason, the Prime Minister was put before the Committee of Privileges of the House of Commons, the equivalent of this Committee that we are debating today. Powerful as he was, he submitted himself and presented evidence using a team of competent lawyers. He was removed from office because they were protecting the House of Commons.

Sen. Orwoba was given an opportunity to go and defend herself on her allegations and she refused. What do you call that in English? It is called contempt. She was contemptuous of the Committee.

As if it was not enough, she was contemptuous of the Clerks team because her accusations were levelled against the Chief Executive Officer (CEO). By going on social media, she was equally contemptuous of all of us. We have to protect this House by agreeing with the committee.

Secondly, I speak mainly to the nominated Senators from Samburu and Mombasa counties. You are young people. We love young people because we have some in our houses. It is up to them. They can stay here and say the good things they have said.

However, with the benefit of hindsight and many years of experience, we guide them as follows; instead of you pursuing that trajectory, go and read tonight the story of Grace Onyango. Grace is the woman who broke the glass ceiling for a woman to be elected Member of Parliament (MP) in Kenya. She was truly a grateful Luo woman.

Let them go and read the story of Chelagat Mutai. She was a great woman. She is a hero of the second liberation of this country. She was detained and exiled but she never walked on her knees. Who are these young people who want to lecture us when we know the story of Chelagat Mutai?

Tonight, these young women should go and read the story of Phoebe Asiyio. She was a great woman MP in this House. Due to that distinction, she was named Ambassador to the United Nations (UN) in charge of development funds for women in the world. Give us a break.

Young women Senators, if you have time, and you must have it, go and read the story of Prof. Wangari Muta Maathai from Nyeri County. She won the Nobel Peace Prize and was an MP in Nyeri County.

Mr. Deputy Speaker, Sir, bear with me. I want to move along with these young people. If I give you the photograph of Zindzi, my daughter, you will look the other way. She is something.

(Laughter)

We have to talk the truth to these young people. We are training them to do it better. We were trained by Michael Kijana Wamalwa, Martin Shikuku and John Anyona that is why we are good.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, with your experience as a legislator and a senior in this House, avoid calling Hon. Members ‘people’ and ‘young women.’ Refer to them honourably.

Sen. (Dr.) Khalwale: Sorry, I thought when I say ‘young people’ it was respectful, but, I recall my words.

Mr. Deputy Speaker, Sir, when I quote the name of my daughter Zindzi, we named her after Zindzi Mandela, the daughter of Nelson Mandela. The daughter of Nelson Mandela is one of the most decent people in South Africa.

I appeal to the Nominated Senator for Mombasa County, one of the greatest Senators in the history of this Senate is Nominated Senator Agnes Zani. Tonight, go and read the story and contribution of Dr. Agnes Zani in this House. Do not talk about youth women; you should be telling us about what kind of youth or what kind of woman.

I will not stop without reminding us that the first woman to run for President, Charity Ngilu, has been in this space. She has never abused anybody. She just defeats men.

The first woman to break the glass ceiling---

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

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

Sen. Lemaletian: Mr. Deputy Speaker, Sir, is it in order for Sen. (Dr.) Khalwale with all his wisdom and experience being in this House as an elder, to keep referring to us or to address you directly?

Secondly, why is he using this opportunity to label, character assassinate and compare us to other people? The fact that we rose on the Floor of this House to defend a woman whom I termed as assertive does not mean you start attacking the person of my character.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I leave it to you. If you allow me, let me help her. In Standing Orders, that is called being frivolous. I conclude this paragraph---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, Sen. Lemaletian is equally the age of Zindzi. So, handle her with a lot of care.

Sen. (Dr.) Khalwale: I am carrying you along, 'my daughter.' I can assure you, I am very tough on my daughters. I am not saying they are good but I am very tough on them.

I want these people who are driving this gender thing to know that there is an old great woman in this country called Nyiva Mwendwa. She broke the glass ceiling and became a Minister. I was with her here in the 9th Parliament and she never said that a man is looking at her. Nyiva is truly beautiful.

With those many words, I tell parents out there, all the time, tell your daughters that before they get a partner who could possibly marry them, a man must approach them sexually. So, when he is approaching you sexually, it does not mean he is harassing you. He is trying his luck. It is up to you to say 'no, I do not want' and it ends there.

Mr. Deputy Speaker, Sir, I appeal to all of us, including the men, about these clerks you are seeing---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, there is a point of information from Sen. Ogola. Do you want to be informed?

Sen. (Dr.) Khalwale: Yes.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir, and Sen. (Dr.) Khalwale for allowing me to inform you. You needed to add, on top of the gracious women you have named, just say there are people who have beauty with brains. Some of the beauties have no brain.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I did not know that was coming. I appeal to all of us, with maximum respect, these clerks who are seated here, it is just a question of making a decision. They can become Senators, MPs or Presidents. Let us stop looking down on them. Hon. Wafula was a clerk here processing our visas and passports. Now, he is the MP of Endebess Constituency.

In this House today, the MP of Matungu Constituency in Kakamega County, Hon. Peter Oscar Nabulindo, was a clerk here. I want clerks to be free. I have just come from Finland and Estonia and it was just the two of us- the clerk; young Ms. Kavata and myself. Supposing the young Ms. Kavata, then took to social media and said that, when we were there, yule *mzee alijaribu kufanya kitu?* We have to discourage this.

Finally, this problem of name-dropping on sexual grounds is extremely dangerous. When they were unable to contain Dr. Martin Luther King; the way some people in this Parliament have been harassing Mr. Nyengenyne, for years--- when they were unable to contain Dr. Martin Luther King, they said that the great moral leader---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, where we are at the moment, let us avoid mentioning staff by their names. Please, avoid that. Avoid mentioning a name even where you went with a staff member because it is not important.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I am guided but, I mentioned Mr. Nyegenyne because his name is in the Report.

The Deputy Speaker (Sen. Kathuri): No, no.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I just wanted to say---

The Deputy Speaker (Sen. Kathuri): Your wisdom should guide you.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. You are almost an elder like myself, and I wish you many years.

Mr. Deputy Speaker, Sir, they almost destroyed Dr. Martin Luther King but when they failed, they shot him.

Guys, ladies and gentlemen, Hon. Senators, there was a great child of Africa whose parents went to the United States of America (USA), as slaves and the only thing the little boy knew was boxing. He became arguably, the best boxer in the mega history of boxing. Mr. Mike Tyson was destroyed by an allegation of sex.

Mr. Marson Greenwood, one of the most talented teenagers in football from the Manchester United Football Academy, was almost destroyed because of a mere allegation of sex. Do you know what the lawyers told Mr. Mason? They told him to go and marry that girl.

The girl has a son with Greenwood; She is Greenwood's wife---

Sen. (Dr.) Murango: On a point of information, Mr. Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, can I just conclude?

She is Greenwood's wife but busybodies of gender kept on pushing him until Greenwood was unable to kick a ball for a whole year.

Finally, even the people whom people think are devils--- I am a private and confessed admirer of the courage and openness of former President Donald Trump. To destroy President Donald Trump, they played the sex card. We have to stop this because--

The word sex is in this Report and that is why I am using it.

(Loud consultations)

Mr. Deputy Speaker, Sir, we have to stop it because, without sex, none of us would be in this House; we are products of sex.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I can see---

(Loud consultation)

Sen. (Dr.) Khalwale, I can see you have exhausted all your issues

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I accept to be informed. I accept it.

The Deputy Speaker (Sen. Kathuri): Okay.

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

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

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, I believe Sen. (Dr.) Khalwale did not desire to be informed otherwise, he should have---

I rise pursuant to Standing Order No.109(3). I have not spoken to this Motion. In the circumstances, pursuant to that Standing Order No. 109(3) ---

(The Clerk at the Table consulted the Deputy Speaker)

The Deputy Speaker (Sen. Kathuri): Sen. Wakili Sigei, I am on your point of order under Standing Order No. 109 but allow Sen. (Dr.) Khalwale to finish then maybe we will hear from one or two Senators and then allow you to raise that issue.

Sen. (Dr.) Khalwale, you have one minute and 10 seconds.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I want to conclude by attempting to carry Sen. Murango with the rest of us.

He has said this report should be rejected because five men signed it. He has forgotten that in that Committee, there was the gracious Sen. Shakila Abdalla.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, just go down your gears because you are almost concluding. Your time is over. I can see it from the clock.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I therefore support the Committee's Report. This is because I believe that if we punish our child, it is in keeping with the age-old phrase spare the rod, spoil the child.

I support.

The Deputy Speaker (Sen. Kathuri): Thank you. The next person is Sen. Faki.

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this debate on the Report of the Power and Privileges Committee of the House.

Mr. Deputy Speaker, Sir, first of all I want to state that the House has its own rules and we have to live by those rules. Having said so, I have listened to the debate and I want to propose an amendment to this Report.

Hon. Deputy Speaker, I beg to move that the Motion be amended by deleting the word "full stop" at the end of the Motion and inserting thereof the following –

That (1) subject with the Amendments of the recommendations appearing on page 66 of the Report by deleting the words "for the remainder of the second Session of the 13th Parliament" appearing in Paragraph (1) and substituting thereof with the words "until 31st October 2023."

(2) Deleting the words "the remainder of the second session of the 13th Parliament appearing in Paragraph (2) and inserting the following words "in place thereof for the duration" referred to in Paragraph 1.

(3) Deleting the words for the Third Session appearing in paragraph (3) and inserting thereof “in November 2023.”

In essence, I am moving that the Report be amended and that the suspension be for the period from today if the Motion is carried, up to 31st October, 2023 bearing in mind that she is a first time offender. Even in our courts of law, first time offenders are treated leniently. We have had a lot of contributions from many Members saying that the punishment that has been proposed in the Report is a bit excessive, in view of the fact that she is a first time offender.

Although the other reason is that she is a lady, is not very serious because we know even ladies commit serious crimes in this world. So, I beg to move that the Report be amended on those terms.

I invite Sen. Mumma to second the Amendment.

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

(Loud consultations)

Sen. Mumma: I oppose.

The Deputy Speaker (Sen. Kathuri): Order Senators! Since we did not get a seconder, the amendment has now been dropped. We proceed. I can now take the point of order from Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to rise pursuant to Standing Order No. 109(1) and (3). I propose that the Mover be now called upon to reply.

The Deputy Speaker (Sen. Kathuri): I want a seconder so that I can propose the question.

(The Clerk-At-The-Table approached the Chair)

Sen. Wakili Sigei, that is okay.

(Question put and agreed to)

Mover, kindly proceed.

Sen. Abdalla Shakilla: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Members, those who were for the report and those who were not, for their contributions. I thank you all. As a member and the committee, we have nothing against the Member we are deliberating about. Our concern is the issues which have been brought to this House. That is why we are here today in order to put a stop to any Member who would go the same way.

This House needs to be respected and protected. That is why we have this committee to take care of all the disciplinary actions against any Members who goes against any rules and laws of the House. We have to know that we are all here temporarily. We are here as one. We are not here to fight but to work and serve this country. We can meet anywhere, at any point, and any day we leave this House.

It is imperative that we keep respecting each other and carry ourselves with decorum and integrity. If a member has any issues with anybody there are channels to be followed to get justice. However, to go abusing the members and staff is not the right channel for any Hon. Member in this House. You are supposed to be an example to those who are here and outside. It is not a crime if one is seduced. As a woman if you are seduced it means you are attractive and beautiful. If not, you should ask yourself what your problem is. Seduction is not a crime. It is normal and a natural thing.

We are as 67 Members here out of 50 million Kenyans. That is not a coincidence. We are all here for different reasons. Some of us are elected, while others were specially elected.

Mr. Deputy Speaker, Sir, if you get the opportunity to be at the Senate, you should carry yourself with respect, decorum, maintain your integrity and that of the House.

I apologise to the Clerk of the Senate on behalf of the Senate for what he has been put through.

With those few remarks, I urge Senator to pass the report.

I beg to reply, please put the question.

*(Sen. Tabitha Mutinda stood in her place and consulted with,
Sen. Thang'wa and Sen. Ali Roba)*

The Deputy Speaker (Sen. Kathuri): Order Senators. Order Sen. Tabitha Mutinda and the Chairperson, Committee on Finance and Budget.

Hon. Senators, we have come to the end of that debate. This matter does not affect counties. I will proceed to put the question.

(Question put and agreed to)

Sen. Wakili Sigei approach the Chair.
Next Order.

(Sen. Wakili Sigei approached the chair)

The Vice Chairperson Standing Committee on Finance and Budget Sen. Tabitha Mutinda, proceed.

ADOPTION OF REPORT ON APPROVAL OF MR. ANDREW MUKITE
MUSANGI FOR APPOINTMENT AS CHAIRPERSON OF THE CBK BOARD

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I rise on a Notice of Motion for the consideration – I beg to Move ---

(Sen. Tabitha Mutinda consulted the Clerk-at-the-Table)

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

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

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, I beg to move -
THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly, the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

I am the Vice Chairperson of the Committee on Finance and Budget. We sat with our colleagues from the National Assembly Committee on Finance and National Planning to do a joint vetting of Mr. Andrew Musangi. This was guided by the Employment regulations within the Central Bank of Kenya Act.

Mr. Musangi appeared before the Committee with a very vast Curriculum Vitae (CV) for himself. Mr. Musangi holds a Bachelor's degree in law from the University of Hull in the United Kingdom (UK). Further to that, he holds a postgraduate degree in Law from the Kenya School of Law (KSL). He exhibited an experience of over 28 years from both the corporate sector in banking and different law firms in this country. His CV clearly indicates his different roles as director, proprietor, and chairperson.

During our vetting process, Members were very keen to understand how he is going to undertake his role as the Chairperson of the Central Bank of Kenya (CBK). This was very key, putting in mind what our committee entails and where we are as a country in terms of matters of debt and the dollar rate. The committee was very keen and robust in thoroughly vetting Mr. Musangi. We got very convincing feedback, ranging from the strategies that he is going to put in place to ensure that he improves the policies that need to be implemented as guided by the different sections of the law so as to improve the policies that are currently set.

Mr. Temporary Speaker, Sir, we questioned Mr. Musangi in regard to what time he is going to put into this new role, keeping in mind that in his CV, he had stated that he is still a director at his private firms and different companies. He clearly communicated to the committee that he has delegated the same roles to his different management teams and different firms. He is ready and willing to ensure that he puts the required time into the work that is entailed in his role as the Chairperson of CBK.

At the same time, as you know, I have been very passionate and concerned about the fraudulent bank withdrawals in this country. I had a great opportunity in this platform during this vetting period to ask the incoming Chair if he is aware of these cases and if so, then what would be his strategy? I am happy to say that he clearly stated that, his parent had been a victim of fraudulent withdrawals from the bank. It is a matter that he is

going to prioritise when he settles in office. I was very impressed with that particular feedback.

Questions included issues of cryptocurrency in this country. His views in terms of what he sees and what he thinks about cryptocurrency were brought out.

Mr. Temporary Speaker, Sir, we also dealt with his worth as a businessperson. He honestly and clearly indicated that he was worth about Kshs1.1 billion. This is someone who has made his own investments. It really came out that he is much more focused on ensuring that he is going to put his skills and required time to improve on the policies at CBK.

He also brought out the issues of good governance and leadership during this vetting process. Having been in different organisations, he is vast with different cultures within this country. He is able to interact and work well with different groups, dynamic cultures, and regions in this country.

I do also note that there was so much commitment from both sides; the National Assembly and the Senate. I take this opportunity to thank my colleagues from the National Assembly, on their commitment to how we walked this vetting process to the point that we did the reporting.

As I have always stood here, I have appreciated the Secretariat. I take this opportunity to appreciate the Committees of Finance and Budget of both Houses, the Secretariat team of the National Assembly, and that of the Senate for the vast and robust work that they did during the reporting process. It was well done.

I cannot forget to thank my colleagues led by Sen. Ali Roba, who has led this Committee very well. I have had a great opportunity to serve as his Vice Chairperson. I am very proud of him because he has given me a lot of guidance and support.

I cannot forget other Senators including Sen. Oketch Gicheru, Sen. Faki, and one of the greatest leaders that we have, Sen. (Dr.) Khalwale, Sen. Shakila Abdalla, Sen. Korir, Sen. Tabitha Keroche, and Sen. Onyonka who have been very supportive during this process. We have walked this journey together as a Committee. I appreciate the efforts that, as colleagues, they put to ensure that we execute the business of the Committee, knowing that it has timelines.

So, we have to go out of our way to ensure we do timely Bills, and approvals like this that you see. Previously, we had an opportunity to vet the Deputy Governor of the Central Bank of Kenya, Dr. Susan Koech. It was a process that we executed so well.

For me, it has been a good learning process that has made me learn these processes as required. All said, the candidate is qualified and up to the task. He can deliver under the set time that is required. I am confident that he is going to deliver.

I thank the President for nominating Mr. Andrew Musangi for this position. He is a calm person who knows what he is supposed to be doing. So, I wish him the best and hope that we are going to achieve more as we move forward.

At this juncture, I beg to move and request Sen. (Dr.) Khalwale, to second this Motion.

I thank you, Mr. Temporary Speaker, Sir.

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

Sen. (Dr.) Khalwale: Thank you, Madam Vice Chairperson for allowing me to second your Motion.

Andrew Mukite Musangi is one of the children of this country who truly is living the Kenyan dream. He is a boy who took himself to Alliance High School, went to University in the United Kingdom (UK), came back, established his law firm, was not employed by anybody, and succeeded.

The young man has spoken to integrity. He is saying that I am a billionaire but I can explain where my wealth came from. Behind some of these so-called rich Kenyans, there is a story of corruption behind them speaking to the offices they held in the public service. However, he is a young man who using his own law practice, business acumen, and prowess, has been able to grow into a billionaire. He can take care of our money.

My last point as I second this Motion is to thank the President for giving Mr. Andrew Mukite Musangi an opportunity to be the Chairman of the Central Bank of Kenya (CBK).

I equally thank the Members of the National Assembly. When this Motion for approval went before them, they unanimously allowed Mr. Andrew Mukite to become our Chairman.

I have a word of advice to Mr. Musangi; you are going to Central Bank of Kenya (CBK) when the shilling is dropping every day. You have to do something. You are going to CBK when De La Rue company that was printing Kenyan currency, has suspended its operations. You have to do something because we have to continue printing currency. You are going to CBK when we are entering the new era of digital transactions.

Since many whizz kids abound from Alliance High School where you were; and we have many brilliant little children from the University of Nairobi, you have to forever remain alert and protect us. These whizz kids can block people's accounts. I know my good friend and Vice Chair had her account blown up. That is why she will never miss an opportunity to insist that our accounts must be protected.

With those many remarks, I second the Motion as moved.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I see a lot of interest to contribute to this Motion.

I would like to call upon Sen. Thang'wa.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir, for this great opportunity to support this report to have the Chairman of CBK, Mr. Musangi.

I know the Chairman is coming at a time where the country is asking itself on which way to go when it comes to cryptocurrency. According to the report, the Chairman was not very clear when it comes to cryptocurrency. He did not support it 100 per cent. Neither did he oppose it 100 per cent.

We are talking about inflation. I believe one of the contributors of inflation is probably cryptocurrency. This is because over 6.1 million Kenyans own a crypto in the crypto world. That is dollars; money Kenyans have invested online. If we continue to shy away from cryptocurrency, it will look like a black market. Kenyans will be saving their

money in the cryptocurrency awaiting to get a few more extra cryptos because it is something that they use to earn money.

Mr. Temporary Speaker, Sir, I am a believer of cryptocurrency and actually own a few coins because I want to understand it. Some people call crypto a scam. If you think it is a scam, then start yours. It is just a technology of block chain.

There are two countries in the world that use bitcoin or cryptocurrency as their legal tender. That is the Republic of El Salvador and the Central African Republic (CAR).

The Central Bank of Kenya (CBK) should send a delegation to those countries in order to understand how a country like El Salvador has allowed Bitcoin to be their legal tender or how the Central African Republic uses Bitcoin as a legal tender. We should regularize cryptocurrency instead of fighting it. Let us have the Capital Markets Authority (CMA), the CBK and stockbrokers have cryptocurrency because it is just like shares. The only difference is that it happens online.

M-Pesa is like cryptocurrency because it is digital money. It passes through one electronic to another. *Bonga* Points are like tokens. That is a cryptocurrency accepted by Kenyans and that is why we buy using *Bonga* Points. We buy power tokens using our phones, get them digitally and feed them. That gives us electricity. That is the technology behind the cryptocurrency.

Mr. Temporary Speaker, Sir, after this, the Senate should invite Mr. Andrew Mukite Musangi, the gentleman we are about to approve here and the CBK Governor to come and give a very well-researched and written report on what they think about cryptocurrency. This country raises money from the public through treasury bonds. This is done manually but if we were to go the block chain and cryptocurrency way, a watchman in India can send money for our treasury bonds so that we fund Government projects. Of course, you get the money back once the value of that token or that cryptocurrency goes up.

I use this opportunity to tell Mr. Musangi that he can revolutionize the way we handle currency in this country if we were to allow it in this country. Let us look at what happened at the Kenya International Conference Centre (KICC). Over two million young people came out to have their eyeballs scanned because of a cryptocurrency called Worldcoin. Let us embrace cryptocurrency because our youth believe in that.

Mr. Temporary Speaker, Sir, we should use it to raise money to do projects and allow our youth trade in cryptocurrency. After all, they understand it and make a living out of it. In 2019 when we had Covid-19, I took time to study and read about blockchain and cryptocurrency. I made a few coins from it and my family and friends could not go hungry. It works.

The CBK and the Treasury should embrace cryptocurrency so that we stop losing money through the black market, online channels and exchanges where we have put our money waiting for it to get some interest. I therefore support this Report.

Mr. Temporary Speaker, Sir, we need to research on our currency. We should print our currency and should not follow what other countries are doing. All this is controversial but the America Government owes itself over 34 trillion dollars but how did they get there? It is because they print more money and calculate that as a debt which is meant to be collected and removed from their reserves.

Kenya can go that direction to spur development. Look at the Thika Super Highway and the Ruaka-Ruiru- JKIA Bypass. That road has created jobs. That road was done through that kind of deficit balances. It can spur growth and therefore, the Government can borrow from itself.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Thang’wa, you still have 12 minutes to conclude your contribution when this Motion resumes on the Floor of the House.

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, 21st September, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.