

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 2<sup>nd</sup> November, 2023

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

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

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

**The Deputy Speaker** (Sen. Kathuri): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

I can confirm that we now have quorum. Clerk, please proceed to call the first Order.

#### COMMUNICATIONS FROM THE CHAIR

Hon. Senators, I have two Communications to make this afternoon.

#### STATE OF THE NATION ADDRESS TO PARLIAMENT BY HIS EXCELLENCY THE PRESIDENT

Hon. Senators, Article 132 (1)(b), mandates the President to address a special sitting of Parliament once every year. Article 132 (1) (c) also requires the President, once every year to-

(1) Report, in an address to the nation, on all the measures taken and progress achieved in the realization of the national values, referred to in Article 10.

(2) Publish in the *Gazette* the details of the measures and progress under subparagraph (1).

(3) Submit a report to the National Assembly on the progress made in fulfilling the international obligations of the Republic.

Further, Article 240 (7) of the Constitution requires the National Security Council (NSC) to report annually to Parliament on the state of the security of Kenya.

Ordinarily, this Report is submitted to Parliament during the Address by the President referred to under Article 132 (1) (b) and tabled in the Houses of Parliament.

The two Senators, kindly find your way to the nearest seats.

*(Sen. Faki and Sen. Veronica Maina walked into the Chamber)*

Vide a letter referenced Ref. No OP/CAB.26/4A VOL.II/ (52), dated 26<sup>th</sup> September, 2023, the Chief of Staff and Head of the Public Service informed the Speakers of the Houses of Parliament of the intention of His Excellency the President to deliver his inaugural Address to Parliament in accordance with Article 132(1) (b) and (c) of the Constitution.

The Chief of Staff and Head of Public Service further requested the Speakers' concurrence to schedule the State of the Nation Address on Thursday, 9<sup>th</sup> November, 2023, at 2.30 p.m.

Hon. Senators, subsequently, and after consultation, the Speakers of the Houses of Parliament acceded to the request from His Excellency the President. A team of officers has been appointed by the Clerks to co-ordinate the event. Further details will be communicated through the Office of the Clerk.

I, therefore, take this opportunity to inform you that His Excellency the President will deliver his inaugural State of the Nation Address to Parliament during a Joint Sitting of the Houses of Parliament on Thursday, 9<sup>th</sup> November, 2023, at 2.30 p.m. in the National Assembly Chamber.

I thank you.

PLENARY SITTINGS TO CONSIDER PROPOSED REMOVAL FROM OFFICE,  
BY IMPEACHMENT, OF THE GOVERNOR OF MERU COUNTY

Hon. Senators, you will recall that at the sitting of the Senate held on Tuesday, 31<sup>st</sup> October, 2023, I communicated the resolution of the Meru County Assembly made on Wednesday, 25<sup>th</sup> October, 2023, for the removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

Pursuant to Section 33(3) (a) of the County Governments Act and Standing Order No. 80 (1) (a) of the Senate, I also read the charges against the Governor of Meru County to the Senate.

In a Supplementary Order Paper for the sitting held on Tuesday, 31<sup>st</sup> October, 2023, a Notice of Motion and Motion for the establishment of a Special Committee to hear the charges against the Governor of Meru County was listed pursuant to Section 33 (3) (b) of the County Governments Act and Standing Order No.80 (1) (b) (i) of the Senate.

Hon. Senators, you will recall that the Motion was negative. That being the case, the default position for the hearing of the impeachment charges against the Governor of Meru County will be held by the Senate sitting in Plenary, acting as the whole legislative body rather than a Special Committee.

In line with the stipulated timelines in the County Governments Act and Standing Orders, a schedule of activities for the impeachment hearing in Plenary has been prepared.

I have, therefore, appointed Tuesday, 7<sup>th</sup> and Wednesday, 8<sup>th</sup> November, 2023, as the days when the Senate will investigate the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County. The morning sittings will commence at 9.00 am to 1.00 p.m. and afternoon sittings at 2.30 p.m. until conclusion of business listed on the Order Paper of the day.

Consequently, in today's Order Paper at Order No.9, a Procedural Motion for alteration of the meeting time of the Senate for Tuesday, 7<sup>th</sup> and Wednesday, 8<sup>th</sup> November, 2023, for the impeachment hearing against the Governor of Meru County has been listed in order to facilitate the Senate to conclude the matter within the timelines stipulated in the County Governments Act and the Senate Standing Orders.

I thank you.

Hon. Senators, to achieve what I have just read in the last paragraph, I would like to reorganise the business of the day. I would like us to proceed to Order No. 9 in the Order Paper and then we will come back to Order No. 3.

Clerk, call the next Order.

Proceed, Senate Majority Leader.

### PROCEDURAL MOTION

#### ALTERATION OF THE HOURS OF MEETING FOR TUESDAY, 7<sup>TH</sup> AND WEDNESDAY, 8<sup>TH</sup> NOVEMBER 2023

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move-

THAT, notwithstanding the resolutions of the Senate made on the 16<sup>th</sup> February, 2023, and on the 29<sup>th</sup> March, 2023, pursuant to Standing Order No.32, on the approval of Senate Calendar Regular Sessions for the Second Session 2023 and pursuant to Standing Order No.34 (4)(b), the Senate resolves to alter its hours of meeting on Tuesday, 7<sup>th</sup> November, 2023 and Wednesday, 8<sup>th</sup> November, 2023 as follows -

- i. morning sittings at 9.00 a.m. to 1.00 p.m.; and
- ii. afternoon sittings at 2.30 p.m. until conclusion of business listed on the Order Paper of the day; in order to investigate the proposed removal from office by impeachment of the Hon. Kawira Mwangaza, the Governor of Meru County.

Mr. Deputy Speaker, Sir, like you have mentioned in your Communication, this is a Procedural Motion to give effect to the desire of the House to prosecute the proposed impeachment hearings of Governor Kawira Mwangaza, by way of Plenary as opposed to Committee.

We are altering the Calendar of the House so that on Tuesday, 8<sup>th</sup> November 2023, we sit from 9 a.m. up to 1 p.m., and from 2.30 p.m. until the time we will conclude the witness hearings. On Wednesday, we will do the same as well, up to the time, we will conclude the vote and we bring a closure to the matter.

I request all colleague Senators to readjust their diaries and be present in the House. You chose this route to listen to these charges, therefore, make sure that you participate in it. I would particularly wish to see the full participation and the presence of our colleague Senators, who for one reason or the other, like Sen. Sifuna, held the view that a Plenary trial is not as thorough as a Committee trial. I would like them to experience it first-hand. After that, we can have a conversation in future on which is the best way.

I am impressed and happy that after this exercise, the Senators of this Session will have experienced an impeachment trial by Plenary and by Committee up to the level of a report consideration. It will be impossible to say that everybody will get a chance to serve in a Committee unless you impeach ten governors or something of the sort. On this one, each and every Senator, the 67 of us in this House, will have an opportunity to listen, follow through, seek clarification and so forth.

Mr. Deputy Speaker, Sir, I do not intend to be long because this is a simple Procedural Motion. I expect we dispense it off quickly and revert back to the Order Paper as it was.

With those remarks, I wish to request the Senate Minority Leader, Sen. Justice (Rtd.) Steward Madzayo, to second this Motion.

**The Senate Minority Leader** (Sen. Madzayo): Thank you, Mr. Deputy Speaker, Sir. I do second---

**The Deputy Speaker** (Sen. Kathuri): Senate Minority Leader, you now have permission to second. I had not given you. Proceed.

**The Senate Minority Leader** (Sen. Madzayo): I thank you, Mr. Deputy Speaker, Sir, for the guidance. I do agree with what my brother, Sen. Cheruiyot has said.

*(Question proposed)*

Sen. (Dr.) Khalwale, the Senate Majority Whip.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I do agree with the Senate Majority Leader that we should alter the hours of the House because this is a very important matter. Please allow me to use this opportunity to tell the people of Meru that there should be no confusion. The Committee of the Whole House in Plenary is just as good as the sitting of a Special Committee.

I appeal to them at a personal level that I have had enough calls and received enough texts from the good people of Meru. We are going to make sure that the Governor gets justice---

**The Deputy Speaker** (Sen. Kathuri): Just a minute, Sen. (Dr.) Khalwale. Sen. Faki, what is your point of order?

**Sen. Faki:** Mr. Deputy Speaker, Sir, is the Senate Majority Whip in order to revisit a debate which was closed on Tuesday, this week, as to whether we go Plenary or Committee? A resolution of the House was made that we go the Plenary way and there is no need to revisit the issue.

He is making the matter *sub judice* because he is getting calls from Meru over an issue that is pending before the House.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Dr.) Khalwale, in the Communication from the Chair on that day, he advised Members not go into the substance of that Motion before it gets to the day appointed for that discussion.

**Sen. (Dr.) Khalwale:** Indeed, Mr. Deputy Speaker, Sir, it does not require any gainsaying to do so. You would be preaching to the choir. As far as the point of order is concerned, I would urge the Senator for Mombasa to learn from people who are more experienced.

I, therefore, assure the people of Meru that we are up to the task. This is a serious matter and we shall dispense justice.

**The Deputy Speaker** (Sen. Kathuri): Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Mr. Deputy Speaker, Sir. I do confirm that all the 67 Senators will have an opportunity to give these issues the fair justice they deserve. As women, we have said that it is going to give us a clear indication if it is women, leadership or incompetence issues and whatever else comes across.

I also emphasize on what the Senate Majority Leader has said, that we should all avail ourselves on Tuesday on time so that we prosecute this issue for the benefit of the great people of Meru.

**The Deputy Speaker** (Sen. Kathuri): Sen. Wafula.

**Sen. Wafula:** Asante, Bw. Naibu wa Spika. Nashukuru kwa nafasi hii kwamba mhusika mkuu katika mchakato wa kubanduliwa nje ya kiti apewe nafasi hii kujieleza wazi, Wakenya wakisikiza. Vile vile, madai ambayo viongozi wa wadi wako nayo, waje wajieleze na stakabadhi zinazoweza kudhibitishwa na Seneti. Halafu, kama ni kunyolewa, watu waandae maji, sabuni na haki itendeke kwa yeyote ambaye atakuwa na makosa. Iwapo hana makosa, atasamehewa.

Ninavyofahamu ni lazima kila mtu awajibike katika uongozi. Tutakuwa tunampa nafasi, yeye na Bunge la Kaunti, ili waaajibike kutokana na hoja watakozeleta Seneti. Gavana na wenzake wawe kielelezo kwa magavana wengine Kenya hii watakojipata katika hali kama hii. Pia, wawakilishi wadi wa kaunti mbalimbali watakoakuwa na hoja kama hii wakilizileta hapa, wawe wamejiandaa kikamilifu ili tuamue kama Seneti – watu timamu na wanaolinda ugatuzi.

**The Deputy Speaker** (Sen. Kathuri): I am trying to read the mood of this House but I am confused by the number of requests coming to my screen on this matter.

*(Senators spoke at the same time)*

Is that the mood of this House this afternoon?

*(All Senators spoke in unison)*

Okay. Let me test the mood.

Hon. Senators, the mood in this House is that Members want to close this debate. I want to put the question whether you agree with that position, so that we have democracy in this House.

I will, therefore, put the question.

*(Question put and agreed to)*

Next Order.

### PETITIONS

Sen. Murgor and Sen. Lomenen, I have a Petition that I want to read. So, kindly have your seats.

*(Sen. Murgor and Sen. Lomenen took their seats)*

#### ACADEMIC QUALIFICATIONS REQUIRED FOR ONE TO BE SPEAKER OF A COUNTY ASSEMBLY, SENATE OR NATIONAL ASSEMBLY

Hon. Senators, I have a Petition to the Senate concerning academic qualifications required to be Speaker of either a County Assembly, the Senate or the National Assembly.

Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Hon. Simon Lenguiya, a resident of Narok County and a Member of Narok County Assembly, concerning academic qualifications required to be a Speaker of either the County Assembly, the Senate or the National Assembly.

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

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

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

(a) The roles of a Speaker of either a County Assembly, Senate or National Assembly require the holder to be equipped with knowledge and understanding of the provisions of the law to enable him or her to fairly justly and authoritatively make decisions of the House. Further, that any public office holder ought to be equipped with knowledge of the provisions of the law to effectively discharge their responsibilities.

(b) Article 106 of the Constitution of Kenya requires that a Speaker for each House of Parliament should have similar qualifications as for elected Members of Parliament. Further, Section 22(b)(2) of the Elections Act provides that one is qualified to be elected as an MP if he or she holds a degree from a university recognised in Kenya.

(c) That Section 21(1) of the Elections Act also provides that the Speaker of a County Assembly shall be elected from each County Assembly from among persons qualified to have been elected as MCAs, but are not such Members.

Further, Section 22(b)(2) of the Elections Act provides that for a person to be nominated as a candidate to become an MCA, he or she should hold a degree from a university recognised in Kenya.

The two Senators kindly find your way to your seats.

*(Several Senators walked into the Chamber)*

This is a long Petition. Sen. Murgor and Sen. Chute, you are out of order. Why are you moving when the Chair is on his feet?

*(Sen. Chute and Sen. Murgor took their seats)*

You are roaming like---

*(Several Senators spoke off record)*

You are taking two years to learn the rules of the House. That is surprising.

(d) That through the court case, County Assemblies Forum (CAF), six others versus the Attorney General and two others; the Senate of the Republic of Kenya as an interested party, Constitutional Petition E229, E225, E226 and E249 and 14 of 2021 consolidated in 2021/KHC/304/KLL constitutional and human rights, the court ruled that MCAs shall not be required to have degrees to contest for the seats.

(e) Invalidation of the provision of Section 22(b)(2) of the Elections Act for a requirement of a bachelor's degree for one to become an MCA also implicates that there is no degree requirement for one to be elected as Speaker of County Assembly.

(f) Currently, most Speakers of County Assemblies do not have academic qualifications in law which makes it difficult for them to interpret and apply the provisions of the law in county legislative matters.

The petitioner, therefore, prays that the Senate intervenes in this matter with a view to amend Section 21(1) and Section 22(1)(b) of the Elections Act by adding academic qualifications for all the Speakers and their deputies of either the County Assembly, the Senate or the National Assembly to be:

- 1). A person who owns a bachelor's degree in law from a recognised university.
- 2). The Standing Orders of the County Assembly, the Senate and the National Assembly to be amended to provide that powers of members of the Speakers Panel during House proceedings be limited to facilitation of debate and matters that require ruling be referred to the date when the Speaker or his deputy shall be available to make a decision.

Hon. Senators, pursuant to Standing Orders No. 237, I shall now allow comments, observations or clarifications in relation to this Petition for a few minutes. Proceed, Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to comment on this Petition by a resident and Member of the MCA of Narok County on the qualifications of Speakers of the county assembly, Senate and the National Assembly.

This is a very important Petition. I wish to request the Committee that will handle this matter to act expeditiously and communicate to this House on the way forward. That is a lacuna in law that we need to deal with. How I wish that they looked at the issue of qualification of the Speaker holistically and not just on the issue of education. There are other aspects that we require of a Speaker.

Speakers of the House such as this one, the National or county assembly must be people of high integrity. People who will lead by example and protect the established traditions and norms of Parliament. The Speaker is the key person in the House in terms of ensuring that the House in its dealings with the people and whatever forms of work it is engaged in, maintains high levels of integrity, believability and trust.

We have had Speakers in this Parliament who have done exceptionally well and promoted the independence of Parliament. We need to sustain that. When the Committee looks at this matter, it is important for them to look at it holistically. We do not expect to

have a Speaker who is a player and the referee at the same time. We are getting to situations where even our Speakers are putting on party colours. Our Speakers are engaged in day-to-day politics in funerals, harambees and churches. This country is treading on very dangerous grounds if we allow our Speakers to be involved in that kind of thing.

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

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

**Sen. Osotsi:** We want our Speakers to be unquestionable; people who exercise independence when they sit on that Chair, exercise trust and integrity---

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi, order! There is a point of order from Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, our Standing Orders are clear. If a Member wants to discuss the conduct of another Member, they know what to do. The Speaker of the Senate is a Member of this House. The Speaker of the National Assembly is a Member of the National Assembly. Therefore, if he is not comfortable with the way they put their clothes on, let him approach the House with a Motion and we will dispense with it. Is he in order to discuss the conduct of Speakers of this Parliament without a substantive Motion?

**The Deputy Speaker** (Sen. Kathuri): Sen. (Dr.) Khalwale, have your seat. The hon. Senator has not mentioned any individual during his presentation. He was giving the qualities of a good Speaker. He did not mention any Speaker by name. If he had targeted me; he would not be speaking now. Conclude your comment in one minute. If I allow you to contribute, two minutes will be enough to comment on the Petition.

**Sen. Osotsi:** Thank you, Mr. Deputy Speaker, Sir, for saving me from my big brother, Sen. (Dr.) Khalwale. I have not mentioned any Speaker by name. I do not want to mention anyone. I am simply putting across the fact that whoever holds the position of the Speaker must rise above the politics of the day, be independent and fair to all the Members of the House. When some actions are done---

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi, this Petition is on academic qualifications. Comment on whether the issues raised are okay or not so that we make progress. Proceed to conclude in the next 30 seconds.

**Sen. Osotsi:** Mr. Deputy Speaker, Sir, the Committee must look at the matter holistically in terms of the qualifications and conduct of the Speaker.

In conclusion, it is wrong for speakers to be engaged in politics and be party leaders of political parties. How will they exercise fairness and independence if they are party leaders who sit in the Speaker's Chair as the Speaker of either the National Assembly, the Senate, or the County Assembly?

This is a serious matter. Regardless of which political position you are in. This is a matter that if not handled, we will not have a House that is respected by Kenyans and that will pass laws that Kenyans will not obey.

I support the Petition.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, according to our Standing Orders, comments on a Petition should not take more than 30 minutes from the Members interested in making their comments. If we allow free discussion, only two or three



Members will give their comments. Members, strictly use two minutes to make your comments.

Sen. Mandago, proceed.

*(Sen. Mandago walked to the dispatch box and consulted the Clerk-at-the-Table)*

Sen. Mandago, how many chairs do we have? Who are you listening to? I have allowed you to give your comments.

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

**The Deputy Speaker** (Sen. Kathuri): What is your point of clarification, Sen. Sifuna?

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, in my understanding of the Standing Orders, a Motion for limitation of debate should come from the Floor. It cannot be the place of the Speaker to limit the amount of time that Members are going to contribute to any particular matter.

**The Deputy Speaker** (Sen. Kathuri): Sen. Sifuna, this is a special session because of the business we have in the Order Paper. I am trying to help you so that you can make your comments. Sen. Mandago, are you ready? Sen. Cherarkey, proceed to make your comments.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. From the onset, I support the Petition. It is important to have academic qualifications for the Speaker so that he can have a level of understanding of the workings of the House.

Mr. Deputy Speaker, Sir, leadership comes from God. We should avoid being prescriptive. In the last Parliament under the Elections Act, we postponed the academic qualifications for the Members of County Assembly (MCAs) and Members of Parliament. Leadership is God-given. We should just be proficient in English and Kiswahili. You do not need to have a diploma or a certificate. Leadership should not be equated to academic qualifications.

There is no need to disturb Members of County Assemblies to go back to school to acquire degrees and diplomas. It does not make sense. When you are leading, you need 'Solomonic' wisdom.

Finally, Speakers need to be proficient in both English and Kiswahili. I agree with my colleagues that we need people with integrity and competence in what happens in Parliament outside the academic qualifications. Let us not equate good leadership with academics. We have seen professors failing nations and societies. On the other hand, we have seen people who dropped out of school in class three like Mulu Mutisya, Ezekiel Barngetuny, or Justus Kantet ole Tipis, who straddled the leadership of this country like Colossus.

President Moi was a P1 teacher who became a professor of politics and led this country for 24 years. There is nowhere that states the qualifications of good leadership.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, protect me from the hecklers. In conclusion, we saw Kwame Nkrumah---

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

**The Deputy Speaker** (Sen. Kathuri): There is a point of order from Sen. Dullo.

**Sen. Dullo:** Mr. Deputy Speaker, Sir, is it in order for Sen. Cherarkey to refer to hon. Members as hecklers. Can he apologise to the House?

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, use parliamentary language. Withdraw that statement.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I am making serious points. I wish to apologise. I know the weekend is approaching and some of the people are rehearsing how to heckle over the weekend.

I support the Petition.

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

**Sen. Wambua:** Thank you, Mr. Deputy Speaker, Sir. I will only say two things about this Petition and conclude by making a general comment as a leader in the Senate.

I am in full support of this Petition. Academic qualifications are as important as the dignity with which people carry themselves. The Committee that will be given the responsibility to deal with this Petition should seriously scrutinize the application of Chapter Six of the Constitution in the appointment and election of Speakers of county assemblies and Parliament.

As a leader of this House – I will never get tired of saying this – it is the responsibility of every one of us to uphold the dignity of this House by being guided by our own Standing Orders and rules of debate. It is not right that a Senator would wake up from their seat and use derogatory language against their colleagues and be comfortable with it.

Secondly, on the time allocated to debate any Motion that comes to the Floor, let the debate flow. Those who get an opportunity to debate will make their contributions and those who do not get it will get another chance. Let debate flow so that we extract value from the debate.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Senator. However, this is not a Motion. This is a Petition and I am allowing Members to comment. Checking on the list, as the Chair, I should balance issues.

Sen. Tobiko, proceed.

**Sen. Tobiko:** Thank you, Mr. Deputy Speaker, Sir. This is an important Petition. It raises pertinent questions on the qualifications of all the Speakers in the country that are in Parliament and the county assemblies. I believe we should raise the threshold on people who are going to lead these county assemblies and Parliament. I do disagree with anybody who says that academic qualifications are not important for the Speakers because they are.

It is very important that the leadership of Parliament and county assemblies have the necessary academic qualifications, capacity and the integrity that goes with the office. Going beyond academic qualifications, they should also be people of integrity and meet the qualifications of Chapter Six of the Constitution of Kenya, 2010.

I am particularly concerned with those who are Speakers of the county assemblies because at the national level, we are doing well. However, some of the people who have been appointed to be Speakers in some of the county assemblies across the country, the situation is wanting. I had a Speaker from one of the county assemblies---

**The Deputy Speaker** (Sen. Kathuri): Your time is up. Sen. Sifuna, you may have the Floor.

**Sen. Sifuna:** Thank you, Mr. Deputy speaker, Sir. I happen to know the gentleman who sponsored this Petition. Simon Lenguiyia is nominated by the Orange Democratic Movement (ODM) to the County Assembly of Narok. ODM is the largest political party in East and Central Africa and I happen to be the Secretary General of the party.

Mr. Deputy Speaker, I support the Petition. In fact, we are not arguing about whether people who have questionable education or no education at all cannot lead. We are saying, what education does grants you the tools to be able to effectively lead.

I am a strong supporter of some basic minimum level of threshold of education, not just in leadership, but also in everything in life. It is a tool that is available for us.

A few years back when Kibaki was the President, he initiated free primary education so that we really do not have an excuse as to why we cannot acquire basic education. I know even under the Constitution, basic education is a right.

Mr. Deputy Speaker, Sir, people should be able to exercise and encourage people to acquire knowledge and qualifications as tools to enable them to effectively discharge their duties.

If you look at the range of decisions that have to come from the Chair or any Speaker from the County Assemblies, in the Senate and the National Assembly, there are serious issues that need consideration. Sometimes, I personally feel very lucky that I am a lawyer.

In my experience in this House, when the lawyers are seated on that Chair, I feel like I am talking to people who understand what I am saying as opposed to others who---

*(Loud consultations)*

I am speaking as a lawyer. If you are a charcoal seller, you will also stand and tell us your experience in this House. Do not heckle.

I feel as if those of us who have lawyers as Speakers are a bit lucky because they are easy to direct on matters of the law---

**The Deputy Speaker** (Sen. Kathuri): Sen. Kisang, you may have the Floor.

**Sen. Kisang:** Thank you, Mr. Deputy Speaker, Sir. I do not want to comment on what Sen. Sifuna has said. Most of us in this House are not lawyers, but it is important that we check the minimum qualifications that Speakers have both at the county assemblies, National Assembly and Senate.

Even as we put minimum qualifications, the Committee also needs to evaluate the Speakers of the National Assembly since 1963 up to date. Identify those who were lawyers and those who were not. This is because we have also had Speakers in the past at the National Assembly who were not lawyers.

I only see one challenge on the position of the Deputy Speaker. This is because, some counties might not elect or nominate a MCA who is a lawyer. What happens then? It is also important to look at that.

Mr. Deputy Speaker, Sir, you are a Deputy Speaker, who is not a lawyer and yet you are doing very well. You remember in the 11<sup>th</sup> Parliament, the late Governor Joyce Laboso was not a lawyer. She was a Deputy Speaker and did very well. We need to look

at that. Otherwise, we will put ourselves in a problem, especially at the counties because they might not be able to elect or nominate a lawyer.

Maybe, we should just put a degree in the relevant field as the minimum qualification. However, for the National Assembly and the Senate, we have seen that most of them have been lawyers for the last few years. The last Speaker of this House, hon. Lusaka was not a lawyer and he did well.

Thank you.

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

**Sen. (Dr.) Oburu:** Thank you, Mr. Deputy Speaker, Sir. I wish to add my voice to this Petition, which is a very important one. I believe that we need quality in our debates and leadership. I believe that the Speaker as a leader must lead with knowledge. Yes, Speakers should be people with some qualifications. However, I do not believe in making Speakers from lawyers.

The most important thing is to understand these Standing Orders. We had a Member of Parliament (MP) known as hon. Martin Shikuku. He was a very good debater in the House and he could control the House. Had he been a Speaker, he would have been very good. What I think is important is to have qualifications for them, but they should not be restricted to being lawyers. That is my first take.

My second take is integrity. Once you are a Speaker, please remove yourself from partisan politics. There was a Speaker called hon. Humphrey Slade. My father was fighting for Independence and hon. Humphrey Slade came up to Bondo to visit him. He did not fear that the person was in the opposition and he was elected by people who were supporting Her Majesty's Government.

Once you are a Speaker, you are everybody's Speaker and you must not be seen to be partisan---

**The Deputy Speaker** (Sen. Kathuri): Sen. Abass, you may have the Floor.

**Sen. Abass:** Thank you, Mr. Deputy Speaker, Sir. As the Chair of the Devolution and Intergovernmental Relations Committee, I support this Petition. This is because what is happening in our county assemblies now is very unfortunate.

We are not saying that they must be lawyers. However, they must be able to comprehend the Standing Orders, at least communicate and know how to execute their duties properly. I have no problem with the National Assembly and the Senate because both of their Speakers are lawyers and have gone to school.

This is a country that most of us have gone to school. This country has been held in high esteem in most parts of the Africa. Therefore, we do not want to have people who have not gone to school just as the Senator of Nandi said.

I think we need to have people who are at least able to read and write. We must have a bare minimum for anybody to become a leader.

This is where the laws are made and a House of debate. If people cannot articulate what they are saying, then we do not need them in this House. That is why you see most of the time in the counties, people are fist fighting. They solve their problems by fighting. I think that is because of lack of communication.

The Petitioner should be heard very well. I support.

**The Deputy Speaker** (Sen. Kathuri): Sen. Oketch Gicheru, you may have the Floor.

**Sen. Oketch Gicheru:** Thank you, Mr. Deputy Speaker, Sir. I totally support the Petition. I hope we will, probably, make it better in our deliberations.

In this House, there are fundamental things that the Speaker does functionally. One, other than just being a facilitator and a moderator of what is happening in the House, is making sure that people adhere to Standing Orders that run the House. If someone does not understand the basic Standing Orders, I wonder how they will be able to help the House to operate.

Mr. Deputy Speaker, Sir, I have also seen, from my experience in this House, that the Speaker has so many decisions to make. In most cases, the Speaker is invited to write down his or her rulings. If we do not have a qualified person who has the minimum educational qualifications, how will they execute these issues?

I have also listened, very carefully, to the argument by my friend, Sen. Sifuna. What you should have cushioned us from is getting Speakers who are randomly picked from some councils in the villages. However, the bare minimum qualification does not only stop at lawyers.

This country faces so many economic challenges. Therefore, economists would be the best Speakers because of the decisions that are made in this House most of the time. They can help with the high cost of living, and resource allocation that always happens in these Houses.

The laws are written. They are easy to read and are there for us. However, having serious economists can sometimes help guide the House on matters---

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

**Sen. Mandago:** Thank you, Mr. Speaker, Sir. I rise to support the Petition by the Hon. Member of the Country Assembly of Narok, but with amendments.

First, it is not only lawyers who are qualified. During the Constitution-making process, a number of institutions and organizations put themselves in the Constitution and restricted some opportunities to themselves.

The minimum qualifications for a Speaker, in my view, should be a degree. I do not have a problem with any leader being elected. However, for those who are going to assume positions of responsibility like the Speaker, the minimum qualification should be a degree.

Mr. Deputy Speaker, Sir, should we have an opportunity to amend the Constitution following the ruling that was made in court, even governors should not have any qualification.

It is a serious upshot on the rights of other Kenyans for Senators, Governors, MPs and MCAs to be elected without any qualification. However, expect them to oversight people that we have demanded that must have certain minimum academic qualifications, certain minimum years of experience while the majority of those who are elected may not have the capacity to even interpret.

I want to agree with my colleagues who have said that the qualifications must be there, but must not necessarily be a lawyer. There are people who are looking for jobs. These days, people have decided to leave their professions and begin doing other things so, they want to---

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

**Sen. Omogeni:** Thank you, Mr. Deputy Speaker, Sir. First, we need to appreciate the good MCA from Narok County, who by approaching this House with a Petition, has demonstrated a lot of faith in the Senate. For an elected MCA to elect between the National Assembly and Senate and choose the Senate, it demonstrates the kind of faith that Kenyans have in this House.

Mr. Deputy Speaker, Sir, the issue of academic qualification is not as simple as it may look. Last term, I chaired the Standing Committee on Justice, Legal Affairs, and Human Rights. We were trying to do some amendments to this issue of academic qualifications. When we asked the secretariat to pick best practices, we were shocked that countries that we deem to be very developed, like the United States of America (USA), do not have anything like academic qualifications.

*(Applause)*

We asked the secretariat to give us an example of one of the best Speakers in the USA, Ms. Nancy Pelosi, and they struggled. They said that when you *Google*, the only thing you see about Ms. Nancy Pelosi is that she is a believer in accountability, transparency and human rights. There is nothing about academic qualifications.

So, if I was to look for a good Speaker, I will look for a man or a woman of integrity. This is because you can have a degree, including in law, but when you occupy the seat of the Speaker, you become a tragedy and a shame to the entire profession. So, this issue of academic qualifications is something that we should put under the table.

Somebody has spoken about hon. Martin Shikuku. He never went to any university to obtain a degree. He was a Form Two dropout, but look at the marks he left behind.

My time is up.

**The Deputy Speaker** (Sen. Kathuri): We have exhausted our 30-minute window, but I will give a chance to one Senator from either side.

Sen. (Dr.) Khalwale, you may proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir. Looking at the Constitution of Kenya, it has specified that the Chief Justice must be properly schooled in law. That is one arm of Government. The other arm of Government, the Executive; the President must have a degree. What is wrong in insisting that the third arm of Government, the Legislature, Speakers must have a degree?

*(Applause)*

It is important that they have a degree.

Kenya has come of age. We have many graduates on the market in all fields. I want to use this opportunity to encourage our brothers and sisters who are lawyers in the Republic of Kenya to not be afraid of other professionals from other disciplines.

If you are a lawyer like Sen. Edwin Sifuna and you want to be a Speaker, you will compete with professionals from other disciplines. If you are better than economists, engineers or surveyors, you have no chance against doctors, you will prove it.

*(Laughter)*

I, therefore, agree with the petitioner that we should insist that only lawyers at the county level and the national level should be Speakers.

I want us to teach our children that when we insist on academic qualifications, it is not because we are looking down upon those who do not have education to that degree. We are simply using it to say that if you must fly a Dreamliner, you do not use a matatu driver.

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

**Sen. Ogola:** Thank you, Mr. Deputy Speaker, Sir. From the onset, I want to support the petitioner. A Speaker must have the required education standards.

One of us has talked about the only requirement to be proficiency in two languages. However, language is a skill one could learn just by heart; it does not depict a scope that is required to oversee an assembly.

I disagree that a Speaker must be a lawyer as Sen. Sifuna says. My late friend and mentor, the late Hon. Joshua Ojode, cautioned some of us about two groups of people one must be worried about in our communities. One of them was a lawyer, and the second one was a member of Kenya African National Union (KANU). I do not know for what reasons. However, coming to it today, a person only needs higher education to be a Speaker.

Education opens your scope, application and the way you comprehend issues. We cannot reduce Speakers to people who are only going to funerals to talk in their mother tongue. These are going to be heads of assembly, people who will oversee, represent and legislate. I support that they must possess a higher degree.

**The Deputy Speaker** (Sen. Kathuri): Last but not least, Sen. Veronica Maina, please, proceed.

**Sen. Veronica Maina:** Mr. Deputy Speaker, Sir, I support the Petition that is before the Floor of this House. There are certain things, aspects and principles that are learnt by lawyers in college, which may not be learnt in other disciplines. One of them is in decisions. Decision making, basic fundamental principles of upholding---

*(Loud Consultations)*

Listen through good people. Let me finish. I am supporting the Petition. It is not my Petition.

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

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

**Sen. Wambua:** Mr. Deputy Speaker, Sir, the Senator who is a lawyer by training must not be allowed to mislead this House and this country that decision making is only taught in law schools.

*(Laughter)*

I am not a trained lawyer, but I make very informed decisions both on account of my training as a journalist and as a logical human being. She should not be allowed to mislead the House.

**The Deputy Speaker** (Sen. Kathuri): Sen. Veronica Maina, you are accused of misleading the nation and the House.

**Sen. Veronica Maina:** Mr. Deputy Speaker, Sir, in my profession as a lawyer, I have never misled anyone. I cannot mislead a Senate. I wanted to explain to the House that the kind of decisions that you need to make at this level are equivalent to the decisions that are being made, not only at the High Court or Court of Appeal, but also at the Supreme Court.

Many people may qualify to sit on the Speakers seat yet you must pick the very best that must deliver the best results you can get from that institution. Indeed, this conversation should be moving to a position where we are saying the substantive Speaker of the House should not just be a holder of one degree; which has become common. It should be at a Masters level. We need to step up this conversation---

**The Deputy Speaker** (Sen. Kathuri): Our 30 minutes are over. Clerk, please, call out the next Order.

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

Hon. Senators, pursuant to Standing Order No.238(1), the Petition is committed to the Committee on Justice, Legal Affairs and Human Rights. In terms of Standing Order No. 238 (2), the Committee is required in not more than 60 calendar days from the time of---

*(Sen. Mandago and Sen. Joe Nyutu consulted loudly)*

Order, Sen. Mandago and Sen. Joe Nyutu.

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

*(The Petition was committed to the Committee on Justice, Legal Affairs and Human Rights)*

There is a report from the Chairperson Standing Committee on Roads, Transportation and Housing. Sen. Sifuna, please, proceed.

REPORT ON PETITION: EVICTION AND DEMOLITION OF  
BUXTON ESTATE IN MVITA CONSTITUENCY,  
MOMBASA COUNTY

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, it gives me great privilege to present the Report of the following Petition.

I beg to lay the following report on the Table of the Senate today, 2<sup>nd</sup> November, 2023-

Report on the Standing Committee on Roads, Transportation and Housing on a Petition by Mr. John Tsuma and other residents of Buxton Estate regarding eviction from and demolition of Buxton Estate in Mvita Constituency of Mombasa County.



On behalf of the Committee, I spoke to the Chairperson this afternoon.

We take this opportunity to thank every person from the petitioners to the County Government of Mombasa to the developers and everybody involved in the Buxton Project for their cooperation during the duration of the hearings of this particular Petition.

Mr. Deputy Speaker, Sir, allow me to make brief remarks regarding what we have observed as a Committee when it came to the Buxton Project. One of the most glaring observations we made is that there is an abuse of the term 'affordable housing' when people are constructing units within this country. Even though this project at Buxton was titled unaffordable housing project, it turned out that, in fact, for many of the residents of Buxton, these houses were not affordable.

The second thing we noticed is that the agreement between the developer and the county government did not take into account the purchasing power of the people who are living in Buxton who are to give up the land for this development. One of the most glaring omissions we noticed was the absence of a Tenant Purchase Scheme (TPS) in the sale agreement between the county government and the developer.

Many of the residents of Buxton thought that they were being relocated for a brief moment of time and that once the construction of the development was over, they would return to units that have been assigned to them by the county government and continue paying rent in the manner they were paying until the point that rent is sufficient to offset the purchase price of those units. This has not happened. You can see it in the recommendations that the Committee has made.

In closing, allow me to highlight some of the recommendations that have been made by the Committee. These are far reaching, especially in the times that we live in when the term affordable housing is involved.

Here in Nairobi City County alone, we are re developing 13 of our old council estates. Members of the Committee will bare me witness. We have sworn that what happened in Buxton will never happen in any other estate. This is especially because I am the Senator of Nairobi City County.

These are some of the recommendations and I will run through them fast because I know I have limited time.

One, the Committee has recommended that all Public Private Partnerships (PPPs) of housing agreements must be made public so that we address the question of non-disclosures of issues that affect Members. Many of the residents of Buxton were getting shocked during the hearings before the Committee that the agreements did not have a TPS clause. We want all the PPPs agreements on housing to be made public to be available to Members of this House and even the National Assembly.

Mr. Deputy Speaker, Sir, the second one is that public participation must be done on every single project and it must involve effectively all the people who reside in the land that is going to be used for that development. I am happy that here in Nairobi City County, I have seen an attempt by the county government to give residents of the estates that are affected an opportunity to speak to the proposed developments.

Another key one is that the developer and the County Government of Mombasa must fast track allocation of the houses to those who completed payment. There are people who completed payment for their units and they still do not have those units.

More importantly, to the petitioners and the people who missed out on the houses, we have made a recommendation here that the State Department of Housing and County

Government of Mombasa must develop a mechanism to ensure the remaining 336 tenants or petitioners acquire units in Buxton through TPS under the National Housing Fund and submit a report to this Committee within 60 days. This is the only way we will ensure the people of Buxton get justice.

Finally, we have also made a recommendation that the County Government of Mombasa should allocate its share of 184 units to the former tenants or petitioners immediately.

Lastly, arising from finding of the tendering process for redevelopment of other estates in Mombasa County, Mombasa County Government needs to furnish this Committee with a comprehensive report on the status of the tendering process within 14 days.

Mr. Deputy Speaker, Sir, let me conclude by thanking the Senate, the Speaker and the Clerk of the Senate for the support provided in the discharge of the mandate of this Committee to ensure that we resolve the issues expeditiously.

Thank you and I beg to lay.

*(Sen. Sifuna laid the document on the Table)*

**The Deputy Speaker** (Sen. Kathuri): Thank you. I want to give two or three Senators an opportunity to make brief comments.

Proceed, Sen. Maanzo.

**Sen. Maanzo:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment on this important Petition. On the matter of housing in this country and the future of ensuring that there is enough housing for everybody, there must be a programme in which the people take a loan with the Government. The loan should be supplied equally and sufficiently to all people, so that justice is seen to be done. Whatever happens in Nairobi City County should be seen to happen in Mombasa, Makueni, Kiambu and any other part of the country.

There should be no different standards in different parts of the country as to the housing projects, most importantly, where people have been moved out of a land that is to have Government housing for the people who are to pay for it.

There should be a system of making sure that they do not lose their land, like it happened in Mombasa and Kibera. It should be the same people who were displaced from the land, who should get the first priority in benefiting from this programme. The moment there is equity, it will be fair to everybody. Priority must be given to the vanquished and those who do not have property at all or place to stay.

I support and thank the Members who went to Mombasa County. They ensured light has been seen for the benefit of the petitioners and the whole country.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Chute.

**Sen. Chute:** Thank you, Mr. Deputy Speaker, Sir. Let me say it today that I am in this Committee on Roads, Transportation and Housing. This Petition came before us. It was brought by the former tenants of Buxton Estate.

When this tendering process was advertised, there was only one tenderer who tended for the 13 acres of land. When the tenderer submitted his tender, it would have been a process which was non-responsive because it was one tenderer. That tender would have been nullified at that point, but they did not and that was one grave mistake.

Secondly, the cost of that Buxton land today is surprisingly Kshs90,000 per square metres. The neighbouring estate under construction near the stadium is going for less than Kshs70,000 per square metres.

Mr. Deputy Speaker, Sir, this issue of affordable housing is a scam.

*(Applause)*

Why do I say that it is a scam? First, the Government is giving land for free. However, the same Government is giving building material, Value Added Tax and transfer of land tax-free. I do not know the kind of calculation they are making. The Government gives public land for free to an individual who then builds property at a commercial price which is unaffordable.

Mr. Deputy Speaker, Sir, Sen. Lomenen is my witness. He bought two apartments measuring 104 square metre in Great Wall at Ksh3.5 million each. He has documents, I am his witness. If you divide Kshs3.5 million by 104, you are getting that land at Kshs34,000 per square metre.

After getting this land for free, why should the price go to Kshs90,000 per square metre? I do not know why. In that Committee, my view was that the Government has lost land to fraudsters in the name of developers. After 10 years, no land will be left for Kenyans to use because all the land that is supposed to be developed by the Government, will have been taken over by fraudsters pretending to be developers.

My view in the Committee was the minority view. However, I thought that this matter should be subjected to the Ethics and Anti-Corruption Commission (EACC) because a fraud was castigated between the developer and Mombasa County Government.

Mr. Deputy Speaker, Sir, if you want to do any development in South C or Eastleigh today and you have the money, you can go to the landowner. The mathematics are very simple; the landowner will get 30 per cent of whatever is developed on that land. This is something that everybody knows.

I can show this Government about 1,000 contracts that have been dealt with between a developer and the landowner. It is very simple. If you build 100 units, 30 units will go to the landowner. In the Buxton case, the developer gets 90 per cent and the landowner gets 10 per cent, simply because this land belongs to innocent Kenyans. It is not for an individual.

If the President can hear me, he should stop all development purported as being affordable housing. There is nothing like 'affordable.' These are crooks, thieves and calculated moves of stealing from this country.

**The Deputy Speaker** (Sen. Kathuri): Sen. Chute, I am not comfortable with the words you are using to describe those contractors.

**Sen. Chute:** Mr. Deputy Speaker, Sir, let me be very clear.

**The Deputy Speaker** (Sen. Kathuri): Can you use better wording to express yourself?

**Sen. Chute:** Thank you, Mr. Deputy Speaker. I saying this because I have been a businessman for the last 30 years and I know when a deal is bad. I say this deal is crooked because why should it be Kshs90,000 for the developer and Kshs10,000 for the landowner? The landowners are Kenyans.

I support the Senator for Nairobi City County because what he said is very important. He said that we will not allow the same thing that has happened in Buxton to happen anywhere else in this country. The President should talk to us, as we have seen what has happened in Buxton and it is unheard of. You have told me not to use the word 'theft,' but it is something that is unheard of.

We have learnt a lot from this Petition and I will support Sen. Sifuna. We are ready to demonstrate to stop these so-called developers into trying to siphon money from Kenyans.

*(Applause)*

**The Deputy Speaker** (Sen. Kathuri): You know, Sen. Chute, I do not need to be a lawyer to know the parliamentary language that is useful for this House.

Sen. Tabitha Keroche? Kindly two minutes for this because we must conclude these Petitions.

**Sen. Tabitha Keroche:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I stand to support the Report of the Standing Committee on Roads, Transportation and Housing on Petition to the Senate by Mr. John Tsuma and other residents of Buxton Estate regarding eviction from the demolition of Buxton Estate in Mvita Constituency of Mombasa County.

I really want to say that I am happy with what Sen. Sifuna has said; that whatever has happened to the Buxton people will not happen anywhere else in this country. I have seen a lot of anger even when we are talking and I am happy that I am in this House when this is happening. In our County of Nakuru, I have seen some notices that have been sent to people who have been living in estates for over 40 years.

They have been told that they should pay some arrears. The county government does not have a proper report regarding those arrears because they inherited everything from the municipal council. It is not really known whether those arrears are the proper ones. These are over 10,000 people living in Nakuru and they have been given 14 days. The fear is that if they leave those houses and then the houses are handed over to private developers, these houses will be developed by the private developers, and at the end of it, they will not be able to---

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

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

**The Temporary Speaker** (Sen. Veronica Maina): Time is up, Sen. Tabitha Keroche.

Sen. Oketch Gicheru.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, I empathize with the Deputy Minority Leader. In the same breath, I do not need a law degree to know unparliamentary language in this House. I also do not need a law degree to have empathy for leaders of the House sometimes when they ask for two minutes. However, that is a lighter note.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Eddie, you are using your time to make those comments. Be straight to the point.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, what is happening in this country is the creation of oligarchs through schemes that want to use the opportunity of public property to make people who do business with the Government become oligarchs by grabbing land in this country. Period! That is what is happening in these affordable housing projects in general and that is what happened in Buxton in particular.

We need to call a spade a spade and stop the creation of oligarchs. The schemes we are seeing in this country through the affordable housing project, what is happening is very simple. This country has developed a character where people who are in Government trade in Government. The people that you are seeing as developers are appendages of people who are in Government. They are not far from the people who are in Government.

People use the fact that they are in power to bring these affordable housing schemes and after doing so, because they want to get the land for free, they give it to developers and in those development firms, they own pseudo shares through proxies.

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up, Sen. Eddie. Sen. Orwoba.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. It is very unfortunate that we are basing these very strong negative comments on some unfortunate incidents that happened on a pilot project because Buxton Housing was a pilot project. It would be a crime for someone to say just because they have seen one challenge here and there--- It is good the House of oversight, the Senate, is highlighting some of the things that went wrong.

What we need to do now is to ensure that going forward, a good project is not going to be ruined by cartels. Affordable housing has already started creating jobs for the youth. It is not just about the housing. It is about all the jobs that are created on those projects.

It is also about the fact that we are trying to solve the issue of non-employment and win in terms of affordable housing. When you look at the *Jua Kali* Sector, those people are not complaining because it is through affordable housing that, finally, there is a Government that is recognizing their skills and giving them work in terms of mass production of things such as windows, hinges, *et cetera*.

Just because there are a few people who are trying to take advantage of a very good programme, I think that should not be the reason we shut it down. People should know that the reason the Kenya Kwanza Government started this is the creation of jobs and to push our *Jua Kali* Sector as we are dealing with a lack of affordable housing.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr) Oburu.

**Sen. (Dr) Oburu:** Thank you, Madam Temporary Speaker. I want to inform Sen. Orwoba that very good things are normally used to quote very dangerous things. So, what matters is what is under there.

Land is normally the most expensive part of any housing scheme. If you are given land free, then the concept of affordable housing comes in and, therefore, the houses should be affordable. However, if you look at the amount of money these people are ripping off from the Kenyans, the amount at which they are selling these houses, it shows that they are not cheap at all.

I used to live in Buxton. It is a very prime land in the centre of Mombasa and these people grabbed it. That is just grabbing of the land; acquiring that land for free. You should buy the land and then sell it affordably because the Government maybe helps to moderate, so that you buy it at a reasonable rate.

Madam Temporary Speaker, you cannot acquire land for free and sell the properties or houses at commercial prices and you claim that you are doing an affordable housing scheme. I, therefore, think that this kind of scheme is “good” - the words Sen. Orwoba is using are “very nice.” It is a very nice scheme. It should not be killed. It should now be revised to include these people paying or giving---

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up.

Sen. Abass.

**Sen. Abass:** Thank you, Madam Temporary Speaker. I rise to support the Petition as reported by the Committee. It is a very unfortunate situation that we are denying the poor Kenyans who lived in Buxton for the last 50 years a place to live. They have been moved to the slums and have not been given any shares in those houses. They have not been given houses.

Now, the intention or purpose of these local houses is to improve the housing in this country. The people who are living in slums, you go to their homes, you replace them and they do not become the beneficiaries of those houses that are being built.

These houses have now been taken by the middle class who can afford to buy those houses. The poor who have owned those houses since Independence have no homes today.

The Government has lost land worth Kshs3 billion, which was given to the developer for free. The materials that they are using is tax-free, yet we want to get money by taxing anything coming to the country that is worth over 500 US\$. This is a very unfortunate situation.

Yesterday, we were demolishing so many houses in Mavoko, yet we want to give people affordable housing. Instead of demolishing those houses in Mavoko, the land should have been sold to those people at low cost prices. What happened in Mavoko is a very unfortunate thing. As Sen. Chute said, this is a scam that must be stopped in this country.

Madam Temporary Speaker, I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of information, Sen. Tabitha Keroche.

**Sen. Tabitha Keroche:** Madam Temporary Speaker, I had a point of information. I wanted to inform Sen. Abass that I have never grabbed any land. However, we should be very careful in this House as the Senators to ensure this thing of land grabbing ---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Tabitha Keroche, just hold on. What is your point of order, Sen. Oketch Gicheru?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, this is a House of procedure that is why I am up.

*(Loud consultations)*

She is not on a point of order, but on a point of information. Can you just learn to follow the rules of the House?

The Senator for Nakuru County has risen on a point of information. The rules of debate in this House require that if you raise on a point of information, the speaker who is on the Floor must agree to that point of information. In any case, she is informing someone who is not even on the Floor. Is that in order?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Oketch Gicheru, that objection is upheld. It should have proceeded in a different way.

Sen. Tabitha Keroche, you should have request for point of information when the Senator was on his feet, not after he has finalised his submissions.

Proceed, Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Madam Temporary Speaker, for giving me this opportunity to support this Petition.

I agree with what most of the Senators have said. If we want to build affordable housing on Government land or any other land that the Government wants to use for affordable housing and there are people who have already built houses there, they should be given the first chance and first priority to buy those parcels of land, instead of demolishing their houses to put up affordable houses. The owners of the demolished houses are Kenyans, just like the Kenyans who are going to acquire the houses built under affordable housing programme.

Madam Temporary Speaker, I support.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Madam Temporary Speaker, thank you very much for giving me this opportunity to support this Petition.

From the onset, it looks like some the Members of this House have not read the Kenya Kwanza Manifesto. One of the cornerstones of President William Ruto's administration is affordable housing. For the benefit and information of the House, the President just launched the handing over of Buxton Phase One in Mombasa a few moments ago.

Madam Temporary Speaker, I agree that the people who are petitioners should be given priority in an occasion of Buxton Estate. The aim of affordable housing is to free agricultural land. It is very important that we go for affordable housing, so that we can free the land for agricultural purposes. I advise my colleagues, even on the Majority side, to read the manifesto of the President properly. They should understand the vision and the intention of affordable housing. I can permit the Minority side to criticize because their business is just to criticize for them to get political *bonga* points and mileage.

Madam Temporary Speaker, in my native language, it is said that when you are chasing a gazelle and a squirrel appears, you do not stop to chase the gazelle because a squirrel has appeared. Affordable housing is here to stay with us. The appropriation has been made and what we have is teething problems. Since the Government has given developers public land, those houses should be cheaper. Nonetheless, affordable housing programme is a vision of the Government and the President. We should all support it. One of the basics of human rights that you and I know is that housing, shelter and food are very critical.

There are so many Kenyans who have not gotten a chance to have decent housing in this country.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): We are done with the comments that were to be given against the Motion that was on the Floor of the House. They were the Petitions, so we now go to the next Order.

Clerk.

Sen. Tabitha Keroche, you may proceed on behalf of the Senate Majority Leader.

### PAPERS LAID

#### REPORT ON FINANCIAL STATEMENT OF KOMBEWA HOSPITAL IN KISUMU COUNTY

**Sen. Tabitha Keroche:** Madam Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today 2<sup>nd</sup> November, 2022-

Report of the Auditor General on the financial statements of the Kombewa County Hospital, County Government of Kisumu for the year ended 30<sup>th</sup> June, 2022.

*(Sen. Tabitha Keroche laid the document on the Table)*

**The Temporary Speaker** (Sen. Veronica Maina): The Chairman of Agriculture, Livestock and Fisheries Committee, Sen. (Dr.) Murango, you may proceed.

**Sen. (Dr.) Murango:** Madam Temporary Speaker, Sir---

*(Laughter)*

**The Temporary Speaker** (Sen. Veronica Maina): You cannot use ‘Madam Temporary Speaker’ and ‘Sir’ in the same sentence.

**Sen. (Dr.) Murango:** I am sorry. It is confusion from Senator---

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Oketch Gicheru?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, you should not have allowed Sen. (Dr.) Murango to get away with this.

The idea of constantly referring to the Speaker of the House when any female member of the Speaker’s Panel is on that Chair as ‘Sir’ is becoming rampant, especially by this particular Senator.

Madam Temporary Speaker, we are speaking on this issue at a time when we have a serious case that is coming to the Senate next week of a governor who happens to be a woman.

Sen. (Dr.) Murango should apologise to you Madam Speaker. I rest my case Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Murango, while I might not demand an apology, I will caution you to be sensitive to the gender of the Speaker who is chairing the House at any one time and refer to the correct terminology.

**Sen. (Dr.) Murango:** Thank you, Madam Temporary Speaker. I apologise for that. However, Sen. Oketch Gicheru, these days seems to be a terrorist in this House.



**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Murango, do not use unparliamentary language. Please withdraw the use of the word ‘terrorist’ against the Hon. Senator.

**Sen. (Dr.) Murango:** Madam Temporary Speaker, I withdraw.

REPORT ON THE AGRICULTURAL AND FOOD AUTHORITY  
(AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)

Madam Temporary Speaker, I beg to lay the following Paper on the Table of the Senate, today Thursday, 2<sup>nd</sup> November, 2023-

Report on the Agricultural and Food Authority (Amendment) Bill, (Senate Bills No. 13 of 2023).

*(Sen. (Dr.) Murango laid the document on the Table)*

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Mandago.

**Sen. Mandago:** Madam Temporary Speaker, I have a problem with the gadgets in this House because it is letting us down. If you press a button, you will wait here and keep coming to this Senate, yet you will not get the opportunity to contribute to any business of the House. The Senate should do something about it. I wanted to comment on the Buxton Report and I pressed the button, but I do not know what is happening. I am disappointed because it is a very serious matter.

**The Temporary Speaker** (Sen. Veronica Maina): Clerk’s desk, can you note the technical issues that are appearing in the system on different desks and make sure that they are rectified in order to avoid cutting off Senators who want to contribute to important Motions in this House?

Sen. Mandago, the technical team should owe you an apology for that mishap.  
Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

This is the Statements’ hour. I call Sen. Okenyuri to give her Statement under Standing Order No. 52(1).

STATE VISIT TO KENYA BY HIS MAJESTY KING CHARLES III  
AND HER MAJESTY QUEEN CAMILLA OF UK

**Sen. Okenyuri:** Thank you, Madam Temporary Speaker. on a light note, I empathise with my Chair, Sen. Mandago. I know what it feels to wait because our Committee is rushing to catch a flight at 5 p.m. So, I feel his frustration. We are going for county health visits in Kisii County.

I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of national and general topical concern, namely, the four-day State visit to Kenya by King Charles III and Queen Camilla to Kenya.

Madam Temporary Speaker, King Charles III and Queen Camilla of the United Kingdom are visiting Kenya for a four-day stay in the country on an invitation by His Excellency the President, Dr. William Samoei Ruto. This is a significant occurrence in the country and I do take this opportunity to welcome the King to the splendour of magical Kenya. The King is not new to Kenya, having visited the country three times before becoming King.

*(There was a technical hitch)*

It shall also be recalled that his mother, the late Queen Elizabeth II, ascended to the throne while vacationing in Nyeri, Kenya, in 1952. Of more significance also, this is the King's first visit to a Commonwealth country and the first outside of Europe since his enthronement. This is a great honour to our country and it speaks to the prominence of Kenya in international affairs. It is also a great marketing opportunity for our tourism industry, which is on a path of recovery from the adverse effects of COVID-19 pandemic in 2020. We must welcome the King of the UK warmly and see the visit for the opportunity that it indeed is.

Madam Temporary Speaker, the ties between two countries go far beyond the colonial era. The impact of the English people globally cannot be gainsaid. Their language is the most spoken language in the world. Their ingenuity to export their culture to the Americans, Indians, Australians, and even to us Kenyans is undeniable. It has serious ramifications on the global order and international trade. Ties between Kenya and the UK are, therefore, of importance to Kenya for decades to come. It is important to note that, currently Kenya and the UK have a trade balance of more than Kshs100 billion. Citizens of both countries have robust interactions and mutual exchange and this must continue to be encouraged.

Madam Temporary Speaker, that said, the King must have been appropriately advised to plan a four-day stay because in Kenya we have this good Swahili saying on how to treat visitors, *“mgeni siku ya kwanza mkaribishe, siku ya pili apumzike na siku ya tatu, mpe jembe.”*

The King has enough time in his State visit to hold a *jembe* and face some of the unflattering past that Kenyans have had; the undeniable lingering impact of colonial brutality on Kenyans by the British as they were establishing British colony in East Africa and during the struggle for Independence, especially during the State of Emergency of 1952. The visit should endeavour to smoothen some of these rough edges. The reported cases of British soldiers training in Laikipia, murdering our young girls are issues that must not be swept under the carpet.

Further, the two Governments should come up with a framework of honouring prominent personalities across the various Kenyan communities who fiercely resisted the occupation such as Mekatilili wa Menza of the Mijikenda, Field Marshal Muthoni wa Kirima of the Agikuyu, Koitalel arap Samoei of the Kalenjin, Moraa Ngiti of the Abagusii and others.

Repatriation of historical artefacts held in British museums back to their rightful owners should also be on the table in addressing fractures areas in our past, even as we keep eye on the more beneficial areas of our relationship, just like the skull of Otenyo lies in a British Museum.

Madam Temporary Speaker, the visit of the King of England is, therefore, a matter of immense importance to the country, both as a rare mirror of our past relations and as an opportunity to re-imagine and reshape our future engagements. I urge this House to take a leading role by speaking and setting the tone as to inform future engagements of both our countries and counties.

The advent of devolution in Kenya is a major departure from the Kenya, which gained its Independence from England in 1963 and the Kenya the new King is visiting this week. Opportunities for direct engagement between counties and foreign institutions would be beneficial to the counties and this Senate is at the centre of shaping such possibilities.

Finally, Kenyans wish to warmly welcome King Charles and Queen Camilla to visit as many of our counties as they can. I invite them to my home County of Kisii. We can organise our elders for a second enthronement as a Kisii elder.

In the meantime, we need to keep a perspective in regard of our past and the future of our two wonderful countries, and how amicably we have addressed the past even as we work to forge forward in new mutually beneficial relations.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you. Senator for Bungoma, Sen. Wafula, Statements under Standing Order No. 53(1).

ONGEZEKO LA VISA VYA MIMBA ZA MAPEMA KWA WANAFUNZI WA  
SHULE ZA UPILI KATIKA KAUNTI YA BUNGOMA

**Sen. Wafula:** Asante, Bi. Spika wa Muda. Ningependa kuanza na ya kwanza.

Nimesimama kwa mujibu wa Kanuni ya Kudumu Nambari 53(1) kuomba Kauli kutoka kwa Kamati ya Kudumu ya Elimu, kuhusu ongezeko la visa vya mimba za mapema kwa wanafunzi wa shule za upili katika Kaunti ya Bungoma.

Katika kauli hiyo, Kamati iangazie yafuatayo -

(1) Iarifu Seneti kuhusu idadi ya wanafunzi wa shule za upili katika Kaunti ya Bungoma waliopata mimba mwaka huu wa 2023, ikilinganishwa na mwaka uliopita wa 2022.

(2) Ibaini sababu zinazopelekea kuongezeka kwa visa hivyo vya mimba za mapema, hususan katika shule ya Upili ya St. Thomas Aquinas, Chesikaki ambapo wanafunzi takriban 54 wameathirika, hii ikiwa ni asilimia 22 ya wanafunzi wote shuleni humo.

(3) Ieleze hatua ambazo Serikali imechukua dhidi ya wahusika waliowapachika mimba wanafunzi hao, ili kukomesha hali hii ambayo imeathiri viwango vya masomo katika kaunti hiyo.

HALI YA UJENZI WA BARABARA PACHA KUTOKA MAKUTANO YA  
SANG'ALO HADI KANDUYI KATIKA KAUNTI YA BUNGOMA

Hoja ya pili, Bi. Spika wa Muda.

Nimesimama kwa mujibu wa Kanuni ya Kudumu Nambari 53(1) kuomba Kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu hali ya ujenzi wa barabara pacha kutoka makutano ya Sang'alo hadi Kanduyi katika Kaunti ya Bungoma.

Katika kauli hiyo, Kamati iangazie yafuatayo-

(1) Iwasilishe hati zote za zabuni kutoka Serikali ya Kaunti ya Bungoma zilizotumika katika ujenzi wa barabara hiyo, ikiorodhesha vifaa vyote na gharama zote pamoja na gharama ya wafanyikazi waliyohusika katika ujenzi wa barabara hiyo.

(2) Iwasilishe nakala ya makubaliano kati ya Serikali ya Kitaifa na Serikali ya Kaunti ya Bungoma kuhusu mradi huo, ikielezea kwa kina kazi inayoendelea na iwapo muda uliokadiriwa kukamilika kwa mradi huo ulipita.

(3) Iarifu Seneti hali halisi ya kifedha ya mradi huo, ikielezea kiwango cha fedha kilicholipwa na Serikali ya Kitaifa kwa Serikali ya Kaunti ya Bungoma na sababu zinazopelekea kucheleweshwa kwa malipo ya fedha zilizosalia.

Asante, Mhe. Spika wa Muda.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Oketch Gicheru.

POSITION OF 'ADVISOR' IN THE PUBLIC SERVICE

**Sen. Oketch Gicheru:** Madam Temporary Speaker, even as I comment on this Statement, I notice that it is addressed to "Mr. Speaker, Sir". Next time this Statement should have "Mr./Mrs./Ms." or "Madam Speaker." It is my Statement, yes, but it is approved by the Speaker's office. I take this gender thing very seriously even in how things are addressed in this House.

On that note, I rise pursuant to Standing Order No. 53 (1) to seek---

**Sen. (Dr.) Khalwale:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I rise on Standing Order No. 105---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Oketch Gicheru, can you take your seat?

**Sen. (Dr.) Khalwale:** The Senator for Migori County is misleading the House. In this Senate, the Speaker and the Deputy Speaker are men. For any address to that position being accompanied by "Ms." or "Mrs." and anything else that is feminine, it would be insulting those two people.

It is true that from time to time, we find members of the feminine orientation, but you are not Speakers. You are members of the Speakers Panel. Is he in order to mislead the country that we have got a female Speaker in the Senate?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Khalwale, I am persuaded to uphold your position that the substantive holder of the Speakers seat is a man. However, I am also obliged to advise that when Statements are being read, it is

important for the Senators who are presenting anything before the House to always note whether the person representing the Speaker is a man or a woman and adjust the language accordingly, so that we do not have confusion or send the wrong signal on the Speaker presiding over the House.

There is no correct position, but sensitivity is called for. However, the substantive holder of the seat is a man. It means that addressing the Statement to “Mr. Speaker, Sir” is quite in order.

**Sen. Oketch Gicheru:** Thank you, Madam Temporary Speaker for educating the Senator for Kakamega County.

I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the position of advisor in the Public Service.

In the Statement, the Committee should-

(1) Provide a comprehensive account of the number of individuals employed as advisors to the Cabinet Secretaries and Principal Secretaries (PSs) in the national Government Executive, disclosing the number of advisers per Ministry.

2) Clarify whether the position of an advisor to a Cabinet Secretary or PS is formally recognised within the public service structure, stating with their job group.

3) Determine whether the recruitment procedures for these advisors align with employment laws and determine whether this upholds the values and principles articulated in our Constitution.

4) Lastly detail the performance evaluation mechanisms for these advisers, shedding light on their remuneration and benefits package, making comparison to---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Members, can you consult in lower tones. The hon. Senator should be heard with a bit of regard to what he is presenting before the House.

**Sen. Oketch Gicheru:** I am reading a very serious statement. The last point was, in the Statement, the Committee should -

(4) Detail the performance evaluation mechanisms for these advisers, shedding light on their remuneration and benefits package, making comparison to roles within the public service and state whether it is commensurate with their responsibilities and qualifications.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Senator for Marsabit County, Sen. Chute proceed.

UPGRADE TO BITUMEN STANDARD OF THE ODDA-BUTE-DANABA  
ROAD IN WAJIR AND MARSABIT COUNTIES

**Sen. Chute:** Thank you, Madam Temporary Speaker for giving me this opportunity. I have four Statements. I will start with the first one in regards to an upgrade to bitumen standards of the Odda-Bute-Danaba Road in Wajir and Marsabit Counties.

I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the upgrade to bitumen standard of the Odda-Bute-Danaba Road in Wajir and Marsabit counties.

In the Statement, the Committee should-

(1) Provide an update on the status of upgrade of the Odda-Bute-Danaba Road in Wajir and Marsabit counties to bitumen standard, stating reasons for the stalling of the project.

(2) Inform the Senate of how the project was tendered, providing details on the bids received, the contract awardee and the bid amount, explaining any disparities between the contractual and actual commencement and completion dates of the project.

(3) Outline any measures put in place to ensure the project is completed without further delay.

Moving on to my Second Statement.

#### STATUS OF CONSTRUCTION OF KORONGO ROAD IN KAREN, NAIROBI CITY COUNTY

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of Korongo Road in Karen, Nairobi City County.

In the Statement, the Committee should-

(1) Provide an update on the status of construction of the Korongo Road in Karen, Nairobi City County, stating reasons for the stalling of the project.

(2) Inform the Senate of the process used in tendering for the project, providing details of the bids received, the contractor who was awarded and the bid amount.

(3) Explain any disparities between the contractual and actual commencement and completion dates of the project, outlining any measures put in place to ensure the completion of the project without further delay.

Moving to my third Statement.

#### SALE OF AFFORDABLE UNITS UNDER THE MARSABIT HOUSING PROJECT IN MARSABIT COUNTY

Madam Temporary Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the sale by the National Housing Corporation (NHC) of affordable housing units under the Marsabit Housing Project in Marsabit County.

In the Statement, the Committee should-

(1) Clarify whether the NHC has sold all the housing units under the Marsabit Housing Project, disclosing the individuals or entities that have purchased the said units.

(2) Provide a breakdown of the prices by unit type, stating the terms and conditions of purchase, payment schedules and financing options, if any.

(3) Elucidate on the steps involved in the sale process, the criteria used to identify eligible buyers and the relevant documentation required.

HANDOVER OF UNFINISHED PROJECTS FROM THIRD TO  
FOURTH COUNTY GOVERNMENTS OF TURKANA

Madam Temporary Speaker, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the handing over of unfinished projects from the Third to Fourth County Government of Turkana County.

In the Statement, the Committee should-

(1) Provide a comprehensive list of all unfinished projects that were handed over by the 2017-2022 administration of the County Government of Turkana County to the current administration disclosing any findings of assessment on the feasibility of completing the project.

(2) Outline measures put in place to ensure the completion of any outstanding projects without delay stating the projected times for any such projects.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

The next Statements are by the Chairperson Standing Committee on Roads, Transportation and Housing. I do not see Sen. Thang'wa. These Statements are deferred to the next Session; next week on Tuesday.

RETESTING OF PUBLIC SERVICE AND  
COMMERCIAL VEHICLE DRIVERS

*(Statement deferred)*

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

*(Statement deferred)*

STATE OF PROGRESS IN EVALUATION OF TENDERS AND  
COMMENCEMENT OF DUALING WORKS OF MERU TOWN

*(Statement deferred)*

ILLEGAL DIVERSION OF STAFF TRAINING FUNDS FROM  
KENYA MARITIME AUTHORITY ACCOUNTS

*(Statement deferred)*

SPEEDING BY DRIVERS TRANSPORTING MIRAA  
IN PARTS OF KIRINYAGA COUNTY

*(Statement deferred)*

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

*(Statement deferred)*

I call upon the Senate Majority Leader to present a Statement pursuant to Standing Order No.57(1) on the Business of the Senate for the week commencing Tuesday 7<sup>th</sup> November, 2023.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 7<sup>TH</sup> NOVEMBER 2023

**Sen. Tabitha Keroche:** Madam Temporary Speaker, pursuant to Standing Order 57(1), I hereby present the business of the Senate for the week commencing Tuesday, 7<sup>th</sup> November, 2023.

As hon. Senators are aware, the Meru County Assembly passed a Motion on the proposed removal from office, by impeachment, of the Governor for Meru County. Consequently, at the sitting of the Senate held on Tuesday, 31<sup>st</sup> October, 2023, the Senate considered a Motion pursuant to Section 33 (3) (b) of the County Governments Act and Standing Order 80(1)(b)(i) of the Senate, for the establishment of a Special Committee to investigate and report on whether the particulars of the allegations against the Governor of Meru County to have been substantiated.

Hon. Senators, will recall that this Motion was negatived. That being the case, the default position for the hearing on the impeachment charges against the Governor of Meru County will be by the Senate sitting in Plenary. As directed by the hon. Speaker in his Communication issued this afternoon, the Senate will investigate the proposed removal from office by impeachment of the Governor of Meru County in Plenary on Tuesday, 7<sup>th</sup> November, and Wednesday 8<sup>th</sup> November, 2023.

Listed in today's Order Paper at Order No.9 is a Procedural Motion for alteration of the meeting time of the Senate for Tuesday, 7<sup>th</sup> and Wednesday, 8<sup>th</sup> November, 2023, for the Senate to conclude on this matter within the timelines stipulated in the County Governments Act and the Senate Standing Orders.

In line with the Communication issued by the Speaker this afternoon, on Thursday, 9<sup>th</sup> November, 2023, His Excellency the President is scheduled to address a Joint Sitting of the Houses of Parliament on the State of the Nation Address. I urge all hon. Senators to prioritize their presence during these two critical events that hold significant importance for our counties and the well-being of our nation.

At its meeting held on Tuesday, 31<sup>st</sup> October, 2023, the Senate Business Committee (SBC) approved the next set of Questions to be scheduled in the Order Paper for Wednesday, 8<sup>th</sup> November, 2023. However, given that the Senate is scheduled to hold a hearing for the proposed removal from office by impeachment of the Governor of Meru County, on Tuesday 7<sup>th</sup> and Wednesday, 8<sup>th</sup> November, 2023, it has become necessary for the Questions to be rescheduled to a later date.

I thank you and hereby lay the Statement on the Table of the Senate.

*(Sen. Tabitha Keroche laid the document on the Table)*



**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Hon. Senators, we have the Statements that have been presented before the Floor of the House. I will allow each Senator two minutes to comment on those Statements, then we move on to the next Order.

Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker, for this opportunity. I will comment on the Statement by the Nominated Senator on the State Visit of His Majesty King Charles III and Her Majesty the Queen Consort. There have been conversations about kingpins in the country, but I am happy the real King is in town. You heard our beloved President say so.

I come from the home of Koitalel Samoei. The King has apologised for atrocities and brutality that were meted out to Kenyans during the colonial times. I appeal to the King and the Government of the United Kingdom to properly compensate Koitalel Samoei, and *Mau Mau* among other freedom fighters. We will be grateful if we are compensated. There is nothing that can repay the pain and anguish, but the compensation must come.

Finally, we request the British Government to assist us in constructing Koitalel Samoei University in Nandi County. If they can give us up to Kshs100 billion, we will have a world-class university. It will have a school of law dedicated to Jean-Marie Seroney. Also, give us money to improve on Koitalel Samoei Mausoleum. If they give us those things, we shall forgive them unconditionally.

I support the Statements.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Oburu, proceed.

**Sen. (Dr.) Oburu:** Thank you, Madam Temporary Speaker. I would like to comment on the Statement sought by Sen. Oketch Gicheru on the issue of advisors. The issue of advisors is becoming notorious, not only in the national Government, but also in the county governments.

Advisors are employed simply because they do not require scrutiny or seek Parliamentary approval. Some are more senior than those who seek parliamentary approval and go through rigorous processes. It is important to understand whether these advisors' remuneration is budgeted for. Do they pass through the budgeting process, so that they are transparently employed? Is it known how much they are paid and their output?

What contribution are these people making to our country? Are they just personal advisors, making serious input into the economy of this country or helping us improve administration and services delivery to our people?

Formally, there were some advisors who used to be in the civil service, some of whom were attached to my office. However, they were simply looking after the funds which their people were giving and earning a lot of money than our own locally employed advisors.

We want to really understand what the foreign advisors are---

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up.

Sen. Wakili Sigei, you may have the Floor.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for also giving me the opportunity to comment on the Statements. I will in particular be commenting on the Statement by Sen. Okenyuri.

As the Statement acknowledged, we have the King, His Majesty Charles III and Her Majesty the Queen Consort Camilla in town. We have been following on the goings-on from the day they came into Kenya.

Part of the engagements they have had included a very great State dinner, where a number of issues were discussed. As the President was acknowledging their presence, he indeed made comments about the real king being in town.

This is coming at a time when the Justice Legal Affairs and Human Rights Committee of this House has tabled a report on historical land injustices. It concerns community land in Kericho, Bomet as well as in Nandi counties. The communities that were deprived of their land had their cases against the British Government.

I believe that in the course of the engagements by His Majesty King Charles III and Government of Kenya, issues including those ones arose. There was an engagement in terms of the relationship between the two countries.

Part of the recommendations included a demand for compensation and reparation of the entitlement of the residents of the areas where they were displaced to pave way for multinationals and serious tea growing zones.

Madam Temporary Speaker, I believe that recommendation is also an issue that ought to and must feature in the engagements within the visit by the King within town---

**The Temporary Speaker** (Sen. Veronica Maina): Senator, your time is up.

Sen. Orwoba, you may have the Floor.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. I wish to add my voice to Sen. Oketch Gicheru's Statement on advisors and whether we need them or not.

In 2008, our former President Kibaki introduced the role of presidential advisors and we had the likes of hon. Raphael Tuju. If there was a time at all to ask what advisors are doing, it was at a time when we had the advisor hon. Tuju because the roles were not clear.

I believe the Kenya Kwanza Government has stipulated and given public job descriptions. We know what advisors are doing. We know what the likes of David Ndii are doing.

I think as a House of oversight, it is not us to decide what we need or do not need, but whether these roles, which are being paid from the public coffers, are effective.

Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Tabitha Keroche, you may have the Floor.

**Sen. Tabitha Keroche:** Thank you, Madam Temporary Speaker for giving me this opportunity. I support Sen. Okenyuri's Statement on the visit of the King, His Majesty Charles III and Her Majesty the Queen Consort Camilla.

We thank them because they chose Kenya as one of the African countries to visit. They brought in many investors' confidence. I know that is what we need most because we need our businesses to start growing and thriving. We are also happy to see---

*(There was a technical hitch)*

We were also very happy to see the Leader of the Opposition, Rt. hon. Raila Amolo Odinga, in State House. I know that going forward, he will not be questioning those people who go to State House to look for investments ---

**Sen. Oketch Gicheru:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Oketch Gicheru?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, the Senator for Nakuru County is talking about a name of a person and a distinguished leader of this country---

*(Sen. (Dr.) Khalwale consulted loudly)*

Madam Temporary Speaker, do I address Sen. (Dr.) Khalwale who does not understand the rules of this House or do I address you?

**The Temporary Speaker** (Sen. Veronica Maina): Address the House through the Chair.

**Sen. Oketch Gicheru:** May you then, please, protect me from Sen. (Dr.) Khalwale.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, in this House, it is clear that if you want to discuss the name of any individual, you must bring a substantive motion. The Senator for Nakuru is not only discussing the persona of---

*(Sen. Cherarkey consulted loudly)*

**The Temporary Speaker** (Sen. Veronica Maina): He is on a point of order, Sen. Cherarkey. Maintain your peace until he finishes.

**Sen. Oketch Gicheru:** I am on a point of order. I will finish and will be heard in silence. Are confused today, Sen. Cherarkey? I am on a point of order.

**The Temporary Speaker** (Sen. Veronica Maina): Finish, Sen. Oketch Gicheru. Sen. Cherarkey, can he be heard in silence?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, not only is the Senator for Nakuru discussing an individual without a substantive Motion in this House, but also trivialising the visit of a very serious guest in this country, the King.

When you have an opportunity to discuss substantive issues, can you talk about the agenda that can advance this country instead of bringing domestic politics into this unless, the persona of Raila Odinga is the only way the Majority side feels that they can get their legitimacy?

If you can only feel legitimate as a Government, by Raila Amolo Odinga visiting the State House, we can bring that debate and discuss about the legitimacy of the Government of the day. You cannot start discussing Raila in context of the visit of the King.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Oketch Gicheru, conclude your point of order.

**Sen. Oketch Gicheru:** I have concluded, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Oketch Gicheru, I overrule your point of order on the basis that, Sen. Tabitha Keroche has not prejudicially

mentioned the Leader of Opposition. I will allow Sen. Tabitha Keroche to continue with her---

What is your point of order, Sen. Cherarkey?

**Sen. Cherarkey:** Standing Order No. 98t says:

“Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and that Senator shall be required to indicate the Standing Order upon which the point of order is based”

Madam Temporary Speaker, is it in order for Sen. Oketch Gicheru to violate the Standing Order by not even indicating the Standing Order that Sen. Tabitha Keroche was violating?

You have always directed that before rising, one must indicate the Standing Order they are relying on. Is it in order to rule that Sen. Oketch Gicheru is out of order on the point of order he raised without giving us a substantive point of order he was standing on?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, while your point of order may raise valid concern, it is overtaken by events now that Sen. Oketch Gicheru has completed his point of order.

We shall proceed on and allow Sen. Tabitha Keroche unperturbed and undisrupted to continue with her submission even on the aspect of the Leader of Opposition visiting the State House yesterday.

You can proceed.

**Sen. Tabitha Keroche:** Thank you, Madam Temporary Speaker. I know why Sen. Oketch Gicheru is acting emotionally. He could not welcome the His Excellency the President when he visited Migori. He is now free and has visited the State House---

*(Sen. Oketch Gicheru consulted loudly)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Oketch Gicheru, I directed that Sen. Tabitha Keroche---

**Sen. Tabitha Keroche:** It is now very clear---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Tabitha Keroche, can you pause?

*(Sen. Oketch Gicheru consulted loudly)*

Sen. Oketch Gicheru, I directed Sen. Tabitha Keroche to proceed uninterrupted, so as to finish her submission.

*(Sen. Oketch Gicheru consulted loudly)*

Sen. Oketch Gicheru, you are getting out of order. Can Sen. Tabitha proceed and finish?

**Sen. Tabitha Keroche:** Madam Temporary Speaker, I am finishing.

The King and the Queen brought investors' confidence that we need so much in this country. We were happy to see the Leader of Opposition visiting the State House, yet

he has barred all the leaders in the opposition not to be seen in the State House to look for---

**The Temporary Speaker** (Sen. Veronica Maina): Time is up, Sen. Tabitha Keroche.

We are done with that segment.

Sen. (Dr.) Khalwale, you may proceed.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I want to laud Sen. Okenyuri and Sen. Oketch Gicheru for their Statements.

The issue raised by Sen. Oketch Gicheru is very serious. In the county governments, the wage bill has grown to Kshs50.82 billion. In the national Government, the wage bill has grown to Kshs1.17 trillion.

It is just about time we told Kenyans who is being paid these billions in county governments and trillions in the national Government. We need full disclosure, especially in view of the findings in Siaya and Kakamega Counties.

You heard the concerns of the Senator of Siaya County about advisors in their county. I have an even bigger problem in Kakamega County. The Governor of Kakamega County has an advisor on political affairs, economic affairs, youth affairs and for gender affairs. Through legislation, he is trying to sneak in an advisor for nuptial issues.

This is wasteful expenditure in counties where children drop out of school because of lack of uniform, money to pay for lunch, and paltry Kshs12,000 for staying in secondary school. This must be clarified.

Finally, Sen. Okenyuri, on the issue of the King; I would like to invite him to come to Malinya not for reparations, but to see the area from which the gold that created the 20-foot throne that he sits on in the House of Lords, came from. It came from Ikolomani, Rosterman in Lurambi and Accra, Ghana. We do not want any compensation. However, we would like him to appreciate that we are the ones who gave him the golden seat.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. (Dr.) Khalwale, did you give the gold from Malinya for free?

Next Order.

## BILL

### *First Reading*

THE NATIONAL RATING BILL (NATIONAL ASSEMBLY  
BILLS NO. 55 OF 2022)

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

**The Temporary Speaker** (Sen. Veronica Maina): Next Order.

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

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

*(Sen. Onyonka on 5.10.2023)*

*(Resumption of debate interrupted on 19.10.2023)*

**The Temporary Speaker** (Sen. Veronica Maina): I will now call upon the Mover of this Motion to reply.

Sen. Abass, please proceed.

**Sen. Abass:** Madam Temporary Speaker, I rise to reply to the Motion of adoption of the report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret, which was laid on the Table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011.

I wish to start by expressing my sincere appreciation to all the Senators who rose to support this very important Motion. It is clear that this Motion was supported by both sides of the House. This is a clear statement of determination to empower our devolved units to grow economically and develop into sustainable and self-sufficient entities.

As you are aware, urbanization is one of the powerful and irreversible forces in the world. Urbanization and economic growth are positively linked because of the essential role they play in a nation's development towards a stronger and more stable economy. Cities, towns and other urban areas provide economies of scale, enhance agglomeration, attract talent and skilled labor and serve as hubs for production and service centers.

As you are aware, many other municipalities are waiting for this to be confirmed and then request for conferment to cities. It is time to have more cities in this country, the likes of Kakamega where our Senate Majority Whip comes from. Many others are in the waiting list.

As the Committee on Devolution and Intergovernmental Relations, we will do our best to at least go the extra mile to see more municipalities become cities. The Committee on Devolution and Intergovernmental Relations is keen on ensuring effective governance and management of cities, towns and urban areas in the country for efficient service delivery and economic transformation.

It is noteworthy that Eldoret is the second municipality that the Committee has recommended to be conferred city status after Nakuru. As you are aware, Eldoret has been a municipality since 1953 and it meets all the requirements. It also has humble land

for expansion. Currently, it is sitting on 146,000 square kilometres and there is more land that is available for development.

There is also a new area that has been earmarked for the city development and anybody who wishes to invest. If Sen. Wakili Sigei is ready to invest in Eldoret, he can take this opportunity at the earliest time possible.

The Committee is very pleased and inspired by the positive contributions by the hon. Senators. It took a keen note of all the issues that the House observed and advised with regard to the management of urban areas. The Committee will endeavour to engage with the relevant authorities in the Municipality.

There are a few issues, for example, the roads are still narrow and need to be expanded. There is also the water issue and some of the farms will need to be recovered as the city expands. However, that is not a big deal because the City of London, one of the oldest cities in the world, is surrounded by big farms.

If you overfly London, you will see cattle all around beautiful lawns, where animals are being kept, for example, horses and sheep. Therefore, Eldoret will not be an exception to have a big farm around the city. We can still accommodate those big farms as part of the beautification of the city.

I take this opportunity to commend my Committee Members for the commitment and duty, which they made in the consideration of the application for conferment of City status to the Municipality of Eldoret successful.

I wish to thank the Offices of the Speaker and the Clerk of the Senate for the support.

Lastly, I also wish to thank the stakeholders and citizens of Eldoret Municipality who appeared before the Committee and presented their submissions regarding the conferment of city status to the Municipality of Eldoret.

The Governor of Uasin Gishu County and the committee that was formed for the conferment of the municipality has done a wonderful job and allowed us to see the beautiful city of champions. Viva to the people of Eldoret. Today, Eldoret will be conferred a city status.

Madam Temporary Speaker, having said that, looking around the House, I believe there are not enough Delegates for division. Therefore, I seek your guidance to defer the division of the Motion.

**The Temporary Speaker** (Sen. Veronica Maina): The division is deferred under Standing Order No. 66 (3) and will be done during the next session of Senate, that is next week on Tuesday.

*(Putting of the Question on the Motion deferred)*

We are also going to re arrange the Order Paper to enable us conduct the business that is to be conducted in view of the Members who are in the Senate today.

Clerk, please call out order No. 19.

**BILL***Second Reading*THE PREVENTION OF LIVESTOCK AND PRODUCE  
THEFT BILL (SENATE BILLS NO.12 OF 2023)*(Sen. Cherarkey on 31.10.2023)**(Resumption of debate interrupted 1.11.2023 - Afternoon Sitting)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, you had a balance of 29 minutes when this matter was adjourned. So, you may proceed to debate.

**Sen. Cherarkey:** Madam Temporary Speaker, from the onset, I thank the House. Yesterday, I proceeded midway. I will not take much of the remaining time so as to allow my colleagues to comment.

The Prevention of Livestock and Produce Theft Bill (Senate Bills No.12 of 2023) is set to ensure there are mechanisms of preventing, combating and eventually eradicating livestock and produce theft. My heart goes out to the people of Baringo County where there has been insecurity for the last two or three days. We hope the Government can arrest the situation.

The issue of cattle rustling is very uncomfortable in this age and time. We hope that the current security operettas in place will take care of that. Therefore, I urge all counties to ensure they have a proper place in pushing this agenda.

Madam Temporary Speaker, it goes without saying that the King is in town. I hope he does not listen to what the former people who occupied this land many years ago would listen to. I emphasize what the Deputy Majority Leader said that State House is a public entity and each and every Kenyan is allowed to visit and meet the President. I hope Orange Democratic Movement (ODM) will suspend their disciplinary action against Members of Parliament (MPs) who have visited State House to discuss development since their party leader has also visited State House.

Madam Temporary Speaker, on the aspect of offences, we need to stop this menace. The biggest challenge in Baringo, Elgeyo Marakwet counties and Northern and Central Kenya is lack of development. Now that Hon. (Prof.) Kindiki is pushing for security, the necessary agencies like the Ministry of Roads and Transport should ensure there are security roads within those regions. This is so that when insecurity occurs, the police can reach those areas. When you visit those areas, you realise they have impassable roads. The Ministry of Interior and National Administration and that of Roads and Transport should work together to ensure there are provisions of security roads.

We are not saying they should only do security roads in those areas but also ensure Nandi County gets accessible roads. If we can provide security roads in those areas and ensure they are accessible, it will allow ease of movement and bring development. Schools and many aspects should be there so as to develop our country across. Schools, roads and hospitals should be developed so that those people feel they are part and parcel of Kenya.



When I was growing up, when the people from Turkana County used to come to Nairobi City County or other parts of the country, they used to say, '*Nimetoka Turkana ndio nimefika* Kenya.' The same way we finished issues of Female Genital Mutilation (FGM) and many others, we should be ready to tackle the issue of cattle rustling and banditry.

I saw the police in Baringo County and sympathised with them. They cannot pursue those criminals because they know those terrains more than they do due to lack of roads. My advice to the people in charge of those offices is that they should work towards this and avoid doing politics at the expense of doing their job.

There is also the issue of branding another person's livestock. We have banned that and if you are found, you shall be fined Kshs1 million or 14 years in prison. This is because when you sell at Dagorreti Corner or other abattoirs, that abattoir must have proper records of the animals they are slaughtering.

A person who steals livestock or produce or receives any livestock or produce knowing or having reason to believe they are stolen, commits an offense and shall be liable to not less than 20 years. On the aspect of using violence, especially where deaths have occurred, when you are stealing livestock for the criminals, it is to a term of life imprisonment. So, if you are found stealing animals forcefully using violence, you must be punished with no option of a fine. All the bandits and cattle rustlers who have been taking advantage should be warned they will go in for 15 years.

If you incite, procure, direct, instigate or collude with another person--- This is a warning to my colleague politicians or any person who condones the issue of cattle rustling and banditry or livestock rustling. You will be ready if you participate in procuring, inciting--- These are criminal enterprises that finance cattle rustling and theft in this country.

If you are a financier seated in Nairobi City County, but you are sending criminals to steal animals in Northern Kenya or North Rift, you must be arrested without an option of fine and for not less than 15 years.

If we also find you trespassing with the intent of stealing livestock, you will get a prison term of not exceeding 7 years.

Further, no person shall without lawful authority drive, convey or transport any livestock or produce along a public road unless that person is in possession--- So, you must have a removal permit. I have seen many lorries that transport animals to Nairobi City County for slaughter. If you do not have removal permit or the details of where you bought those cows, description of the animals, where it is going and who you are selling to, you will not be allowed to transport them. That is the aspect we want to introduce. The one who contravenes must be ready for punishment. People who steal animals and remove the branding are going to be punished for 3 years or a fine of Kshs1 million. So, if you steal animals and change and destroy the branding, be ready for a fine of Kshs1 million or three years imprisonment.

Madam Temporary Speaker, we will also be very keen and – Members should listen to this – there will be no movement of animals between 6.30 p.m. up to 6.00 a.m. If we find you transporting animals along the road past 6.30 p.m. or before 6.00 a.m., it shall be punishable by law for either 12 months in prison or a fine of Kshs800,000.

Finally, on illegal possession of livestock, I know where I come from, something you would find a stray cow and you keep it. However, if we find you with unexplained

livestock that you do not possess or illegal produce, we shall ensure that you go in for the 15 years.

Madam Temporary Speaker, cattle rustling and banditry is a very complicated topic and I hope my colleagues will bear with me. You know nowadays cattle rustlers and bandits have changed strategy. We have heard cases of animals such as donkeys being slaughtered. If you are found to be transporting a slaughtered animal to Nairobi City, you shall be liable to imprisonment for not less than 10 years. Be warned.

I know there are experts who normally slaughter donkeys and sell to unsuspecting buyers. I wish to repeat what I said yesterday; that we could knowingly or unknowingly be financing the cattle rustling. This is because the meat served either in the canteen, MPs' cafeteria or across the country, could knowingly or unknowingly be a case of a stolen animal.

What happens when you seize the animals? Let us say, the General Service Unit (GSU) have gone on a military operation order in Kerio Valley, Tiaty, Kapedo or Mandera in Norther Kenya, when they take these animals, they must release them to the owners within three days or 72 hours. I wanted to insist on that. I assure the public that when you lose animals and police confiscate and seize them, they should release upon proof of ownership within 72 hours.

Madam Temporary Speaker, we need to punish the financiers. Upon application made by law enforcement to the court, the court may make an order for investigation by the law enforcement into the dealings and assets. I am proposing that if we find you as a financier of livestock theft and cattle rustling and banditry, the courts can order your investigation and have your assets frozen. Those assets can be recovered because we will believe that is what was used. We are killing the head. We are not going for small bandits who run around in Kerio Valley, among other areas. We are going for financiers.

The other point is on public awareness. We shall ensure that we sensitize the public on the same, which that is the work of counties and County Executive Committee Members (CECMs). The CECs have a role of ensuring branding and appointment of inspectors.

Madam Temporary Speaker, we are now giving the option of Alternative Dispute Resolution (ADR). We appreciate where Sen. Tobiko and others come from value ADR. The County Executive shall collaborate with elders and gate keepers of communities in promoting the use of community dispute resolution, including mediation and determination of any disputes regarding livestock theft.

Where Sen. Tobiko comes from, sometime they allow ADR on livestock theft. Where you come from, in the past, you could not get married without participating in as a form of ritual or initiation into adulthood or marriage. So, we propose that we have ADR. Even our Constitution allows ADR.

If you offend this law, we are proposing less than five years of imprisonment or imprisonment not exceeding two years or to both. After we pass this Bill into law, the Cabinet Secretary will ensure the registration and identification of livestock, removal or convenience of livestock, management of livestock centres, sensitisation and charges or fees to be paid by the registrar under this Act. So, we are giving power.

I know there exists the Stock and Produce Theft Act and a Penal Code prohibiting livestock and produce theft. I know there is Penal Code 278 of the criminal procedure

code. My intention in this Bill, with the support of the Senate and National Assembly is--

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The point I wanted to insist on is that for these areas to stop cattle rustling and banditry, let us be deliberate in terms of development. Let us ensure equity. I am happy the President said that this is the Government that will wipe out cattle rustling across the country. My heart goes out to the many families who have lost their livestock and loved ones because of this insecurity.

I urge the Minister of Education to move with speed and establish education and rehabilitation centres. I went to West Pokot and I was happy that during campaigns, the President presided over a harambee to rehabilitate the Morans who used to participate in cattle rustling. We must build rehabilitation centres through the Ministry of Interior and National Administration.

Madam Temporary Speaker, I encourage the Ministry of Interior and National Administration to also equitably distribute the National Police Reservists (NPRs). We have heard arguments that certain communities have armed NPRs while others are unarmed.

I am proposing that the National Police Service Commission (NPSC) simply hires young people or the reformed bandits as police officers because they understand the terrain. Let them be sent to the terrain of Kapedo, Tiaty, North Rift and Northern Kenya because they understand the terrain. You take someone who grew up in Nairobi City and went to Kiganjo and then take them to these areas to fight bandits? Why not reform bandits and put them to fight and ensure we win the war against banditry? That is the only way to finish this menace.

I told you 60 per cent of our homes depend on Gross Domestic Product (GDP). I urge the Ministry of Interior and National Administration to work together with the Ministry of Education. I also urge the Ministry of Roads and Transportation to ensure there is security on roads in this country.

Luckily enough, the Minister of Roads and Transportation comes from Elgeyo/Marakwet County, where we have a problem. He should be busy fixing those roads in Elgeyo/Marakwet and other parts of the country. He should ensure our roads are secure so that we do not have problems instead of belittling and demeaning us in funerals and other forums.

Madam Temporary Speaker, we will do branding of livestock in order to facilitate recovery. However, I wish to emphasize that we need good roads. Let us have proper mechanism so that we can go into the future.

Finally, before I allow Sen. Tobiko to second this Bill, I thank your office for overwhelming support and guidance through the process of drafting and publishing this Bill.

I call upon the House to help expedite this Bill so that it becomes law in the next few months. With that, we can put the last nail on the coffin of livestock theft, cattle rustling and banditry.

With those many remarks, I beg to move and request my sister, the future Governor of Kajiado County, Sen. Tobiko, to second. Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Tobiko.

**Sen. Tobiko:** Thank you, Madam Temporary Speaker. First, I congratulate the Mover, Sen. Cherarkey, for bringing this noble issue to the Floor of this House.

This is a very important Bill to three-quarters of livestock keepers in this country because I believe they occupy maybe three-quarters of the nation. The livestock and livestock produce industry is huge. It is very huge. It is an industry that cannot be ignored. It is an industry that is lucrative. It is an industry that employs a lot of Kenyans and is the livelihood of many families and communities.

We have also seen a lot of problems in this field and no wonder Sen. Cherarkey had to come up with this Bill. As I second, let me just appreciate the fact Sen. Cherarkey has taken his time to delve into a lot of the challenges that have bedevilled the livestock industry.

In the northern areas of Kenya, including Wajir, Mandera, Samburu and Laikipia, communities have not lived well because of livestock theft. It has impoverished families. Many families have lost their hard-earned wealth, which they have accumulated over time and can be lost in one night.

It is so traumatizing. We have seen families that have become paupers. We have seen children who have dropped out of school because their parents can no longer afford to keep them in school or to pay for their school fees.

It is not because their parents were not hard workers. The parents had worked hard and stocked quite a bit of livestock, but in one night, that all becomes history. You find a family by morning starting from scratch. It is difficult to even convince those Kenyans that they belong to this country because their experiences are painful.

A few days ago, I was watching the news. I saw children from Samburu County who were giving their testimonies on how difficult it is for them to sit for the examinations because of insecurity. These children have brains. They could be very clever. They could be tomorrow's Speakers of this House, but the environment these children are living in is difficult.

I wondered whether they were to sit for the same exam as children in Lavington, Karen and Muthaiga in Nairobi? It is the same exam, same invigilators, marking and ranking. It is sad that in this country we are still looking for ways of addressing cattle rustling.

I do agree with the Mover of the Motion that in these areas, one of the last solutions would be the development of infrastructure. Roads are required in all those areas. Schools are required because when people are educated, they will now see the world from a bigger perspective. They will be able to earn a living in other ways, including becoming doctors, professionals like yourself and lawyers and they will be able to earn a living through other means. So, their life will not be rotating around cattle rustling.

Today when we were in a committee meeting earlier in the morning, I was telling my colleagues that there is pain that has not been addressed in this country because of inequalities and historical injustices. There are areas in this country that have not been developed and remain undeveloped. Those Kenyans just see development in other areas and they wonder whether they belong to the same country.

I have had a chance to visit Uasin Gishu and I love the place. It is so beautiful. I have had a chance to visit very many areas of this country. I was telling Sen. (Prof) Kamar that one of these good days I am going to invite her to my place. It is so near Nairobi, but yet so far, because we have no infrastructure.

From my home, we can see the lights from Nairobi, but reaching Nairobi is a nightmare yet it is so close. It is just the same distance as Thika, but because there are no roads, no wonder these Kenyans are left to do their own things like stealing from each other, stealing goats from this family, taking to the immediate market and going through the bushes because roads are impassable. It is a sad situation.

I was giving my colleagues an example and telling them that I have wondered whether sometimes supporting the Government does not pay off for some communities and pays off for others. Maybe those who have stayed in the opposition get more recognized and more rewarded.

In Kajiado, for example, let me just mention that we have supported every Government that has come into place from the Kenyatta, Moi, Kibaki, Uhuru Kenyatta and the current Government. A very good example today, is that Mombasa Road is the one that divides Kajiado County and Machakos County.

If we begin right from the Athi River here, we can use Mombasa Road to be like the backbone. At Athi River next to Kenya Meat Commission (KMC) Kinanie, there is a tarmac road going to Ukambani side. However, there is no road going to Kajiado.

When you go a little further before you reach Machakos junction, you branch into Mua Hills where Sonko has a home, there is a tarmac Road towards Mua Hills in Ukambani, but no road towards the Kajiado side. Reaching Machakos Junction, there is a tarmac road that goes to Machakos Headquarters and Machakos County and no road that goes into Masaai land.

After that just before you reach Konza junction, there is a road that goes to Ukambani and no road to Maasai land. At Konza Junction, there is a tarmac road that goes to Ukambani and no road to Maasai land.

I am just following Mombasa Road. At Salama, there is a road that goes to Ukambani Wote and deep into the interior, but no road to Masaai land. You go to Sultan Hamud, it is the same. At Emali is now where we get a road going to Loitoktok.

Where do we belong? Do we belong to this country? I do not know whether those in Machakos and Makueni region are being rewarded for being in the opposition. I do not know. Maybe we are incapable of being in the opposition because we always believe let us get into Government because this is where we will get the services.

We are yet to get the services and it is hurting us. No wonder our people still believe livestock theft and the bad things that go with it is the order of the day. It is so sad.

We see when there is a problem with coffee and tea farming, the government comes out and tries to get a solution. We also need livestock insurance to face the harsh climatic conditions, drought and long farming periods.

Madam Temporary Speaker, Kajiado has been going through a three-year-long drought now. We are yet to get the rains. Kenyans living in Turkana, Baringo and in all these livestock keeping regions need the Government to stand with them. We need necessary legislation that will be fair and bring development to these communities. If there was electricity in those areas, young men and girls could start businesses. They will do welding or make doors and gates as well as ran saloons. However, how do they do that when there is no electricity?

Madam Temporary Speaker, the Bill has talked about the penalties and the jail terms that may work well. Let us have deterrent laws and measures to completely

discourage cattle rustling, because it has brought poverty and untold suffering into communities. I have always wondered why police officers stop with immediate effect, a lorry or a canter that is carrying charcoal. However, a whole lorry carrying livestock will not even be stopped and the police will know where it is heading. Most of time the police officers are in cohorts with those people who are stealing livestock.

Every time we have reported our goats have been stolen at Isinya or in Kaputei area of Kajiado West Constituency, the police officers have never apprehended a single thief. However, when it comes to petty things - I am not saying petty - because of charcoal burning, I am very passionate about the environment. I hate to see any person carrying charcoal for trading. However, I have always wondered why the police cannot see a lorry carrying livestock, but they will always see a truck that is carrying charcoal.

I agree with Sen. Cherarkey that the movement of livestock should be done during the day. After 6.30 p.m. or before 6.30 a.m., there should be no movement of livestock. People should move livestock during the day.

Madam Temporary Speaker, there should be veterinary extension services, just as if we have seen in the other agricultural areas, where Government extend services to communities, to take care of their crops. We need to take care of the livestock in the same manner that we have provided support to those who do alternative farming.

I agree with Sen. Cherarkey, that in our communities' alternative dispute resolution mechanisms are there. They should be encouraged for a peaceful environment or an enabling environment for everybody to trade and have their sources of livelihood.

Madam Temporary Speaker, once again, I congratulate Sen. Cherarkey. He speaks for most Kenyans. I believe the future is bright for him. One day he may be elected the President of this Republic because he takes every issue seriously, not just the ones that affects the people of Nandi County, but the whole country. He has been careful to listen to the challenges that affect other Kenyans.

Thank you, Madam Temporary Speaker, and I second.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, I will propose the question before we proceed to listen to the contributions from other Senators.

*(Question proposed)*

I will now invite the Senators to contribute to this debate.

Sen. Wakili Sigei, you may proceed to make your contribution.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for giving me this opportunity to speak to this important Bill.

I appreciate the Senator for Nandi County, Sen. Cherarkey, for addressing this important matter and bringing a Bill to ensure that there is legislation that supports and enhances the prevention of livestock theft and related interest in terms of what the Bill provides.

Madam Temporary Speaker, the Prevention of Livestock and Produce Theft Bill, 2023 as was moved by Sen. Cherarkey is a very crucial Bill. That for whatever it provides, it deal with so many areas such as the issue of security protection of the investment, our farmers, the pastoralists and our brothers and sisters who have invested in their livestock.

Additionally, it ensures that such other related benefits, including what is very key in terms of opening up areas like the security roads and related interests is to be made in order to make sure that we do protect our farmers and their investments. I will go straight to the provisions of the Bill and attempt to discuss the various areas that it addresses.

Madam Temporary Speaker, Clause 3 of the Bill provides for the objectives of the Bill. This is an important clause and I must applaud Sen. Cherarkey for coming with this. The element of identification, tracking and giving a special or a unique identifier to the owners of livestock. That is key in terms of ensuring that farmers do not lose their livestock. Thousands of animals which are owned by our brothers and sisters will be identified by a special identifier that will ensure their security. Consequently, if they are stolen, they can always be easily traced. That is very important in the recovery of such livestock. The provisions of Clause 3 (1) (2) (3) and (4) are very crucial to this particular Bill.

Madam Temporary Speaker, the role that has been given under this clause to the national Government in formulation of the policies and creation of a mandate to acquire equipment for purposes of this Bill, ensures that there is a clear demarcation of the roles that the national Government and the county governments are expected to deal with. The same clause also provides for the role of the county governments. This includes registration of the brands and processing of registration of the brands and design. This will ensure that there is no conflict of the roles between the two levels of Governments.

The moment we have the policies in place, the county governments will be under an obligation that is clearly provided for under this Bill to make sure that the brands which have already been applied for registration by various farmers are registered and the designs are protected to the very specific person who applies for them. As long as they meet the requirements under the legislation and the county policies that will be put in place, because the same obligation is given to the County Executive Committee (CEC) of the relevant department or sector of the county government.

This is well provided for under the provisions of Clause 3 of this Bill.

Part 2 of the Bill speaks to the issues of branding livestock. The only area I am concerned with and I urge Sen. Cherarkey to look into, is the provisions of Clause 5 where it provides for the functions of the County Executive Committee Member (CECM) of the relevant ministry.

Under 5(a), the mandate of the CECM is to establish and maintain a county register of livestock brands. Besides the creation of the register, there is a missing link on how that register will be developed. Whether it is to do with the farmer or with the number of livestock a farmer has. We have listed in the Act that, but we have not identified whether we will be dealing with a county register for specific individuals or for the county. I would urge Sen. Cherarkey to re-look at it so that it is clarified on its provision.

Madam Temporary Speaker, secondly, under sub-clause (d), there is establishment of systems for tracking stolen livestock. That still needs to be provided for on whether we are going to be dealing with a county tracking system or a general tracking system for all, which will be applied across all counties in the country.

My concern is with provisions in Clause 6 on application for registration of a brand. Article 45 of the Constitution recognizes and acknowledges the entitlement of an individual and the protection of intellectual property. This design of brand has not been

clearly defined by this Bill and whether it will be protected as an intellectual property. Whether it will be a brand mark or whether it will be something else, there is need for clarification to the extent of designs and their registration.

Madam Temporary Speaker, there is legislation under the Trade Marks Act and other relevant intellectual property rights in this country that provide for the procedure and requirements for registration of such rights under the Kenya Industrial Property Institute (KIPI). This legislation has not been clearly defined as to whether or not these brands will qualify as intellectual properties or not. I urge Sen. Cherarkey to ensure that it is clearly defined so that it does not conflict with the national legislation on intellectual property.

It similarly does not prescribe for timelines within which one is done. In this one, it gives 30 days and whether this requirement will be the one that is under the national legislation or will be limited to what the CECM shall define under the policy at the county government or will also be required to be the one that is at the national legislation.

In this case, it does not provide for a requirement for publication for a certain period of time whilst in most cases, the national legislation requires publication so that if there is another person who has that brand, that person can raise an objection for there to be no conflict or breach of brands that have already registered or conflict among owners and prospective owners of designs and brands.

Madam Temporary Speaker, this bit runs through from Clauses 6, 7, 8 and 9. I believe in the fullness of time, Sen. Cherarkey will look at those provisions to ensure that they are fully aligned to the laws that are already in place.

The provisions of Clause 10 provide for obligations to branding. Besides the registration of the brand itself, it gives a timeline within which an individual is required to brand his livestock. In this case, under 10(1), one is required for all the livestock that has attained the age of six months to be branded within the period of six months upon the passage of this legislation.

Sub Clause (b) provides that if the livestock are of six months upon passage of this Bill, the owner will be required to ensure that registration is done within three months. It has not factored in the timeline within which the county legislation will have been developed and relevant policies put in place. I believe that there will be need for time for the county governments to process and enact legislations and related policies.

Madam Temporary Speaker, one might be seen as being in breach of this law if they will not have branded and registered within six months of the passage of this Bill. I urge the sponsor of this Bill to relook at that so that there is a grace period provided within which, upon the passage of this legislation, the county governments are given time to pass the relevant county legislation and policies so that they align with provisions of this Bill.

Under the provisions of Part III in Clause 12, movement of livestock; I wish to implore the sponsor of the Bill to rethink how we are going to deal with our brothers and sisters who deal with pastoralists. It is making reference to movement from the premises where they are ordinarily kept to other premises for the purpose of sale and slaughter.

How do we deal with our brothers and sisters whose day-to-day life is dealing with movement in search of greener pastures? You need to relook at how we define the movement of livestock so that we do not limit the provision of the Act to movement only for purposes of sale or slaughter. This will not protect the pastoralists.



The issue is very key. In Mulot, where I come from, we have a livestock yard and a regular market day where we trade thousands of livestock. We similarly have one in Chepalungu Constituency, and Chebunyo where Narok and Bomet traders do livestock trading.

We need to make sure that the law is clearly providing on this bit of movement so that we do not hamper the thriving businesses across the counties. Not only within Bomet and Narok but across other counties where farmers are involved in this particular business.

Under the provisions of Part IV on offenses, I applaud the Hon. Sen. Cherarkey for making sure there is very specific provisions on punishment for those who are found guilty of the offenses, which have been laid out. Clause 16 to 29 of the Bill are very elaborate. It will act as a great deterrent to those who have been involved in theft. It does not only deprive our farmers of their investment but creates animosity among the communities. As long as you have been deprived of your investment by those who were involved in theft, you will definitely not co-exist. This particular kind of punishment will act as a deterrent.

I believe that in the fullness of time, we will bring down the animal and livestock theft and create an environment where the law will catch up with you. You shall play along the law. In the process you shall be creating opportunity to your brothers and sisters who are livestock keepers and traders.

Madam Temporary Speaker, as I close, I ask Sen. Cherarkey to re-look at this other element on the requirement of county governments to levy some fee for purposes of branding and issuance of licenses.

Article 209 of the Constitution provides for taxation and revenue raising. This particular provision under the Bill will enhance the county governments Own Source Revenue. I would like the Bill to ensure there is standardisation of the amount that will be charged. Standardisation will make sure that we will not deprive some counties of revenue.

If there is non-uniformity, I can bet for sure that many people will cross over to favourable counties for purposes of getting registration of their brands and designs and then utilize the same in their counties. There is a need to ensure that there is a uniform structure for purposes of charges to avoid movement from one county to the other in seeking registration at an affordable or lower cost. In this way, we will ensure that counties where farmers are dealing with livestock production have an enhanced source of revenue.

As I close, I applaud Sen. Cherarkey for this timely Bill, which will ensure that our farmers are going to benefit under this regime. The improvement and investment in agriculture are among the top priority agendas that the Kenya Kwanza Government has put in place. This is one of the laws that will ensure that this pillar of the manifesto is achieved.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Orwoba, proceed. Sen. Orwoba, I apologise, a Senator from the opposite side should contribute. Let us have Sen. Crystal Asige

**Sen. Crystal Asige:** Thank you, Madam Temporary Speaker. I appreciate the opportunity to contribute to this Bill that has been brought by Sen. Cherarkey. I would

like to congratulate him on the amazing work that he continues to do in the Senate. He is one of the Senators that I admire because of his extensive knowledge of many topics and his passion for traversing all the topics he believes firmly in. Also, putting together legislation such as this that is innovative and forward-thinking. Congratulations to the Senator.

This Bill is anchored on Article 45 of the Constitution. It continues with my train of thought in terms of the calibre of legislation that is coming out of this honourable House in this particular term. Unfortunately, we continue to see wrangles, issues, ingrained problems within the country because of livestock theft and cattle rustling. Unfortunately, more than just livestock has been lost. Trust has been lost within communities and livelihoods have been lost within families. There is a lot of anger in many parts of the country because of this issue.

In the worst case, we see fatalities because of the issue of cattle rustling and livestock theft. This Bill provides solutions to these problems. Even though they may not completely eradicate the matter, I am certain that they will lower the issues that we are seeing all in the news.

I applaud the Senator on the different provisions of punitive action that he has put together in his Bill. Even though some may say that some of the action is quite excessive in terms of life imprisonment and the amount of money in fines. I would like to remind anyone who may think along that line that there is more that has been lost without these types of punitive actions. People have died in the hands of bandits and thieves because of poverty and cartels. Even though some might say the punitive actions are excessive, I believe that a punishment such as life imprisonment upon conviction of livestock theft is very much in order.

Madam Temporary Speaker, I also like this provision that has been put together regarding tracking of livestock. That is very important as it has been said already. I will not go into repeating anything that has already been said.

In my opinion, it is an opportunity for young people to come up with very innovative technologies and digital types of solutions to how to brand these livestock. This is so that we are not putting any more strain on these livestock in terms of branding them in the old fashion sense.

Young people can take this as an opportunity for financial empowerment. To have their ideas put on the national stage. I even encouraged the Senator, within his county and sphere of influence, to table this idea amongst young people.

Bring them together and say, "I have this Bill that I have tabled in the House. As young people, let us try and put together some kind of competition or workshops so that we can find innovative ways of branding livestock. This is so as to see improvement and progress in this country because you are on the ground. You are innovative and you have got fresh ideas."

Madam Temporary Speaker, I also like the provision that has been put in the Bill regarding the curfew of 6.00 p.m. to 6.00 a.m. on movement of livestock. We know that many good things happen in the dark, but unfortunately many bad things also happen. One of these things is the movement of livestock when they are being stolen by whichever group that is doing this heinous act.

I believe that is the spirit of this particular provision. That is where it came from. We want to make sure that when livestock is being transported across the country for one reason or the other, there is permission and licenses that have also been provided.

If you are found with a lorry full of sheep that you know where it is coming from, with just the small innovation of branding of these livestock, whoever will stop you will be empowered enough to understand where they are coming from, where they are going and who owns them even. It will be very easy and there will be little room for corruption if we go that route.

I also believe the provision of 72 hours of release of livestock if they have been taken into custody by police. This is a very strong provision to be added to this Bill. Unfortunately, when matters do take long in any kind of court of law and when there are wrangles going on regarding who owns what and such matters, days, weeks and months can go by without somebody getting back their investments.

I would be annoyed if somebody took my laptop, which I need for my daily activities. If somebody kept my laptop for even one day, I would be dysfunctional. Therefore, the same spirit should be absolutely underscored for livestock. I very much agree within that particular provision.

Madam Temporary Speaker, I also encourage that this is not an opportunity for animal cruelty to continue, unfortunately. I want to make sure that is completely understood by those listening and those who will continue to interact with this Bill.

This is not an opportunity for us to use any of the provisions to then say that we have been given permission to treat animals in any kind of cruel way. In fact, I believe that the Senator wants to make sure that property in terms of these livestock is protected and the livestock itself is also treated with dignity. This is because many communities take very seriously the life and the spirit that is carried forth within our livestock. So, it is not an excuse for animal cruelty. I want to make sure that it is clear.

Madam Temporary Speaker, as I conclude, Eldoret is now celebrating its city status. Unfortunately, there are many towns and areas of our country that are still dealing with these kinds of issues. They are not even in the realm of thinking about achieving such feats. This is because their minds are being clouded with issues of livestock theft, banditry and other issues.

*[The Temporary Speaker (Sen. Veronica Maina) left the Chair]*

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

With this Bill, I believe these issues will, at least, be addressed within the legal frameworks. People should not engage in mob justice or walk around thinking that it is them, their law, their way or the highway. There will be a piece of legislation that they can refer to. They can seek for legal advice and make sure that they do their business and protect their livestock in the right way.

Mr. Temporary Speaker, Sir, there is a comment that has been made, which is very important. There are painful historical injustices that are yet to be addressed in this country.

It may please the House to know that I was given the honour yesterday of meeting the King of England, King Charles III. I was able to have a moment to speak with him. I

take that as a real honour because before I spoke with him, he publicly made an address regarding the injustices that have been caused by his lineage and his commitment to turn that 180 degrees around.

Unfortunately, other injustices do not have that kind of public declaration that was made by the King of England yesterday. I wish that injustices that have led to death in terms of livestock theft would also be addressed through legal action or legislative frameworks.

My point is that injustices have been unaddressed in this country. A lot of them have come from matters and disputes regarding land, livestock, and the like.

I want to remind the House that livestock is property, just like land is property and there are issues of land grabbing. These issues of livestock theft are just as important. They may not be on our mainstream media all the time until, unfortunately, we see fatal deaths being shared on social media. We must understand that they are as important as any land grabbing. Livestock theft in any of our far-flung counties is just as important as the issues that we are dealing with in the big cities.

I am glad that this Bill gives those farmers and investors in the livestock industry a voice and, an ear. I believe that these very specific provisions have come from extensive consultations with people on the ground. It is not something that he has just come up with on his own in his office. He has spoken and listened to communities and he has been able to draft this very impressive Bill. The opinions and views that have come from the ground are being addressed here in this Bill.

So, I congratulate the Senator for Nandi County for the livestock provisions that he has put in this Bill. I support and assure him that if I could vote, I would do the necessary and give him my vote.

Mr. Temporary Speaker, Sir, I thank you for the opportunity to speak.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Crystal Asige for your contribution to this Bill.

I call upon, Sen Chute.

**Sen. Chute:** Mr. Temporary Speaker, Sir, I take this opportunity to thank Sen. Cherarkey for this Bill. This Bill is as if it was drafted by someone who comes from Marsabit, Samburu, Turkana Counties and the North Eastern. The issues that are in this Bill are very important that when I went through it, it is like someone from Marsabit County was also involved.

Everything that is in this Bill on movement of livestock is important for Kenyans and specifically people who are prone to places like Marsabit County which are occasionally raided.

There are so many ways people move livestock. Some are by roads, railway and foot. You can move animals from Ethiopia into Kenya within a matter of two days.

The only issue I want to raise on movement of livestock is when we have drought in our area, not only Marsabit County, even in Nandi County, there is a problem you go through because livestock are not kept in places where you can easily sell. They are in villages. When you ask for movement permit, it gets difficult to get it because of the centres. You cannot go to the centres because you are not selling the animals.

Again, during the last drought, our people in Marsabit County brought their animals to Isiolo County. They faced a lot of problems specifically on getting permits and payment of taxes to the local government.

I ask Sen. Cherarkey to look at these two issues. In Marsabit County, our everything is livestock. Some people in Nairobi City County can keep farming businesses but 95 per cent of our people are livestock keepers. Occasionally, we have noticed we get into a drought situation where a farmer loses everything he had.

In that situation, you will find a livestock keeper getting into problems of how to pay the cess collected by the local government because the animals they have are weak and you cannot sell or eat them. How do you expect somebody to be having money for permit and livestock movement?

When you sell your animal, you move that animal to either Nairobi City County or even Meru County. However, that businessman who is doing this trade can afford to pay both fees and also permits. I urge our capable Senator to look into that line.

Mr. Temporary Speaker, Sir, on the issue of marking and branding, in nomadic communities, every clan has its own marking. If they see an animal, they will know which clan it is from. That is a good way of keeping the animals within that family. However, you will have that kind of a problem when it leaves that vicinity coming to a place like Samburu. Nobody will tell you the clan that those animals are from because they do not know. They do not share the same signs. So, marking and branding is very important. We now have to move to the latest technology where chips are put under the skin of the animal.

Mr. Temporary Speaker, Sir, about two months ago, I had an opportunity to sit with an expert in livestock management. He showed me different type of chips. What Sen. Cherarkey is talking about is very plain and simple. Let us provide chips for our people in order to curb livestock theft.

The county and the national Government can do this. Some are as cheap as Kshs1000. We need to train our people and tell them how this efficient and affordable system can help.

We have livestock markets in Marsabit, in Karare, Merile and Moyale. In Samburu County, there are businessmen who finance raiders by buying bullets and guns for raiding their neighbours. These are top businessmen who are very rich. Once these livestock arrives in the market, they pay very good money. For this reason, I congratulate Sen. Cherarkey again. If today we have chips in our livestock, I tell you, you cannot raid again. This is because it will identify and recognise and arrest will be done.

Mr. Temporary Speaker, Sir, these buying centres like Karare, Merille and Moyale, are places where you can get stolen livestock. If these livestock have been stolen from about a thousand kilometers away, how do you expect the owners to come and check these three markets? It is very difficult.

However, with this new technology, you can track your animal because it has a tracking system. You do not need to put it in all the animals but just to a few. If you have 100 of cattle, put on 10 per cent only, which is 10. Out of these 10, this man does not know which one has a chip. If he steals all the 100, at some point, 10 will be found. If you find the 10, then you will find all the thieves.

During the colonial era, livestock keepers paid taxes on each head of cattle, goats and even camel. Sometimes I do not even understand. If a colonial Government could identify all the animals in Marsabit County and ask for taxes, today in this new era with all the technologies, our Government cannot tell where these animals are. This is

something that we need to come up with. With this legislation, we can push for the local and the national Government to work hand in hand and support this programme.

Mr. Temporary Speaker, Sir, livestock is a devolved function. Sometimes I wonder why the Ministry that caters for agriculture and livestock is in Nairobi City. I know our President is keen on devolving these functions. I am honestly asking the President to speed up so that we will have the functions in the counties and this legislative procedure our able Senator is trying to support to be helping us in our counties.

There are abattoirs. What he has said about abattoir recording, I want to only add on that issue of abattoir. When the animals come in, the vehicle's identification should be recorded so that you know this vehicle you have the registration plate, and the owner so that you identify where the vehicle ferried these animals from. It is very important.

In Kenya today, we have got livestock traders, affluent people in Voi, Mwingi and even Kitui area. These are not normal herders. They are livestock traders. Each person can trade up to 10,000 to 20,000 heads of cattle. If what Sen. Cherarkey is trying to propose is that you identify animals, these people are not paying taxes and we have got traders to a tune of even 100 of them.

Today there are 100 traders' businessmen rearing cattle in Voi each having 10,000 that is thousands of animals and with what he is proposing, that means all animal owners and keepers will be identified and even their cattle will be known this person has this much head of cattle.

If a kiosk owner today pays taxes and somebody in Voi is keeping 10,000 heads of cattle, can you imagine that this guy is not paying any taxes? I want to urge our friend here Sen. Cherarkey, in this Bill, he must put something there that will curtail a livestock trader; a billionaire not paying taxes and somebody who is a kiosk owner is paying taxes for the guy who is a billionaire.

So, I will ask my able friend Sen. Cherarkey to ensure that this identification should be done all over Kenya. We have a county government in Voi. If a colonial governor was able to identify Marsabit County had how many heads of cattle and who are the owners in the 1950s, who is going to tell me today a digital Kenyan Government cannot be able to identify and control animal keeping in a place like Voi?

On the issue of cattle rustling, you remember about two weeks ago, the Cabinet Secretary hon. (Prof) Kindiki was before us and I raised this issue. It was in regard to guns by the Kenya Police Reservists (KPR). People in Nairobi, Nanyuki, Meru and other parts of Kenya today do not need guns to protect their animals because we do not have raiders and poachers even in our place. These people use guns; they even poach. That time when the Cabinet Secretary was before us, I asked him what is he going to do to make sure that those KPR guns can be identified in terms of ballistic and in terms of---

*(Sen. Chute's microphone was switched off)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Chute, when the House resumes, you will have a balance of five minutes for you to conclude on your contributions to this particular Bill.

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 7<sup>th</sup> November, 2023 at 9.00 a.m.

The Senate rose at 6.30 p.m.