

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 21st June, 2023

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

(Loud Consultations)

Order Members!

We have quorum. Therefore, Clerk, kindly proceed to call the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 015

THE OPERATIONS OF THE KENYA NATIONAL
TRADING CORPORATION

The Speaker (Hon. Kingi): Hon. Members, the first Question is Question No. 015, to be asked by the Senator for Marsabit County, Sen. Chute.

Clerk, is the Cabinet Secretary Present?

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

Good. Let me take this opportunity to welcome the Cabinet Secretary, Ministry of Investment, Trade and Industry.

Hon. Cabinet Secretary, this Question has been pending for a while. Owing to some letters that we received, that you could not appear before the Senate when you were required then.

We are happy that you are now present. We would like to believe that you are going to give the Senate the kind of response that will be comprehensive and detailed.

I would like to take you through how we operate during this session. The Senator asking this Question will be the first to rise and read out the Question. Thereafter, the other Senators will be allowed to ask Supplementary Questions. Cabinet Secretary (CS), prepare yourself to not just respond to the Question before you as forwarded to you by the Clerk, but also other Supplementary Questions that will be fielded by other Senators.

I will call upon the Senator from Marsabit County, Sen. Chute to proceed and ask the Question.

Sen. Sifuna, what clarification are you seeking?

Sen. Sifuna: Mr. Speaker, Sir, I would like to seek some clarification or guidance from you, pursuant to Standing Order No.1.

By way of information, the person listed to appear before the Senate this morning, the Hon. Cabinet Secretary for Trade, Investments and Industry, Hon. Kuria, is the subject of a Censure Motion that I filed in this Senate on the 19th of June, 2023.

Mr. Speaker, Sir, the guidance that I rise to seek, therefore, is whether a person who is going to be or is already a subject of a Motion of Censure that has already been filed before this hallowed House can appear before that same House prior to the Motion on censure being dispensed.

In my view, that Motion would be prejudiced by the appearance of that person before we have dispensed that matter before this House.

Mr. Speaker, Sir, I personally take great exception to the presence of somebody, the subject of such a Motion in this hallowed House. My fear is that; the CS is going to use this privilege of appearance before the Senate to cleanse himself of the accusations that are contained in that Motion.

We in the Minority side are objecting to his presence in this House. We seek your direction on whether or not his presence here today prior to the dispense of this Motion would be prejudicial to the same Motion.

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

Sen. Wambua: I thank you, Mr. Speaker, Sir, for indulging this side, on issues that we would like clarified by the Chair. As stated by the Senator for Nairobi County, there is a live Censure Motion against the Cabinet Secretary who has appeared before this House today to respond to Questions raised by Senator for Marsabit County.

For the dignity of this House and for the dignity of public service, it would be wrong, that a Cabinet Secretary and a public servant, who is facing a Motion of Censure, gets the privilege of addressing this Honourable House on any matter touching on his

docket. I would like to make full disclosure on the Floor of this House, that Hon. Moses Kuria is my personal friend. However, when it comes to matters of public service, friendships take a back seat. The things that the Hon. Kuria has said about the media in relation to aspects that touch on the Questions that were asked by Senator for Marsabit County, are insulting. It is known in this House and in this country that, Sen. Wambua is a journalist of long and good standing.

To allow a leader, a Cabinet Secretary, to use the Floor of this House to sanitize himself over accusations of abuse and insults directed at media houses is a painful thing for me. Let us put friendship aside. Hon. Kuria and I can have a cup of tea after this. There is no problem. However, on a matter of principle, we should not allow Hon. Kuria to use the Floor of this House to sanitize himself. He should be stood down until we dispense with the Motion of Censure against him.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, when I walked in this morning and saw the Minority side, I knew that something was amiss. As you are aware, the Minority side has moved to Court. It is the Minority side of the Senate because their colleagues in the National Assembly believe in this system of accountability, where Ministers appear before Parliament and respond to questions.

Mr. Speaker, Sir----

Sen. Sifuna: On a point of information.

The Speaker (Hon. Kingi): Would you wish to be informed?

The Senate Majority Leader (Sen. Cheruiyot): After I make my remarks, I will walk to Sen. Sifuna and he will inform me.

(Applause)

The Senate Majority Leader (Sen. Cheruiyot): Anyway, so that I do not prejudice him, let Sen. Sifuna inform me.

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

Sen. Sifuna: Mr. Speaker, Sir, I would like to inform the Senate Majority Leader that, in fact, the National Assembly applied to be enjoined in that particular case and they are an active party.

The Senate Majority Leader (Sen. Cheruiyot): Mr. speaker, Sir, my point precisely is, that when it comes to matters politics and law, the National Assembly on many occasions gives the Senate the short end of the stick, and on this occasion, the Minority side.

While they do that, Sen. Sifuna, I would like to advise you to take the clips of Cabinet Ministers appearing before the National Assembly and see which side of the House is normally full; it is the Minority side. While they are telling you that they do not believe in this process, they fill up the House.

I have taken time to ask them, why do you do this? None other than Hon. Opiyo Wandayi, the National Assembly Leader of Minority, told me that it is because your work as Senators is only to look after governance. What are you doing with Government

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Ministers? The Members of the National Assembly are misleading you guys and you are falling into their trap.

Mr. Speaker, Sir, this is a point---

The Speaker (Hon. Kingi): Sen. Cheruiyot, the Standing Orders demand that you address your colleagues as Hon. Senators, not 'guys'.

(Applause)

The Senate Majority Leader (Sen. Cheruiyot): My apologies, Mr. Speaker, Sir.

Hon. colleagues from the Minority side, the point is that, it is time they made up their mind, whether they believe in this process or they do not. Otherwise, this business of on one day giving the Senate sessions - as they have done the last six or so weeks - a wide bath, not appearing, then suddenly out of the blues make up on one beautiful Wednesday morning such as today and say that they want to stop the proceedings.

Mr. Speaker, Sir, there is what you refer to as goodwill in your actions. If you come before the House with goodwill, believe you me, Sen. Wambua, if you had been appearing previously and you believed in this process and then today you raise that particular Standing Order, I would have taken the opportunity to listen and say maybe they have a point.

What is the justification of somebody who has never shown any interest whatsoever in the sessions that have been happening? The CS, Moses Kuria is the 10th or the 11th Cabinet Secretary appearing before this House. Our colleagues on the Minority side have never taken time to listen to any particular Cabinet Secretary. However, today they want to stop the rest of us who want to continue holding the Executive to account, as is constitutionally expected of us as hon. Senators in this House to stop that particular process. I do not believe it is fair on their side.

Secondly, Mr. Speaker, Sir, the Censure Motion that my good friend and brother, Sen. Sifuna is referring to, I hear, as he says, that he has filed a Censure Motion against the CS. You know the procedures of this House; until a matter is before and alive on the Floor of the House, it is foreign and strange business before us.

The Question that the Cabinet Secretary is appearing to answer was asked by Sen. Chute more than two months ago. In fact, I like the opening comments that you made. You have been asking the Cabinet Secretary to first give a justifiable reason why it has taken him this long for him to appear before this House before he even responds to the Question.

Therefore, I request that we allow the Cabinet Secretary to respond to the Question. In any case, the Question was filed earlier than the Censure Motion which my brother has filed. Once the Censure Motion has gone through the process of approvals as laid down per the Standing Orders, we will have an opportunity to speak to the issues that Sen. Wambua has brought because I equally want to say a few things about the media.

I am also a trained journalist like Sen. Wambua but I do not agree with the kind of media practice we have in this country. I am on record saying that there are cartels that

have taken charge of our media. When I did that, *Nation* Media Group went and did a caricature interview about me for seven good minutes on Prime Time. Sen. Wambua, is that the Media ethics that they taught us? That is not the kind of media practice we want in this country.

Mr. Speaker, Sir, therefore, there will be an opportunity when Sen. Sifuna's Motion has gone through the processes of approval, for us to all speak about the kind of press freedom we want in our country. We want freedom that is not one sided. That freedom should not only apply to the side of media when they are under attack but when they unjustifiably attack us using propaganda and misinformation, we say they are under threat.

So, things must follow each other. Let the good Cabinet Secretary answer the Question that had been asked more than two months ago. When the Censure Motion comes, we will all debate and have a good conversation. I welcome, plead and humbly request Sen. Sifuna, if he has changed his mind and has decided to sit and listen to Cabinet Secretaries, to allow us to continue with work. This is what we expect of him.

I, thank you.

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

Sen. Faki: Thank you, Mr. Speaker, Sir. I have listened to my good friend, the Senate Majority Leader. He says that we have been absent from the Wednesday, morning Sittings when Cabinet Secretaries appear before this House.

The record will show that most Members do attend those sittings but because the issues being addressed are not of our concern, we normally do not sit in the Chamber and that applies to the Senate Majority Leader too. He may sit here, go back to his office, do something and then come back. That does not mean we do not sit in this Chamber.

(Applause)

I just want to remind him that we normally appear whenever there is business that concerns our side of the House. What we are saying is that we will be here whenever we are required to be here. However, we shall not sit here when we do not want to.

Thank you.

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

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I also rise to add my voice into the matter that has been brought by the Minority side on the Floor of the House.

As you give directions, it will be very important to know that some of us rose this morning to come and listen to the Cabinet Secretary because we have a constitutional right to listen to what he has to say about the Questions that are before the House.

Mr. Speaker, Sir, there is a saying from where I come from that; 'you should never stop at every barking dog'. It is very important that we look at---

(Loud consultations)

The Speaker (Hon. Kingi): Order, Hon. Members. That is said where he comes from.

Sen. Wamatinga: Mr. Speaker, Sir, I said that the saying is used where I come from. I did not say that it is used here in the House.

The Speaker (Hon. Kingi): Sen. Sifuna, you know what to do if you want to raise a point of order.

(Sen. Sifuna spoke off record)

Then keep mum and do exactly that.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I was only saying that it is important to listen to the Cabinet Secretary because that is what brought us here.

Thank you.

(Applause)

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

Sen. Faki: Bw. Spika, nimeshangaa kwamba Seneta wa Nyeri ameweza kutumia lugha ambayo haistahili kutumika katika Bunge. Hata kama Waziri Moses Kuria ni Waziri wake, lugha aliotumia Sen. Wamatinga ni lugha ambayo haistahili kutumika katika Bunge.

(Applause)

Mhe. Spika, nachukuwa fursa hii kukushauri umueleze aondoe matamshi yake kwa sababu si haki kuita watu mbwa katika Bunge.

(Loud consultations)

The Speaker (Hon. Kingi): Order Hon. Senators. I have given enough time for Members to make interventions on the point of clarification that Sen. Sifuna was seeking. We will proceed to give the clarification that has been sought by Sen. Sifuna.

Standing Order No.60 is the one that addresses the matter of Motions. Now, Pursuant to that Standing Order No. 60, a Senator first, before moving a Motion, must file a Notice of Motion. Before you move that Notice of Motion, the first thing you do is to take to the Clerk a copy of the proposed Motion. Thereafter, the Clerk is going to submit that proposed Motion to the Speaker.

Now, the Speaker will use certain parameters as guided under Standing Order No.60(3). The Speaker uses those parameters to guide himself in order to admit that particular Motion or to rule it inadmissible. When the proposed Motion is admitted, then the Mover of that Notice is allowed to give Notice. If the Speaker rules that it is inadmissible, then the matter ends there.

As far as I am concerned, I have not seen the proposed Motion that Sen. Sifuna has submitted. Therefore, having not seen this proposed Motion, it cannot be a subject of discussion on the Floor of the House today.

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Even assuming that the proposed Motion has been submitted to the Office of the Speaker, even then, because two things may happen when it is submitted to the Office of the Speaker, it may be admissible or not admissible. So, what we are doing is anticipating debate contrary to Standing Order No.99 of our Standing Orders.

I, therefore, rule that, Sen. Sifuna, indeed, you are out of order because your argument breaches Standing Order No.99 because you are anticipating debate of a proposed Motion.

I will, therefore, allow the Cabinet Secretary to proceed to respond to the Question as asked by the Senator for Marsabit, Sen. Chute.

(Applause)

Sen. Chute, proceed to ask.

(Loud consultations)

The Speaker (Hon. Kingi): Sen. M. Kajwang', you are out of order! Proceed Sen. Chute.

Question No. 015

THE OPERATIONS THE KENYA NATIONAL
TRADING CORPORATION

Sen. Chute: Thank you, Mr. Speaker, Sir. I also thank the Hon. Cabinet Secretary for appearing before this August House today. My Questions is as follows-

(a) Could the Cabinet Secretary state the type and quantity of goods being imported by corporations and individuals prequalified by the Kenya National Trading Corporation (KNTC)?

(b) What is the procedure used by KNTC to identify and prequalify companies which import the goods, and could the Cabinet Secretary state how many were awarded business, those currently importing goods, and indicate the type and packaging of these commodities being imported during the Financial year 2021/2022 and Financial year 2022/2023?

(c) Could the Cabinet Secretary disclose the financial state of KNTC, and also indicate how much has been paid to the respective suppliers and how much is outstanding?

(Sen. Wambua spoke off record)

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

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

Sen. Wambua: Mr. Speaker, Sir, I rise on a point of order under Standing Order No.41 on the issue of Quorum. This House does not have the requisite Quorum to transact the business before it.

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(Loud Consultations)

The Speaker (Hon. Kingi): Serjeant-At-Arms, I am informed that we do not have quorum. Kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-At-Arms, I am informed that we do have quorum now. Kindly stop the Quorum Bell. Order Senators! Kindly take your seats so that we can proceed with the Order before us.

Sen. Chute, you may proceed.

Sen. Chute: Thank you again, Mr. Speaker, Sir. I was on Part (c) of the Question. I apologize, my document was tampered with by my friend here. I was on this part when I was interrupted.

It reads -

(c) Could the Cabinet Secretary disclose the financial state of KNTC, and also indicate how much has been paid to the respective suppliers and how much is outstanding?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, proceed.

The Cabinet Secretary for Investments, Trade, and Industry (Hon. Kuria): Thank you, Mr. Speaker, Sir, thank you, Senators. I would like to take this opportunity to apologise to this August House because I got the summons slightly over two months ago. However, due to the nature of my work, I have been traveling not for leisure or tourism but with the aim of assisting our country to open new market frontiers for our goods and services. I have also been working with partner countries to attract foreign investment which is required to get our country and economy moving again.

I thank the Senators especially, Members of the Senate Business Committee for extending their invitation to me so that I can apprise Members of the role of the Kenya National Trading Corporation (KNTC) in addressing the high consumer prices for essential commodities. This is part of your mandate in considering all matters related to trade and our public affairs.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, please have a seat. Proceed to answer the Question as captured on page two. Kindly proceed to Question 15 as you have done in your response and use that introduction as part of your reference notes so that we save time.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Thank you, Mr. Speaker, Sir. On the question of the type and quantity of goods being imported by the corporation and individuals prequalified by the KNTC, I would like to respond as follows:

KNTC is dealing with the importation of four products, namely; fertilizers, rice, beans and cooking oil or edible oils. The corporation has prequalified the following suppliers for the supply of various commodities as stipulated before. Number one is Lamar Commodities Trading Corporation DDMC, Standard Petroleum, Markram Imports

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and Exports, Purma Holdings, Multi Commerce FZC, Shehena Trading Commodity, Charma Holdings Limited, Evertec General Trading, Enterprise Supplies Limited, Lone Trading FZE and First Quality Supplies limited.

Question 15(b) on the procedure used by KNTC to identify and prequalify companies which import the goods, the Public Procurement Regulatory Authority (PPRA) through its letter to the National Treasury reference as captioned in the documents dated 18th November 2022 confirmed that procurement for commodities for normal business trading does not constitute procurement in the meaning construed under Section 2 of the Public Procurement and Disposal Act of 2022.

KNTC procurement is organised in two sets; for internal use and consumption, the transaction will be subject to the Public Procurement and Asset Disposal law. Transactions for trading items are progressed outside the Public Procurement and Asset Disposal framework with proper financing and accounting procedures put in place. This is recognizing that KNTC is a commercial organisation that survives on trading, getting the best offers and suppliers from the market, selling at the best price, and does not receive any funding from the Exchequer for that purpose.

The procedure is as follows –

(i) In accordance with the timelines indicated by the clients, the manager of the sales division raises and signs appropriate purchase requisitions to initiate the procurement process.

(b) The manager sales division with the support of the supply chain division shall at the same time prepare specifications for the items to be procured. The experts in the department develop specifications or establishment of an internal team to prepare the specifications.

(c) The purchase requisition and the specific specifications are forwarded to the head of finance for the commitment of funds.

(d) Upon commitment of funds by the finance, the procurement requisition and specifications including any other relevant information are submitted to the managing director for approval.

(e) The purchase requisition is submitted to the supply chain division to commence the procurement process.

(f) Quotations or bids are then received, opened, and evaluated and an opinion is prepared in line with the profit margin analysis recommendation for the accounting officers' approval.

(g) A purchase officer order or a contract agreement is executed and issued expeditiously.

(h) Then the manager of the supply chain division liaises with the suppliers and on the delivery schedule for the supply of ensuring the smooth working of the Ad Hoc inspection and acceptance team.

(i) Only trading items that meet the corporation's requirements are accepted and taken on board.

(j) All invoices for the procurement, inspection, and acceptance certificate of payment are officially received by the supply chain department for purposes of payment. We have an annexure attached which can be referred to for more details.

Turning to Question 15(c) on how many companies were awarded business and those currently importing goods, the type and packaging of the commodities being imported during the Financial Years 2021/2022 and 2022/2023. KNTC engaged 11 suppliers for various commodities in the Financial Year 2022/2023 as tabulated in Annexure 15b. KNTC was not dealing with the importation of commodities in the year 2021/2022.

On the financial state of KNTC and how much has been paid to respective suppliers and what is outstanding. The corporation relies on internally generated revenue to finance its operations. It is a corporation that relies on internally generated funds from selling goods or at a minimal profit.

We are constantly trying to balance between maintaining low prices for our customers and generating enough income to cover our administrative costs. The financial status of KNTC reflects this delicate balance as we strive to keep our prices affordable without compromising the quality of our products or the financial sustainability of the corporation.

Mr. Speaker, Sir, the financial performance of the Kenya National Trading Corporation (KNTC) over the past years is contained in that table. You shall see that in terms of net income, for financial year 2022/2023, is at Kshs67 million. The previous year, financial year 2021/2022, it was Kshs96 million. In terms of recurrent revenue, as we speak, we are Kshs359 million down from Kshs405 million in the preceding year.

On the amount paid to respective suppliers and balances outstanding, KNTC has procured imported commodities valued at Kshs22.2 billion as of 30th April, 2023. Commodities worth Kshs4.8 billion have been delivered and no payments have been made to date to the suppliers since the letters of credit (LCs) are yet to mature.

It must be remembered that the kind of business that we are talking about here, does not happen by direct cash payment or transfers. It happens by LCs. So, it is only as and when the LC matures, that the payments become due. This gives the Corporation time to be able to sell the product in the market. That is why this instrument is used to extend that time.

Be as it may, as we speak, the value of goods delivered so far is Kshs4.8 billion. I will refer you to Annex 15(c)(ii) for the detailed breakdown of procured imported commodities and the status for supplier payments.

Thank you.

The Speaker (Hon. Kingi): Thank you, Cabinet Secretary. Pursuant to Standing Order No.52C(7)(a) the Senator asking the primary Question has the opportunity to ask two other supplementary questions.

Now, Sen. Chute, you may elect to ask them at once or ask one and thereafter, allow your colleagues to ask supplementary questions and then you come in last.

Sen. Chute: Thank you, Mr. Speaker, Sir. I will ask one question first and the other one after my colleagues have asked.

My question to the Cabinet Secretary is; there is a list of prequalified suppliers for the supply of goods at Annex 15(a)(i). If you look at 22 prequalified entities, there is a supplier by the name Fast Quality Supplies Limited, who supplied 25 metric tons of fertilizers and he is not listed in the 22 prequalified suppliers. How did he end up giving contract of 22 metric tons 25 metric tons to this supplier without prior prequalification?

Thank you.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, I beg to defer that question until the next round of questions so that I consult.

The Speaker (Hon. Kingi): You can consult with your team and then proceed to respond to those questions.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Absolutely, Mr. Speaker, Sir. Most obliged.

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

Sen. Kinyua: Thank you, Mr. Speaker, Sir. I have been reading and watching in the news the issue of importation of edible oils, which has been equated almost to a scandal. Kindly, can the Cabinet Secretary elaborate to this House the interest of the importers in this issue and the connection of the same to the media of this country?

Thank you.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Thank you, Mr. Speaker, Sir, and Senator for that question.

Over the last six months or so, this country has allowed through a *Gazette* Notice, importation of 1.4 million metric tons of maize. This is to address the issue of maize shortage and the skyrocketing price of unga which was as high as Kshs250 by September last year.

This country has also allowed the importation of 1.2 million tons of rice despite the fact that we have got rice in Mwea in Kirinyaga County and Ahero in Kisumu County. However, it was necessary because of the drought situation, famine and the food shortage that was there, to manage the cost of living.

At the same time, we got approval from the Cabinet to import 125,000 metric tons of edible oil. You will notice that of all those three products, the one with the least amount that was allowed to be imported was edible oil. Maize was 1.4 million metric tons, rice was 1.2 million metric tons and only 100,000 metric tons of edible oil, yet the attention out there is not about rice.

The farmers from Mwea and Ahero would be justified to ask why we are importing rice yet they farm rice. However, the farmers of Mwea and Ahero do not have a voice, the deep pocket, the money and the kind of cheque books as would be required to create the kind of noise that has been heard in the media.

It is only this item of 125,000 metric tons; out of which the amount of edible oil that has landed in this country is only 300,000 metric tons. That is close to 170,000 jerry

cans of 20 litres that are used in our homes. So, 170,000 families have benefited from what has been imported by KNTC.

Mr. Speaker, Sir, when we started this importation, there were even cartoons in the media. There were jokes and memes going around in social media about the price of edible oil. It was said to be among the most expensive things to buy. By that time, one litre of edible oil around the first week of December when I addressed the Kenyan Union of Manufactures (KUM) about this issue, was Kshs400 per kilo.

At that time, on my first day of work, speaking at the Kenyatta International Convention Centre (KICC) after being sworn in, I told the edible oil industry that that was unacceptable and unsustainable. I asked them to do whatever it takes to ensure that we have a level playing field and that the price of edible oil comes down. I instructed KNTC to import edible oil with a target that one kilo of edible oil would retail at Kshs250. Therefore, because of only 170,000 jerry cans, the price of edible oil today has dropped to Kshs218 per litre.

Mr. Speaker, Sir, at the time I gave that instruction, the US Dollar was going for Kshs125. Today, it is hovering in the region of Kshs140, yet the price of edible oil has dropped to Kshs218, to the relief of so many Kenyans.

What is the problem with the edible oil industry? The problem is that 55 million Kenyans depend on five companies. If the five companies collude and decide to poison us, all of us will be in deep trouble. These five companies are Bidco and I will talk about them later. The other companies are Kapa Oil Refineries, Pwani Oil, Menengai and Golden Africa. These companies engage in what they call their own version of value addition.

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

The Speaker (Hon. Kingi): Sen. Chute, you cannot raise a point of order against the Cabinet Secretary.

Sen. Chute: He is misleading the House. We do not have only five. We have more than five. Let him do his research well and come back with ---

The Speaker (Hon. Kingi): Hon. CS, the Senator for Marsabit County has just stated that the information you are giving to the Senate is inaccurate. The list of companies that you are giving is not exhaustive. Could you make that clarification as you move on?

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, as the Cabinet Secretary in charge of Investments, Trade and Industry, I am the one who writes to these manufactures. All manufactures have to get a Stock Keeping Unit (SKU) from the Kenya Bureau of Standards (KeBS), which is in my Ministry.

I would be happy to get any further information with specific SKUs from Sen. Chute, so that I am guided.

These companies engage in the business of manufacturing or value addition of crude palm oil ---

The Speaker (Hon. Kingi): Hon. CS, I listened carefully to the Question asked by the Senator for Laikipia. I do not see the relevance of that response to the question asked by Sen. Kinyua.

You have done very well for the last five minutes by going straight and responding to the Question. However, I do not see the relevance of what you are proceeding to do to the question that has been asked. So, if you are done responding to the Question by Sen. Kinyua, then please yield and allow other Senators to pose further questions.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, I stand guided.

To the specific Question by Sen. Kinyua, in my honest opinion, the reason there is an outcry in the media is because of noise that is sponsored by these five companies, which I have stated.

They have continued to enjoy monopoly and are using the profits they have historically made to fight our efforts to bring down the cost of living. They also have a lot of money because they enjoyed monopoly status.

If an ordinary person wants to bring in the same products like these companies, they are slapped with an import duty of 35 per cent, whereas these people pay zero in terms of duty.

Mr. Speaker, Sir, the direct nexus between the answer that I have given and the Question asked by Sen. Kinyua is that the media is working for these cartels. They want to lock out every ordinary person - the 'hustlers' - by keeping prices high, as it has been historically. They will do anything possible to scuttle any need to remove ---

The Speaker (Hon. Kingi): Hon. CS, you are making very grave allegations. The rules that apply in this House is that you should be able to substantiate any allegations made before this House.

One of the allegations you are making is that there are five companies which run like a cartel. Secondly, is that these companies are sponsoring headlines.

Hon. CS, if you cannot prove those allegations, kindly drop them. If you can prove them, then go ahead and give us factual basis of those allegations.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, last Sunday, I engaged a journalist who wanted clarification about some of the issues we are discussing here today. The name of that journalist is Mr. Gerald Andayi from *Daily Nation* and *Business Daily*.

I told him that I find it difficult to continue giving you answers because even if we provide you with the correct information about edible oil, you continue to write negative stories. That gentleman from *Daily Nation* told me that he has received from Ms. Pamela Mutua, the Chief Executive Officer (CEO) of Kenya National Trading Corporation (KNTC), all the answers and trends of the downward spiral movement of edible oil prices. However, every time I write the truth, my editors tell me that all they want is a negative story.

That conversation did not happen verbally. It happened via *WhatsApp* and, therefore, I have evidence to submit.

I submit, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Okay. Hon. CS and Members, statements in the media are inadmissible and do not speak to the accuracy of any matter that can be discussed in this House. Therefore, as you rise to ask supplementary questions, do not refer to any statement in the Press.

I am going to read to you Standing Order No.51(b) (3) (g). It states that-

“A Question shall not –

ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;”

Therefore, do not question whatever you read in the newspapers, whether it is accurate or not. We do not go by statements in the newspapers. Therefore, be guided as you ask your questions to the CS.

That is the provision of our Standing Orders. We cannot discuss statements in the media because the accuracy of those statements cannot be verified.

Proceed, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is very interesting information we are listening to this morning. I listened very keenly to Sen. Chute, especially when he rose on a point of order, though, ideally, he is not permitted, but you allowed him. That was very good.

The information he brought has allowed us as a House to know. Sen. Chute had said that they are more than five companies, while the CS had stated earlier on that there are four or five companies that enjoy preferential treatment. That is if I followed through what he said.

Mr. Speaker, Sir, the reason we engage in this kind of exercise is not for a feel-good effect. It is so that we can help the people of Kenya, whom we represent in this House, enjoy maximum benefits of a Government they have put in place and interventions that will make their lives better.

I would wish to hear from the CS what the consideration was for closing this market to only five or four companies. I have had five and four interchangeably. So, I want to be sure.

The Cabinet Secretary said that the records, which they have in the Ministry and certified by KeBS, is that there are four companies. I want to know whether they are five, four or six. I want that matter settled.

What procedure was used to arrive at these four companies? Are there any practices or Government policy intervention that will allow an even playing field for others?

Mr. Speaker, Sir, I know that there are other Small and Medium-Sized Enterprises (SMEs) that play in this industry. Unfortunately, if they try to import, then they are subjected to an import duty of 35 per cent. It means that these four or five companies will enjoy an added advantage over small players in perpetuity.

Therefore, what policy intervention is the Cabinet Secretary proposing to this House, so as to open up this industry to competition and allow other players, so that Kenyans can enjoy better prices on edible oil? I would wish to get that clarification from

the Cabinet Secretary in the number of companies and what it is that is being done to make a level playing field for other interested companies. This is especially the Small Media Enterprises (SMEs) that would wish to participate in this industry, so that the price can be lowered.

Thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary of Investments, Trade and Industry (Hon. Kuria): Thank you, Mr. Speaker, Sir. On the number of companies, it is actually five companies. For avoidance of doubt, I will name the companies. They include Bidco Africa, which also goes by the name Das Africa.

This company was renamed Das Africa after change of shareholding that happened in the final days of the last regime. This is public information and it is registered in Mauritius. We have Menengai, Kapa Oil Refineries Limited, Pwani Oil and Golden Africa. They are five companies in total.

As to why they enjoy the preferential treatment, it is because previously, the definition of value addition, which they purport to do, was supposed to be importing crude oil mostly from one company in Malaysia called Wilmar International.

One company supplies all of them with the so-called crude oil. However, a big element of what they do is actually importing refined product, do some very minimal value addition, create very few jobs and then that becomes a ticket to lock out all the SMEs out there. I agree with Sen. Cheruiyot that there are so many SMEs that would also want to play in that space, but it is not happening.

Mr. Speaker, Sir, the definition of value addition to this Government is not the same as that of the previous Government in terms of edible oil. This Government believes that effective value addition must be based on what we are calling the value chain approach within our bottom-up economic transformation agenda. Today, the counties of Busia, Migori, Homabay, Kwale, Taita-Taveta, Kilifi and Lamu have a very high potential of growing of palm oil, sunflower and soya. This, we could have done many years ago to avoid continuing to import edible oil.

Kenya is importing USD1 billion worth of crude palm oil every year from out there. This money is going to Indonesia and Malaysia. These are dollars that are leaving our country and hurting our economy, while our people are still poor and jobless with no income.

Mr. Speaker, Sir, one of the companies, that is, Bidco Oil in Uganda, in a place called Ssesse Island, has gone further ahead and done what I am describing as a value chain approach. There are plantations on 30,000 acres of land in that island, which has palm oil. Uganda is on its way to self-reliance in terms of edible oil. Tanzania is also ahead of us. Very soon, they will also be self-sufficient in terms of edible oil and stop importing.

However, the same Bidco Company here, because of this huge incentive, that there is zero incentive to involve our farmers and have them grow like they are doing in Uganda, here the margin and the protection is so much that they do not need to do that.

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As a result, we continue to lag behind our neighbors in terms of this very important item that we use every day in our homes.

Mr. Speaker, Sir, what have I done? Initially, I said to protect those jobs from those five companies even if I do not agree with that monopoly. However, just not to be accused of messing up with people's jobs, let me allow just one company, the Kenya National Trading Corporation (KNTC), to import duty free edible oil and see what happens.

With only 170,000 jerrycans that have landed, the price has dropped from Kshs400 to Kshs218 for one litre of edible oil. Just from the fear of the edible oil that we have imported, that has not even been packed in the source countries. This is just to underscore how we are at the struggle of these companies, which were enjoying maximum protection from their shareholders and partners in the previous Government. They think that this Government can do the same.

This Government campaigned on a platform of the common man, bottom-up and value chain. Today, we are working with partners from the same countries such as Indonesia. The President of Indonesia will be here in August to star a partnership to grow palm oil in Homa Bay, Kisumu, Migori, Busia, Lamu and Taita-Taveta and have income for our people.

Mr. Speaker, Sir, I was discussing this with my good friend, Hon. Gladys Wanga, the Governor of Homa Bay county. A typical farmer in Ssesse Island in Uganda has got a monthly income of Kshs142,000. The Governor informed me that the highest paid person in Homa Bay County is a teacher with Kshs40,000, yet an ordinary farmer who has not gone to school in Uganda, gets an equivalent of three times to that school teacher in Homa Bay. That is what we want to see. We want to create jobs and give income to the people. That is why this is a matter of high concern for this country, for our future and our food security.

I submit.

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

Sen. Wafula: Thank you, Mr. Speaker, Sir. I put this to my good friend. Have you, as a Cabinet Secretary, ever sat with manufacturers and players in the sugar, maize and edible oil industry to discuss how to address the high prices of commodities? When and how many minutes?

Thank you.

Can I ask another question Mr. Speaker, Sir?

The Speaker (Hon. Kingi): No, you may not. Under our Standing Orders, you are only allowed one supplementary question, which you have already posed.

Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Thank you, Mr. Speaker, Sir. I thank the Senator for Bungoma for that question.

After I was nominated to be the Cabinet Secretary for Investments, Trade and Industry, even before I was approved, on an informal basis, after my confirmation, the first people that I met were manufacturers of these products; the edible oils, the millers and all the sectors. As a matter of fact, I have sat with all the 13 sectors under the Kenya

Association of Manufacturers. I have said publicly that I will take action. Let us work together.

This step that we had to take to import edible oil was at zero option after our continued efforts to talk. I have met the Kenya Association of Manufacturers teams and sector leaders not less than 13 times. The President of Kenya has officiated over not less than four events of these manufacturers at my invitation. I have done everything that I need to do.

Today, let me add this. Sorry because I skipped this in the question from Sen. Cheruiyot. Further than allowing KNTC to import this 125,000 metric tonnes, I have also taken another step in consultation with the Cabinet Secretary for National Treasury and Economic Planning. For one year, we are suspending import duty for all oils, either processed or crude. I hope that within that one year, we are going to have a better conversation with the people in this sector, to see how we can grow palm oil and sunflower, so that we can be self-sufficient in our food. I have taken all efforts to talk. Unfortunately, since there is not incentive for them to change and with their full stomachs, I had to do what I had to do.

Mr. Speaker, Sir, I thank you.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I am very upset that the Senate Minority side would walk out, yet these were some of the issues they were raising in the bipartisan talks. This is because we now have the Cabinet Secretary here to highlight what this Government is doing to cushion Kenyans from the high cost of living.

Allow me to go direct the question to the Cabinet Secretary. Cabinet Secretary, would you give a status of all the Kenya National Trading Corporation branches on their functionalities, if at all they are functional and existing as they used to be?

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary. Kindly be short and clear.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, I want to thank Sen. Okenyuri for that question. As I make some consultation on the same, let me first revisit the question that Sen. Chute asked earlier.

I had begged your leave to consult. His question was on one company, which is appearing as having supplied fertilizer, but was not on the list of approved importers. Other than importing fertilizer, we have got some companies which have made a lot of efforts to manufacture fertilizer locally. So, it could not be approved for imports because it is a local company, which is doing manufacturing locally.

In terms of branches, we have got the Head Office in Nairobi and six other depots in Nakuru, Eldoret, Kitale, Kisumu, Machakos and Meru. All of them are functional and we are now in the process of refurbishing them in the coming Financial Year. All of them will be brought into world status

I submit, Mr. Speaker, Sir.

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

Sen. Dullo: Thank you, Mr. Speaker, Sir. Kenya has become a dumping ground as far as commodities are concerned. Of concern to me is a product like rice, which Kenya is actually producing and produces other commodities too.

One time I walked into our market and bought onions from Ethiopia. My question is: Do we have a mechanism in place where we sit and agree or check whether we really need to import certain products into this country? If we do not do that, we are going to hurt the manufacturers and kill the morale of the local manufacturers.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, our national production of rice, as I thank Sen. Dullo, is 180,000 metric tonnes. That is the much we produce. Our national consumption is one million metric tonnes. Therefore, we are barely producing 15 per cent of our national consumption on national demand. This is an issue of concern.

That is exactly the main reason the Government has prioritized the issue of productivity. That is why, today, we have just clocked three million bags of fertilizers under our subsidy programme, so that we can bridge this gap between production and consumption.

It is a dire issue that, on one hand, our people have got nothing to eat and jobless, yet we continue to export our dollars to import close to 800,000 metric tonnes of rice every year, which can be grown locally. We are also resolving this issue through focus on large-scale mechanized agriculture.

You are going to see a lot of news coming from Galana Kulalu, where our first 10,000 acres of irrigated land under maize is on a trial basis and is doing very well. We are continuing to receive because of the effort that the Government and I are making in terms of promoting many foreign investors, who want to come and partake in assistance with the capital because farming is good, but also expensive.

We, therefore, have an injection of capital to do large-scale mechanized agriculture. We are getting many people coming. We hope that within the next one or two years, we are going to bend the curve in terms of reliance on these imports, so that we can also be self-sufficient. I expect that as we continue to harvest the benefits from Thiba Dam in Mwea Irrigation Scheme, productivity will also go up. So, better yields, more inputs like fertilizer, more water for irrigation and, in fact, putting more land under agriculture, are efforts that the Government is making to ensure that we bridge the gap between supply, which is low and demand.

This is remarkably a major departure from the previous Government, which was subsidizing consumption. In this Government, we have said that we are going to subsidize production, so that we do it for a period of time, and after that, the country can be self-sufficient.

I submit, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Veronica Maina.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for the opportunity. Hon. Cabinet Secretary, welcome to the Senate. I just want to seek more light from your end

on whether the procurement that was done on the edible oil was done competitively or was single-sourced. If it was single-sourced, why would that be allowed at the Ministry? What level of competitiveness, open and transparent system did you deploy to ensure that Kenyans receive the best price that is possible for edible oil?

Secondly, have you moved your offices to Two Rivers or you are still at the Ministry?

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, I thank Sen. Veronica Maina for that question. There is no distinction or exception in the way we treat edible oil in terms of procurement framework from other commodities. I expected a question on whether we single-sourced rice and maize, which we are importing or releasing for the source of other products. There is no distinction. We did not single-source. We pre-qualify suppliers from time to time continuously under the framework agreed upon with the public procurement authority.

We do that because we did not receive any funding from the Exchequer. Suppose we go out there and do a public tender and the lowest bidder is above the market, we are going to be obligated to do that. That is why we presented our case to the Public Procurement Regulatory Authority (PPRA) and we told the Authority to look it from the point that we are not the only trader. In fact, we should not be trading. The Government of Kenya should not be trading in normal circumstances. We should not be importing. This is not our job.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you know the question was that as far as edible oil is concerned, did you do single sourcing or was there competitive bidding? It is a question that you can respond to in a sentence.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, the short answer is that we did not single source. All our pre-qualified suppliers are given an equal opportunity to present quotes and then we take the most competitive quotes because they must make profits.

I apologize for my lengthy explanation. The reason is that it is emotive for me is because I want us to look at the Mwea farmer, who should be complaining equally to the edible oil person. However, the Mwea farmer is weak, with torn trousers and open shoes. So, they are not on the table and have no voice. So, I have no problem answering the question on edible oil. I, however, want somebody to ask a question on behalf of the rice farmer of Ahero and Mwea; not just edible oil of the few cartels.

I submit, Mr. Speaker, Sir.

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

Sen. Cherarkey: Mr. Speaker, Sir, mine is a supplementary question to the Cabinet Secretary of Trade and Industrialization, hon. Kuria. Last year in November, we wanted to know how many metric tonnes of maize had been imported into the country by KNTC.

What was the projections of consumption? Is the moratorium on maize still extended up to harvesting period because we are speaking for the torn trousers of a farmer from Nandi County, Uasin Gishu or Trans Nzoia?

Hon. CS, always be finding time to appear before Parliament. We want this conversation to extent, so that when you come, we do not need to ask a lot of questions.

How many metric tonnes of fertilizer was imported into the country through the subsidies program to improve on food security, because we are tired of importing each, all and everything into country?

I thank you.

The Speaker (Hon. Kingi): Hon. CS, you can respond to that question.

The Cabinet Secretary for Investments, Trade and Industrialization (Hon. Kuria): Thank you Mr. Speaker, Sir, and thank you Senator of Nandi County for that question. That is the conversation that I can have every day; about the person with a torn shirt and trouser from Mosoriot. It is also close to my heart that we focus on that farmer because that is what this Government is all about.

My short answer is that we did not, as KNTC, import any maize and we have not imported any. We gave approval for duty free from the Ministry of Agriculture to import 1.4 million bags of maize to bridge the need that was there and that has somehow worked to keep us going until the harvest.

If we did not do that, by now it could have been a total catastrophe because we also had a delayed rain, especially within the North Rift. We are monitoring the situation.

As a matter of fact, the problem with maize is that there is just no maize in our region or neighbourhood. Even in the traditional areas where we get maize such as Mexico, Brazil and Argentina, there is a shortage of maize generally. That is also why we took that step to import high quantities of rice hoping that somehow we can moderate our consumption behaviour from maize to rice.

I must say that it is not easy. We hope to overcome it at one time, but our loyalty and fidelity to maize continues and should make the Senator of Nandi County a happy person.

I am glad we are where we are because Senator of Nandi was not very happy with me in November when I talked about importing Maize. I hope that now he will confess that I have been vindicated by what has happened over the last seven months.

I submit.

The Speaker (Hon. Kingi): Hon Senators, we have expended one hour on this Question. We have two more Cabinet Sectaries on the queue. They came here at exactly 9.00 a.m. I will allow the Senator of Marsabit County to ask his second supplementary, which will wind-up this session with the CS.

Sen. Chute: Thank you Mr. Speaker, Sir. This question has a lot of interest. I am requesting that, if possible, let me ask my question to the CS. There is a company called Pama Holding Limited, which was allocated 30 metric tonnes of rice, 12,500 metric tonnes of oil, 20,000 metric tonnes of beans.

The owners of this company are Mary Wambui Mungai and another company under the same ownership called Enterprise Supplies Limited under again the ownership of Mary Wambui Mungai and Mary C. Mwaniki, who were given an allocation of 6,250 metric tonnes.

My question is: Given that there are many Kenyans who can supply these commodities, why only allocate many and huge supplies to this particular person and particular company?

Mr. Speaker, Sir, I said earlier that the CS is misleading this House. We have got 13 manufacturers of oil. If you give me---

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

Sen. Cherarkey: Thank you Mr. Speaker, I rise pursuant to Standing Order No.98, and the second Standing Order is escaping my attention.

While appreciating the very heavy question that Sen. Chute is asking, he has mentioned Mary C. Wambui. As per the Standing Orders, you do not discuss somebody who cannot defend themselves.

I agree that he might have done a good research, looking at the CR12 of the Attorney Generals, but mentioning a name of someone who cannot appear here to defend herself does not--- I wish he would have just maintained the cooperate name and then we can move from there.

My Speaker, Sir, you have made a ruling before, discussing the person of somebody, even of Hon. Kuria as a person, is not allowed by the Standing Orders. Is it in order to bring the name of Mary C. Wambui.

The media wrote about Mary C. Wambui over the weekend, in *The Sunday Nation*. Could the Senator be reading a lot of newspapers? We have read that any stories linked to the newspapers, the veracity of the accuracy of that information as per the context of asking the question, should not be pushed.

Could the Senator kindly withdraw the mentioning of the name Mary C Wambui and substitute it with a corporate name of those companies, so that we can proceed?

I thank you.

The Speaker (Hon. Kingi): If I got the Senator's question correctly, he proceeded to state the company and the directorship and posed the question why large quantities of supplies should be given to only this company. I think it is legitimate.

Sen. Chute: Thank you Mr. Speaker, Sir. Again, I would want to remind the Cabinet Secretary for Investments, Trade and Industrialization that it is very unfair for him to come and give misleading answers here.

If you allow me, Pwani Oil Company was formed in 1981, KAPA Oil Refineries, 1968; Bidco Africa, 1986; Menengai Oil Refineries, 1992, Golden Africa, 2015; Edible Oil Limited, 2010; Vipingo Industries, 2022; Dafot Industries 2009; Gill Oil, 1996; United Millers, 1977; Salvo Kenya Limited, 2018; Mvita Oils Limited, 2019---

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

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

Sen. Veronica Maina: Mr. Speaker, Sir, I am very concerned that my colleague, Sen. Chute, begins his sentence by saying that the Cabinet Secretary has brought misleading information, while in actual fact, there is no evidence to that effect.

If he wants to address his issues, he can pose the questions and that is the opportunity granted to him and leave the Cabinet Secretary to answer, unless he has evidence to show that what is being provided by the CS is misleading.

Mr. Speaker, Sir, I have not seen any evidence yet presented to you or to your desk, to show that the CS has been answering to mislead the House. I do not know why he is taking that direction.

The Speaker (Hon. Kingi): Sen. Chute, you have one Supplementary Question to ask. Refrain from making speeches and go straight to pose the question to the CS.

Sen. Chute: Mr. Speaker, Sir, I represent Kenyans here. The CS has come before to give misleading answers. I am saying it again because I even cautioned him earlier. I said that we do not have only five oil companies. Now we have 13.

I would want him to apologize and say that he is very sorry because this is his docket.

The Speaker (Hon. Kingi): What is your question? What exactly are you asking the Cabinet Secretary?

Sen. Chute: Mr. Speaker, Sir, I have asked a question, and I wanted to correct the Cabinet Secretary when he said that we have only five manufacturing companies in Kenya. I have given the names of those manufacturers. It is up to him to indicate that they are not five, but 13. If he maintains that they are five, then we have an inquiry on the issue.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Cabinet Secretary, proceed.

The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria): Mr. Speaker, Sir, let me first address the issue of the company that has been mentioned.

We publicly advertise for suppliers. It is a public process, not a private one; it is not hidden. We have absolutely no control over who applies. We do not ask them to give the details of the owners. We look for the best deal and price that can enable us to carry out our statutory mandate of managing the cost of living and the financial strength of the institution. I am not aware of the names of the shareholders, but I take notice of what Sen. Chute has said.

In all fairness, I need to verify if these people have any criminal record because that would be the only thing to disqualify them. The process is very open. On the question of the companies, I have two short answers. First, I do not have the benefit--- Sen. Chute in his first question did not have the names of the companies. I do not have the privilege of having access to the person who has sent the names to him right now. If I had, I would have prepared accordingly.

I will be happy to receive it as a written question that will need to be researched, and we will need to consult. I do not have all my licensing agencies here. I do not have the people who will give me the kind of information like the one that has been sent by Short Message Service (SMS) or *WhatsApp* to Sen. Chute.

Finally, assuming I am wrong and there are 13 and not five companies, still 13 companies doing business at the exclusion of all other Kenyans is unfair, uncompetitive, illegal and unethical.

I submit.

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

The Speaker (Hon. Kingi): Hon. Senators, we will terminate at that juncture.

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Hon. Mandago, you know that you cannot raise a point of order against the Cabinet Secretary. That is a basic rule in our procedures.

Hon. Cabinet Secretary, thank you so much for coming to shed light on the matters that have been asked by the Hon. Senators. We will leave it at that. Just to let you know, whenever the Senate writes requesting you to come for purposes of responding to questions, we are not doing it for our own consumption, but as a result of the pressure being mounted on the Senators as the representatives of the people who want to know what the Government is doing.

Therefore, when you fail to appear, you are basically failing the people of this country. Going forward, I believe we will not receive the many letters we have been receiving that you are unable to come.

We thank you and wish you well in your Ministry.

*(The Cabinet Secretary for Investments, Trade and Industry (Hon. Kuria)
was ushered out of the Chamber)*

Clerk, which question are we handling next?

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

The next is the Cabinet Secretary for Agriculture, whom I am informed is present.

*(The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi)
was ushered into the Chamber)*

Hon. Senators, kindly take your seats. The Senate Majority Leader and your team, kindly take your seats.

Clerk, is the Cabinet Secretary for Agriculture and Livestock Development present?

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

Thank you.

Hon. Cabinet Secretary and your team, let me take this opportunity to welcome you to the Senate and to thank you for respecting the request by the Senate to come and shed light on matters that are before us.

The next question is Question No.16 by Sen. Chute. I will therefore ask the Senator to pose the question.

Proceed Sen. Chute.

Sen. Chute: Thank you, Mr. Speaker, Sir. I want to raise an issue. I got the answer this morning, in fact, one hour ago.

Standing Order No. 51(c) says:

“Both electronic and physical copies should be furnished to the Senate and to the Senator before 24 hours or on the date of response.”

I have just received this reply an hour ago. I would want to ask Mr. Speaker that you rule on this issue. We asked these questions about two months ago and the reply is coming today. Is this in order? If we continue like this, I will not be able to ask the supplementary questions that I am supposed to ask. I will not ask because I will not have gone through the answers.

The Speaker (Hon. Kingi): Very well Sen. Chute. Are you, therefore, saying that because of the late filing of the response, you are unable to interrogate the response effectively? Do you need time to look at it, so that you can effectively interrogate the response?

Sen. Chute: Thank you once again, Mr. Speaker, Sir. I will proceed and ask the question, but I wanted you to also note that they should desist from giving us documents this late.

I will proceed and ask the questions.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, the written response from your Ministry, ought to be received on or before 24 hours to the hour of response. We will allow you to proceed to respond to the question. However, going forward, file your responses as per our Standing Orders.

I will allow Sen. Chute to proceed to pose the Question.

Question No.016

IMPORTATION OF DUTY-FREE FOOD COMMODITIES

Sen. Chute: Thank you, Mr. Speaker, Sir. I also thank the Cabinet Secretary for coming before this August House today. My question is as follows:

(a) Could the Cabinet Secretary disclose the food commodities being imported duty free, stating the approved packaging and container sizes.

(b) Which companies have applied for pre-qualification to import food commodities duty free from September, 2022 to date; and how many of this have been issued with permits to import?

(c) How many companies have so far imported goods; and what actions will the Ministry take against the pre-qualified companies which have not complied with the terms of engagement?

Thank you, Mr. Speaker Sir.

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

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

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed to answer the question.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Thank you, Mr. Temporary Speaker, Sir. I humbly submit to the authority of

this Parliament, to answer the question asked by the Senator for Marsabit County in regard to our duty free imports into the country.

In response to (a), it was through a Cabinet direction out of a decision that was made in a Cabinet meeting. I was authorised to issue permits to import various commodities into the country in order to bring down the cost of food in the country.

To that effect, the imports I authorised are as follows:

(1) White shelled maize – 1.4 million metric tons which should be on 90kgs bags.

(2) White milled rice. I got authority to bring in 1.1 million metric tons packaged in 50kgs bags.

(3) My Ministry was also issued permits to bring in 280,000 metric tons of sugar of 50kg bags.

Mr. Temporary Speaker, Sir, in response to (b), we advertised for expression of interest for those people who wanted to participate in this assignment, recognizing the fact that the Government is not spending a single coin into this. We were also trying to get private sector participation in bringing down the cost of food. For purposes of ensuring that we had many participants and for transparency, I put an advertisement in the newspapers on 14th December, 2022.

Out of that advertisement, different importers from all walks of life applied. We had a total of 461 applicants. Shortlisting was done and 275 companies were responsive. We issued licenses to those 275 companies to participate in the importation of various food commodities.

Mr. Temporary Speaker, Sir, I regret the late submission of the answer. Annex six to the Question has a list of all the people that were pre-qualified to import various commodities; and the quantities that were allocated to them.

Question (c) is partly answered by Annex C, which gives the list of the companies that have been allowed to import maize, rice and sugar. The question that is not answered is the action I will take against the pre-qualified companies, which have not brought the permitted items.

Everyone is probably aware that we have been going through difficult times and the cost of food has been high. The National Assembly had also not appropriated any money for us to use to procure food items. We then realised we needed to think outside the box and bring in private investment, partnerships or collaborations in ensuring there is sufficient food in the country.

Mr. Temporary Speaker, Sir, this is what informed this decision of giving people permits to bring food into the country and the Government waiving duty on them as an incentive; so that food becomes available in the country. We expected to have a lot of inflow of food and the usual demand and supply would cause a balance because of the quantities and reduce the prices of food.

Mr. Speaker, Sir, when this administration took over, a bag of 50kgs of rice was going for Kshs3,500 and above. I am proud to say that today, the wholesale price for the same bag is between Kshs1,800 to 2,000. This means that this importation without any

Government investment, other than the waiver of duty, has been able to substantially bring down the cost of that important commodity.

For now, there is nothing I can do for anyone who has not been able to bring in the food items.

Mr. Speaker, Sir, I had legitimate expectations on my part as the Cabinet Secretary for Agriculture and Livestock Development charged with the responsibility of ensuring the country has food and is nutritionally secure.

This was not a direct investment or procurement where I would have caused people to provide bid bonds or guarantees. Where we are not putting in money, it might not be possible to reprimand.

Probably, the only thing I would do is to look and understand why they were not able to bring in the items as they had applied. In future, we shall exercise greater caution when allowing them to bring in any imports because they are in breach of a contractual obligation to bring in food.

After I had a discussion with most of the importers, the major challenge they had is financing. It is not cheap or easy to bring in 10,000 metric tons of rice or maize. We are talking of an investment of beyond Kshs1.4 billion.

Banks have their own stringent rules for assessing different customers. In that case, most of these customers told they had a financing issue. This is because they did not have an idea of how much it would cost them.

Secondly, the other challenge is because of problems that have been experienced all over the world by the Russia-Ukraine War. There is scarcity of grains in the world. It has not been easy to get the known Genetically Modified Organisms (GMO) maize which I asked them to bring into the country. Those are the main challenges that we found ourselves in.

As I finish, it behooves all of us, to understand the importance being food secure as a country. The responsibility of ensuring there is food for everyone in this country is our duty as Kenyan people. Moreover, it is also the greatest responsibility of the elected leaders. This is because the people that elect and vote for you trust you more than anyone else.

If you take the responsibility of sensitizing farmers on why we need to get back to our farms and take advantage of Government interventions that are being made to ensure we are food secure then, we shall overcome this problem.

Mr. Temporary Speaker, Sir, there are Government interventions to ensure we cure this problem of lack of food. For the last four years, the country has not produced beyond 30 million bags of maize which we require. However, because of the Government interventions and the grace of God, we have had good rains and the fertilizer subsidy programme that we have been running, our projections are that we shall produce 44 million bags. This means we shall have covered our deficit by 14 million bags by the time our farmers are harvesting in the month of August.

I commit that when we started this importation, farmers especially from South and North Rift had issues that their prices would be affected. However, I am seriously guarding this area.

Immediately our maize is ready for harvesting, we shall not allow any maize into the country. We want the farmers to harvest and feed our people from the yield we get out of the season.

I thank you.

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

Sen. Chute, you have the option to ask two supplementary Questions which are related to the original one. You may elect to go ahead now or allow the rest of the Senators who have questions to the Cabinet Secretary, then you can close by asking your supplementary Questions.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I will ask one Question now and the other later on. Thank you for the opportunity.

I also thank the Cabinet Secretary for the answers but it seems that these Cabinet Secretaries do not even talk to each other. I am wondering. The Cabinet Secretary is talking about rice being sold at Kshs1800. Two weeks ago, the Cabinet Secretary for East African Community (EAC), ASALs and Regional Development, Hon. Miano, was before us. She talked about buying relief supplies. That is, 50 kilograms of rice at Kshs7500. Is this the same Government the Cabinet Secretary for Agriculture and Livestock Development is talking about?

There must be something very terribly wrong here and even with the Cabinet Secretary who was here before, Hon. Kuria. These are like corruption cartels in the making. How can a Government buy a 50kg bag of rice for Kshs7500? The Cabinet Secretary here is telling us that a bag is Kshs1800. Where did he get these prices from? What is happening and why are you not talking to Hon. Miano so that you can come up with one price?

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Cabinet Secretary kindly proceed.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, with your kind permission, allow me to deal with the issue that I am properly seized of and that is under my docket and not get into other quarters that I am not familiar with.

I am not lost of the general Government collective responsibility doctrine. I would not want to go there because I have clearly understood from the great Senator of Marsabit County that there are two answers that have been brought to the House and they appear to be in conflict.

However, from where I sit, I want to state very clearly and be held responsible that in my Ministry and in the course of bringing these commodities to the market, we have not spent a single coin from public coffers. The whole idea was to ensure we have enough supply in the market which would cause general reduction of prices in our markets through the application of the normal forces of demand and supply.

I cannot control, for example, how much a bag of rice should retail for because it is a matter of a willing buyer and willing seller.

Mr. Temporary Speaker, Sir, you can decide to take 50, 500 or 300 grams of beef in a hotel in River Road or Parliament Canteen - whose meat I really enjoy, and come to

take once in a while - and pay Kshs600 or decide to go the Nairobi Serena Hotel and take the same cut of beef for Kshs4000 a plate.

It is about choice. What I have done, is to ensure that the common farmer or consumer of rice and *unga* in Kenya today, can access rice at a cheap price because it is a basic food commodity. I am not able to determine the price ---

The Temporary Speaker (Sen. Wakili Sigei): What is your intervention Sen. Mandago. You cannot raise a point of order.

Sen. Mandago: Mr. Temporary Speaker, Sir, I am on a point of clarification. I rise to seek to clarification from the Cabinet Secretary. He says "it is a choice". Is he stating that the Cabinet Secretary for East Africa Community (EAC), Arid and Semi-Arid Lands (ASALs), and Regional Development has a special population she is buying rice for, for Kshs4000 and you have a special population you are buying rice for Kshs1800?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, I do not want to be misunderstood. I was giving an analogy so that people can know there is cheap rice in the market. I am running away from that area because I am not sure of it. The President in a meeting for the performance contracting results announcement at KICC said that the prequalified people selling these commodities are 7,500. However, in the market there were lower prices. The prices being peddled or referred to are old prices that applied long time ago through the supplies branch. I have not consulted my colleague Cabinet Secretary to know---

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

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed. Let us allow the Cabinet Secretary to proceed.

(Sen. Mandago spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Let us allow the Cabinet Secretary to be heard in silence. Sen. Chute and Sen. Mandago, allow the Cabinet Secretary to respond.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, for sometime now, the country has had prices that were obtaining in the market out of a prequalification from the supplies branch. The President directed that Ministries must get proper prices indication in the market for Government to save money. I am unable to commit because I do not know when the prices they are referencing to were taken. However, if you went out to the market because we have brought in 5000 metric tonnes of rice, the price of the 50 kilograms of rice is below Kshs2000. This is something I am sure of. The importers are complaining to me that you authorized many people to bring rice and we are not able to sell.

Anybody who bought rice before the coming in of the essential commodities that have come in, they probably bought at high prices which I may not know.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, you will have an opportunity to ask one other supplementary question. I would like to allow Sen. (Dr.) Lelegwe to ask his question.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary, Speaker, Sir, I apologize, I intended to ask the previous Cabinet Secretary the question.

The Temporary Speaker (Sen. Wakili Sigei): Alright, thank you. Sen. Cheptumo, proceed.

Sen. Cheptumo: Thank you, Mr. Temporary, Speaker, Sir. I wish to thank the Cabinet Secretary. He is displaying some aspects of being honest with his answers. The Cabinet Secretary spoke about the fact that some of the suppliers licensed to import products, whether maize, rice or sugar sometimes do not have the capacity to comply with that order. The arrangement with the Ministry and those suppliers in my view amounts to a contract between the Ministry and those people. As you have stated, the intention is to help Kenyans so that they reduce the prices of the supply.

However, now that you have confessed to the House that some of the suppliers are unable to bring in the foodstuff, it means they also frustrate your intention of reducing the prices. Cabinet Secretary, is it not necessary for you to ensure that you only give this to those companies that are able to supply. Is it not good for you to have a precondition before you allocate them these foodstuffs? My fear is that you may allow them and finally still not achieve your objective of reducing the prices because of their failure to supply. What will you do, because you have said this is a challenge?

Kenyans are looking upon you to look for a solution for that situation. What will you do?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, when this decision was being made, it was during a difficult time since we did not have food. Moving forward, I have said in many forums that it is my desire to ensure that we are able to feed ourselves. Some countries I have been to are more concerned about the food security of their people. For us to end this problem completely we have to find how we can produce food for ourselves and run away from reliance on imports. Sen. Cheptumo's question is genuine, legitimate and I appreciate his concern. This is not a procurement procedure where we were spending any kind of money. The main problem is we will not implore the importers by way of asking serious guarantees on what is biddable to sign.

I was foreseeing this happening and drafted a contract for them to sign, for them to bid at certain prices. However, this is private investment. They told us we cannot give them conditions since, they will borrow money from the bank at an interest and we wanted to dictate to them how much they will sell. Secondly, this was a bad time when there were currency fluctuations, all imports are done on the dollar and there was insufficient supply in the market. It was not possible because the Kenyan Shilling was weakening. We had to run away from it so that we can have incentives to ask people to give us supply. You may have money but nothing to buy.

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Sen. Cheptumo, we want to be more cautious in the future handling the importers, in the event they apply any license to bring in imports because they have let us down. We would have been better than we are today if they kept their promise.

When we gave them a contract or a license to bring the items, there was that general understanding that they will bring them. Meaning that they created legitimate expectation on our end as Government because we expected them to bring those commodities for us to avail them to our people in the country in order for them to access something to buy.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary. Proceed, the Senate Majority Leader.

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

I appreciate the answers that the Cabinet Secretary has given more so on what we are doing as a country. This is because it is embarrassing that we are gathered here in the 21st century - a big economy in this region - and still debating about importation. His answers needs to be more reassuring on what we are doing for us to stop relying on farmers from other regions. The long and short of what we are discussing here is how are we procuring from other farmers? We are not short of land, water and people to cultivate. That is what we expect to be discussing in the next few months.

I have a supplementary question, something that the Cabinet Secretary had not been prepared for. However, we have always told them to be prepared when appearing before the House. My question is that we passed the Tea Amendment Bill here in 2020. Subsequently, the people that we had a dispute with moved to court together with the many players in the industry such as East African Tea Trade, KTDA and likes.

Mr. Speaker, Sir, there is a new administration that came into office, specifically the directors of Kenya Tea Development Agency Limited (KTDA) who are in office courtesy of that particular Bill. Unfortunately, they have refused to withdraw the cases that were filed by the ousted directors.

Principally, all the 60 plus KTDA managed tea factories belonging to our farmers would only pay 1.5 per cent of their gross as management fee because they continue to enjoy the benefits as it is. I want an assurance from the Cabinet Secretary on when he intends to crack the whip, as a leader in charge of that particular Ministry, to have a sitting with those directors. I know that they are beneficiaries of an Act that was passed in this House. They cannot on one hand enjoy being in office while on the other hand seek the protection of the courts not to pass the benefits to the farmers.

I want that particular assurance from the Cabinet Secretary so that we know which way to proceed. If these directors are not keen on withdrawing the case, then let us go to the election and elect fresh directors who still believe in the tea reform movement.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, please respond to the question by the Senate Majority Leader.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, I cannot agree more with the Senate Majority

Leader because I am also a tea farmer. I know those problems and I passed this law. I was lucky courtesy of the people of Meru to be a Senator and I was in this House.

I think the best way to address this matter is to invite the Senate Majority Leader because he is a man of wisdom and I am now on the other end implementing what is passed here for us to come up with a proper way of handling this. I really feel what the Senator is saying because Parliament cannot just be passing laws in vain. Something must be done and whatever is required to be done, I am ready to do it. I am willing to take up that challenge and ensure I do what is best.

Mr. Temporary Speaker, Sir, the issue about tea farmers in the country is something that is so close to me. We have over 650,000 small scale tea farmers who depend on tea. We are really focused on how to improve the management of tea in the country to ensure that there is increased productivity, yields and to ensure that we have better returns from tea.

Mr. Temporary Speaker, Sir, allow me to ask the Senate Majority Leader to come and sit with me and then share his wisdom on how we can manage this and with the support of the Members of Parliament, we will be able to resolve the problem.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary. I believe the Senate Majority Leader was listening to the invitation and will take it up with you. Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, and our former colleague, Sen. Linturi, the Cabinet Secretary for Agriculture and Livestock Development.

His colleague, the Cabinet Secretary, Ministry of Investments, Trade and Industry had indicated that he gave an opportunity of duty free maize into the country. My question is; how many metric tons have been imported since the duty free period was been opened last year specifically on maize. When will the duty free for importation of maize into the country end before the next harvesting season especially in North Rift where I come from, Nandi, Uasin Gishu, Trans Nzoia and the other parts of the country?

Finally, I just want to add on what Sen. Cheruiyot has said about the tea sector. Is the Cabinet Secretary aware of the tea plucking machines cries that we are seeing in North and South Rift and what is his reaction on the cries of tea plucking machines in our multinational companies both in South Rift and North Rift?

I note that the Temporary Speaker comes from Bomet that has also been affected by the tea plucking machines. Sen. Cheruiyot who is the Senate Majority Leader comes from Kericho and I come from Nandi. So, Cabinet Secretary, could you apprise the country on how you will resolve the cries of tea plucking machines.

There are many young people in Bomet, Kericho and Nandi who do not have an opportunity of working with multinational tea farms and private tea farms. This is because of the introduction of tea plucking machines that has caused cries through the Ministry of Interior and National Administration.

Mr. Temporary Speaker, Sir, those are my questions. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, could you respond to that question.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, I deputized my former Chairman of Legal and Justice Affairs Committee and the laws have changed. I would want to answer this question in a way that I think is best for the country. I will not give a political answer.

I appreciate the tea farmers and the work done by the people that are given jobs in the plantations of picking tea. I also appreciate the concerns of our leaders especially Sen. Cherarkey in terms of the job losses that are likely to be occasioned by the use of these machines because I think that is what the main problem is.

Mr. Temporary Speaker Sir, I know it is very difficult to change tradition. However, we have gotten to an era where we must appreciate science and technology. We have to look into the future and see how we can appreciate science for innovation is important for the development of this nation.

One of the things that I am doing as a Ministry is promoting mechanization. We cannot run away from it because we want to increase efficiency, save on time and reduce human contact with most of the food that we are consuming.

That is why you find that certain standards that have been set in the many markets where we are exporting our horticultural crops. In those markets, consumers must be able to trace the source of the food to ensure that it is safe. So, with regards to these machines that we are talking about, I think that is the only best way for us to deal with this matter.

It cannot be that instant. People must be prepared. We must work closely with the leadership to give alternative sources of income to those people who are permanently in those farms. We are willing to see how to support one another. I think that is the major problem we are likely to face.

I am also getting into areas where we are going to mechanize. We are also in the process of ensuring that we avail other farm inputs such as tractors and harrows to our farmers so that we are able to produce faster.

This discussion requires us to sit soberly and pick the minds of great leaders of this country such as Senators and then I will be guided accordingly. I am willing to engage and consult so that we are able to move forward together.

In regards to the other Question of how much we are bringing in, I assure you Sen. Cherarkey that the interests of farmers are very close to my heart. I will not allow any imports that are likely to mess with the farmers in our country.

We allowed importation in the short-term, to avail food because we were not producing enough. I had even given them notice before we did, so that they were in the know.

Mr. Temporary Speaker, Sir, up to now, we have brought in 277,444 metric tons of maize, which amounts to 3,082,718 bags of 90 kilo grammes. Out of this, we have had 106,988 metric tons from Uganda and 37,149 metric tons from Tanzania.

We have also had yellow maize from Ukraine amounting to 42,464 metric tons. Ethiopia and South Africa have given us 90,843 metric tons. That is what gives us a grand total of 277,444 metric tons. Those are the quantities of the maize that have come in as at yesterday. I expect to get more maize coming in at the end of this month. Importers have shared with me their bills of landing, quantities and the source.

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I assure the country and those people that are busy out there that we are bringing in quality food that is acceptable in our Kenyan market. There is no Genetically Modified Organism (GMO) coming, contrary to what many people are saying.

I have asked Kenya Plant Health Inspectorate Service (KEPHIS), Kenya Bureau of Standards (KEBS) and other agencies to be on the lookout and ensure that whatever comes into the country conforms to the advertised specs that I put in the papers on the 14th of December.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, hon. Cabinet Secretary (CS). You may resume your seat.

I have got a Communication to make before I allow the next series of Members to ask Questions.

(Interruption of Question Time)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NDURARUA
HIGH SCHOOL, NAIROBI CITY COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, in the Public Gallery, we have 51 students accompanied by three teachers from Ndururua High School in Dagoretti South Constituency, Nairobi City County, who are in the Senate on an educational tour.

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

I thank you.

(Resumption of Questions)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, as I said, I have got a series of Members with Questions. I remind you about the provisions of Standing Order No. 51C (7) on supplementary Questions. The Questions which are permitted as Supplementary are the ones related to the one the hon. Member had placed before the House for the CS to respond to. Therefore, I urge Members to stick to the provisions of Standing Orders as they ask supplementary Questions.

We have extended time that was to be taken. I would like the next Members who are to ask Questions to utilize the minimum time possible. Remember, we still have got two more Questions for the CS as well as another CS who is in the waiting lounge.

Proceed, Sen. Mandago.

Sen. Mandago: Thank you very much, Mr. Temporary Speaker. My supplementary Question to the CS is on the sugar that is being imported. The CS has said that they are importing 280,000 metric tons. Has the sugar price for consumers dropped since the importation of duty-free sugar?

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

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, the 280,000 metric tons is what was authorized between December and now. We have had over 100,000 metric tons getting in to the country and it has already been consumed.

I remember in the months of March, April and May, a 50 kilo gramme bag of sugar was retailing for around Kshs6,000. That is from the prices we were able to gather after we brought in to the country 80,000 metric tons of sugar. Out of the first authorization of 100,000 metric tons, only 20,000 tons still remains.

Mr. Temporary Speaker, Sir, since this is a very first moving commodity, we were able to stabilize the market for a short time.

There has not been any sugar within the Common Market for Eastern and Southern Africa (COMESA) which really supports this country.

Everyone knows that our milling capacity in the country has continuously decreased. Sugarcane farmers are not keen in producing enough because of the problems that have been in the sugar industry.

Again, when the prices of sugar shot up to the tune of Kshs80,000 Sen. Mandago, we realized that for us to be able to contain the situation, we sought authority to get more sugar come in from the non-COMESA region because there was no sugar within COMESA.

It was on 25th of May that I again sought Cabinet approval. We then gave permit for importation of another extra 180,000 metric tons.

I want to be honest because it is not fair, reasonable or gentlemanly to not be clear especially when making presentation to a House of Parliament. Out of the 180,000 metric tons of permits that were given last month, no importer has been able to ship in sugar. However, I expect inflows of sugar in the second week of July.

For the last one month, the prices of sugar have been quite high because we have had very little supply of the commodity in the market.

We also attribute the increased price to the fluctuation of the Dollar versus the Kenyan shilling. Our currency has continually weakened. Remember, we are exchanging a dollar at Kshs142.

Let me also mention that for us to be able to deal with the issues of food in this country, we have to deliberately invest in our farmers. As leaders, we have to deliberately sensitize the country and our farmers to really get back to the farms and take advantage of the interventions that the Government is putting in place. Without our increased production of cane and milling capacity of the sugar mills, then we will continually live with this problem.

I had a meeting with the sugar caucus, the Senators and the governors from the sugar-growing belt. We have had discussions and we are coming up with a programme on how to address this issue so that there is increased production of cane and milling. We will be coming with some reforms to this House; we kindly ask for your support. The Sugar Bill is also lying somewhere. We are asking for meetings for us to make considerations and see how to address the issue.

As of today, I concede and maintain that the sugar price is a bit high, but in the next few weeks, we will bring it down once the imports of the 180,000 metric tonnes start coming in.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, very much Cabinet Secretary.

Sen. Dullo, you may have the Floor.

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to welcome the Cabinet Secretary back to this House in a different capacity. Congratulations Senator and Cabinet Secretary Linturi.

Mr. Temporary Speaker, Sir, allow me to ask a question on livestock. Of course, for us who are pastoralists, we know agriculture and livestock are devolved. Livestock is our tea, coffee, sugar and everything. I know very well that 85 per cent of the budget is left with the national Government. Unfortunately, pastoral communities have lost almost all their animals to the long drought that took place some time back.

I know the policy of Kenya Kwanza is bottom-up. There are plans to also accept Public Private Partnerships (PPP)---

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senator, I am afraid you are running out of time.

Sen. Dullo: I am asking the question; I am just laying my foundation as far as the question is concerned. My question is, how are you ensuring that the standard on the ground is kept as far as livestock production is concerned? There are abattoirs that are built in many parts of the pastoral counties. Are you planning to bring in PPPs to increase production so that those abattoirs are useful to the pastoral communities where people can get employment and as pastoralists, be able to get those dollars back by exporting meat to the middle east where the market lies?

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, I request that you be concise and straight to the answer.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, I will be very brief because that is completely a different question. We must really satisfy the conscience of my good sister and neighbor of Meru. I am very keen and the Ministry is looking at the interest of our pastoral communities. For your information, I have very good news for you; I have already completed building the Isiolo abattoir. Right now, the cold rooms are being fabricated in Italy and will be operationalizing at that abattoir very soon.

Secondly, we are running a programme by the name 'Drive' which I am launching on 14th July, 2023. Part of the good things that come with it is, because Isiolo is in your area, we are trying to bring in our farmers to manage livestock in a more orderly manner. We are going to support the production and the rearing of the animals. We are going to create or support you to build feedlots for you to give animals. We are going to contract farmers to grow pasture for those animals. That means that we will be bringing more people into employment from those pastoral communities. We shall also ensure that we have a good market for them. Generally, that is what I tell you.

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This is something that is beginning in the next few weeks, in July. That is why the launch is on 14th July, 2023. It should have happened like last week, but we had other engagements. For more information on how we are going to do this, you are also welcome to pay us a visit to our office. I am a livestock farmer; I believe it is in the interest of the livestock farmers in this country. It is a key area that the Kenya Kwanza Government is looking at because of its potential to grow the economy.

Remember, we are keen on leather and increased milk production. I want us to engage because I think you have the potential. If you are to increase the production of your milk from two or three liters per cow to around six liters, it would have sorted the problem.

Thank you.

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

Sen. Munyi Mundigi: *Thank you, Bw. Spika wa Muda. Swali langu kwa Cabinet Secretary wa Agriculture and Livestock Development ni, kuna uwezekano mbolea iwe inakuja mapema kabla mvua haijanyesha ili tuwe na kilimo bora? Pia, wakulima wa miraa upande wa Meru, Tharaka Nithi na Mbeere, wanastahili kupata mbolea ya bei ya chini kwa sababu sasa ni cash crop.*

Kwa mambo ya *macadamia*, unajua vile tumetaabika. Tunaomba utusaidie na bei nzuri kwa sababu hiyo yote iko kwa wizara yako. Tunaomba uandike barua ili tuweze kuuza kwa bei nafuu. Hii ni kwa sababu zamani tulikuwa tunauza kwa Kshs200, kwa sasa ni tunauza kwa Kshs20. Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, please respond.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Bw. Spika wa muda, kama destruri na sheria hazijabadilika, wakati nilikuwa hapa, swali likiulizwa kwa kiingereza, unajibu kwa kiingereza, na likiulizwa kwa Kiswahili unajibu kwa Kiswahili.

Nitajaribu kujibu swali la Sen. Munyi Mundigi. Ni kweli, kama serikali, tunajaribu vile tutakavyoweza ili tulete mbolea kwa wakati unaofaa. Hii ni kwa sababu hata ukosefu wa mbolea kwa siku moja ama mbili unaadhiri mazao. Kwa hivyo, huu msimu wa *July* hadi *October*, tumeweka mikakati ili kuhakikisha ghala zetu zina mbolea ya kutosha. Nitajaribu iwezekanavyo ili iweze kufika kwa wakati.

Nakumbuka vile ulisema tulipokuwa kule Embu juu ya mambo ya *macadamia*. Tunaangalia pia vile tutafanya. Hata Mwenyekiti ya Kamati ya Kilimo ya Seneti ameniambia ako na njia ya kusuluhisha hii shida. Ukweli ni kwamba, ile shida tuliyo nayo ni kuwa *macadamia* hayachukuliwi. Wale walikuwa wamekusanya wameshindwa kuuza nje kwa hivyo hawana mahali pa kuweka. Napanga kupea leseni kwa wale wame *apply* ili waweze kupeleka *macadamia* nje ya nchi ili watengeneze ile nafasi ya kuweza kununua hayo mengine. Ili kuchunga mkulima, nimepeana ruhusa kwa Mwenye kiti wa Agriculture Food Authority (AFA) kuenda China na maafisa wengine kuangalia soko ili tusiwe tunapea watu ambao wanapata bei iko juu zaidi na wanakuja kuuzia wakulima wetu kwa bei iliyo chini. *In another 10 days*, haya mambo nitakuwa nimemalizana nayo.

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Hivyo basi, Sen. Mundigi, ninajaribu vile ninavyoweza. Ni vile tuko wachache pale. Kwa hivyo, tafadhali, maoni yenu nayataka. *If you have a better idea on how we can do it, then niko tayari kukaa na nyinyi tuweze kukubaliana.*

Asante bwana Spika wa Muda

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary. You did very well until when you were just about to conclude. You forgot that you were doing it in Kiswahili. Nonetheless, you have responded.

Hon. Senators, I would like to give the last chance to Sen. (Dr.) Murango. So that we close on this question, I request that you also be quick and to the Cabinet Secretary, kindly respond directly to the question as is asked.

Sen. (Dr.) Murango: Asante, Bw. Spika wa Muda kwa kunipa hii nafasi kumuuliza Waziri wa Kilimo swali. Yangu sio mengi. Kwanza naomba nikushukuru Mhe. Waziri. Waswahili husema, mghala muue na haki yake mpe. Kwanza ninakushukuru kwa ile kazi umefanya kuhusu mbolea. Leo nimetoka Mwea na ile shida ambayo ilikuwa kwa wakulima, umeitatusa kwa muda mfupi sana. Kwa sasa, wakulima wamefurahi.

Jambo dogo tuu ni kwamba tufunge maneno ya fertilizer aina ya 1717 na 23, na tupange maneno ya ndege kwa sababu ya wale Quela.

La pili ni mambo na mchele. Umetupatia mbolea. Tunalima mchele Mwea, Bunyala, Ahero na Bura na tutalima mchele wa kutosha. Kwa hivyo, ninaomba wakati mnafanya uamuzi wa kununua mchele kutoka nje, mhakikishe ya kwamba ule mchele ambao tutalima kwa hiyo mbolea ya ruzuku, mmeuchukua wote ili wakulima wafurahie.

Kuna kiwanda ambacho kinaitwa MRGM. Kilichukuliwa mchele na KNTC, ambayo ninajua haiko kwa Wizara yako. Lakini, toka Desemba hadi leo, hawajalipwa pesa zao. Wameanza kukopa pesa ili wapande mchele kwa sababu huu ni msimu wa upanzi. Ninaomba pia uzungumze na Waziri wa Kilimo pia, ili walipwe ndio wasikope pesa ama pembejeo za kushughulikia mchele.

Asante sana kwa kazi unayofanya.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Hon. Cabinet Secretary. I hope the response will be done in the next thirty seconds.

The Cabinet Secretary for Agriculture and Livestock (Hon. Linturi): Ninamshukuru Seneta wa Kirinyaga kwa sababu hakuna swali ameniuliza. *Thank you, for the compliments.* Niseme tuu ya kwamba nitajaribu. Nilipopata shida yako ya mambo ya fertilizer, nilikuwa nje ya Nairobi na unaona nilifanya kazi. *I am happy* watu tayari wamepata fertilizer.

Ninataka pia kusema ya kwamba tumejipanga vizuri na fertilizer itakuwepo ya kutosha na pia kwa bei ya chini. Hakuna kitu kingine ambacho mimi ninataka mnisaidie sana ndugu zangu, kama si kurudisha watu kwa mashamba ili tuzalishe chakula. Wale wengine tuwaombe wajue tuko na jukumu la kuzalisha chakula kama taifa. Mambo mengine ya kucheza na maisha ya Wakenya tuwachane nayo.

Asante.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, your last supplementary question. Kindly be quick and straight to the question directed to the Cabinet Secretary.

Sen. Chute: Thank you, Mr. Temporary Speaker Sir. I cannot be that short because this is my question and I was given these answers very late. That is not my fault, but the Cabinet Secretary's.

I want to put a question to the Cabinet Secretary and it will be a bit broader. There is something that I do not understand. According to the Cabinet Secretary for Investment, Trade and Industry, there was a duty exemption for Kenya National Trading Cooperation (KNTC) on 150 metric tonnes of rice, 200 metric tonnes of sugar and 80 metric tonnes of maize. Similarly, there is an exemption of rice, sugar and other commodities that came from the Ministry of Agriculture and Livestock Development. The Cabinet Secretary has told us that they have not used any Government money.

If the Government has given exemptions to the tune of billions of Dollars, does it mean that the money that was exempted is not public money? Hon. Cabinet Secretary, what are you going to do, so that the two ministries can sit, discuss and agree on which formula to use? Will use the KNTC formula, which is going to be very expensive for this country? If KNTC gives an order of commodities and the prices of the goods abroad go down, KNTC is going to lose heavily.

What are you going to do to incorporate the importation of goods between your Ministry and the Ministry of Investment, Trade and Industry so that you concentrate on one way of importing goods? I accept that the way you are doing it is the best way because the Government is not incurring any costs and losses. However, KNTC is going to make heavy losses because of the exchange rate of the Dollar and also price variations.

Finally, would I be wrong to ask this Hon. House to initiate a Parliamentary inquiry to investigate your Ministry? We are aware that your Ministry and the Ministry of Investment, Trade and Industry are giving permits under the table. Will I be wrong if I say that we need to investigate both Ministries? There are many corruption issues being rumoured around and I want you to answer me in a short formula.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, you have two specific questions. Kindly proceed.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Mr. Temporary Speaker, Sir, I am glad that the Senator concedes to the fact that corruption and those other issues on giving of permits is a rumour. I can give the actual position because I am open and accountable to Parliament. We cannot stop Parliament from making an inquiry and we are ready to provide any information if so asked. However, the position is that we are in an ambitious process of trying to open the Government to scrutiny for everyone. That is why we are running an e-Government. We want to get there 100 per cent by the end of the year.

Sugar importation licenses or whatever it is, are being done online. So, when you want to apply there, you have no contact with anybody. You go into the Alpha Portal, you make an application. When you have met the requirements, you even print from your

own house. You do not even go to the Alpha offices. So, that is how open we are in this space.

Secondly, when I was answering this question, I said we are not procuring. We are only facilitating importation by extending duty waivers as a Government incentive for people to bring food commodities into the market. So, in terms of cost, I must admit that the revenue of the Government is lost because import duty is not paid. However, that is the incentive for everyone to bring in. That is to the extent that the Ministry goes to ensure these items are here.

I am the one who gives permits to any importer to bring sugar. I can tell you that I have not given any permit to KNTC to bring 200,000 metric tonnes of sugar. I have not and the official position is that of 280,000 metric tonnes. Of these, 100,000 was *gazetted* in December, another for 25,000 and on 25th May, another *gazettement* of 180,000. So, there is no other sugar that is coming outside the Common Market for Eastern and Southern Africa (COMESA) duty-free other than those quantities I am talking about.

So, that is as far as the Ministry of Agriculture and Livestock Development is concerned. Our mandate is to ensure that these commodities are available in the market. We are the licensing authority.

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

Hon. Members, I am afraid that we will have to end by that. However, Hon CS, you will resume your seat because there is another Question that will be asked in a short while.

Members whose names are still on the dash board; I ask for your indulgence so that we progress to the next Question.

(Interruption of Questions and Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE NAIROBI
ROTARY CLUB

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, before we resume to the next Question, I would like to acknowledge the presence in the Speakers Gallery this afternoon of a visiting Delegation from Rotary Club Nairobi who are in the Senate for a one-day visit.

Rotary is a global network of 1.4 million neighbors, friends, leaders and problem solvers who see a world where people unite and take action to create lasting change across the globe in communities and in themselves.

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

- | | | |
|--------------------------------|---|------------|
| 1. Amb. (Dr.) Josphine Ojiambo | - | President. |
| 2. Mr. Kamal R Sanghani | - | Member |
| 3. Dr. David Githanga | - | Member |

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|---------------------------------|---|--------|
| 4. Ms. Marylyn Mumbua | - | Member |
| 5. Ms. Shubrikha Johary Mohitey | - | Member |
| 6. Dr. Richard Mwangi | - | Member |
| 7. Mr. Clinton Obongo | - | Member |
| 8. Ms. Joan Sikand | - | Member |
| 9. Ms. Ritesh Barot | - | Member |
| 10. Mr. Antony Kariuki | - | Member |
| 11. Mr. Geoffrey Ogola | - | Member |
| 12. Mr. Samuel Kinyanjui | - | Member |
| 13. Dr. Margareta Gacheru | - | Member |
| 14. Ms. Salome Gitoho | - | Member |
| 15. Ms. Lilian Obetto | - | Member |
| 16. Mr. Patrick Okoth | - | Member |
| 17. Mr. Samson G. Kibocho | - | Member |
| 18. Mr. Nelson Mburu | - | Member |
| 19. Ms. Celine Mwanja | - | Member |

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 on my own behalf, wish them a fruitful engagement.

I will allow the Senate Majority Leader, 30 seconds to welcome the delegation.

Senate Majority Leader, you may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I followed your introductory remarks when welcoming this delegation. I realized that you may have forgotten to introduce my good friend and a good gentleman, the Hon. Shakeel Shabbir who is part of the delegation.

When I saw him, I thought that this is his African Parliamentarians Network Against Corruption (APNAC) delegation, but this is a rotary club of Nairobi.

I know the kind of work that the rotary club do. We celebrate them for the great work that they do for humanity. I hope they will have a full value for the time that they have taken to come and see the operations of the Senate and their study that they are undertaking here.

I want to challenge colleague Senators who are here that, you should first ensure that there is a rotary club in your county. If there is one, please support them.

This institution does a lot of humanitarian work across this country and globe. It is good to be a member. It is founded on a simple principle that if you are blessed, bless others as well so that you can become a channel of blessings.

So, I celebrate them and welcome them to the Senate.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much.

It might have been a typo. The name of Hon. Shabbir, indeed was missing but he is welcome to the Senate.

I will call onto the next Question No. 24. The Senator for Marsabit, Hon. Sen. Chute, proceed to ask your question the Hon. Cabinet Secretary.

(Resumption of Questions and Statements)

Question No. 024

STATUS OF THE KENYA CLIMATE SMART
AGRICULTURE PROJECT

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. Let me first of all thank the Cabinet Secretary for the answers. I also appreciate that as a farmer, I got some fertilizer for my farm in Naivasha at a reduced price.

My question is-

(a) How much money has been disbursed in respect of the Kenya Climate Smart Agriculture Project (KCSAP) which is funded by the World Bank to counties forming the Frontier Counties Development Council (FCDC) particular Marsabit County from 2017 up to date?

(b) What is the status of implementation of programmes under the project?

(c) Could the Cabinet Secretary clarify whether there has been an audit of the project and, if so, provide the audited financial and impact assessment reports for the years 2017 to 2022?

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon CS, you may proceed to respond to the Questions under (a), (b), (c). I hope you will be able to do that in the next five minutes' maximum.

The Cabinet Secretary for Agriculture and Livestock Development (Hon. Linturi): Thank you, Mr. Temporary Speaker, Sir. This is a World Bank funded project in 24 counties. It is worth Kshs27.9 billion running in the 24 counties. The whole purpose of the project was to increase productivity and build resilience to climate change.

On question (a) I am supposed to give a breakdown of the amount of money that has been extended to the North Frontier Counties from this project.

Looking at page one of the answer that has been given to you, you will find that the Northern Frontier Counties have a development council which is composed of Marsabit, Isiolo, Tana River, Garissa, Wajir, Mandera, West Pokot and Lamu.

A total of Kshs5,194,188,157.64 has been disbursed to these eight North Frontier Counties. We have had an accumulative expenditure of about Kshs4.109 billion leaving a balance of Kshs1 billion.

To be specific, Marsabit County has received Kshs535,888,674. That is the amount that has been disbursed to it. That is the answer to part (a) of the question. I am in cognizant of your direction.

The status of implementation of the programme is that in Marsabit County, the project is 100 per cent complete. When we look at the cumulative performance of this project within the 24 counties, we are at 80 per cent. This is because some counties have not fully implemented the programmes as they are supposed to. However, this project is

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meant to lapse on 30th September. I am sure that by the time we get to 30th September, all the other counties will have achieved their target.

So, *Mheshimiwa*, Senator of Marsabit County, it is 100 per cent. You have good people. Your Governor has done a good job. We work closely together in the implementation of this project.

The last question, Mr. Speaker, Sir, is whether there has been any audit of this project and if so, we are supposed to provide the financial audited statements. The Kenyan National Audit Office audits the project. We have the audit reports for the FY2019/2020, FY2020/2021 and FY2021/2022. We have already furnished the House with the audit reports from the Auditor-General, meaning we are up to date, but the final one will be done once the term of the project is done.

Mr. Speaker, I beg to end there and probably entertain any supplementary question that may arise.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much Cabinet Secretary.

In the interest of time, I believe Hon. Chute, the question has been well answered. I appreciate you CS for taking your time to be here and for the responses that you have given us. Next time, when you are called upon by this House, we are accountable to the public and the people of Kenya. We believe and expect that you come and respond to the questions coming from the honourable Senators, because they do so in the interest of the people of Kenya.

The Cabinet Secretary, we appreciate you and your team. At this juncture, you are discharged.

Question No. 018

PASTORALISTS ARRESTED IN UGANDA
AND CHARGED IN COURT MARTIALS

Hon. Members, with regard to the question No.18 by the Hon. Senator for Turkana County, Sen. Lomenen, the Office of the Speaker received a letter signed by the Principal Secretary (PS) yesterday in the afternoon indicating that the Cabinet Secretary is unavailable to respond to the question due to an international engagement.

The question will, therefore, be presented to the Senate Business Committee (SBC) for rescheduling. Hon. Senators will note the urgent nature of this question, considering that Kenyans are currently undergoing trial in a foreign court. I urge the CS to take immediate action to intervene in the matter, even as the House awaits the rescheduling of this question for listing in the next order.

(Question No.018 deferred)

The next question, Question No. 23. The Hon. Senator for Samburu County, Sen. (Dr.) Lelegwe Ltumbesi, prepare yourself to ask a question.

Sen. Chute: On a point of order, Mr. Temporary Speaker. It is like you got the letter yesterday. The question asked by Sen. Lomenen was a question that was asked two months ago. Why should somebody wait until yesterday to write a letter to the Speaker of the Senate? We need to---

The Temporary Speaker (Sen. Wakili Sigei): Resume your seat Sen. Chute. Thank you very much. Cabinet Secretary, you and your team are discharged.

Sen. (Dr.) Lelegwe Ltumbesi prepare to ask your question to the Hon. Cabinet Secretary for Lands, Public Works, Housing and Urban Development.

*(The Cabinet Secretary for Agriculture and Livestock Development
(Hon. Linturi) was ushered out of the Chamber)*

*(The Cabinet Secretary for Lands, Public Works, Housing and
Urban Development (Hon. Njeru) was ushered into the Chamber)*

Welcome Hon. Cabinet Secretary and your team from the Ministry of Lands, Public Works, Housing and Urban Development. We are, in under 14 minutes, expected to put to you a question that you have already sent a response to. In this moment, I would like to ask Hon. Sen. (Dr.) Lelegwe Ltumbesi to proceed to ask the question to the Cabinet Secretary.

Question No. 023

OPERATIONALIZATION OF THE SAMBURU LAND REGISTRY

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. I appreciate the presence of the Cabinet secretary. I proceed to ask Question No. 023 in the Order Paper to the Cabinet Secretary for Lands Public Works, Housing and Urban Development.

a) What measures is the Government taking to ensure the full operationalisation of the Samburu Land Registry that was opened in 2021 to enable the residents of the county have access to land registration services and issuance of title deeds?

b) When will the Government deploy a land registrar to Samburu County?

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. (Dr.) Lelegwe Ltumbesi. Cabinet Secretary, I invite you to respond to the question. I hope you can go straight to your answer to facilitate any supplementary question that may come from the honourable members.

You may proceed.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Hon. Temporary Speaker, Sir, thank you very much. I am delighted this afternoon to be here to shed light on matters raised by Senator for Samburu Sen. (Dr.) Lelegwe Ltumbesi. I respond as follows-

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Mr. Temporary Speaker, the Land Registration Order, that is registration Unit Order 2017 provides for the establishment of land registration units countrywide. Currently, the Ministry has gazetted 71 land registries countrywide, out of which 63 are fully operational and covering 41 counties. In 2021, the registry gazetted eight more registries to further decentralize the services.

However, they are not operational due to various challenges such as lack of space equipment, insecurity and inadequate staffing, amongst others. So far, there are only two counties, that is Mandera and Wajir, where land registries have not been established. However, plans are underway to establish land registries in these two counties.

On measures by the Government to ensure full operationalisation of the Samburu Land Registry, I wish to respond as follows-

The County government had offered some office space in the basement of the Governor's building. However, it posed a challenge to access by the clients and the public. The national Government is however constructing a land registry at Maralal. The Samburu Land Registry offices block at Maralal is half-complete; it is 50 per cent complete.

There are major works that the contractor on site is expected to do. Due to the auxiliary measures, the allocated budget was reduced to zero in the last financial year, thereby leading to stalled processes. However, the Government has allocated Kshs17 million in the FY2023/2024 towards the completion of the project. The estimated budget to complete the whole project is Kshs42,389,713. The National Treasury will allocate adequate funds to have the project implemented soonest possible.

Mr. Temporary Speaker, Sir, I bring the attention of the House to the fact that most land in Samburu County is owned communally under the Community Lands Act, 2016. However, there are leasehold properties in townships. The Government has, therefore, been fast-tracking the processing of titles and leases in the County.

Earlier this month of June, Samburu County Government in conjunction with the National Land Commission (NLC) issued 2,607 letters of allotment for a plot in Maralal Township and 2,000 letters of allotment are currently being processed. The Ministry is waiting to receive the allotment letters for processing of lease documents.

Further, community land management boards for the various community groups in the County have been gazetted. Our adjudication officers and surveyor are in Samburu recording interest in land and resolving disputes where demarcation is currently on-going.

Mr. Temporary Speaker, Sir, on deployment of a land registry to Samburu County, I wish to respond that the Ministry in early 2022 posted a land registrar to Samburu County. However, the office space that was provided for the registry was not adequate and not accessible to the community.

The County Government had offered an office in the basement of the Governor's building. The land registry is, therefore, currently working from Nyahururu where the records are kept and maintained. The Government is committed to posting back the registrar back to Maralal once the Samburu Lands Registry Office Block – the Samburu Ardhi House at Maralal is complete.

I submit, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary. Sen. (Dr.) Lelegwe Ltumbesi has an opportunity to ask a Supplementary Question to the Cabinet Secretary, relevant to the original Question. I have noticed from the dashboard that Hon. Members have questions. You have the option to choose whether to ask your question now then deal with the last one or you can ask immediately, if you have any.

Sen (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I choose to ask my question as the last one.

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

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

The Temporary Speaker (Sen. Wakili Sigei): Senator, before you take the microphone, I would like to draw your attention to the provisions of Standing Order No.51(c)(7) on the relevance of the Supplementary Question.

Sen. Methu: Mr. Temporary Speaker, Sir, mine is a related question. It was included by the Senator for Samburu County because we currently share Nyahururu Land Registry.

I want to know when the land registry in Ol Kalou will be operational now that the buildings there are complete and we had an indication that the registry will be operational by February.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Temporary Speaker, Sir.

We have eight land registries that are not operational and the one in Ol Kalou, Nyandarua, is one of them. We are in that process. The registry is not yet complete and there are some works that still need to be done. Land records are very sensitive and are live documents.

Therefore, there are a few operational and administrative things that the Ministry needs to do. Apart from the building, we are also working out to make sure that the registry and others are fully operational.

I assure Sen. Methu, who is also my Chairman, that once those operational and administrative things are done, we will open that Ol Kalou Registry. Nyandarua County is served from Nyahururu, which is in Laikipia and we understand the pains that the residents of Nyandarua County undergo.

The Ministry is working to make sure that problem is solved.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Can we hear from Sen. Chute.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I welcome the Cabinet Secretary. He is doing his job well and I thank him. I thank Sen. (Dr.) Lelegwe Ltumbesi who is also my neighbour and we share a common border. When he talks about issues affecting Samburu County, those issues also affect Marsabit County. The Cabinet Secretary has confirmed that Marsabit has a registry. I wanted to know about land

grabbers who come from local and abroad. Sen. (Dr.) Lelegwe Ltumbesi talked about a community land register.

We have lost land through Purko Lake Turkana Wind Power in Marsabit. That also affects Samburu because the land they grabbed also encroaches Samburu County. The case is in court for this particular piece of land and---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, I have to cut you short. I want you to ask your question directly.

Sen. Chute: The Court ruled that the land on Lake Turkana Wind Power should be gazetted. How long will it take the Cabinet Secretary to gazette that land? I want to see the Cabinet Secretary in his office if he gives me a date in order for us to look at how soon it can be degazetted.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary, you may proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Temporary Speaker, Sir. The way Sen. Chute has ended his statement is good. I kindly request the Senator to come to my office and I will have done enough research in order to see when that issue can be resolved.

I welcome him to the office for us to discuss and come up with an amicable solution.

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

Sen. Murgor: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to ask a Supplementary Question. How will the Cabinet Secretary protect community land from grabbers?

I come from the County of West Pokot and there are people who grab land and call the place private ranches. There are private ranches coming up and chunking out community lands being okayed by the Cabinet Secretary's office, the registry, the surveyors, the adjudicators and all others. That may apply across board to Turkana, Samburu, Marsabit and all other counties. How will you protect community land?

The Temporary Speaker (Sen. Wakili Sigei): Hon. Cabinet Secretary.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Temporary Speaker, Sir. We are working closely with county governments. We have requested them to come up with inventories and bring them to us so that we can register those community lands.

The county governments can cure that problem when they fast-track that process of bringing in all the inventories, so that the Ministry can register them. That is what we are currently doing. I am happy that we have so far registered about nine of them.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Hon. Cabinet Secretary. Sen. Lomenen.

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. My question has been answered. It was similar to what Sen. Murgor asked. I had wanted to know whether the Community Land Act had been implemented in counties like those he has mentioned.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator. Sen. (Dr.) Lelegwe Ltumbesi you were last on the supplementary Questions list.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Temporary Speaker, Sir. First, I am not satisfied with the response from the Cabinet Secretary. The land registry that is in the basement of the Governor's office was opened by the Government. It was certified then that the registry is fit and accessible to every citizen of that County.

Now indicating that the residents of Samburu County are not getting the services is because of the inaccessibility of the office is not a justifiable response---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Lelegwe Ltumbesi, just ask the supplementary Question.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, noting from the response that in this Financial Year 2023/2024; the Government has budgeted for about Kshs17 million from about the Kshs42 million requested to build Ardhi House in Maralal town. It will take long for the residents of that county to get services noting that they have been lacking that registry since independence.

I would like the Cabinet Secretary to tell this House whether he has measures to urgently or immediately hire a property to make sure that as they build Ardhi House, they have a property from which to give services to the residents of Samburu County. Is the Cabinet Secretary ready to hire property to provide services for the residents of Samburu County?

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Hon. Cabinet Secretary, you may respond to whether you are ready to lease any property for the Ministry.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you. Mr. Temporary Speaker, Sir. As I had indicated earlier, after realizing that the space that had been donated by the Governor was not fit as a land registry, we went further as a Ministry and started constructing Ardhi House which is 50 percent complete.

It might not be economically viable to hire space while at the same time we are requesting for more capital. I urge the Hon. Senator to give us more time. Now that we have Kshs17 million, what we could discuss with the contractor is to do much on the first floor in order to accommodate part of the staff who shall be working there. However, the underground space given is not accessible or fit. Apart from the registry, we also have other sections such as survey, valuers and land administration, which might not fit well in the donated space.

I ask for more indulgence and I assure you that with the Kshs17 million we shall move a step ahead. If we can have some areas complete, we can accommodate some of the staff to make sure that the registry is operational.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Hon. Cabinet Secretary. Once again, I appreciate you for honoring the appearances and responding to the Questions.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 1.05 p.m. I have directed the late interruption of the House Pursuant to Standing Order No.34(2)(a). The Senate, therefore, stands adjourned until today, Wednesday, 21st June, 2023 at 2.30 p.m.

The Senate rose at 1.05 p.m.