

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Wednesday, 29<sup>th</sup> November, 2023****Afternoon Sitting**

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

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

**PRAYER****DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING**

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

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

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

*(The Quorum Bell was rung)*

Clerk, do we have quorum in the House now?

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

Do we have quorum inside the House?

*(Sen. Orwoba spoke off record)*

I do not want to go by what Sen. Gloria is telling me that there are two outside.

*(Loud consultations)*

Now that we have quorum, Clerk, you may proceed to call the first Order, please.

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM THE INSTITUTE OF  
ECONOMIC AFFAIRS KENYA

**The Speaker** (Hon. Kingi): Hon. Senators, I wish to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from the Institute of Economic Affairs Kenya.

The delegation comprises members of staff and students who are in the Senate for a day's visit. On behalf of the Senate and my own behalf, I extend a warm welcome and wish them a fruitful visit.

*(Applause)*

I will allow the Senate Majority Leader, under one minute, to extend words of welcome to the delegation.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join you in welcoming this team from the Institute of Economic Affairs Kenya. If I am not mistaken, this is the think-tank led by Dr. Kwame Owino. Yes, I can see them nod.

When we had deliberations on the cost of living at the National Dialogue Committee, one of the institutions whose presentation I really enjoyed was this one. I may not agree entirely with what they say about the state of our economy and interventions being made, but it is not for lack of good intentions on their part. They may be divergent on views, but they mean well for this country.

I agree with them 90 per cent, especially on the diagnosis of how we found ourselves here as a country. However, we may differ on the approach to get Kenya out of the current economic situation. In my years as a Member of the Budget and Finance Committee, I used to look forward to the memoranda they would share each time we had Bills before us.

I wish the delegation before us this afternoon well as they interact with the Senate. Senators are very professional, staff of the Senate and the things they are doing here.

**The Speaker** (Hon. Kingi): Thank you, Senate Majority Leader.  
Next Order, please.

**PETITIONS**REPORT ON PETITION: ACADEMIC QUALIFICATIONS REQUIRED FOR ONE TO BE  
SPEAKER OF A COUNTY ASSEMBLY, SENATE OR NATIONAL ASSEMBLY

**The Speaker** (Hon. Kingi): Let us have the Chairperson or any Member of the Committee on Justice, Legal Affairs and Human Rights.

Sen. (Dr.) Khalwale, are you a Member of that Committee?

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

Then we will drop that and proceed to the next Order, Clerk.

*(Sen. Dullo approached the Dispatch Box)*

Sen. Dullo, I called. If you wish to present the reports on behalf of your Committee, kindly proceed.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I beg to lay the following Petition Report on the Table of the Senate, today, Wednesday, 29<sup>th</sup> November, 2023-

Report to the Senate on a Petition by Hon. Simon Lenguiya, concerning the academic qualifications required for one to be a Speaker of a County Assembly, the Senate, or the National Assembly.

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

**The Speaker** (Hon. Kingi): Next Order, Clerk.

*(Sen. Cheruiyot consulted loudly)*

Senate Majority Leader, you may consult, but kindly keep on the down low.  
Next Order, Clerk.

## PAPERS LAID

### REPORT ON FINANCIAL STATUS OF MWINGI LEVEL 4 HOSPITAL

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 29<sup>th</sup> November, 2023-

Report of the Auditor General on financial statements of Mwingi Level 4 Hospital (County Government of Kitui) for the year ended 30<sup>th</sup> June, 2022.

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

**The Speaker** (Hon. Kingi): Next Order, Clerk.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Hon. Senators, we are now going to Statements. These are the requests for Statements pursuant to Standing Order No.53(1).

Sen. Crystal Asige, proceed.

### DISCREPANCIES IN THE 2023 KCPE RESULTS

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I rise pursuant---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. May Sen. Crystal Asige be heard in silence? Sen. (Dr.) Khalwale, kindly.

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the rampant discrepancies in the Kenya Certificate of Primary Examination (KCPE) 2023 results released by the Kenya National Examination Council (KNEC).

In the Statement, the Committee should-

(1) Provide a comprehensive report on all documented instances of erroneous grading of candidates in the 2023 KCPE results, specifically addressing cases where incorrect marks were awarded, wrong subjects graded and questionable results published, clarifying whether KNEC has addressed each of the instances.

(2) Explain why there were discrepancies in marks received by candidates on the KNEC portal and through the SMS service provider, detailing to the Senate gaps that caused the errors and how they have been addressed.

(3) Explain why candidates, who received marks for subjects they did not sit for, which has since been explained by KNEC as a misalignment on affected candidates, explain the impact of such misalignments on the affected candidates.

(4) Explain the steps, if any, that the Ministry of Education, together with KNEC and other stakeholders plan on taking to resolve all complaints and cases of discrepancies before conducting the secondary school selection process, so as not to disadvantage the affected learners.

(5) Clarify the protocol and timelines available to candidates for contesting their results and addressing their needs and concerns, and steps, if any, that KNEC and the Ministry of Education have taken to assist vulnerable learners, especially those in marginalised communities across the country, who may not have the access of information and resources to make these complaints.

Thank you.

#### KRA RESTRICTIONS ON TAXPAYERS

**The Speaker** (Hon. Kingi): Is Sen. Sifuna not in the Chamber?  
That Statement is dropped.

*(Statement dropped)*

Sen. Lomenen, proceed.

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

**The Speaker** (Hon. Kingi): What is the problem, Sen. Methu? By now you must be aware and fully knowledgeable on the Standing Orders. You certainly cannot stand on a point of order.

**Sen. Methu:** Mr. Speaker, Sir, as you drop that Statement, I have been consulting with the Clerks-at-the-Table. I know Sen. Crystal Asige has been seeking to be sent the Statement to read on behalf of Sen. Sifuna, and it has not been sent to her. Since I came in this afternoon, she sent me to come and ask this secretariat to send it to her, yet it has not been sent.

It was not fair to drop it because someone was standing in for Sen. Sifuna, only that the Statement has not been sent to her to read.

**The Speaker** (Hon. Kingi): Hon. Methu, you know that does not help the situation. As far as I am concerned, I have called out this Senator. There is nobody holding his brief and, therefore, the Statement stands dropped.

Sen. Lomenen, proceed.

INSUFFICIENT NPRS IN TURKANA  
COUNTY AND SURROUNDING REGIONS

**Sen. Lomenen:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security---

*(Sen. Kathuri consulted loudly)*

**The Speaker** (Hon. Kingi): Deputy Speaker, I would not want to rule you out of order. Be a good example.

*(Laughter)*

Proceed, Sen. Lomenen.

**Sen. Lomenen:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security and Foreign Relations regarding the insufficiency of National Police Reservists (NPRs) in curbing insecurity in Turkana County and surrounding regions.

In the Statement, the Committee should-

(1) State the number of National Police Reservists currently deployed in Turkana County and its border areas, including the regions bordering Uganda, Ethiopia, South Sudan, Samburu, Baringo and West Pokot.

(2) State reasons for the increased cases of commercialising banditry and highway robberies along the borders of Turkana, West Pokot, Samburu and Baringo counties as well as international boundaries such as Uganda-Turkana, Ethiopia-Turkana, South Sudan-Turkana.

(3) State measures in place for reinstatement and recruitment of additional NPRs in the affected areas providing details on the intended number of recruits, the training process and the projected timelines for the deployment; and,

(4) State measures to enhance collaboration between NPRs and the regular security forces to combat insecurity in the region, stating the kind of support being considered, including provision of insurance coverage to the NPRs to ensure their safety and effectiveness in their roles.

Thank you.

**The Speaker** (Hon. Kingi): Sen. (Prof.) Tom Ojienda, SC, proceed.

STATE OF OPERATIONAL CAPACITY OF  
KISUMU INTERNATIONAL AIRPORT

**Sen. (Prof.) Tom Ojienda, SC:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the state of operational capacity of Kisumu International Airport.

In this Statement, the Committee should-

(1) Examine the current state of the airport and make recommendations on the upgrade needed for air traffic control systems and communication frequencies to enhance operational smoothness and safety.

(2) Review the existing airport surface lighting, including centreline and taxi lights and assess the need for improvement to support operations under low visibility conditions.

(3) Examine the dimensions of the runway and its ability to support various types of aircraft and make recommendations on whether the taxiways can be extended to improve aircraft movement, efficiency and accommodate larger aircrafts. Of course, check if the roofs are leaking.

(4) Assess the need for installing advance navigation aids like the Instrument Landing Systems (ILS) to enhance precision approaches and overall safety and efficiency of airport operations.

TRADE VIABILITY OF KISUMU INTERNATIONAL AIRPORT

Mr. Speaker, Sir, my second Statement is on the viability of Kisumu International Airport, the same subject.

I rise, pursuant to Standing Order No.5(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the potential of Kisumu International Airport to handle global and regional trade.

In the Statement, the Committee should-

(1) Evaluate the readiness of Kisumu International Airport to handle trade and business within the East African Region and globally.

(2) Make recommendations to enhance its competitive advantage.

That is all, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, you may have the Floor.

KILLINGS AT KDF'S NGANO FARM

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on the National Security, Defence and Foreign Affairs regarding the killing of four men at Ngano Farm, which is owned by the Kenya Defence Forces (KDF) in Turbo Constituency, Uasin Gishu County.

In the Statement, the Committee should-

(1) Explain the circumstances that led to the killings of Mr. Kenneth Kipkemei, Mr. Shadrach Kipkemei, Mr. Daniel Kiprotich, and Mr. Cornelius Kipkoech, following an incident at the Ngano Farm which is owned by the people of Kenya Defence Forces (KDF) in Kiplomo Ward, Turbo Constituency, Uasin Gishu County, on the 25<sup>th</sup> November 2023;

(2) Clarify whether there were any casualties from the incident, and state any steps taken by the Government to restore peace and tranquillity in this area;

(3) Highlight any financial or psychological support extended by the government to the families of the deceased and to those who sustained injuries; and finally, but not least,

(4) Explain the reasons for the dispute between the owners of Kiplondo Farms and the KDF, stating any long-term initiatives to address and resolve the underlying issues.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Lomenen, do you have one more Statement to request?

**Sen. Lomenen:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Lomenen, before you make your request for a Statement, I kindly request the Serjeant-at-Arms to assist Sen. Crystal Asige in approaching the Chair.

#### ENHANCEMENT OF SECURITY IN TURKANA ALONG THE KENYA-UGANDA BORDER

**Sen. Lomenen:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on security enhancement along the Kenya-Uganda border in Turkana County.

In the Statement, the Committee should-

(1) State action taken by the government to deal with the increasing tensions and security risks along the Kenya-Uganda border in Turkana County, outlining measures put in place if any to ensure the prompt deployment of Kenya Defence Forces in the region to safeguard the lives and properties of the residents.

(2) Outline any diplomatic initiatives put in to address the violation of the Memorandum of Understanding (MOU) of 2018, aiming to secure and release detained Kenyan citizens in Ugandan prisons and promote peaceful co-existence among border communities.

(3) Clarify whether there are strategies implemented to enhance border security and prevent further mistreatment or killing of individuals in Turkana County.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Crystal Asige, you have the Floor.

#### KRA RESTRICTIONS ON TAXPAYERS

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I will be reading this Statement on behalf of Sen. Sifuna.

I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Finance and Budget on restrictions imposed on taxpayers by the Kenya Revenue Authority (KRA).

In the Statement, the Committee should-

(1) Explain why KRA through its Special Table, suspended Value Added Tax (VAT) obligations on its systems without providing adequate notification, particularly for taxpayers with credit balances or disputes with the tax collector, compromising the ability of businesses to trade or acquire Tax Compliance Certificates to advance their enterprises.

(2) State reasons for the suspension of VAT obligations for over 1,000 taxpayers in the four Nairobi tax stations by the Commissioner of Domestic Taxes through the Chief Managers, exposing them to substantial fines and penalties and subsequently jeopardizing their businesses.

(3) Outline strategies, if any, implemented by the KRA to mitigate the punitive nature of unblocking suspended VAT obligations for taxpayers, confirming that penalties will be waived for the specified restricted period.

(4) Elucidate on plans by the KRA to streamline VAT input and output filing systems, to prevent one taxpayer (input) from facing challenges due to queries originating from another taxpayer (output).

**The Speaker** (Hon. Kingi): Is the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries or any Member of that Committee present?

If they are not present, the Statement on the activities of the Committee on Agriculture, Livestock and Fisheries is deferred.

ACTIVITIES OF THE COMMITTEE ON  
AGRICULTURE, LIVESTOCK AND FISHERIES

*(Statement deferred)*

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Devolution, Intergovernmental Relations to proceed and make his Statement. Sen. Abbas, the Floor is yours.

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION  
AND INTERGOVERNMENTAL RELATIONS

**Sen. Abbas:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period commencing July to December, 2023.

During the reporting period, the Committee has carried out various activities pertaining to its mandate. As a snapshot, the Committee has transacted the following legislative business –

The Committee considered three Petitions, which were committed to the Committee. Of the three Petitions, two have been concluded and one is pending before the Committee as follows-



(i) Petition concerning the refurbishment and expansion of Kajiado Municipality market by the County Government of Kajiado is concluded.

(ii) Petition concerning lack of Implementation of a resolution to absorb the contracted instructors under the economic stimulus programme by the County Government of Nyeri is concluded.

(iii) Petition concerning the state of insecurity in Turkana County is pending.

The Committee considered the following two Bills of which are still under consideration: The County Governments (Amendment) Bill, Senate Bills No. 25 of 2023.

**The Speaker** (Hon. Kingi): What is your point of Order Sen. Cherarkey? Sen. Abbas, just have your seat.

**Sen. Cherarkey:** Mr Speaker, Sir, I need your indulgence under Standing Order No.1; I know that you have moved to Statements under Standing Order No.56(1)(b). However, I realize that there was a Statement on the issue of the Kenya Certificate of Primary Education (KCPE), which is a serious national matter. The killing of some young men in my neighbouring county is also critical. I need your guidance and indulgence on what point you can allow us to add a few clarifications on those Statements even if it is just for a few minutes.

I thank you and I stand guided.

**The Speaker** (Hon. Kingi): Very well.

Hon. Senators, we are on Statements; whether under Standing Order Nos.52, 53 or 56, all these are Statements. Once we are done with all the requests for Statements, I will allow 30 minutes for interventions from hon. Senators.

*(Applause)*

Sen. Abbas, please, proceed.

**Sen. Abbas:** Thank you, Mr. Speaker, Sir---

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

**Sen. Kinyua:** Mr. Speaker, Sir, I have listened to the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, and there is a Statement that he was supposed to handle, but he is saying that he does not know how that Statement landed in his---

**The Speaker** (Hon. Kingi): Sen. Kinyua, allow the Chairperson to present his Statement. Thereafter, I will give ample time for intervention then you may bring out your concerns.

**Sen. Kinyua:** Okay.

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

**Sen. Abass:** Mr. Speaker, Sir, on the same note, the Committee considered the following two Bills of which are still under consideration-

(1) The County Governments (Amendment) Bill, 2023 (Senate Bills No. 25 of 2023).

(2) The County Assembly Services (Amendment) Bill 2023 (Senate Bills No. 34 of 2023).

The Committee considered and concluded the following three legislative proposals-

(1) The County Governments (Amendment) Bill, 2023 by Sen. Cherarkey.

(2) The County Assembly Services (Amendment) Bill, 2023 by Sen. Chute.

(3) The County Governments (Amendment) Bill by Sen. Mbugua.

The Committee considered five Statements, which were sought from the Committee. Of the five Statements, the Committee has concluded one, leaving four Statements pending before the Committee as follows-

(1) Statement by Sen. (Dr.) Khalwale on the efforts by the County Government of Kakamega to anchor in law the office of the first spouse; (concluded).

(2) Statement by Sen. Munyi Mundigi on the disparities in development in Embu County; (pending).

(3) Statement by Sen. Kavindu Muthama on the boundaries of Counties in Kenya; (pending).

(4) Statement by Sen. Chute on the handover of machinery, motor vehicles and unfinished projects from the Nairobi Metropolitan Services (NMS) to the County Government of Nairobi City; (pending).

(5) Statement by Sen. Chute on the handover of unfinished projects from the second to the third County Government of Turkana. (pending).

The Committee considered the application for conferment of city status to the Municipality of Eldoret and the same was concluded yesterday.

The Committee initiated amendments to the Intergovernmental Relations Act of 2012, with the objective of anchoring the Secretariat of the Council of Governors and the County Assemblies Forum into law. The process is currently ongoing.

The Committee considered matters concerning welfare, benefits and remuneration of the Members of County Assemblies (MCAs). To address the issues, the Committee held consultative engagements with various stakeholders including the Salaries and Remuneration Commission (SRC), the County Assemblies Forum (CAF) and the Association of Members of County Assemblies. The Committee will prepare its final report and table it.

The Committee is currently considering matters concerning the personal security and administrative issues raised by the Deputy Governor of Trans Nzoia County. The Committee invited various stakeholders, including the National Cohesion Integration Commission, the Governor and the Deputy Governor of Trans Nzoia County to receive their submissions on the matter. The Committee is actively executing the matter and shall table the report of the outcome.

Mr. Speaker, Sir, the Committee in future plans to-

(1) Conclude on identifying the Pre-2010 Constitution laws in the Devolved sector laws that need to be reviewed to conform with the Constitution and making the necessary recommendations needed for their amendment.

(2) To look into the performance of Counties on implementation of the Budget with a view to overseeing the utilization of the resources meant for Devolution.

(3) Conducting a post legislative scrutiny of the Urban Areas and Cities Act of 2011 with the objective of proposing amendments to the framework of the management and governance of Cities and Urban Areas.

(4) To look into the process of the dissolution of a County Government with a view to making proposals on the enhanced role of the Senate in the process.

(5) To look into the current laws on the impeachment of a County Governor, including the proposed Impeachment Procedure Bill.

Mr. Speaker, Sir, lastly, I wish to appreciate your office and that of the Clerk of the Senate, for the facilitation and support.

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

#### ACTIVITIES OF THE COMMITTEE ON EDUCATION

*(Statement deferred)*

**The Speaker** (Hon. Kingi): The Chairperson Standing Committee on Energy, please proceed.

#### ACTIVITIES OF THE COMMITTEE ON ENERGY

**Sen. Kisang:** Mr. Speaker, Sir, I present the Statement by the Committee on Energy on behalf of the Chairperson, Sen. Wamatinga.

I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Energy for the period commencing 1<sup>st</sup> July, 2023 to 29<sup>th</sup> November, 2023.

During the period under review, the Committee held a total of 27 sittings, considered five Statements and concluded an inquiry into the high cost of electricity in the country. The Committee also considered two legislative proposals, one Bill and one Petition.

Mr. Speaker, Sir, the legislative proposal considered by the Committee includes the Local Content Bill which is a Committee Bill and an amendment to the Energy Act sponsored by Sen. Sifuna.

The Local Content Bill, 2023 aims to create a comprehensive legal framework that will fully enhance local content in Kenya. Following deliberations of the Committee, the Committee resolved to maintain the local content at 30 per cent. The Bill is currently awaiting publishing.

The Energy (Amendment) Bill, 2023 whose principal object of the Bill is to amend the Energy Act, 2019 to provide for transparency in Energy purchase agreements. It was considered by the Committee and approved for publication. The Bill was published on 1<sup>st</sup> September, 2023.

Mr. Speaker, Sir, the Energy (Amendment) Bill, 2023 (Senate Bills No. 42 of 2023) was published on 1<sup>st</sup> September, 2023 and was introduced in the Senate by way of First Reading on Tuesday, 17<sup>th</sup> October, 2023 and thereafter stood committed to the Senate Standing Committee on Energy for consideration and facilitation of public participation.

The rationale for disclosure of the beneficial ownership information is to create an accurate public disclosure regime that provides transparency in the beneficial ownership and control structures of companies. This aids in not only promoting investor confidence and good corporate governance practices, but also in uncovering tax evasion schemes, money laundering practices, corruption schemes and other illegal activity involving either one or more companies.

In compliance with the provisions of Article 118 of the Constitution and Standing Order No.145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the *Daily Nation* and *The Standard* newspapers on Thursday, 19<sup>th</sup> October, 2023 inviting members of the public to submit written memoranda to the Committee on the Bill by 3<sup>rd</sup> November, 2023.

The Committee considered the memoranda received and adopted the report on 28<sup>th</sup> November, 2023. The report is in the process of being approved for tabling.

Mr. Speaker, Sir, regarding Statements, pursuant to Standing Order No.53 of the Senate Standing Orders, five Statements were sought from the Committee. The Committee considered and concluded two of these Statements. In considering the said Statements, the reports and responses received by the Committee were shared with respective Senators and the Statements concluded.

The Statements that were concluded include the following-

(1) Statement sought by Sen. Lomenen on the electricity transmission infrastructure in major towns within Turkana County.

(2) Statement sought by Sen. Chute regarding the status of electricity connection in Marsabit County.

Mr. Speaker Sir, the pending Statements are as follows-

(a) Statement sought by Sen. Alexander Mundigi MP on seizure by Government of an oil consignment. The Committee has written to the Cabinet Secretary, Ministry of Energy and Petroleum seeking a response.

(b) Statement sought by Sen. Fatuma Dullo, CBS MP on stalled rural electrification projects in Isiolo County. The Committee has written to the Cabinet Secretary, Ministry of Energy and Petroleum and is waiting for a response.

(c) Statement sought by Sen. Edwine Sifuna, MP on plans by the Government to hand over the management of National Oil Corporation to a private investor. The Committee wrote to the Ministry of Energy and Petroleum seeking a response to the statement. Recently, we saw that National Oil is one of the entities that will be privatized.

Mr. Speaker Sir, from the previous reporting period, the following Statements are still pending-

On 17<sup>th</sup> October 2023, the Committee wrote to the Ministry of Energy and Petroleum reminding them of the earlier requests for Statements-

(a) Statement sought by Sen. Enoch Wambua, MP, regarding last mile connectivity in public schools in Kitui County.

(b) Statement sought by Sen. Hamida Kibwana, MP, regarding the proposed energy tariffs applicable from 2022-2026.

(c) Statement sought by Sen. Alexander Mundigi, MP, regarding the national power outage.

(d) Statement sought by Sen. Joe Nyutu, MP, regarding the status of the last mile project in Muranga County.

We are waiting for a response for the four Statements from the Cabinet Secretary for Energy and Petroleum. That is why it was put in the morning that we need a Motion to be brought to this House.

Mr. Speaker Sir, on Petitions, on Wednesday, 16<sup>th</sup> November, 2023, a Petition by residents of Uyombo village in Kilifi County concerning the protection of the right to

life, health and a clean environment and other constitutionally protected rights and fundamental freedoms was presented to the Senate pursuant to Standing Order No.236 and referred to the Senate Standing Committee on Energy pursuant to Standing Order No.238 (1).

Their prayers include, ordering all responsible State agencies to remove Uyombo Village from the list of possible sites for a nuclear reactor. The Committee has scheduled meetings with all the relevant stakeholders and petitioners early next year.

Mr. Speaker, Sir, you know soon, we will be proceeding on recess. We have agreed that the second week of January 15<sup>th</sup>, we will be going to Kilifi to listen to the stakeholders.

The Committee has a work plan to ensure that it reports back within the 60 working days as per the Standing Orders. I believe that when we come back in February, we shall be tabling the report.

Mr. Speaker Sir, on county visits, the Committee visited Lake Turkana Wind Power in Marsabit County. This is an independent power producer that generates 300 Megawatts (MW) into the grid using wind which is renewable energy.

During the visit, the Committee familiarized with the infrastructure of Lake Turkana Wind Power Limited and noted that such critical infrastructure should be protected by our disciplined forces and not police reservists as is the case now. While we were there, we saw some security breaches. The Committee also noted the challenges that independent power producers are facing because of the dollar fluctuation and its unavailability.

Mr. Speaker Sir, the Committee also visited Tullow Oil in Turkana County while were in the Senate *Mashinani*. In 2012, Kenyans were informed of the good news that oil had been found in Kenya. However, to date, Kenya has not been able to benefit from the oil discovered in Turkana County.

During the visit, the Committee noted that following exploration, a field development plan was submitted to the Ministry of Energy and Petroleum by Tullow in 2018. To date, they have not received the field development plan. It is one of the things that we are following up.

Mr. Speaker Sir, on inquiry, the Committee conducted an inquiry on the high cost of electricity in the country. It adopted and tabled its report on the Floor of the Senate on 28<sup>th</sup> September 2023. We will be asking if the Senate Business Committee (SBC) could expedite this report because it will assist in reducing the cost of power.

The Committee made several recommendations including-

(a) That within 14 days after the adoption of the report by the Senate, the Ministry of Energy and Petroleum should disclose the full identities of beneficial owners of all Independent Power Producers (IPPs) including companies listed as shareholders in foreign jurisdictions.

(b) That thermal power plants should be converted from High Fuel Oil (HFO) to Liquefied Natural Gas (LNG) in accordance to their respective Power Purchase Agreements (PPAs) within 18-36 months of adoption of the report.

(c) That the Ministry of Energy should facilitate Kenya Electricity Transmission Company (KETRACO) to prioritize the completion of the following lines that will help to reduce the cost of power.

(i) The 132KVA Narok-Bomet line within 12 months of adoption of the report.

(ii) Completion of the proposed 400/220kv Mariakani Sub Station within three months of the adoption of the report to allow for Suswa to Mariakani through Isinya to be energized. Therefore, allow more geothermal power to flow to Mombasa.

(iii) Completion of the Turkwell-Ortum-Kitale line within three months of adoption of the report which will stabilize power in the Western region.

(d) That the Ministry of Energy in consultation with all thermal power plants should institute a mechanism for purchase of HFO in bulk to reduce the cost of fuel and eventually cost of power.

(e) That the Ministry of Energy through Kenya Power and IPPs renegotiate the current PPAs with a win-win solution for both parties within 12 months of the adoption of the report.

(f) That Kenya Power should purchase power based on merit order giving preference to the cheaper power producers. Currently, we came to understand that they can actually take one expensive power instead of taking a cheaper power.

Mr. Speaker Sir, the above recommendations are some of the many other made and we pray that we discuss the report.

Additionally, following the inquiry, Sen. Edwine Sifuna, MP a Member of the Committee sponsored and amendment to the Energy (Amendment) Bill 2023 which I had said earlier.

Mr. Speaker Sir, the Committee engagement are as follows-

The Committee has also been looking into the procurement process of pre-paid meters by Kenya Power. It will shock the House that as we speak, there are over 450,000 Kenyan citizens waiting for connection of pre-paid meters in their homes and offices yet Kenya Power do not have meters.

If we were to make an assumption, Kenya Power is losing close to around Kshs450 million every month by not installing these meters and there are people who are having illegal power.

Aware that the Government plans to build 250,000 affordable houses every year, for the next five years, Kenya Power, therefore, has to come up with a clear framework of procuring meters that would satisfy the demand in the country. Otherwise, we will have houses with no power.

Mr. Speaker Sir, we engaged some of the companies that have won tenders to supply meters to Kenya Power. It was very evident that a majority of them, are up to 70 or 100 per cent foreign-owned. As a Committee, we need to encourage local manufacturers so that we do not ship all the monies that come from Kenyans.

The Committee has also been looking into the cost of fuel in the country. On Monday, 30<sup>th</sup> October, 2023, the Committee met with the companies that had been nominated to participate in the Government to Government (G-G) Oil agreement. These companies are Gulf Energy, Oryx Energies, and Galana Energies.

Gulf Energy was nominated to work with Abu Dhabi National Oil Company (ADNOC) Global Trading to bring in diesel and jet fuel, and Emirates National Oil Company Limited (ENOC) to bring in super petrol. Galana Energies and Oryx Energies were nominated to work with Saudi Arabia Oil Group (Aramco) to bring in diesel and super petrol.

Mr. Speaker, Sir, these three companies were nominated by the companies from the oil companies and not by the Government of Kenya. From the meeting, it was

determined that the country needed US\$500 million to import 900,000 metric tonnes of fuel for the country and its neighbours. Sixty per cent of the total imports are consumed locally and 40 per cent by our neighbours.

Mr. Speaker, Sir, the three importing energy companies have up to 180 days to pay the import in Dollars. Their agreement with the initial designated bank, which is Kenya Commercial Bank (KCB), is that from day 91 to 180, the bank will obtain USA Dollars to pay for the consignment already received.

A lot has been said about the Government to Government Oil deal. The Committee is looking into this matter and it will inform the House on its findings. There have been many issues reported in the newspapers, but so far the Committee has not seen any issue.

As I conclude, the Committee intends to carry out the following key activities during the next quarter-

(1) Follow up on implementation of the recommendations made from its inquiry on the high cost of electricity.

(2) Follow up on the approval of the Field Development Plan for Tullow by the Ministry of Energy and Petroleum.

(3) Follow up with the Ministry of Energy and Petroleum on the protection of critical energy infrastructures, especially in Lake Turkana Wind Power project.

(4) Conduct a campaign in the country on ways Kenyans can individually save on energy costs.

(5) Meet with Ministry of Energy and Petroleum regarding procurement of energy equipment such as transformers and meters, which are critical components in electricity connectivity.

(6) Continue to engage the Ministry of Energy and Petroleum regarding the Government-to-Government agreement on petroleum products with the aim of ensuring that the cost of fuel comes down. We are happy that, last week, the President reported that from December the cost of fuel will be coming down.

(7) Meet with the Ministry of Energy and Petroleum regarding the Status of Kenya Power with reference to its financial status and the losses that it is making. Kenya Power has projected a loss of Kshs5.5 billion in this Financial Year.

Hon. Speaker, Sir, I submit and table.

*(Sen. Kisang laid the documents on the Table)*

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget, please proceed.

#### ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET

**Sen. Ali Roba:** Mr. Speaker, Sir, I rise pursuant to Standing Order 56(1)(b) of the Senate Standing Orders to make a Statement on the activities of the Standing Committee on Finance and Budget for the period commencing, 1<sup>st</sup> July, 2023 to 28<sup>th</sup> November, 2023. I would like to highlight the report in several subheadings and the Bills considered by the committee.

Mr. Speaker, Sir, the Committee considered and tabled reports on the following-  
The County Governments Additional Allocations Bill (National Assembly Bills No.23 of 2023). The Senate passed the Bill with amendments. The amendments were transmitted to the National Assembly for consideration.

The Equalization Fund Appropriation Bill (Senate Bills No.30 of 2023). The Committee recommended amendments to the Bill which include *inter alia* deletion of the Schedule and substituting it with a new Schedule, setting out the total appropriation from the Fund as Kshs10,867,400,000 for Financial Year 2023/2024. The Bill is at the Committee of the Whole stage in the Senate.

The Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023). The Bill was passed by the House with amendments and transmitted to the National Assembly for concurrence.

The Public Finance Management (Amendment) Bill (National Assembly Bills No.16 of 2023). The Senate passed the Bill with amendments, which were transmitted to the National Assembly. The National Assembly rejected the Senate's amendments to the Bill. Consequently, pursuant to Article 113 of the Constitution, the Bill was referred to a Mediation Committee. The Mediation Committee developed an agreed version of the Bill that was considered and approved by both Houses. It was forwarded to the President for assent in accordance with Article 113(3) of the Constitution.

The County Governments (Revenue Raising Process) Bill (Senate Bills No.22 of 2023). The Committee recommended that the Senate rejects the Bill on the basis that the provisions of the Bill would be a claw back on the powers of county governments to impose taxes, levies and charges under Article 209(3) and (4) of the Constitution. Further, a violation of the objects of devolution as set out in Article 174 of the Constitution and in particular self-governance and participation in decision-making.

The Bill proposes establishment of an Inter-Agency Committee whose mandate would be approval of introduction of new county taxes, fees, levies and charges. This move would be equivalent to usurping the powers of the county governments. Additionally, some of the provisions of the Bill already exist in other Acts already approved such as the Public Finance Management Act, 2012 and Intergovernmental Relations Act, 2012. The Bill is currently at the Second Reading Stage in the Senate, with the advice from the Committee that it be rejected.

The Committee is currently considering the following Bills and will table its reports upon conclusion-

(1) The Public Finance Management (Amendment) Bill, 2023 (Senate Bills No.40 of 2023)

(2) The County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023).

The Committee also considered and tabled a report on the County Governments (Equitable Share) Cash Disbursement Schedule for the Financial Year 2023/2024. While considering the Bills, the Committee held consultative meetings with the all the critical stakeholders as required by law.

Under the Statements before the committee, the committee has considered and concluded the following four (4) Statements-

(1) Utilization of the Equalization Fund in the County Government of Taita Taveta by Sen. Johnes Mwaruma, MP.



The Committee considered the analysis of responses from the Commission on Revenue Allocation (CRA) and the National Treasury and provided a brief to Sen. Johnes Mwaruma, MP, indicating that pursuant to Article 216(4), there was a criterion in place for the identification of marginalised areas (at Location level) which determine beneficiary counties under the Fund.

In this respect, the allocations from the Fund corresponded to certain marginalised areas within Taita Taveta County.

(2) Reduction of Salaries and Allowances for Members of County Assemblies by Sen. Samson Cherarkey, MP.

Analysis of Salaries and Remuneration Commission (SRC) gazette notices indicated that the monthly gross salary for Members of the County Assemblies (MCAs) remained the same in the Gazette Notice No.8795 of July 2022, as it was in the Gazette Notice No.6818 of July 2017, at Ksh144,375. The only difference was segregation of the basic salary and allowances. The gross salary remained the same.

Additionally, the SRC Gazette Notice No.10350 of August, 2023 adjusted the monthly gross salary for MCAs upwards by Kshs10,106 from Kshs144,375 to Kshs154,481.

Review of Salaries, Benefits and Allowances for Judges and Magistrates by Sen. Cherarkey. The Committee processed the response received from the Salaries and Remuneration Commission (SRC) and presented a brief report to Sen. Cherarkey. The SRC indicated that a number of issues raised in the Statement concerning the elimination of non-practicing allowance and car allowance were pending determination before the High Court.

(3) We have also processed another Statement by Sen. Mwaruma on the Status of the Release of Funds for the Construction of Taita Taveta County Headquarters. The Committee received and considered the analysis of the response from the National Treasury. The Committee noted that Taita Taveta is not a beneficiary of the conditional allocation on supplement for construction of the county headquarters.

That, Isiolo, Lamu, Nyandarua, Tana River and Tharaka Nithi counties were the only counties that were in dire need of assistance and earmarked for benefiting from the allocation. The Committee recommended that counties such as Taita Taveta may consider adjusting their own budgets and providing resources for construction of their county headquarters.

(4) Another Statement is by Sen. Kibwana regarding withholding VAT Obligation on Petroleum Products and its impact on business. The response from the National Treasury provided that it is not a new tax stream, but a means of curbing VAT fraud or evasion. It does not change the procedure for charging VAT and accounting for the VAT charged on a taxable supply, but improves compliance and plugs the VAT gap through increased visibility of the taxpayers. Thus reducing VAT payment evasion.

The Committee has made some progress in processing the following Statements-

The Statement on the status of pending bills in Kakamega County by Sen. (Dr.) Khalwale. The Committee considered and scrutinized the response to the Statement from Kakamega County Executive. It was noted that the response to the issues raised was inadequate and unsatisfactory. The total pending bills presented by the County Executive to the Committee differed from the figures presented to the office of the Auditor-General (OAG).

The Committee invited the county government and the OAG to a meeting to deliberate on the matter. The County Executive of Kakamega was directed to provide to the OAG supporting documents for reconciliation of the amount of pending bills as of August, 2022.

After the submission of reconciled figures by the OAG, the committee scrutinized the reports and the following issues were further flagged out-

Several roads were listed as having been constructed to bitumen standards with respective pending bills below as below-

- (i) Sitirire-Malava road - Kshs79, 939,213
- (ii) Navakholo roads - Kshs48,342,501 and Kshs47,485,947
- (iii) Eregi roads - Kshs46, 774,255
- (iv) Malava roads - Kshs35, 985,463.

The county made a payment of Kshs22.2 million pending bills despite being marked ineligible in the report. Navakholo Road had been listed twice under the same tender No. 830226, the contract was awarded or executed by a similar contractor (Midland Construction Company). The Local Supply Orders (LSOs) were drawn on different dates and the amounts outstanding also differed. The project for the provision of the county valuation roll was tendered at Kshs13, 291,100 despite the contract sum being Kshs99,713,600.

Following the above, the Committee undertook a fact-finding visit to Kakamega County on 20<sup>th</sup> November, 2023, to inspect some of the roads listed above. The committee inspected the Ingotse-Navakholo-Chebuyusi (11.5 kilometres) Road. Thereafter, it held a meeting with the County Executive to provide clarification on other issues that had been flagged from the report of the Auditor-General. The Committee also engaged the County Assembly of Kakamega.

During the fact-finding, the committee noted the following-

The proposed construction to bitumen standards of the road projects are ongoing projects and thus only certified works were eligible for payments and, therefore, listed as pending bills. Copies of procurement documents relating to the road projects were availed to the committee.

These projects are multi-year projects and funds are allocated annually depending on the expected completion rate.

The aforementioned road projects are-Shitirire-Malava-Tumbeni (7.5kilometres), Ingotse-Navakholo-Chebuyusi (11.54 kilometres) Road, Bushiangala-Eregi-Lusiola (9.2 kilometres) Road, Matungu- Ongolo (9.3 kilometres) Road.

On the issue of Navakholo Roads being listed twice with the same tender No. 830226, the committee was informed that the payments related to two progressive interim certificate Nos.1 and 2 for Kshs48,342,501.00 and Kshs47,485,974.00, respectively.

On the payment of Kshs.22.2 million, which was Ineligible Pending Bills, the County Executive indicated that payments were under review and verification. The management is committed to ensuring verification of pending bills is carried out before payment of pending bills.

The county phased out the project of the valuation roll due to the high cost involved and the first phase of Kshs13 million was already dispensed. The Committee directed the Kakamega County Executive to prepare and submit a detailed pending bills payment plan indicating a schedule of all verified, eligible pending bills within 30 days.

On the statement on status of pending bills at Kisii County and the county governments in Kenya by Sen. Onyonka, the Committee considered and noted that the response to the statement by the Kisii County Government was inadequate. The Committee held a meeting with County Executive of Kisii and resolved that-

The county executive should undertake an evaluation of the completion status and amount of works done which may be certified for payment and the Executive should prepare and submit to the Finance Committee a comprehensive report on the status of pending bills (both eligible and ineligible) by 30<sup>th</sup> October, 2023, indicating the progress made in segregating the ineligible pending bills. However, the County Executive requested an extension of time to 30<sup>th</sup> of November, 2023 which the committee granted.

On the Status of Access to Government Procurement Opportunities (AGPO) by Sen. Nyamu, the Committee considered and analyzed the response from the National Treasury. Consequently, the Committee held a meeting with the Public Procurement Regulatory Authority (PPRA) to deliberate on the matter. During the meeting, PPRA informed the committee that most of the public institutions rarely submit their reports to PPRA on compliance with AGPO requirements.

The Committee directed PPRA to formally write to all public procurement entities requiring them to comply with the reporting requirement on AGPO matters. Thereafter, PPRA will submit a report to the committee on the progress of compliance and also on the legislative gaps in the Public Procurement and Asset Disposal Act that may require amendments to provide for enforcement of reporting requirements.

On status of pending bills in Vihiga County by Sen. Osotsi, the Committee considered the response from the county and also held a meeting with the County Executive. The Committee has written to the county to provide clarification on the following issues-

- a) Terms of Reference for the constituted permanent Committee on pending bills.
- b) The actual total pending bills owed by the County Executive as of 30<sup>th</sup> June, 2023.
- c) The total amount of pending bills settled within the first quarter of the Financial Year 2023/2024.
- d) The criteria used in determining the suppliers prioritized for settlement of pending bills.
- e) Justification for the pending bills on recurrent expenditure that related to COVID-19 expenditure.
- f) A detailed pending bills payment plan.
- g) A list of supplies that had not been paid and had not been listed in the list of pending bills.

During the county visit to Kakamega on 20<sup>th</sup> November, 2023, the County Executive responded to the two statements that were requested by Sen. (Dr.) Khalwale on rental fees incurred by the County Government of Kakamega and on revenue generation and usage by the County Government of Kakamega.

The Committee directed the Kakamega County Executive to prepare and submit within 14 days-

- (i) A breakdown of the projected agricultural sales indicating expected collection from Butali Sugar, West Kenya and gold miners at Malinya, Rosterman, Bushiangala and Lirembe.

(ii) A detailed report on the status of construction of county headquarters in order to reduce lease or rental expenses.

(iii) A detailed report on the status of completion of the Ingotse-Navakholo-Chebuyusi Roads project, indicating the amount paid so far and the expected date of completion.

Mr. Speaker, Sir, during the period, the Committee invited the Governor of CBK to its meeting on several occasions to respond to a number of statements before it. However, the Governor has repeatedly requested for rescheduling of the meetings with the Committee. The Committee has summoned the Governor to appear before the Committee on Monday, 4<sup>th</sup> December 2023 to respond to the following Statements -

(a) Claims of fraudulent activities involving various banks by Sen. Tabitha Mutinda, MP.

(b) Re-introduction of bank charges on mobile wallets by Sen. Samson Cherarkey, MP.

(c) Predatory asset-based lending by micro-finance lending companies in Kenya by Sen. Eddy Gicheru Oketch, MP.

(d) High interest charged on loans offered by Momentum Credit Company Limited by Sen. Samson Cherarkey, MP.

Mr. Speaker, Sir, the Committee will schedule a meeting to discuss the following analysis of the responses that were submitted on the following statements-

(a) Pending Bills in Wajir County sought by Sen. Abass Mohamed, MP.

(b) Payments made to all garbage collectors and sewerage service providers by all counties for the Financial Years 2021/2022, 2022/2023 and 2023/2024 by Sen. William Kisang', MP.

(c) Status of pending bills in counties sought by Sen. Samson Cherarkey, MP.

(d) Allegations of tax exemptions extended by the Kenya Revenue Authority (KRA) to the Kenya National Trading Corporation Limited (KNTC) requested by Sen. Chute Mohamed, MP.

Mr. Speaker, Sir, the Committee received the following statements, and has requested for responses from the relevant institutions-

(a) Status of the Kshs16 billion pending bills by the Nairobi Metropolitan Services (NMS).

(b) Closure of bank accounts of SMEs by Standard Chartered Bank requested by Sen. Samson Cherarkey, MP.

(c) Socio-economic impact of the Hustler Fund requested by Sen. Esther Okenyuri, MP.

(d) Own Source Revenue collection in Kisumu County requested by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP.

(e) Debt waivers and bailouts by the Government requested by Sen. Andrew Omtatah Okoiti, MP.

(f) Status of receivership at the Kenya National Assurance Company (KNAC) by Sen. Mohamed Faki, MP.

(g) The Statement concerning claims of an economic crisis in the country by Sen. Richard Onyonka, MP.

(h) Status of pending bills in Taita Taveta County by Sen. Johnes Mwaruma, MP.

(i) Pending bills accrued by the County Government of Kisumu by Sen. (Prof.) Tom Ojienda, MP.

(j) Customs regulations and taxation for travellers returning to Kenya via the Jomo Kenyatta International Airport (JKIA).

(k) Tax incentives available that support climate change programmes in Kenya that was sought by Sen. Hamida Kibwana, MP.

On Petitions before the Committee, the Committee is currently considering a Petition on the regulation of the credit profession by CCP Mokaya Magembe Bernard, Council of the Institute of Credit Management (Kenya) that was committed to the committee on 23rd May 2023. The committee held a consultative meeting with the petitioner.

Further, the Committee resolved to invite the Governor of CBK to a consultative meeting to deliberate on the matter. However, upon invitation, the Governor has repeatedly requested for rescheduling of the meetings.

At its 93<sup>rd</sup> meeting held on Thursday, 23<sup>rd</sup> November 2023, the Committee resolved to summon the Governor to a meeting scheduled to be held on Monday, 4<sup>th</sup> December 2023.

The Governor of CBK is expected to submit views on the proposed legislation on regulation of the credit profession.

On legislative proposals considered by the Committee, the Committee carried out a republication scrutiny and examined the following legislative proposals-

(a) The Central Bank (Amendment) Bill, 2023, sponsored by Sen. Eddy Oketch, MP.

At its Sitting held on 23<sup>rd</sup> November 2023, and pursuant to Standing Order No. 131(1)(a) of the Senate Standing Orders, the Committee examined the proposal sought, the views of the Sponsor, and recommended to the Speaker that the legislative proposal be published as a Bill. Subsequently, the committee submitted its comments to the Speaker pursuant to Standing Order No.131(3)(a) of the Senate Standing Orders.

(b) The Crypto-Assets Bill, 2023 sponsored by Sen. Allan Chesang, MP. The committee considered a brief on the proposed law and resolved to invite the sponsor to deliberate on the matter.

Additionally, the Committee has requested CBK to provide comments on the proposal. The Committee has summoned the Governor to a meeting to a meeting as discussed earlier.

On approval hearings held by the Committee, during this period, the Committee, jointly with the National Assembly Departmental Committee on Finance and National Planning, conducted an approval hearing for the nomination of Mr. Andrew Mukite Musangi to the position of Chairperson of the Central Bank of Kenya, Board of Directors. Both Houses approved the report of the committees.

On status of implementation of projects funded by conditional grant on supplement of construction of county headquarters-

Mr. Speaker, Sir, projects funded through conditional grants for the construction of county headquarters in Isiolo, Tharaka Nithi, Nyandarua, Tana River and Lamu have delayed for an inordinately long time as a result of lack of proper financing framework.

The projects have faced challenges such as the disbursement of funds to counties and litigation with contractors. The funds are allocated through the State Department of

Public Works and released to the beneficiary counties subject to fulfillment of the condition.

The Committee has held a consultative engagement with the State Department of Public Works, the Council of Governors (CoG), area Senators and the Intergovernmental Relations Technical Committee in order to forge a joint position to determine the best way forward on how to fast track this stalled project to ensure the intended purpose is accomplished.

A consultative meeting with the governors of the beneficiary counties, Intergovernmental Relations Technical Committee, State Department of Public Works, the National Treasury and Senators from the region and the Committee was held on 28<sup>th</sup> November, 2023.

Mr. Speaker, Sir, surprisingly, all the stakeholders appeared, except the five governors. Only one Hon. Kiarie Badilisha, the Governor for Nyandarua County appeared. The meeting was, therefore, adjourned until a date when the five governors will be available.

On activities of the Committee in the next quarter, the Committee is scheduled to consider the following business-

(a) The Public Finance Management (Amendment) Bill 2023 (Senate Bill No. 40 of 2023).

(b) The County Public Finance Laws.

(c) Statements pending before the Committee.

(d) Petition on Regulation of Credit Profession.

(e) Implementation of projects funded through the conditional grant on supplement for construction of county headquarters.

(d) Consideration of the Controller of Budget (CoB) County Government Budget Implementation Report.

Finally, the Committee appreciates all the stakeholders who were available for consultation and for valuation of the information availed to the Committee. I also thank the Members of the Committee for their dedication and commitment to ensure execution of the committee's mandate.

I also acknowledge the support accorded to the Committee by the Office of the Speaker and the Clerk in facilitating the Committee to the effective implementation work plan.

Mr. Speaker, Sir, I thank you and I submit.

**The Speaker** (Hon. Kingi): The Chairperson Standing Committee on Health.

#### ACTIVITIES OF THE COMMITTEE ON HEALTH

*(Statement deferred)*

Proceed, Chairperson Standing Committee on Education.

*(Sen. Tobiko consulted loudly)*

Sen. Tobiko, what is going on?

**Sen. Tobiko:** Mr. Speaker, Sir, I was responding to the Chairperson of the Transport Committee.

**The Speaker** (Hon. Kingi): That is very amusing. Proceed.

#### ACTIVITIES OF THE COMMITTEE ON EDUCATION

**Sen. Tobiko:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 56 (1) (b) to make a Statement relating to the activities of the Standing Committee on Education for the period between 1<sup>st</sup> July 2023 to 31<sup>st</sup> October 2023.

Mr. Speaker, Sir, the Standing Committee on Education is well established under Standing Order No.228(3) of the Senate Standing Orders and is mandated to consider all matters relating to education and training.

During the period under review, the Committee held 34 sittings, during which it considered 18 Statements, one legislative proposal and three Petitions.

During the same period, the Committee also held one consultative workshop with its stakeholders and conducted oversight visits to acquaint itself with the implementation of education legal and policy framework in Turkana County.

Mr. Speaker, Sir, during the period under review three petitions were committed to the Committee for consideration-

(a) Petition regarding salary arrears for P1 teachers with A Level academic qualifications from 1996-2010. The prayer of the petitioners in this Petition is that the National Treasury factors in the salary arrears for P1 A level teachers with A level qualifications owed to them in the years 1996 to 2010. During the consideration of this Petition, the Committee held a meeting with the petitioners to seek clarification on the issues raised in the petition and thereafter identified key stakeholders in the matter.

During the period under review, the Committee held several meetings with the Teachers Service Commission (TSC) to deliberate on the issues raised in the Petition to provide supplementary information. The Committee is scheduled to hold a final meeting with the TSC on Thursday, 30<sup>th</sup> November, 2023 to finalize on this matter and thereafter a report and a response to the petitioners will be prepared and tabled in this House.

(b) Petition concerning the discrimination by TSC on payment of hardship allowances and enhanced house allowance to some teachers in Kilifi County. In this Petition, the petitioners are praying for the inclusion of some parts of Kilifi County as hardship areas and the inclusion of Mtwapa and Mariakani towns as major municipalities to allow teachers working there to draw an enhanced house allowance of Category Two under major municipalities.

Following the committal of this Petition, the Committee resolved to invite the Chief Executive Officer (CEO) of the TSC and the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to respond to issues raised in the Petition.

(c) Petition concerning the discrimination in the payment of hardship allowance to teachers in Taita Taveta County. The petitioners argued there is unjustified discrimination in payment of hardship allowances in Taita Taveta County and requested the Senate to investigate and find out if the TSC selectively pays hardship allowance to some teachers

in Taita Taveta County. They further prayed that the TSC pays hardship allowance to all teachers working in Taita Taveta County without any further discrimination.

Mr. Speaker, Sir, during consideration of the second and third Petitions, the Committee observed that the discrimination in payment of hardship allowance to teachers in marginalized areas has been a major concern over time. There exist discrepancies in designation of hardship areas and payment of hardship allowances to different cadres in the public service. To this end, the Committee resolved that there is need to review the criterion used in determining and classifying hardship areas to ensure fairness, equity and adherence to labour laws.

During the period under review, the Committee invited the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to a meeting of the Committee to deliberate on these issues. However, the Cabinet Secretary was unable to attend the meeting due to other exigencies of work.

The Committee further conducted an oversight visit during the Senate *Mashinani* in Turkana County and acquainted itself with the implementation status of education legal and policy framework in the county. During the visit, the Committee observed that there are numerous challenges in the implementation of the Sector Policy for learners and trainees with disability and resolved to hold a consultative forum with all the relevant stakeholders to deliberate on ways to address these challenges.

Mr. Speaker, Sir, pursuant to Standing Order No.131(1) of the Senate Standing Orders, the Committee conducted a pre-publication scrutiny on one legislative proposal, the Early Childhood Education (Amendment) Bill, 2023, and thereafter prepared a report with a recommendation that the Bill be published.

Mr. Speaker, Sir, in conclusion, I wish to thank your office and the Office of the Clerk of the Senate for the continuous support accorded to the Committee in executing its mandate. Lastly, I also wish to thank the Members of the Committee for their dedication and contributions during Committee activities.

I thank you and submit.

**The Speaker** (Hon. Kingi): Thank you, Hon. Sen. Tobiko. Hon. Chairpersons, the statements you are making are made pursuant to Part 12 of our Standing Orders. If you look at Standing Order No.51(2), these Statements are supposed to be made in under 10 minutes. I have noted today that some of the Chairpersons have talked beyond the stated 10 minutes. I have allowed you to get away with that, but going forward, you should know that these Statements must be made in under 10 minutes. As you prepare these statements, kindly be guided accordingly.

Next Order.

*(The Clerk-at-the-Table approached the Chair)*

Clerk, kindly, call the next Order.

## COMMITTEE OF THE WHOLE

*(Order for the Committee read)*

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



IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Mumma) in the Chair]*

THE EQUALIZATION FUND APPROPRIATION  
BILL (SENATE BILLS NO. 30 OF 2023)

**The Temporary Chairperson** (Sen. Mumma): Hon. Senators, we are considering The Equalization Fund Appropriation Bill (Senate Bills No.30 of 2023). I request the Serjeant-at-Arms to lower the mace.

*(The Serjeant-at-Arms lowered and covered the mace)*

*Clauses 3-6*

*(Question, that Clauses 3, 4, 5 and 6  
be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end. The Chairperson Finance and Budget, proceed to move the amendment. Sen. Crystal Asige, approach the Chair. Serjeant-at-Arms, assist Sen. Crystal Asige.

*(Sen. Crystal Asige approached the Chair)*

*New Clause 7*

**Sen. Ali Roba:** Madam Temporary Chairperson, I beg to move- THAT the Bill be amended by inserting the following new clause immediately after clause 6-

Lapse  
of approval.

**7.** (1) The authority of the Board to issue monies out of the Fund under section 3 shall continue in force until all the projects identified in each ward specified in the third column of the schedule are completed.

(2) This Act shall be sufficient authority for the Controller of Budget to authorize withdrawal of funds from the Equalisation Fund for the amounts specified in Column D of the Schedule for each county specified in the first column of the schedule, where the projects are implemented for a period beyond one financial year.

(Question of the New Clause 7 proposed)

(New Clause 7 was read the First Time)

(Question, that the New Clause 7 be read  
the Second Time proposed)

(Question, that the New Clause 7 be part of the  
Bill proposed)

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end.

**Sen. Ali Roba:** Madam Temporary Chairperson, I beg to move-  
THAT, the Bill be amended by deleting the schedule and substituting therefor the  
following new schedule-

**Appropriations out of the Equalisation Fund in Financial Year 2023/2024**

<b>SCHEDULE</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<i>Recurrent Expenditure</i>		<b>KSh</b>
Equalisation Fund Secretariat	The amount required in the year ending 30 <sup>th</sup> June, 2024 for Equalisation Fund Secretariat expenses		<b>326,022,000</b>
	<i>Sub-class total</i>		<b>326,022,000</b>
	<i>Development Expenditure</i>		<b>10,541,378,000</b>
<b>COUNTY</b>	<b>CONSTITUENCY</b>	<b>WARD</b>	<b>FY 2023/24</b>
<b>BARINGO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Baringo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>625,963,098</b>
	BARINGO NORTH	BARTABWA	24,113,453
		BARWESSA	25,181,297
		SAIMO/SOI	6,694,843
		<b>Constituency Total</b>	<b>55,989,593</b>
	BARINGO SOUTH	ILCHAMUS	25,365,771
		MOCHONGOI	23,485,185
		MUKUTANI	38,068,158
		<b>Constituency Total</b>	<b>86,919,115</b>
	MOGOTIO	EMINING	11,315,139
		KISANANA	94,922,146
		<b>Constituency Total</b>	<b>106,237,285</b>
	TIATY	CHURO/AMAYA	46,892,364
		KOLOWA	52,958,940
LOIYAMOROCK		36,723,076	

		RIBKWO	46,193,470
		SILALE	44,292,855
		TANGULBEI/KOROSSI	75,741,014
		TIRIOKO	74,015,387
		<b>Constituency Total</b>	<b>376,817,106</b>
<b>BOMET</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Bomet County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>20,214,189</b>
	CHEPALUNGU	CHEBUNYO	6,785,499
		NYANGORES	6,714,872
		SIGOR	6,713,818
		<b>Constituency Total</b>	<b>20,214,189</b>
<b>BUNGOMA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Bungoma County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>61,835,853</b>
	MT ELGON	CHEPYUK	21,758,504
		ELGON	13,254,757
		KAPKATENY	19,882,135
		KAPTAMA	6,940,458
		<b>Constituency Total</b>	<b>61,835,853</b>
<b>BUSIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Busia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>18,914,434</b>
	BUDALANGI	BUNYALA SOUTH	6,281,620
		<b>Constituency Total</b>	<b>6,281,620</b>
	TESO NORTH	ANG'URAI SOUTH	6,066,576
		MALABA NORTH	6,566,238
		<b>Constituency Total</b>	<b>12,632,814</b>
<b>ELGEYO MARAKWET</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Elgeyo Marakwet County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>68,500,126</b>
	KEIYO SOUTH	METKEI	5,847,315
		<b>Constituency Total</b>	<b>5,847,315</b>
	MARAKWET EAST	EMBOBUT/EMBULOT	32,837,516
		ENDO	10,913,512
		KAPYEGO	6,769,687

		SAMBIRIR	6,086,604
		<b>Constituency Total</b>	<b>56,607,319</b>
	MARAKWET WEST	LELAN	6,045,493
		<b>Constituency Total</b>	<b>6,045,493</b>
<b>GARISSA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Garissa County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>663,713,960</b>
	BALAMBALA	BALAMBALA	34,982,690
		DANYERE	51,722,434
		JARA JARA	17,074,960
		SAKA	23,969,036
		SANKURI	38,177,789
		<b>Constituency Total</b>	<b>165,926,909</b>
	DADAAB	ABAKAILE	16,820,912
		DADAAB	9,080,362
		DAMAJALE	23,601,141
		DEERTU	16,685,982
		LABISIGALE	9,207,913
		LIBOI	23,067,746
		<b>Constituency Total</b>	<b>98,464,056</b>
	FAFI	BURA	21,004,794
		DEKAHARIA	23,611,682
		FAFI	14,931,893
		JARAJILA	17,808,641
		NANIGHI	16,089,339
		<b>Constituency Total</b>	<b>93,446,350</b>
	GARISSA TOWNSHIP	TOWNSHIP	15,487,425
		<b>Constituency Total</b>	<b>15,487,425</b>
	IJARA	HULUGHO	41,650,126
		IJARA	70,220,483
		MASALANI	35,638,366
		SANGAILU	38,372,805
		<b>Constituency Total</b>	<b>185,881,779</b>
	LAGDERA	BARAKI	16,592,164
		BENANE	17,845,536
		GOREALE	8,470,015
		MAALIMIN	17,787,559
MODOGASHE		19,044,093	
SABENA		24,768,074	
<b>Constituency Total</b>		<b>104,507,441</b>	

<b>HOMA BAY</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Homa Bay County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>138,445,479</b>
	HOMA BAY TOWN	HOMA BAY WEST	6,753,875
		<b>Constituency Total</b>	<b>6,753,875</b>
	NDHIWA	KABUOCH NORTH	6,492,448
		KABUOCH SOUTH/PALA	15,143,775
		KANYADOTO	7,015,302
		KANYAMWA KOSEWE	14,425,906
		KWABWAI	34,744,455
		<b>Constituency Total</b>	<b>77,821,887</b>
	SUBA NORTH	GEMBE	13,570,999
		MFANGANO ISLAND	5,672,327
		<b>Constituency Total</b>	<b>19,243,326</b>
	SUBA SOUTH	GWASSI NORTH	20,456,641
KAPSINGRI WEST		14,169,750	
<b>Constituency Total</b>		<b>34,626,391</b>	
<b>ISIOLO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Isiolo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>174,796,443</b>
	ISIOLO NORTH	BURAT	15,222,836
		CHARI	5,565,859
		CHERAB	43,765,785
		NGARE MARA	7,038,493
		OLDO/NYIRO	33,475,270
		<b>Constituency Total</b>	<b>105,068,243</b>
	ISIOLO SOUTH	GARBATULLA	28,809,647
		KINNA	21,154,482
		SERICHO	19,764,071
		<b>Constituency Total</b>	<b>69,728,199</b>
<b>KAJIADO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kajiado County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>436,329,634</b>
	KAJIADO CENTRAL	DALALEKUTUK	50,264,558
		MATAPATO NORTH	49,498,198
		MATAPATO SOUTH	34,690,694
		PURKO	16,862,024
		<b>Constituency Total</b>	<b>151,315,474</b>
	KAJIADO SOUTH	ENTONET/LENKISIM	28,063,315

		MBIRIKANI/ESSELENKEI	14,491,263
		KUKU	16,191,591
		ROMBO	7,675,193
		<b>Constituency Total</b>	<b>66,421,362</b>
	KAJIADO WEST	EWUASO OONKIDONG'I	34,567,359
		KEEKONYOKIE	20,705,418
		MAGADI	87,457,780
		MOSIRO	22,792,615
		ILOODOKILANI	53,069,625
		<b>Constituency Total</b>	<b>218,592,798</b>
<b>KERICHO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kericho County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>64,047,439</b>
	BURETI	CHEPLANGET	6,994,219
		<b>Constituency Total</b>	<b>6,994,219</b>
	KIPKELION WEST	CHILCHILA	6,718,034
		<b>Constituency Total</b>	<b>6,718,034</b>
	SIGOWET/SOIN	SOIN	20,161,482
		SOLIAT	30,173,704
		<b>Constituency Total</b>	<b>50,335,186</b>
<b>KILIFI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kilifi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>567,971,694</b>
	GANZE	BAMBA	90,777,267
		GANZE	28,298,389
		JARIBUNI	35,290,499
		SOKOKE	48,662,265
		<b>Constituency Total</b>	<b>203,028,421</b>
	KALOLENI	KALOLENI	43,836,412
		KAYAFUNGO	38,637,394
		MARIAKANI	7,947,162
		MWANAMWINGA	23,382,934
		<b>Constituency Total</b>	<b>113,803,902</b>
	KILIFI NORTH	MATSANGONI	7,493,881
		<b>Constituency Total</b>	<b>7,493,881</b>
	MAGARINI	ADU	60,758,522
		GARASHI	64,212,939
		GONGONI	22,548,055
		MAGARINI	24,418,099
		MARAFI	22,209,676

		<b>Constituency Total</b>	<b>194,147,291</b>
	MALINDI	GANDA	7,189,235
		JILORE	6,679,031
		KAKUYUNI	21,048,014
		<b>Constituency Total</b>	<b>34,916,280</b>
	RABAI	MWAWESA	7,129,149
		RURUMA	7,452,770
		<b>Constituency Total</b>	<b>14,581,919</b>
<b>KISUMU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kisumu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>25,598,736</b>
	MUHORONI	CHEMILIL	6,126,662
		OMBEYI	6,919,375
		<b>Constituency Total</b>	<b>13,046,037</b>
	NYANDO	AWASI/ONJIKO	6,465,041
		KABONYO/KANYAGWAL	6,087,659
		<b>Constituency Total</b>	<b>12,552,699</b>
<b>KITUI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kitui County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>418,142,557</b>
	KITUI EAST	CHULUNI	6,805,528
		ENDAU/MALALANI	45,958,396
		MUTITO/KALIKU	6,404,955
		VOO/KYAMATU	47,517,469
		ZOMBE/MWITIKA	33,003,016
		<b>Constituency Total</b>	<b>139,689,364</b>
	KITUI SOUTH	ATHI	7,367,385
		IKANGA/KYATUNE	19,817,832
		KANZIKO	44,035,645
		MUTHA	25,780,048
		<b>Constituency Total</b>	<b>97,000,910</b>
	MWINGI CENTRAL	NGUNI	40,801,543
		NUU	14,589,298
		WAITA	6,326,948
		<b>Constituency Total</b>	<b>61,717,790</b>
	MWINGI NORTH	KYUSO	25,888,625
		MUMONI	19,668,144
		NGOMENI	27,259,007
		THARAKA	6,373,331
TSEIKURU		40,545,387	

		<b>Constituency Total</b>	<b>119,734,493</b>
<b>KWALE</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Kwale County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>307,802,559</b>
	KINANGO	CHENGONI/SAMBURU	31,351,178
		KASEMENI	29,196,516
		KINANGO	15,839,508
		MACKINNON ROAD	23,341,822
		MWAVUMBO	15,274,489
		NDAVAYA	32,558,168
		PUMA	24,031,230
		<b>Constituency Total</b>	<b>171,592,911</b>
	LUNGA LUNGA	DZOMBO	9,103,553
		MWERENI	26,236,491
		PONGWE/KIKONENI	24,682,688
		VANGA	24,429,695
		<b>Constituency Total</b>	<b>84,452,427</b>
	MATUGA	MKONGANI	23,624,332
		TSIMBA GOLINI	8,091,579
		WAA	6,714,872
		<b>Constituency Total</b>	<b>38,430,782</b>
	MSAMBWENI	RAMISI	13,326,438
		<b>Constituency Total</b>	<b>13,326,438</b>
<b>LAIKIPIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Laikipia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>125,505,910</b>
	LAIKIPIA NORTH	MUGOGODO EAST	39,139,165
		MUGOGODO WEST	28,043,287
		SEGERA	13,449,772
		SOSIAN	37,189,006
		<b>Constituency Total</b>	<b>117,821,229</b>
	LAIKIPIA WEST	SALAMA	7,684,681
		<b>Constituency Total</b>	<b>7,684,681</b>
	<b>LAMU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Lamu County for development expenses (provision of basic services including water, roads, health facilities and electricity)	
LAMU EAST		BASUBA	14,977,221
		FAZA	5,524,748



		KIUNGA	6,486,124
		<b>Constituency Total</b>	<b>26,988,093</b>
	LAMU WEST	HINDI	6,527,235
		MKUNUMBI	7,279,891
		SHELLA	5,932,700
		WITU	13,881,970
		<b>Constituency Total</b>	<b>33,621,796</b>
<b>MACHAKOS</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Machakos County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>13,595,244</b>
	MASINGA	KIVAA	6,473,474
		MUTHESYA	7,121,770
		<b>Constituency Total</b>	<b>13,595,244</b>
<b>MANDERA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Mandera County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>792,579,415</b>
	BANISSA	BANISSA	18,579,218
		DERKHALE	18,879,648
		GUBA	17,816,020
		KILIWEHIRI	19,449,937
		MALKAMARI	27,335,959
		<b>Constituency Total</b>	<b>102,060,782</b>
	LAFEY	ALANGO GOF	8,759,904
		FINO	17,024,361
		LAFEY	25,149,672
		SALA	8,364,601
		WARANQARA	38,777,595
		<b>Constituency Total</b>	<b>98,076,132</b>
	MANDERA EAST	ARABIA	33,163,245
		LIBEHIA	62,146,825
		KHALALIO	41,322,289
		NEBOI	19,369,823
		TOWNSHIP	41,369,725
		<b>Constituency Total</b>	<b>197,371,906</b>
	MANDERA NORTH	ASHABITO	40,836,330
		GUTICHA	36,658,773
		MAROTHILE	16,731,310
		RHAMU	15,597,056
		RHAMU-DIMTU	40,211,225
		<b>Constituency Total</b>	<b>150,034,694</b>

	MANDERA SOUTH	ELWAK NORTH	16,045,065
		ELWAK SOUTH	16,993,791
		KUTULO	58,097,873
		SHIMBIR FATUMA	38,641,610
		WARGADUD	17,185,645
		<b>Constituency Total</b>	<b>146,963,984</b>
	MANDERA WEST	DANDU	26,517,946
		GITHER	27,708,070
		LAGSURE	9,007,626
		TAKABA	8,868,480
		TAKABA SOUTH	25,969,793
		<b>Constituency Total</b>	<b>98,071,916</b>
MARSABIT	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Marsabit County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>494,061,721</b>
	LAISAMIS	KARGI/SOUTH HORR	36,594,471
		KORR/NGURUNIT	47,810,520
		LAISAMIS	41,767,136
		LOGO LOGO	12,729,795
		LOIYANGALANI	56,937,265
		<b>Constituency Total</b>	<b>195,839,186</b>
	MOYALE	BUTIYE	20,071,880
		GOLBO	53,642,023
		HEILLU/MANYATTA	15,136,396
		OBBU	7,183,964
		URAN	17,771,746
		<b>Constituency Total</b>	<b>113,806,010</b>
	NORTH HORR	DUKANA	34,789,783
		ILLERET	9,717,063
		MAIKONA	44,346,616
		NORTH HORR	39,288,852
		TURBI	26,859,488
		<b>Constituency Total</b>	<b>155,001,802</b>
	SAKU	KARARE	20,137,237
		MARSABIT CENTRAL	4,267,159
		SAGANTE/JALDESA	5,010,327
		<b>Constituency Total</b>	<b>29,414,723</b>
MERU	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Meru County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>31,482,946</b>

	IGEMBE SOUTH	AKACHIU	12,634,922
		<b>Constituency Total</b>	<b>12,634,922</b>
	SOUTH IMENTI	ABOGETA EAST	6,399,684
		<b>Constituency Total</b>	<b>6,399,684</b>
	TIGANIA EAST	KARAMA	5,874,722
		MUTHARA	6,573,617
<b>Constituency Total</b>		<b>12,448,339</b>	
<b>MIGORI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Migori County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>187,006,547</b>
	KURIA WEST	NYAMONSENSE/KOMOSOKO	7,500,206
		<b>Constituency Total</b>	<b>7,500,206</b>
	NYATIKE	GOT KACHOLA	13,967,355
		KALER	14,675,737
		MACALDER/KANYARUANDA	20,049,743
		MUHURU	31,986,825
		NORTH KADEM	34,634,824
		<b>Constituency Total</b>	<b>115,314,484</b>
	SUNA WEST	WASIMBETE	28,461,780
		WIGA	21,940,870
		<b>Constituency Total</b>	<b>50,402,651</b>
	URIRI	NORTH KANYAMKAGO	13,789,206
		<b>Constituency Total</b>	<b>13,789,206</b>
<b>MURANG'A</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Murang'a County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>5,974,866</b>
	GATANGA	ITHANGA	5,974,866
		<b>Constituency Total</b>	<b>5,974,866</b>
<b>NAKURU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Nakuru County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>6,769,687</b>
	RONGAI	SOIN	6,769,687
		<b>Constituency Total</b>	<b>6,769,687</b>
<b>NANDI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Nandi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>122,814,691</b>

	NANDI HILLS	KAPCHORUA	13,040,766
		<b>Constituency Total</b>	<b>13,040,766</b>
	TINDERET	CHEMILIL/CHEMASE	12,364,008
		SONGHOR/SOBA	85,140,781
		<b>Constituency Total</b>	<b>109,773,924</b>
NAROK	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Narok County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>811,790,062</b>
	EMURUA DIKIRR	ILKERIN	8,110,553
		KAPSASIAN	7,668,869
		MOGONDO	7,717,359
		<b>Constituency Total</b>	<b>23,496,781</b>
	KILGORIS	ANGATA BARIKOI	40,542,225
		KEYIAN	26,478,943
		KILGORIS CENTRAL	39,326,801
		KIMENTET	42,655,776
		LOLGORIAN	64,483,853
		SHANKOE	12,951,164
		<b>Constituency Total</b>	<b>226,438,762</b>
		NAROK EAST	ILDAMAT
	KEEKONYOKIE		14,030,604
	MOSIRO		55,846,230
	<b>Constituency Total</b>		<b>95,955,203</b>
	NAROK NORTH	MELILI	35,224,089
		NAROK TOWN	7,316,786
		NKARETA	15,273,435
		OLOKURTO	43,679,346
		OLORROPIL	21,994,631
		OLPUSIMORU	35,995,719
		<b>Constituency Total</b>	<b>159,484,005</b>
	NAROK SOUTH	LOITA	67,807,556
		MAJI MOTO/NAROOSURA	89,667,258
		MELELO	8,081,037
		OLOLULUNG'A	14,430,123
		<b>Constituency Total</b>	<b>179,985,974</b>
	NAROK WEST	ILMOTIOK	8,116,878
		MARA	23,396,638
		NAIKARRA	40,843,709
		SIANA	54,072,112
		<b>Constituency Total</b>	<b>126,429,337</b>

<b>SAMBURU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Samburu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>683,464,328</b>
	SAMBURU EAST	WAMBA EAST	35,695,289
		WAMBA NORTH	46,438,030
		WAMBA WEST	73,284,868
		WASO	44,164,250
		<b>Constituency Total</b>	<b>199,582,437</b>
	SAMBURU NORTH	ANGATA NANYOKIE	43,275,610
		BAAWA	52,884,096
		EL BARTA	42,158,222
		NACHOLA	45,041,295
		NDOTO	58,472,092
		NYIRO	80,583,733
		<b>Constituency Total</b>	<b>322,415,048</b>
	SAMBURU WEST	LODOKEJEK	40,175,384
		LOOSUK	28,062,261
		MARALAL	20,597,896
		PORO	51,495,794
		SUGUTA MARMAR	21,135,507
		<b>Constituency Total</b>	<b>161,466,842</b>
<b>SIAYA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Siaya County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>33,635,500</b>
	BONDO	CENTRAL SAKWA	6,797,095
		WEST SAKWA	6,505,098
		<b>Constituency Total</b>	<b>13,302,193</b>
	GEM	SOUTH GEM	6,794,987
		WEST GEM	6,070,792
		<b>Constituency Total</b>	<b>12,865,779</b>
	RARIEDA	SOUTH UYOMA	7,467,528
		<b>Constituency Total</b>	<b>7,467,528</b>
	<b>TAITA TAVETA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Taita Taveta County for development expenses (provision of basic services including water, roads, health facilities and electricity)	
TAVETA		CHALA	6,666,381
		<b>Constituency Total</b>	<b>6,666,381</b>
VOI		KASIGAU	7,362,114

		<b>Constituency Total</b>	<b>7,362,114</b>
<b>TANA RIVER</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Tana River County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>465,108,711</b>
	BURA	BANGALE	32,242,981
		CHEWELE	32,016,340
		HIRIMANI	28,631,497
		MADOGO	47,532,227
		SALA	27,432,940
		<b>Constituency Total</b>	<b>167,855,985</b>
	GALOLE	CHEWANI	30,904,223
		KINAKOMBA	51,042,514
		WAYU	45,164,629
		<b>Constituency Total</b>	<b>127,111,365</b>
	GARSEN	GARSEN CENTRAL	36,395,238
		GARSEN NORTH	35,076,509
		GARSEN SOUTH	14,679,954
		GARSEN WEST	20,460,858
		KIPINI EAST	27,043,962
		KIPINI WEST	36,484,840
<b>Constituency Total</b>		<b>170,141,361</b>	
<b>THARAKA NITHI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Tharaka Nithi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>46,293,613</b>
	MAARA	MWIMBI	11,934,973
		<b>Constituency Total</b>	<b>11,934,973</b>
	THARAKA	CHIAKARIGA	13,036,550
		GATUNGA	7,553,967
		MUKOTHIMA	13,768,123
		<b>Constituency Total</b>	<b>34,358,640</b>
	<b>TRANS NZOIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Trans Nzoia County for development expenses (provision of basic services including water, roads, health facilities and electricity)	
ENDEBESS		CHEPCHOINA	7,867,047
		<b>Constituency Total</b>	<b>7,867,047</b>
<b>TURKANA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Turkana County for development expenses (provision of		<b>1,203,573,848</b>

	basic services including water, roads, health facilities and electricity)		
LOIMA	KOTARUK/LOBEI	45,782,355	
	LOIMA	34,929,983	
	LOKIRIAMA/LORENGIPPI	64,224,534	
	TURKWEL	75,453,234	
	<b>Constituency Total</b>	<b>220,390,107</b>	
TURKANA CENTRAL	KALOKOL	25,933,953	
	KANGATOTHA	42,435,460	
	KERIO DELTA	67,889,779	
	<b>Constituency Total</b>	<b>136,259,192</b>	
TURKANA EAST	KAPEDO/NAPEITOM	40,914,336	
	KATILIA	27,036,583	
	LOKORI/KOCHODIN	55,424,574	
	<b>Constituency Total</b>	<b>123,375,493</b>	
TURKANA NORTH	KAALENG/KAIKOR	66,912,592	
	KAERIS	41,588,986	
	KIBISH	49,166,144	
	LAKE ZONE	73,417,690	
	LAPUR	70,095,040	
	NAKALALE	32,678,340	
	<b>Constituency Total</b>	<b>333,858,792</b>	
TURKANA SOUTH	KALAPATA	27,344,392	
	KAPUTIR	14,714,740	
	KATILU	34,906,792	
	LOBOKAT	7,409,550	
	LOKICHAR	35,467,595	
	<b>Constituency Total</b>	<b>119,843,070</b>	
TURKANA WEST	KAKUMA	26,916,411	
	KALOBYEI	49,288,425	
	LETEA	63,190,423	
	LOKICHOGGIO	32,151,270	
	LOPUR	17,353,253	
	NANAAM	46,500,224	
	SONGOT	34,447,187	
	<b>Constituency Total</b>	<b>269,847,194</b>	
<b>WAJIR</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in Wajir County for development expenses (provision of basic services including water, roads, health facilities and electricity)	<b>768,129,691</b>	
	ELDAS	DELLA	26,696,096
		ELDAS	17,611,517

		ELNUR/TULA TULA	41,084,053
		LAKOLEY/BASIR	16,848,320
		<b>Constituency Total</b>	<b>102,239,986</b>
	TARBAJ	ELBEN	33,203,302
		SARMAN	26,493,701
		TARBAJ	34,562,089
		WARGADUD	33,485,812
		<b>Constituency Total</b>	<b>127,744,903</b>
	WAJIR EAST	BARWAGO	8,185,397
		KHOROF/HARAR	40,512,709
		WAGBERI	8,503,747
		<b>Constituency Total</b>	<b>57,201,854</b>
	WAJIR NORTH	BATALU	24,528,784
		BUTE	24,661,606
		DANABA	26,306,064
		GODOMA	17,028,578
		GURAR	24,467,644
		KORONDILE	26,045,691
		MALKAGUFU	13,948,381
		<b>Constituency Total</b>	<b>156,986,747</b>
	WAJIR SOUTH	BENANE	58,258,102
		BUR-DER	24,389,637
		DADAJA BULLA	7,955,595
		DIFF	24,535,109
		HABASSWEIN	28,387,991
		IBRAHIM URE	33,555,385
		LAGBOGHOL SOUTH	40,100,540
		<b>Constituency Total</b>	<b>217,182,359</b>
	WAJIR WEST	ADEMASAJIDE	8,191,722
		ARBAJAHAN	25,653,551
GANYURE		32,894,439	
HADADO/ATHIBOHOL		30,726,073	
WAGALLA/GANYURE		9,308,056	
<b>Constituency Total</b>		<b>106,773,842</b>	
<b>WEST POKOT</b>	The amount required in the year ending 30 <sup>th</sup> June, 2024 in West Pokot County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>1,074,809,591</b>
	KACHELIBA	ALALE	118,278,726
		KAPCHOK	18,800,587
		KASEI	66,470,907
		KIWAWA	71,415,878



		KODICH	46,813,304
		SUAM	47,183,307
		<b>Constituency Total</b>	<b>368,962,709</b>
	KAPENGURIA	ENDUGH	83,446,778
		KAPENGURIA	18,884,918
		MNAGEI	10,971,489
		RIWO	111,844,255
		SOOK	56,918,290
		<b>Constituency Total</b>	<b>282,065,731</b>
		POKOT SOUTH	BATEI
	CHEPARERIA		68,684,601
	LELAN		6,555,697
	TAPACH		27,276,927
	<b>Constituency Total</b>		<b>152,771,241</b>
	SIGOR	LOMUT	88,509,812
		MASOOL	47,846,361
		SEKERR	52,398,138
		WEI WEI	82,255,599
		<b>Constituency Total</b>	<b>271,009,910</b>
	<i>Sub-class total</i>		<b>10,541,378,000</b>
<b>Total Equalisation Fund</b>			<b>10,867,400,000</b>

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end.

*Clause 2*

*(Question, that the Clause 2 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end.

*The Title*

*(Question, that the title be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end.

*Clause 1*

**Sen. Ali Roba:** Madam Temporary Chairperson, I beg to move –

THAT Clause 1 of the Bill be amended by inserting the expression “(No. 2)” immediately after the words “Equalisation Fund Appropriation”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end. Hon. Members, we will report progress on the Bill.

I call upon the Mover.

**Sen. Ali Roba:** Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Equalization Fund Appropriation Bill (Senate Bills No.30 of 2023) and seeks leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## PROGRESS REPORTED

### THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 30 OF 2023)

**The Deputy Speaker** (Sen. Kathuri): The Temporary Chairperson, Committee of the Whole, please, report progress.

**Sen. Mumma:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Equalization Fund Appropriation Bill (Senate Bills No. 30 of 2023) and seeks leave to sit again tomorrow.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Let us have the Mover of the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023)

**Sen. Ali Roba:** Thank you, Mr. Deputy Speaker, Sir. I beg to move that the House do agree with the Committee on the said Report.

**The Deputy Speaker** (Sen. Kathuri): Who is seconding the Bill?

**Sen. Ali Roba:** Mr. Deputy Speaker, Sir, I beg to be seconded by Sen. Lemaletian.

**Sen. Lemaletian:** Mr. Deputy Speaker, Sir, I Second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I want to reorganize our business this afternoon. I therefore defer Orders No. 9, 10,11,12,13 and 14. We proceed to the next order.

**COMMITTEE OF THE WHOLE**

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL  
(SENATE BILLS No.9 OF 2022)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL  
(SENATE BILLS No.12 OF 2022)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE MUNG BEANS BILL  
(SENATE BILLS No.13 OF 2022)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE START-UP BILL (SENATE  
BILLS No. 14 OF 2022)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE PERSONS WITH DISABILITIES BILL  
(SENATE BILLS No. 7 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE KENYAN SIGN LANGUAGE BILL  
(SENATE BILLS No. 9 OF 2023)

*(Committee of the Whole deferred)*

**MOTIONS****ADOPTION OF REPORT ON THE PROLIFERATION  
OF RELIGIOUS ORGANISATIONS**

THAT, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to more than 95 deaths in Shakahola, Kilifi County, laid on the Table of the Senate on Thursday, 19th October, 2023.

*(Sen. Mungatana MGH on 23.11.2023)*

*(Resumption of debate interrupted on 29.11.2023 – Morning Sitting)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, from my record, I can see the Minority Leader has a balance of 51 minutes. However, from my observations, he is not in the Chamber. I open the Floor for Senators to continue contributing.

Sen. Mumma, you may have the Floor.

**Sen. Mumma:** Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this Report. I begin by congratulating the Committee led by Sen. Mungatana, that investigated this matter. This will go in history as one of the matters that are going to profoundly impact on the happenings in Kenya in relation to religion.

I listened throughout when Sen. Mungatana presented the Report. The Committee did what it could even though they had quite a number of challenges, some of which related to the issue of collection of evidence and full facilitation to enable them to carry out their work as contemplated. However, in the circumstances, they still have provided an important Report.

What happened in Shakahola can only be compared to the Jim Jones mass suicide that happened in Guyana in 1978. I urge this House to take this matter seriously. This is because we have been told that we have over 420 deaths. As at now, I am told we are still counting deaths because investigations are still on.

Any member of the families of those affected listening to us should get the hope that, as leaders of this country, we empathize with what is happening. We are part of the collective shame that should engulf the entire leadership of this country for allowing such a thing to happen. We need to take this conversation very seriously.

Mr. Deputy Speaker, Sir, the recommendations of the Committee on the issue of registration must be taken seriously. We currently have religious organisations registered as associations. They are registered by mortals and already regulated. So, I found it extremely sad to hear comments like “we are looking for God to regulate these institutions”.

The difference between a cult and a religious organisation is not something that may be distinguished easily. The only way you can prohibit cults and other terrorist-like organisations is to have regulations and requirements about those who claim to be running a religious organisation.

Religion has once been said to be the opium of the people. It tends to be the opium of the very poor. It is the poor who are manipulated to do what they can to get out

of poverty. The exploitation of the poor in Kenya through religion is extremely high. It is something we should not shy from speaking about.

This is the country people are selling their properties and giving them to the church leadership and remaining poor because there is a hope that, they will get rich at some point. We are watching as this happens.

We are so terrified to criticize religious leaders in this country. This is because as politicians, we want to rely on their psychological mobilization of their supporters to give us votes. However, we have reached that stage where we must call a spade a spade.

Religious organizations and religion is now starting to be the new frontier for the abuse of human rights. When you hear that a priest has sexually molested boys or girls, we do not cover that story for long. Politicians will not talk about it because they fear that they will lose votes if they criticize the religious leaders doing these things.

I urge that, as a nation, we take this issue seriously and do what we have to do. I urge the country to consider following what Rwanda has done to ensure that religious organisations are actually vetted properly and regulated to ensure that they do not do what has been happening.

Mr. Deputy Speaker, Sir, another challenge is in the way we operate. As a Senate, we allowed an inquiry to happen on this issue while simultaneously, the Executive is also investigating it. I know there is a clash. We have even heard some Members castigate or call to order the Cabinet Secretary for Interior and National Administration for not allowing certain people to give evidence. Even as we proceed with this Report, we need to recognise the provisions of Article 50 of the Constitution, in terms of the right to fair hearing.

I urge that we must find that fine balance between what we do as a House and what is happening out there. This is so that the rules of justice will not exonerate a criminal because we had parallel and conflicting methods of doing this enquiry.

I wish that we all put our mind to this and find a way in which Parliament can do its job in terms of inquiries by Committees. However, we should also let the Executive take responsibility for its primary role in investigating criminal matters. This is to ensure that both teams are able to focus on ensuring justice, particularly, for those who are victims of the crimes that we are talking about.

A number of issues and comments have been made on the Floor. I wish that we carefully consider the report and contribute to ensure that those perpetrators will be properly brought to book.

Mr. Deputy Speaker, Sir, if somebody ends up running away from this matter because of procedural issues, it will be the sad day for this country. I urge all our Members to put their heads together and give confidence to the country, that as leaders, we have all been saddened by the Shakahola happenings. As leaders, we will do what it takes to ensure that all who are responsible for what happened are brought to book.

Beyond that, we will also deal with many others who are exploited and murdered in different ways in the name of religion and those who are abusing religion. This is because I am a Christian and my reading of the Bible cannot justify what has happened in Shakahola. I am very confident that right-thinking religious leaders will condemn this issue and will want the country to come up with a regime over regulation that will ensure such a thing is not repeated again.

Mr. Deputy Speaker, Sir, with high levels of poverty, we need to be careful and be the conscious of this nation. I, therefore, wish to commend Sen. Mungatana and his team. In the circumstances, they have delivered what they could. I ask the House to support this effort and any further effort because they completed their work considering there was a timeline. There was still other business they were not able to carry out.

As a House, we need to be seen by every citizen supporting our own initiative by trying to enquire this issue and giving confidence to the families that were affected, and that this House takes this seriously and will not be among those that will try to undermine any effort to curb future happenings of this nature.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Mumma. The next in line is Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. I want to share my thoughts on the Report brought by the Committee investigating Shakahola deaths. Even as we investigate this issue, allow me, Mr. Deputy Speaker, Sir, to condemn the killings of four youth in Uasin Gishu at the property of the Kenya Defence Forces (KDF). We had agreed that the era of extrajudicial killings should not happen in this country.

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

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

The killing of Kenneth Kipkemei, Shadrack Kipkemei, Daniel Kiprotich and Cornelius Koech is very unfortunate simply because they were collecting maize leftovers or in our local language, *turonik*.

Madam Temporary Speaker, I condemn it in the strongest terms possible. The issue of extrajudicial killings should come to an end. The KDF must be called to order because even if those young people had trespassed their property in Eldoret Recruits Training School (RTS), there are legal mechanisms on how trespassers should be handled. No Kenyan, even from the highest office, has the power to take the life of any Kenyan.

Therefore, we condemn the killing of the four young people. My heart and condolences go to the people of Turbo Constituency, Uasin Gishu County. Our prayers and thoughts are with them. I urge the Independent Policing Oversight Authority (IPOA) and the KDF to move with speed and ensure that these young people get justice. We also want to see the injured being taken care off.

Madam Temporary Speaker, this replicates similarity with what happened in Shakahola, where people take advantage of individuals and take away their lives. We know that there is a right to life under our Constitution and it should not be snuffed out by anyone. The Chief of Defence Forces, Gen. Ogolla, must put necessary mechanisms for reparation and those individuals must be court-marshalled and charged with allegations of murder. Compensation must be given to the families. We want the alleged officers who participated to be taken to court and charged with murder.

Finally, Madam Temporary Speaker, the issue of land there is almost getting resolved. I do not know why there were many issues.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, you have been indulged for a short while and you know the debate is Shakahola. You are stretching it too long. Please, move to Shakahola now.

**Sen. Cherarkey:** Madam Temporary Speaker, it is because there are some similarities where lives have been taken.

**The Temporary Speaker** (Sen. Mumma): True but the focus is on Shakahola. You know what I mean.

**Sen. Cherarkey:** I stand guided, Madam Temporary Speaker. Our Constitution is clear. Under Article Eight, it says that there shall be no state religion. It leaves it at that. The right to worship and freedom is enshrined under the Bill of Rights here and across the world. I have seen the observations that the Committee has made and I agree with them.

I pushed for the national forensics laboratory to be given money to do their job, especially when we were investigating extrajudicial killings and enforced disappearance. Most of cases in court by the prosecution collapse because of lack of investigations. We do not have a proper functional upgraded biology and chemistry forensic laboratories. If we have to fight crime in this country, we must invest in investigations. The reason most of the criminal cases, whether white-collar or usual crimes get withdrawn by the Office of the Director of Public Prosecutions (ODPP), is because we do not have proper and functional laboratories that can investigate issues of Deoxyribonucleic Acid (DNA), crime scenes and others.

Madam Temporary Speaker, we must ensure that we give the Directorate of Criminal Investigations (DCI) enough resources, especially these forensic laboratories. I sometimes see in the First World, places like the United States of America (USA) and other countries that if someone committed an offence 20 years ago, that person can get arrested and prosecuted with modern technology. That limitation of crime in the criminal aspect does not exist.

I know that the Vice-Chairperson of the Committee on National Security and Foreign Relations is seated behind me. I implore him to seize the matter and forward it to the counterpart Departmental Committee on National Security and Foreign Relations in the National Assembly led by my brother Hon. Tongoyo, so that they are given an adequate budget. That is how we will address crime because most of the criminals are walking scot-free because a scene was interfered with, and we do not have proper forensics.

There is the issue of processing certificates. At the moment, the Government is looking for money anywhere and everywhere because of the unfortunate and downturn economic times we are in. I agree that we need to give enough resources to the DCI for them to have modern equipment and generate police clearance certificates. That is what we are doing with the Government Printer. That can generate good money.

Madam Temporary Speaker, the processing capacity is 20,000 per day, yet we are processing 4,500 per day. If we give it a maximum, the same money will go back to sustaining the DCI and assisting the Government with revenue. I am in agreement on those three aspects and observations. I remember in the last Session, we passed the National Coroners Service Act. We summoned the Attorney General of Kenya then, Hon. Kihara, and he could not tell us why they have not operationalized the National Coroners Service Act.

Madam Temporary Speaker, bodies cannot be processed from Shakahola and released to the families because this Act has not given a proper way of processing. Those bodies are many. When you go to the Kenyatta National Hospital (KNH) and the City Mortuary, there are many unclaimed bodies. Had they operationalized the law, it would have assisted in clearing some of that backlog and we could have given the coroners an office. There would be no unclaimed bodies. It is un-African to say a body is unclaimed. It is not good according to us.

I tend to imagine the Justice, Legal Affairs and Human Rights Committee (JLAC) where you, Madam Temporary Speaker, sits as a Member will be given power to follow up on this implementation. I hope you will invite the Attorney General. I do not want to say 'summon', it is a strong word, but invite him to tell us why the National Coroners Service Act, which we passed here in 2017, is not operational. Many people are blaming Dr. Johansen Oduor or other individuals, yet we have not given them the necessary system to ensure that they do their job through National Coroners Service Act.

Madam Temporary Speaker, many other issues that have been raised. I will make my observation on one or two issues before I allow my colleagues. Of course, we are talking about the matching of DNA, including the former members of the Kilifi County Security---

**The Temporary Speaker** (Sen. Mumma): What is your point of information, Sen. Tabitha Mutinda? Sen. Cherarkey, there is a point of information. Do you want to be informed?

**Sen. Cherarkey:** Madam Temporary Speaker, at the moment, I am not interested with any information. Let me just prosecute the matter.

The Director of Criminal Investigations (DCI) should investigate the national security officers. I agree that if there were lapses, acts of omission or commission with NIS at the ground level, the county security team then they must be investigated.

The DCI, Mr. Ngao, or the Cabinet Secretary in charge of Interior and National Coordination, should give us a reason for the administrative action that has been taken against some officers or whether some of them have been given show cause letters, reprimanded or been fired.

That is why some of us have always insisted on including the Governor in the county security team. We have had push and pull, moved to court and argued. If Governors were part of this county security team, maybe some of these things would not be happening. *Wananchi* would be more comfortable telling the Governor something than telling a police officer or a National Intelligence Service (NIS) individual. So, we need to rethink the county security structure. Why do we not ensure governors become part of the county security team?

Therefore, in all this respect, if there are people who are culpable or those who ignored--- My heart of empathy and sympathy goes to many families who because of this misguidance lost their loved ones. It is more traumatizing that some of the families are yet to trace their loved ones.

There is a song by Shasha Marley, that "*I shall preach the gospel of Jah across all the nations and kingdoms.*" We agree they should preach that gospel, but there should be some decency. They must be within the law. People should do what their Constitution allows. You should know that where your rights end, another person's rights begin. If you



have the right to worship, you should worship within the law that has been provided. You should respect the right to life and many others.

I agree with the Committee on the recommendation of reintegration of survivors. I found it odd and weird that the police were arresting some of the survivors that were being found in the forest, especially from Shakahola. How do you arrest people who have been brainwashed and distorted minds? I agree with the Committee that they must be reintegrated into society. There must be support systems even through counselling.

In the last Session, we were pushing to have mental health treatment because the issues of mental illness in this country are becoming a reality. You never know other people out there because of stress, Post Trauma Distress (PTSD) due to accidents or giving birth, and many other stresses that can lead to mental disorders and become a disease.

There is a country where they have appointed a minister of happiness and goodness. I do not know, with the stress that is in the country, you never know, we might end up needing a minister for happiness and goodness, so that they can make sure that people laugh and enjoy themselves, *lakini si kupiga sherehe*. We agree that we need to fight extremism, but we must integrate religious leaders, be it the Muslims, Christians or others. Let them be part of this so that we prevent extreme ideologies.

The bottom line that we are trying to make is self-regulation. However, we agree on monitoring and observation to avoid extreme ideologies. We know the effects of extreme ideologies, especially where it has reached cases of terrorism or that are terror-related in the world.

We urge the Ministry of Interior and National Coordination, Ministry of Foreign Affairs and Ministry of National Defence, and others, even the Government, to work closely with religious leaders and the organizations that are there and do self-regulation.

What I hate to see is where we want to regulate religious organizations. It means that before a Sheikh or Pastor preaches, a Government officer must go and look at their presentations. From where I sit or stand, is to put in place the necessary mechanisms on how we can tame the issue of extreme ideology. We can see where it has brought the country.

The issue of terrorism is not unique to a tribe, religion or clan. It has shown that it affects all races, all tribes, and all nationalities. Therefore, there is a misnomer in the world that when people come from certain clans, tribes or regions, their affinity to terror-related issues is very high. No! It has been proven that it does not depend on age. I know we had a debate in the morning on classifying Senators as young, old, new or old. It does not care about religion or social status.

There was a case, I do not want to mention, of a religious group in this country, where a whole advocate had to sell all the property and give it to the religious leader, which is very unethical. I have seen cases where people give birth to a child and attend a church function with a two-week-old baby. I think you are suspecting the religious leader I am talking about, where you are told that your husband or your wife is the real devil, and you end up breaking down marriages and families.

Those are issues that we want to get rid of. Let us get the real teachings of religion, be it Christianity, Islam or others. Kenya is a multi-religious society. We have the Hindus, traditionalists as some of us, Christians, Muslims like my brother, Sen. Chute, and a number of us who are atheists. We have the Atheists Forum of Kenya. They were objecting even us being sworn by the Bible, and many others.

I want to quote you, Madam Temporary Speaker, on the statement you made by Karl Marx that “religion is the opium of the masses.” It is true. These are religious leaders saying, “if you bring 500 or coins to my church, I will not touch it.” Are we allowing religion to go rogue?

I do not want to go to what had been ruled about in the morning. I disagree with this Committee’s proposal to provide for regulation of religious organizations. It will water down the entire Report. That is why I have quoted Article Eight of the Constitution, 2010 that there is no state religion. Government has no business regulating religious organizations in this country.

On this one, I totally disagree. Let the church and religious organizations self-regulate themselves. Secondly, criminal laws are there. I am a lawyer and I am admitted to the Roll of the Advocates. If, today, we violate that Law Society of Kenya (LSK)--- Sen. Mungatana is also a lawyer. When you offend the law, you are not charged because of being a lawyer. You are taken through the criminal procedure.

Let the necessary agencies weed out the criminals who are using religion as a shield against and misleading the people. It is as simple as that. If we start regulating the church, we are violating Article Eight of the Constitution. We are infringing on the right to freedom of worship. If we were to do that, it would mean that every individual will ensure--- This recommendation is setting us against religious organizations, which some of us would not be interested to be part of. Let us strengthen the criminal justice system. If you are a pastor and you commit an offence, face the full wrath of the law. We do not need to come and regulate people to force them to believe in their faith. Faith is your personal relationship with your God.

I end at that. With that reasoning of regulating religious organizations, I oppose this Report.

**The Temporary Speaker** (Sen. Mumma): Sen. Chute, please, proceed.

**Sen. Chute:** Madam Temporary Speaker, first, I take this opportunity to thank the *Ad Hoc* Committee for the work they have done. I also thank the many witnesses who took time and had an opportunity to come before the Committee to give their testimony.

By the time the Committee finished their work, we had lost 429 lives; elderly men and women, children, men and youth. Yes, Article 8 of the Constitution says no state religion. That is true.

Article 26 (1) also states that-  
‘every person has a right to life.’

Article 30 also says-

‘(1) A person shall not be held in slavery or servitude.’

If you look at what happened in Shakahola, I do not know what type of language they use. They are like slaves. They are just there without knowing where they are heading, where they came from and what they are going to do next. It is very unfortunate.

I have seen this happening in churches and mosques. If you watch national television on Sundays, you will find a priest telling people ‘if you want a baby, bring seed money,’ and the seed money is Kshs10,000. How can you tell a person who has come to that service to pray to God that ‘you have not gotten a child for many years, I will pray for you, but you have to pay seed money of Kshs10,000?’

You will find the same scenario in a mosque. A Sheikh will tell somebody, 'I will pray for you because you have not gotten a child. There is water I am going to pour on you; you have to remain naked then pay some fees.' I do not know what method people are using to brainwash an adult of sound mind; some with undergraduate degrees, masters degrees and are professors. I really do not understand.

The most important part of what happened in Shakahola is for those people who were involved to be taken to court. The Directorate of Public Prosecutions (DPP) should take quick drastic actions. They have many cases. They can take these people to court with what they have now then keep adding.

Madam Temporary Speaker, if you kill a hyena today in a place like Marsabit County, you will be taken to court the following morning. How about 429 innocent lives lost? I thought by now because if you kill a hyena, you are charged the same day, these people are supposed to be charged and held responsible without wasting time. It needs to be expedited in the charge sheet and all, so that they go to jail.

We have fundamentalists in our Islamic society. There is no difference. Somebody will be told to put a belt on themselves or to go and kill certain people, then they will go to heaven. Which heaven is this that you kill thousands of people to go to? This is all being brought about by people who use that religion in a crooked way. Some of them are learned religiously and some are good religious scholars. Even priests and Bishops are there.

We need to have some legislation in place. Tomorrow, I can call myself Bishop Chute and tell people to bring me money. How do I get the title of Bishop? Did I go through a religious process or some school and qualify to be a Bishop? Am I registered as a Bishop or Sheikh or Imam?

In this country and the world at large, the most difficult situation somebody can be in is using religion. Somebody will tell you that if you go to heaven, you will get beautiful wives, wine and so on. That person is brainwashed until you find somebody saying 'because I am going to heaven tomorrow, I will have beautiful women, wine and nice food, let me kill people.' These are people who are calling themselves religious.

If you see people in the first row in the mosque or church, you find a poor person sitting at the gate of that church. These people coming out of the mosque or church, and a man is begging for a few coins, they will just pass by. However, a drunkard can sit next to that beggar and start asking him what his problem is. That drunkard could be having only Kshs50, but he will share with that poor person, yet the religious one just passed.

Madam Temporary Speaker, people are using religion to steal and cheat. If somebody comes there having a problem with the husband, you will find a Sheikh saying 'leave him, I will marry you.' I have seen such cases. They will open a religious book and say 'this part says if this man gives you problems, stay with him there without doing anything, but then after three months, you are free to go.' That is what is happening.

It is time for this Government to act not only against the Shakahola one, but also against those people who preach in churches, telling people I am going to heal you. They bring their brokers from outside there and tell them: "You know, if I ask who has a problem, come and say I am sick and I want you to be healed." This is predetermined. Then that person comes there limping like he is very sick. I do not know what they do, but you find that person falls down. I do not know what magic they use. Then somebody

stands behind holding that person. After a few minutes of shaking, that person says: “I am okay, I am healed”. That is using religion in a very bad way.

Madam Temporary Speaker, I am a Muslim, but I do not support fundamentalism. You can see youth today in Lamu are being used. They are not people from Somalia; they are our local children being used. These people are using religion. These children are told our religion says if you kill somebody today who is not a Muslim, you will go to heaven. The people using these children - the young boys and girls - are people who call themselves Sheikhs and Imams, Bishops and Pastors.

You have seen what has happened in Britain. There are Catholics against Protestants. Catholics go to churches and after church they parade on the streets that they are Catholics, this is their colour, this is their band. They are fighting the rest.

Then protestants also have their own. If you look at where they are born, they are people who are learned. They are British who colonized almost everybody in this country and then they go back and start using religion to kill each other.

Sen. Cherarkey said earlier that there is no lab in this country. He is very wrong because there is a modern lab in the Directorate of Criminal Investigations (DCI) that was recently launched. If he is not aware, he needs to talk to the person in charge at the DCI, hopefully, he will be told.

Finally, out of the recommendations the Committee has given, the most important one and that should be adhered to is the repeat of these kinds of death. Forget about 429, the issue of even one person dying because somebody used religion or brainwashed them that they will go to heaven, do not eat or drink, leave your husband or wife; come and stay with us, must stop. These kinds of things should not occur again in this modern Kenya today.

Madam Temporary Speaker, I thank the Senate for taking that opportunity to have a Committee that can investigate, travel to many places and spend many hours of their time listening to what people are saying and to bring us a report. I support that Report.

Thank you very much.

**The Temporary Speaker** (Sen. Mumma): Sen. Tabitha Mutinda, I understand you seconded this Motion. We will now give chances to other Senators.

Proceed, Sen. Crystal Asige.

**Sen. Crystal Asige:** Thank you very much, Madam Temporary Speaker, for the opportunity to contribute to this Report by the *Ad hoc* Committee. I wish to thank the Committee through the leadership of Sen. Mungatana for a very good and detailed Report. It really went deep into issues that pertain to this heinous tragedy.

I also wish to laud the care and thoughtfulness that went into writing this Report. I read it with a very heavy heart. It felt like a movie when I read this Report because there are some things we do not even dream are possible. However, I believe that the Committee did a very good job in investigating and writing the Report. I am sure there are things that did not make it to the Report and other areas they wish they would have had more time to unpack. However, a job has been done and it is done well.

Before delving into the debate surrounding the Report, it is also crucial to acknowledge the human impact and distress experienced by those affected. I join hands with the Chairperson in giving my condolences to the families and loved ones of all those still missing or who have departed due to this heinous tragedy. My empathy, thoughts and

prayers go out to all those affected. I am in an equivocal solidarity with them. Their voices and experiences deserve utmost understanding and consideration.

It is unfortunate that the country lacks a mental health framework of handling mass atrocities as noted in Paragraph 503 of the Report. We, as a country, are in urgent need of qualified counsellors to be deployed at the grassroots level on a continual basis and not to wait for emergency cases such as this to happen.

The Report also notes that there are inadequate rescue centres for adults and children. I want to voice my agreement with this recommendation for county governments to establish rescue centres and operational counselling centres to provide mental health and support to victims of such tragedies.

These services through the recently passed Social Health Insurance Fund Act should be available to all affected parties now and in future to ensure effective and progressive healing and reintegration into society. I believe that we have not seen the worst of the mental health issues that will arise from this year's Shakahola incident.

It will interest the House to know that the World Health Organization (WHO) has declared loneliness to be a health threat. True to this Report, loneliness can lead many people vulnerable to vultures like Makenzie by taking advantage of them and recruiting them en-mass, leading them into tragedies like the present one.

Karl Max famously said that religion is the opium of the people because it can be used by powerful people to oppress the weak and also make them feel good about being oppressed. Indeed, religion is a powerful tool that if left unfettered, can be used to cause great havoc in society as a whole. This unfortunate case has shown us that entire villages have been wiped out, individuals have been isolated to the point of death and societies have been devastated by the shocking turn of events.

The potent power of religion can be seen throughout history when we remember cult leaders such as Charles Manson. It is unfortunate that we still have not fully understood how these dangerous leaders take advantage of people looking for belonging and purpose, using their vulnerabilities for sinister motives. What is even sadder is that this was happening right under our noses for years and maybe even decades and nobody noticed. Now, 429 people are gone, vanished and there might be more. As a country, we need to learn from this and change our focus because religious extremism affects everyone.

Madam Temporary Speaker, it is also high time that the Communications Authority of Kenya (CAK) took the bull by the horns, by connecting with social media platforms like *YouTube*, *Twitter*, *Meta* platforms and others, to regulate content that potentially has cult-like characteristics; or that distribute content that might result in harm to our people, be it mental or physical.

Let the Ministry of Information, Communications and The Digital Economy be proactive and put a stop to it before more harm occurs. Have we even begun to wrap our heads around the destruction that can be caused when Artificial Intelligence (AI) lands in the wrong hands within Kenya? Are we ready for recruitment, indoctrination and crime that can occur? Our people deserve protection from potentially damaging influencers and taking action now is essential.

Recommendation No.10 requires that CAK, engage *YouTube*, *Facebook* and other social media networks and sites that have content associated with Paul Mackenzie and his

teachings. This is with a view to permanently deleting these contents and removing the accounts and I support.

My plea to the Committee is to not only remove any cult-like religious content, but also to take charge of how such content is shared in the future if it has already been downloaded. It is a plea to safeguard our community from potential harmful influencers to act now and prevent the spread of such content by nipping it at the bud because as we all know, as soon as something lands on the internet, it will never die. It will always exist in some way, shape or form. My question to the Committee is, how are we then going to regulate that which has already been downloaded?

I applaud the recommendation in Paragraph No.510 of the Report. That CAK should create a licensing category for religious broadcasting stations and develop guidelines for the approval and monitoring of religious content within 90 days of the adoption of the Report.

Further, I recommend that these guidelines give criteria on the immediate removal or suspension of licenses once extremist content has been flagged.

As I conclude my submission, I would have liked to see the segregated data as well, on the victims of these crimes. What is the ratio of men to women, those in rural areas to those in urban areas, young people to elderly people, the socio-economic variance and so on? Although it will not be perfect, this data would have helped to build the patterns around extremism and who is most susceptible, so that as a country we can learn from this and strategize.

Madam Temporary Speaker, finally, I urge the Chairperson of the Committee to give direction on what action should be taken with regards to the mental health and socio protection of those who participated in these executions of innocent people named as 'goons' in the report who are scared to death of retaliation, if they come forward.

They are stuck between a rock and a hard place, I would argue. It might not be all, but they might be individuals who were and still are being intimidated, strong-armed and being brainwashed into performing these crimes or hiding them from the police.

It must not be lost on us that the victims are caught on both sides of the bloody events. What is their recourse? It would have been good to hear more of that in the Report and perhaps we will in the days going forward.

Madam Temporary Speaker, it is unfathomable what has happened to Kenyan families and how easy it is to mix poverty with religion, loneliness and taking advantage of people's vulnerabilities and turning all of that into a crime so unthinkable that it has made Kenya's history books.

**The Temporary Speaker** (Sen. Mumma): Sen. Miraj, please proceed.

**Sen. Miraj:** Asante, Bi. Spika wa Muda, kwa kunipa fursa hii nichangie hii Ripoti ya swala la Shakahola.

Kwanza, ningependa kutoa pongezi kwa Kamati yote ikiongozwa na Mwenyekiti wao, Seneta wa Kaunti ya Tana River, Sen. Mungatana. Wameonyesha ujasiri na maarifa ya hali ya juu katika hii Ripoti.

Hata hivyo, natanguliza masikitiko yangu katika mambo ambayo nimeona yamejiri tangu Shakahola ilipoletwa katika televisheni zetu. Tumekuwa na matatizo makubwa ya ugaidi na itikadi kali katika taifa letu. Tuliona mambo yaliyotokea wakati wa mlipuko wa bomu na mambo mengine ambayo yameendelea kutokea.

Nimeona mfumo tofauti umetumika katika maswala ya Shakahola. Katika Kaunti ya Mombasa, tulikua na tatizo katika Msikiti Musa. Sheikh mmoja alipigwa risasi baada ya kusemekana kwamba kuna mahubiri ya itikadi kali ambayo yalikuwa yanaendelea katika Msikiti ule. Tuliona polisi wengi wakiingia katika hio nyuma ya maombi. Mambo yalitendeka na hatimaye yule mhubiri, Mwendazake Aboud Rogo, akapigwa risasi. Mpaka leo, hatujui Aboud Rogo aliuawa na Serikali au aliuawa na wale wenzake aliokua akifanya nao biashara ya itikadi kali. Hayo tuyaweke kando.

Nimeona tofauti kubwa vile ambavyo Mhubiri Mackenzie amebebwa katika kesi ya Shakahola. Nikizingatia maafa yaliyotokea mbeleni kisha nilinganishe na yaliyosemekana yalifanywa na wahubiri ya dini ya Kiislamu, ni tofauti na vile kesi ya Mhubiri Mackenzie imetekelezwa.

Mpaka sasa, Mackenzie yupo na hatujaona mashtaka ambayo amefunguliwa. Hatujui kama atafunguliwa mashtaka. Kulikuwa na mjadala wazi katika televisheni ya kwamba hakuna kesi ambayo anaweza kufunguliwa kwa sababu watu ambao aliwaangamiza kupitia mahubiri yake, walienda huko kwa hiari.

Langu tu ni kutoa mtazamo na fikra yangu, ya kwamba ni tofauti sana jinsi kesi ya Shakahola inavyotekelezwa ukilinganisha na kesi zingine ambazo tumekuwa tukiambiwa ni za ugaidi na itikadi kali. Nikizingatia idadi ya watu ambao wameathirika, Shakahola tumepoteza Wakenya zaidi ya 800. Hebu ongeza idadi ya maafa yale mengine ya ugaidi hapo nyuma, ambayo yamekuwa yakiangaziwa kwa mda.

Bi Spika wa Muda, ugaidi ama itikadi kali sio wa dini ya Kiislamu pekee. Dini yoyote na mhubiri yeyote anaweza kuamua kufundisha watu mambo ambayo hayapo katika vitabu vyetu vitakatifu.

Ningependa kuipongeza pia Kamati kwa Ripoti hii kwa sababu wamekuja na mambo ambayo yananipa moyo kama mzazi katika hili taifa. Wamesema, ipo haja ya sisi kama wazazi kufuatilia ni mafunzo gani ambayo watoto wetu wanafundishwa na hawa wahubiri tunapowapeleka kufunzwa mafunzo ya kidini.

Hata mimi nimeleta Mswada hapa wa *Child Parent*, yaani mtoto ambaye amepata mtoto akiwa bado ni mtoto, aweze kurudi shule kwa sababu haya yote, kwa mtazamo na fikra yangu, tunayapitia kwa sababu watoto wetu na sisi wenyewe hatuna elimu ya kutosha ya kujisomea vitabu vitakatifu. Watu walioangamia pale wangekua wamepata elimu ya kutosha, hata tu ya msingi, hawangepotoshwa hadi kufikia kuangamia.

Hali zetu za umaskini pia zimechangia pakubwa katika Wakenya wamepoteza maisha yao vile walivyopoteza. Walipewa fikira ya kwamba, watakapokuwa pale, watakutana na Yesu mapema. Hio inaleta uvivu ya kwamba, heri niende na Yesu na mimi niende peponi.

Ingekua ni mtu anapata mlo mara tatu kwa siku na elimu ya kutosha ya kuweza kujisomea kitabu kitakatifu, hawa Wakenya wenzangu hawangeangamia kule.

Bi. Spika wa Muda, ningependa kusema ya kwamba wale tunaowapa mamlaka ya kufundisha ama kuwa wahubiri katika madhebahu yetu, wawe ni watu waliyopitia mfumo fulani na kupewa kibali cha kupeana mahubiri hayo.

Japo tuko na uhuru wa kujihusisha na dini tunayoipenda na tunayoitaka, tumeona madhara makubwa sana ya kuachilia hii idara ya dini yetu kuwa huru. Tumeona hata watu wengine wamefungua biashara ya kuwauzia watu kitu kama maji kwa pesa, na wamejitajirisha wao wenyewe na kuletea Wakenya wengine madhara.

Hivyo basi, naipongeza kamati hii nikisema ya kwamba, sheria ni msumeno. Lile linalo fanyiwa dini moja, basi lifanyiwe dini zote. Kosa ni kosa na hakuna kuhesabiwa haki kwa kosa. Ikiwa kuna mtu ameangamiza Wakenya, hatua ichukuliwe kama ilivyochukuliwa kwa wale wengine waliyotangulia dhidi ya makosa yayo hayo.

Asante.

**The Temporary Speaker** (Sen. Mumma): Sen. Abass!

**Sen. Abass:** Thank you, Madam Temporary Speaker. First, I support the Report. I commend and congratulate the Committee led by Sen. Mungatana of Tana River. That was a wonderful and daring Report. I know there were many challenges. Even from this House, Members were asking funny questions. I am sure that must have led to many challenges.

I want to tell you that you have made this country proud by exposing the truth of the matter. The Shakahola issue is actually inhuman. You cannot even comprehend how it happened. If it were not for a camel herder, many people would have died.

A camel herder who was just grazing somewhere found funny things in a place. The most unfortunate thing is that this country has a well-developed system of structures. In the Provincial Administration, it has elders and Nyumba Kumi. The structure is from the sub-location up to the national level. Therefore, there was no way more than 400 people could die without anyone noticing or seeing it. It cannot happen.

There is no way an issue can happen in a place where there are chiefs. Chiefs are people who get first-hand information. The sub chief is someone who is the head of a sub location. There were elders and Nyumba Kumi guys including the Kaya groups. It is actually shocking. How come all these human beings, all these leaders, were blindfolded on this issue?

It should not have happened. It must be something bigger than religion or anything else. Religion has no problem. Christianity and Islam have no problem. The problem is how it is being used. The Bible is there and it is very clear. It is well understood. It talks about humanity. The Quran is there and is also very clear. It also talks about humanity. Killing one person is an abomination and that should haunt everybody. Now when you kill 400 people in the most inhumane way, including starvation and from the report, those who did not die were killed and buried---

It is a very unfortunate situation. Even to date, how the tragedy is taken, seems as if it is something normal that has happened, where 400 people died. Nobody up to now is properly talking about it. No action has so far been taken. It is seen as something that is just normal. I am not seeing anyone apprehended. We are not seeing people including the leadership talk about it. It was only for the first few days we ran around and a few graves were dug and corpses were retrieved and that was the end of everything.

This is a massacre and someone must take responsibility for it. Madam Temporary Speaker, extremism is with us. It is all over. It is there in the Muslim and Christian Communities. It is there in the Atheists and it is everywhere. It has now gone a notch higher where people are being murdered, traded, indoctrinated and given all kinds of drugs. People are being hypnotized and brainwashed as a colleague said. People are told that they will go to see God.

I do not see how someone will see God when they kill someone. There is no way. You cannot be blessed by God because you are a murderer. Another thing that I have noted is poverty. Poverty is playing a big role in this country. People are poor. I do not



know where these guys are also getting the money from. The Government must also interrogate where these people are getting money from.

We saw people who were employed in good institutions leaving their jobs. You see a whole household with eight or five people perishing. So, this is something we must study. Some people must go and study what happened.

It is not in this Report. There must be bigger issues. It must be involving senior people. People must have used a lot of money because that is the only thing that can silence any criminal act. It is not only religion. When you use a lot of money, you can silence the inhumane acts that someone commits.

We need to go back to the same place and study it properly. We need to fight all these kinds of extremism. The other day I said, let us register organisations that deal with churches or the religious guys. However, people were shouting no, this is against--- No! It is not against anybody. We are not against any religion. If this kind of act can take place, these people must be registered so that we can see what actions are taking place in those institutions, churches, and mosques.

We must control these kinds of actions where people are dying, kids are being buried, and others are leaving school. I am not even impressed up to now. I have not seen one single action. The Report has given very good recommendations. However, I do not know whether it will see the light of day. It may go to the shelves. This is a challenge that this House must take further action. These people must be brought to book.

There are people who are now in remand and people keep saying that they should be released. How can you release someone who has killed 400 people? When few people are killed by useless guys called Al Shabaab by bombing, the whole world cries. The whole world takes interest in it. I am however wondering why 400 people have been killed and nobody is taking interest in it.

I would therefore support the recommendation of registration of all religious organisations. All institutions that claim that they engage in religious activities should be vetted. This is because they might come under the guise of religion, but most of them are devil worshippers. Nobody else can do this kind of business.

The Committee should recommend further action. What action are we going to take? I have read in the Report that few police officers should be prosecuted. We must go in-depth on the matter.

With those few remarks, I beg to support.

**The Temporary Speaker (Sen. Mumma):** There are no more requests. I call upon the Mover to reply.

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I take this opportunity to thank all the Senators who have made their contributions and given their thoughts to this Report.

I start by acknowledging Sen. Tabitha Mutinda who seconded this Motion. I thank Sen. (Dr) Khalwale, Sen. Faki, Sen. Cheruiyot and Sen. Wambua.

Madam Temporary Speaker, I thank Sen. Gloria Orwoba, Sen. Madzayo Stewart, Sen. Catherine Mumma who is on the Chair, Sen. Cherarkey, Sen. Mohammed Chute, Sen. Crystal Asige, Sen. Miraj Abdalla and Sen. Abass. I thank all of them for their profound thoughts.

I undertake to ensure that the Bill we have attached will see the light of day. We shall bring the Bill to this House. This debate is not going to end here. I thank all the Senators for their contributions.

With those few remarks, I beg to reply.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Pursuant to Standing Order No. 84 (1), I have determined that the matter does not affect counties. I shall, therefore, proceed to put the question.

*(Question put and agreed to)*

Next order.

Sen. Mungatana, kindly approach the Chair.

*(Sen. Mungatana, MGH approached the Temporary Speaker)*

*(The Senate Majority Leader (Sen. Cheruiyot) walked into the Chamber)*

Senate Majority Leader, kindly approach the Chair.

*(The Senate Majority Leader (Sen. Cheruiyot) approached the Temporary Speaker)*

Hon. Senators, we will reorganize the orders on the Order Paper. We will move straight to Order No.18 and then to Order No.22.

Mover, Sen. Mungatana, you may proceed.

ADOPTION OF REPORT OF THE SECOND ORDINARY  
SESSION OF THE SIXTH PAP

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I beg to move-

THAT, the Senate adopts the Report of the Second Ordinary Session of the 6<sup>th</sup> Pan-African Parliament (PAP) held in Midrand South Africa from 15<sup>th</sup> May to 2<sup>nd</sup> June, 2023 laid on the Table of the Senate on Tuesday, 1<sup>st</sup> August, 2023.

Madam Temporary Speaker, the PAP was set up with a grand vision of making sure Africa speaks with one voice. The founders of Pan-Africanism; Kwame Nkrumah and the likes of the great African leaders of the days that were gone like Julius Nyerere came up with a vision that Africa needs to speak with one voice, they set up the group of Heads of States who were only speaking on the arm of the executive.

Madam Temporary Speaker, it became apparent that the Executive alone cannot be the voice of the people. The PAP and the Constitutive Act was then set up within the African Union (AU) set up, so that there is both the Executive and Parliament. This PAP was supposed to reflect the voice of the people.

During the 6<sup>th</sup> Ordinary Session of the PAP that was held in Midrand, South Africa, many things were debated and agreed upon by the hon. Members from 52 African

countries, who are Members of the PAP. What did we agree on? We discussed issues to do with agriculture and climate change and what should be the response of Africa when it comes to climate change issues?

In fact, we had none other than the Head of State of Kenya who addressed that 6<sup>th</sup> Ordinary Session. He addressed it to a great ovation from all the Members of Parliament (MPs) who came to Midrand in South Africa. President Ruto suggested that Africa is not going to be a beggar anymore as we have the resources. What needs to be agreed on is what those big polluters must pay in terms of the carbon credit, so that Africa can put on the table that we have this and you have that. We exchange and we get value for what our resources can give.

I take this opportunity to thank His Excellency the President. When we went to see him to seek his time to come and address us at the opening of that 6<sup>th</sup> Ordinary Session, it was with a lot of difficulty because of the schedule that he had. However, he agreed to set aside time.

Consequently, that was the beginning of setting aside President William Ruto, as one of the speakers for Africa. All of us in that room stood up and said that for the first time, we have a President who is speaking for Africa. We acknowledged what he did for us. We are grateful for the work that he did when he came to Midrand, South Africa.

Madam Temporary Speaker, we dealt with issues to do with harmful practises against our women and children. We all agreed that things like Female Genital Mutilation (FGM) should be a thing of the past and passed relevant Motions and resolutions.

Madam Temporary Speaker, we spoke against trafficking of children with albinism. Great resolutions were passed during this sixth session. I urge every Member who will stand to speak to this report to support it because great things are happening. There was a reawakening of Pan-Africanism. Everybody was speaking well of what Africa can do when we come together in various sectors, including agriculture, energy and in our water resources.

The Congo River, which passes through a large section of Africa, is capable of producing most of energy requirements in Africa. However, it has not been exploited properly. We need to come together so that we can exploit these resources and bring renaissance for Africa. We spoke about the need to have a new platform for trading Kenya, Uganda, Tanzanian shillings, South African Rand and all other trading currencies in Africa. We spend so much money.

We debated and agreed that there was a need for us to create an African platform. Kenya was given this lead to try and create a platform where we do not have to take our money in order to just buy things from Uganda. Instead of having to purchase dollars, we give them money to purchase the dollar so that we can use those dollars to buy the commodities from Uganda or South Africa.

We are promoting currencies that are outside Africa to the detriment of our own people. There was one bank owner who told us in Committee that he owns a bank that has branches across Tanzania and Burundi. He told us it is a walking distance, but because this is another country, if he wants to transfer an equivalent of US\$3 million, it has to go all the way to New York. He has to pay some money then they keep the money for three days then they transfer it to the other branch. It is his own bank, but he cannot just transfer money to his bank because it is on the other side of the boarder.

Africa really needs to do something. We are spending billions of Dollars paying these people and making them richer because we do not have a proper trading platform. Amongst many things that we discussed, appreciated and made resolutions on were to do with how we shall carry out trade.

Madam Temporary Speaker, the intra-Africa trade is so little. The amount of trade combined from Morocco all the way to South Africa is so little as compared to the trade we do with other countries. Angola's trade is structured in a way that it is easier for them to import things all the way from their former colonial masters than just get it from next-door; South Africa.

Madam Temporary Speaker, a lot was discussed. Committees were set up to look at these things. For this reason, I commend this report to Senators to adopt it. Kenya has earned its space as one of the countries that is in front, in terms of what we can do for this continent to move forward.

I want to give credit to my colleagues. Although I had the Pan-African team, which was elected by both the National Assembly and Senate; I want to commend the work Sen. (Prof.) Kamar has done in her Committee. She has made herself a knowledgeable person to be looked and relied upon.

Hon. Majimbo Kalasinga, Hon. Esther Passaris, *Mheshimiwa* Mukami and Kenyans in the plenary, were there. I was leading the onslaught. Everybody got to know that although we went late because our elections were held later than the others; we occupied our space and people respect our nation. We flew our flag high and it was doubled when the President came to address the session.

So, I commend this report. I encourage the support that we have been given by the Senate. The only thing I wanted to mention here is that the Senate needs to organize itself. This is because we were supposed to go for a week for committee sittings. Sen. (Prof.) Kamar and myself did not go, but the other three Members of the National Assembly went. We cannot understand how this happened. Maybe, we need some explanation because we were told the Senate does not have money. How can the Senate not have money to represent us yet the others have and we are talking about the same Parliament?

This is not something that we should encourage. We should manage our affairs in such a way that we do not lose our space. Some of us have been given responsible positions in those Committees. We are relied upon. I am in the Committee on Finance.

If the Chairman is not there, they always call upon me to chair those sessions. So, it was very sad that I could not go. We even offered to pay for ourselves, but we were told that we would not be refunded. This should not happen. We think this is bad management of these affairs. This is because we are losing something when we do not appear or are not present. I hope the Senate administration is listening to me where they are.

We need to arrange ourselves better so that we are not absent. Kenya needs to occupy itself. It cannot be that small countries like Equatorial Guinea are able to go and make their presence be felt yet Kenya - the country that is regarded as a powerhouse - is not there. This is just a shame and it should not happen.

Aside from that, I commend this report and I beg to move. I ask the Hon. Sen. Cheruiyot to second.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary, Speaker. I beg to second this Motion on the adoption of report of the proceedings of the first ordinary session of the sixth Parliament of the Pan-African Parliament (PAP).

First, I will note that this Parliament has an extremely good name. We all love Pan-Africanism. In fact, we tease each other who is more Pan-African than the other.

I was thinking about this Parliament two weeks ago when I accompanied the President to France where he made his address to the European Union (EU) Parliament; a Parliament of similar nature, though larger in size, albeit representing a much smaller population of about 450 million people.

This one represents over a billion people with 250 memberships. The EU Parliament has around 705 or something closer. I was drawing the parallels as I listened to the Speaker engage with our President on the things that the EU Parliament can do, what issues they have a vote on and which they do not. You all know about this conversation.

I kept on reminiscing and thinking of PAP. When this Parliament was set up and it is even captured in this report, it was the dream of our founders, that we have a Parliament that will help us speak with one voice as a people of Africa and confront the issues that face us and the challenges that bedevil this continent. That we shall be able to reason together, as the Bible advises us in moments of challenge, to chart out policies that will uplift our people from raw abject poverty into nations of great progress. Unfortunately, that dream is still deferred.

I want to appreciate the work that has been done by our colleagues who have gone there over the years.

I see this urge that is even captured in the spirit of this report to try and push the plenary session of the African Union (AU) to give additional, statutory and legislative powers to this particular institution. Until such a time that we agree even on one simple issue---

The unfortunate thing is that you will struggle to find a single policy item across the African continent which is a great tragedy. If it is transportation, what holds in one region does not hold in another. All these imaginary divisions between the francophones, the anglophones, the southern Africans and the East Africans.

There is a vacancy for the Chairperson of the African Union. We sincerely wish that in the next extraordinary session of the African Union, the people who come out to convince us, as African nations, to vote for them to take chairmanship and lead this institution to believe in Pan-Africanism. They should challenge all 52 African states to sign protocols to trade policies.

The first resolution and way forward in this report is calling upon parliaments that still need to ratify the African continent free trade area agreement to raise awareness. I celebrate this first instrument. If we were to sign on and agree to the trade policies enshrined in the multilateral agreements signed at the African Union in 2020 when the African Continental Free Trade Area (ACFTA) came into practice, then we would have something to celebrate.

Traveling across Africa the way it is today should be relatively inexpensive. Also, it should be relatively inexpensive to communicate in Africa. Calling people in far-flung

parts of this world is cheaper, but reaching our neighbors within the same continent becomes expensive.

Our President believes in the call and vision of Pan-Africanism. Early last year, part of the first thing this administration did because we are Pan-African at heart was flagging a tea consignment to Ghana under the ACFTA agreement. We want to strengthen trade between African countries. However, this tea left Kenyatta International Convention Centre (KICC) in October and got to Accra, Ghana, three months later, in January, 2023.

However, because of the barriers and boundaries, many goods we buy from fellow African countries are not value-added within the continent. People take tea from Kenya, blend it in Dubai, and ship it back to West Africa. Jobs have been created in other parts of the world. The greater value of that commodity is gained in those parts of the world where this happens.

Secretary-General Wamkele Keabetswe Mene has tried to convince our presidents each time there is a meeting of the African Union to make trade and movement of goods manufactured in Africa seamless. This is because of the challenges Africans go through in the border posts. This is also part of the ACFTA protocols. These are challenges I see this report trying to address.

Unfortunately, my good friend Sen. Mungatana, it is until you guys at the Pan African Parliament are given the full legislative mandate of what a continental parliament should be. When you sit in South Africa and make those legislations, they apply to all the Member states. Then we can celebrate and say that we have a Pan-African Parliament.

It is my hope and prayer that during our time and season in leadership, we shall make this dream a reality so that our future generations do not have to live with the curse of these colonial boundaries that continue to entangle and make Africans strangers to each other.

I must celebrate the decision made by this administration to make it possible for all Africans to visit Africa without being asked for visas. It is embarrassing to ask for visas from fellow Africans to visit their own country. I am happy Kenya joined the other four countries, Benin, Seychelles and Rwanda who have done it ahead of us. This is why their tourism numbers are prospering. We need to do this before the end of this year, the way the President told me, so that other Africans can visit. Also, the rest of the continent can catch up with this policy. We should remove this business of asking for visas from fellow Africans.

Sen. Mungatana, you have your work cut out. As I know you are beaming with pride and have all good intentions, we must work hard to ensure we give the PAP the full legislative mandate to legislate on basic common issues like trade that cut across the African people. The single currency for Africa is complicated and we can think about it later. However, certain things are administrative that no country loses when we integrate and become better.

I wish I had raised these statistics. I attended one of the ministerial engagements here in Kenya when we hosted the extraordinary session of the Ministers of Trade across Africa. It was in August of this year. The statistics were laid out in the open for us. If Africa was to trade amongst itself, we could grow our trade volumes by over 50 per cent. If we were to trade amongst ourselves without the unnecessary barriers, we put on each other. Businesses would grow unilaterally.

I appreciate the work this team is doing and hope you will carry on with this dream and vision. Speak to our heads of state when they have their gathering in Addis for AU every February until they appreciate the need for us to strengthen the PAP to be in line with the dream of our founding fathers.

When this happens, Africa will celebrate and be liberated. Sen. Mungatana, together with the team, this is a good job. Lead from the Parliament of Kenya and your colleagues in Midrand. Work for the people of Kenya. This good report provides insights to all of us who wish Africa to prosper.

With those many remarks, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Mumma): Sen. Chute, proceed.

**Sen. Chute:** Thank you, Madam Temporary Speaker. Pan-Africanism started many years ago with the African Americans. I want to recognize Martin Delany and Alexander Crummell, not forgetting Mr. Edward Braden from the West Indies.

Pan-Africanism started because of the problems Africans in Africa and black people in Europe and America were facing. They managed to create the movement to secure Africa for Africans because of the help they got from their brothers in the United States of America and the United Kingdom. The first Pan-African conference was held in London from the 23rd to the 25th July, 1900. It was organized by a lawyer named Henry Sylvester Williams of Trinidad.

Other African leaders were people such as Kwame Nkrumah, Kenneth Kaunda, Haile Selassie, Marcus Mosiah Garvey, a Jamaican activist-Patrice Lumumba-you know how he died; Julius Kambarage Nyerere, Robert Mugabe, Thomas Sankara, Kwame Ture, Nnamdi Azikiwe and Robert Sobukwe. All these are pan Africanists.

If it were not for these people, some of these African countries would not have gained independence today. They sacrificed their lives. People such as Patrice Lumumba were executed. If you look at the history of Jomo Kenyatta, he was in London washing dishes and working on some low paying jobs because he wanted independence for this country.

Madam Temporary Speaker, the Pan African Parliament (PAP) was set out to ensure the participation of all the African people in the economic development and integration of this continent. The African Union Assembly adopted a protocol called - Assembly/AU/Dec.529(XXIII) in June, 2014. Later on, in September, 2015, 15-member states signed for the protocol and today, we have the PAP.

I will not say much. However, it is quite alarming, disturbing and disheartening when our able leader, a highly experienced politician, stands before us and says that Members of Parliament (MPs) from the National Assembly could manage to travel while Members of the Senate could not travel because they are cash strapped. This is very unfortunate, uncalled for and wrong.

We are being paid and facilitated by the same Government. We are representing our people, who are Kenyans in 47 counties. Marsabit County is the largest counties in this Republic. Travelling from here to the furthest point in my county called Illeret, will take me three to four days. You cannot go for free, you spend a lot of money and time.

An MP with one constituency can afford to travel for PAP while Sen. Mungatana, stands before us today and says “sorry, we did not travel because we did not have money”.

I know our Senate Majority leader is here today and he is listening. Even if it will take us to have a *Kamukunji* to discuss this matter, we need to do so as soon as possible. If we are strong, PAP will be even stronger. The reason we have the PAP, is so that it adopts the same thing that we are discussing here as one unit.

When we were in Zambia with President Ruto, he talked about Pan Africanism. He talked about currency and asked a very simple question, “why do we make our payments in United States Dollars (USD)? Why are we not paying in Tanzanian or Kenyan Shilling, the Ethiopian Birr or the African currency called the Pan African money? The people there were so happy and they supported it. This is what we must try and do.

Madam Temporary Speaker, the first time I went to Dubai was in the 1990s. At that time, one US Dollar was 3.65 Dirhams. Even today, it is still equivalent to 3.65 Dirhams. When I first went to Dubai, the exchange rate for the Kenyan shilling was Kshs38 to the US Dollar.

What the United Arab Emirates (UAE) Government did was to stabilize their currency. Today, if you look at the world market, we have the UAE Dirhams. If you can do business in Dirhams, why not the Pan African currency?

I commend MPs from Kenya. I have watched Sen. Mungatana on many occasions talking and representing us with a lot of qualification and experience. Leaders in this Senate should help and facilitate them. They must not travel from their pockets but from Government resources.

This is public not Government resources. It is us, the people of Kenya, who are paying. We are not representing ourselves in this Senate, but Kenyans. We are here to represent them to the best of our ability. If we do not have money to travel and food to eat, how can you expect Sen. Mungatana to represent us at the PAP in absentia? If he is not there, he cannot represent us.

Having said that, Senate Majority Leader, please, take note of what Sen. Mungatana has said.

I support.

**The Temporary Speaker** (Sen. Mumma): There is no other request, so, I call upon the Mover to reply.

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I thank Sen. Cheruiyot, our able Majority Leader, for seconding the Motion and our very experienced and knowledgeable Senator, Sen. Chute, for his contribution on this Motion.

We have made our sentiments known and still intend to play our role very strongly in the PAP. The Senate actually leads that delegation to PAP and I am the leader of the delegation. When it comes to the Commonwealth, it is the National Assembly that leads the delegation. It is therefore not correct that we do not get the full support required while on the other side, they are doing what they need to do.

Madam Temporary Speaker, Sen. (Prof.) Kamar and I are ready to continue working. We have sent very respected people to PAP and we intend to continue playing our role of representing this country in style.

I beg to reply.



**The Temporary Speaker** (Sen. Mumma): Pursuant to Standing Order No.84(1), I wish to make the determination that the matter does not affect counties and put the question.

*(Question put and agreed to)*

Next Order.

## BILL

### *Second Reading*

#### THE TEA (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2023)

**The Temporary Speaker** (Sen. Mumma): Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I beg to move that the Tea (Amendment) Bill (Senate Bills No.1 of 2023) be now read a Second Time.

This is a very important Bill that was brought to this House by yours truly in the last Senate. At that time, the thinking amongst many of our colleagues was that this is an industry that was heavily disorganized, despite the fact that it is the goose that lays the golden egg, so to speak. It is the largest foreign income earner to the Republic, yet its primary producers and the citizens that oil this wheel and ensure that we have millions of kilos of tea to sell at the Mombasa Auction and earn the country the much-needed foreign exchange continue to wallow in poverty.

It came at a time when in 14 out of the 47 counties that have got tea in this country, farmers were uprooting the crop, having been dissatisfied with what was happening in this industry. Therefore, we moved a Motion in this House, supported by our colleagues, formed an *ad hoc* committee and went across this country, took views from farmers. Afterwards, we collapsed all the views to a Bill, then known as the Tea Bill of 2020.

We passed it here in the House and forwarded it to the National Assembly where they equally made significant changes. At that time, the Ministry of Agriculture, Livestock and Fisheries did not seem interested in our endeavours as a House of Parliament. This is a lesson to colleagues, who I see many times try to pass Bills and then come back and ask how come the Ministry is not interested. I always tell them this story.

Madam Temporary Speaker, when we first began this exercise, the Ministry appeared before the Standing Committee on Agriculture, Livestock and Fisheries and said that they were not interested in the legislative exercise that was going on, because at that time, they were trying to pass certain regulations which they thought would address that. They soon ran into problems. Kenya is a heavily litigious country. We litigate almost anything and everything.

Someone was joking earlier today that with the many court orders that have come out of the courts this week, it will not be long before a judge in Kenya issues an order barring the sun from rising in the east and setting in the west, never minding how that can

be implemented. Therefore, when the Ministry of Agriculture, Livestock and Fisheries ran into headwinds with the regulations they were trying to pursue at that time, they then appeared before our colleagues in the National Assembly when that House was considering that Bill. They dumped many of the regulations they were trying to pass.

We had an egg and chicken situation. If we killed the Bill because of those regulations that I, as a Mover of the Bill had fundamental issues with some of them, then we ran the risk of losing the entire Bill and all the work we had done. So, the binding wisdom of the House was that we pass the Bill and then at a future time, we will have an opportunity to amend and clean it. Therefore, the Bill was passed and assented to by the President and the Tea Board of Kenya was set up and they were supposed to follow through all those regulations.

Madam Temporary Speaker, immediately thereafter, many aggrieved stakeholders went to court and various sections of the Act were expunged. The Kenya Tea Development Agency (KTDA), which is a large stakeholder, went to court because of certain sections of the law. There was the East African Tea Trade Association (EATTA) because of the levies we had introduced for them. There was the Kenya Tea Growers Association (KTGA) which is an association comprised of multinationals that run the tea business in the country. They were not appreciative of the levies we had proposed and one or two other things. There were also individual factories.

This Bill as it is now is an attempt to clean up that law and look into those provisions that we did not agree with at that time. Sen. Wakili Sigei, the drafter of this Bill has attempted to do a clean-up of certain issues. If you read Clause One of the Bill, there is the definition of export and import because this was something that brought many challenges. The Bill is made of a lot of “delete this” “read this instead of the other”. This is because of that clean-up and the history I have just given and the reason this Bill is drafted in this nature.

Madam Temporary Speaker, Clause Four speaks about persons being appointed under Clause 1(a), (g) and (f) and they shall serve for a term of three years. These will be the directors in many public-owned factories, otherwise known as KTDA factories. We will attempt to do a proper clean-up of these because KTDA is a managing agent. There could be in future, other managing agents that would emerge and compete with KTDA. I hold the view that this will be the time. If there a factory that is managed by KTDA on this side of the valley, let another one be managed across the valley by another managing agent, so that farmers can compare on the practices of management in the two factories.

Without competition, it is impossible to achieve some of these visions and dreams we have about for our farmers. That is part of what is being spoken about. Clause Five is about the definition of what the factory is and their duties are. Clause Six of the Bill is an amendment to Section 31, which says that all the tea being brought to the Special Economic Zone Enterprise or an Export Processing Zone shall be declared to the Board in the prescribed format.

Madam Temporary Speaker, many factories are regarded as export processing zones. There is a declaration they will need to make of what percentage of the tea they will be retaining for local sale and the percentage they will be exporting. This is part of the clean-up. Section Nine was fairly controversial because it was about the Kenyan tea and the ban of direct sales that we had at that time. The argument was meant to protect

the auction and because of the auction in Mombasa, tea farmers have continued to get value out of their crop because of the competition that exists amongst buyers.

However, it was getting to a point where multinationals and certain private factories were signing private treaties and selling off the tea without taking it to the auction. That compromised the price the tea farmers were getting. There have been arguments by economists both ways but at that time, we were inclined to have the law as was previously, where direct sales were allowed. As an entity receiving tea from the public, you were meant to sell your tea at a higher price than the average of the last three months of the auction. We therefore, wanted to make that window open but we did not do it at that time because of the history I had given earlier.

Madam Temporary Chairperson, this is now an attempt to do it through this Bill. That is why Section 34(a) is being amended to provide that the trade of tea shall be either by auction or direct sales. In Clause (2) of that, it provides that all tea produced, processed and manufactured in Kenya for the export market shall be registered with the Board prior to exportation. You give a declaration so that we control. There are many things we want to do, some of which are not captured in this Bill.

The Committee has recommended to the House certain amendments when we go to the Committee of the Whole. As a keen follower of this process, I am determined. For example, at that time, we made a demand to all processors of tea from 2020, that 40 percent of all the tea produced in the country must be value added.

The story of tea is extremely sad. If you go to a supermarket down the street in London and pick the packet, the tea that is inside that particular packet, there is not a single thing that has been added from what was processed at Nyansiongo Tea Factory where Sen. Omogeni comes from. However, the value that the farmers that sold tea leaves to Nyansiongo Tea Factory, that tea gets at best is 45 percent to 50 percent. The other 50 percent is on the value added, and what is the value added? It is just a package and the brand; calling it Twinings, Liptons, Kenyan-made Tea, Black English Breakfast Tea.

I asked somebody, what is this thing they call English breakfast tea? It is a brand that has been marketed and sold across the world. If you go anywhere, they ask you: "Which tea do you want, Chinese or English Breakfast Tea?"

I have told the President, times without number, that before the end of this term, we must sell and be intentional about it, Kenyan black tea, until it sticks in the mind of everybody across the world; that if you go anywhere and act daft, see people as they sell and say, please, give me Kenyan black tea.

So, part of that provision that we made in that law, is that in eight years, all processors and manufacturers need to value-add at least 40 percent of that tea. I will be proposing and requesting my colleagues that we bring down that period to five years. Eight years is such a long time. In five years, from 2020, even though many of the processors went to court and that provision remains up to now, we need to do a clean-up so that we will count five years from 2020 when this Bill became an Act of Parliament up to 2025, for them to begin to value-add so that our farmers get value for their money.

The rest, of course, are issues that other players and industry stakeholders brought before the Committee. I believe the Committee will guide us on how to conclude. Therefore, that is a brief history of this particular Bill. I want to urge our colleagues to support it so that we can move on and grow the industry of tea.

I celebrate the work of this House because as we speak presently, we are considering laws on mung beans. There is a Cotton Bill, Sugar Bill, Coffee Bill, and there is now the Tea Bill. If we can conclude on all these and give our farmers the proper legislative framework to anchor them and set them on the road to prosperity, then the Senate will have played its rightful role.

With those very many remarks, I beg to move and request Sen. Thang'wa, a representative of tea farmers as well, to Second this Bill.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Thang'wa, please, proceed.

**Sen. Thang'wa:** Thank you very much, Madam Temporary Speaker, for the opportunity to second the Tea (Amendment) Bill (Senate Bills No.1 of 2023).

I do not know whether it is by design or by default that this Bill has been moved and seconded by Senators who come from the counties where tea was first introduced. Tea was first introduced in Limuru in Kiambu County in 1903 and later in Kericho County in 1924.

In Kenya, we have 19 tea-growing counties, among them my home county and others. Tea is one of the leading foreign exchanger earners for in this country at 23 percent. That is why this Bill is very important.

I want to thank the Mover of this Bill because what this Bill is trying to achieve is just to incentivize value addition of tea by exempting value added tea from payment of tea levy.

What this amendment is trying to achieve is to make sure that factories can compete amongst themselves by processing their tea, packaging their tea and selling it directly to the buyers, either within the country, outside the country or even at the auction. Removing the tea levy from packaging that is less than 10 kilograms tells the tea factories that they can be creative. It is going to create employment for the youth. I say so because a tea factory somewhere in Kiambu County, Gachege Tea Factory, makes and packages their own brand.

A young man or woman from that area who lives abroad would want to help their parents, community or society. So wherever they live, in Saudi Arabia, China, India or England, they look for market for the tea produced by their parents. Since this amendment Bill is allowing direct sales from the factory to the user, I believe this is an opportunity of a lifetime.

Madam Temporary Speaker, this Bill brings about competition. We have so many tea factories. Some of them are not able to do it by themselves, some are doing well. Those that are doing well can merge with those not doing very well so that we can have volumes of scale and are able to come up with a nice brand.

Today, at this Senate, we drink water when we are debating. As you can see, it is put on the table. Every Senator would walk in and take a small bottle of water. Who said we cannot have bottled tea to promote our farmers? Who says anyone out there cannot have bottled tea? I know those who have never seen this would think this is a weird idea. However, in China and in our supermarkets today, we have bottled tea. We are encouraging this kind of value addition so that factories and farmers can be creative and come up with products that are marketable.

In this Government, we are building special economic zones and Export Processing Zones (EPZs). Clause Six of this Bill talks about how this kind of tea will

also be put in such special EPZs and shall be declared to the board in the prescribed form. These EPZs will give the farmers some storage facilities and an area whereby people will be getting this kind of tea when it is aggregated.

I know we are almost out of time. However, Clause 10(2) states-

“A tea factory intending to participate in a tea auction shall-

(a) register with the Board and the auction organiser; and

(b) participate in the auction directly and not through a management agent.’

This is what I had insinuated that individual factories will be able to do this kind of work.

Part 36 (b) says-

“(1) The proceeds from the sale of tea whether through an auction or through a direct sale shall be deposited in a Direct Settlement System.”

That means the Bill says that this amount of money will be paid to the farmers five days after the sale of the tea. So, the farmers will no longer be waiting for payment. You will be having your money within a week after you sell your tea. This is the law and it shall be followed.

Since the tea was introduced in this country, our grandfathers used to have permanent houses. However, after things changed, they are now dilapidated, and are going backwards instead of forward. I believe this Bill is going to uplift them further. Those who had permanent houses made of stones will have storey houses, employ more people and have more farms. Even those with farms that are not cultivated will be able to grow tea.

I second.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate therefore stands adjourned until tomorrow Thursday, 30<sup>th</sup> November, 2023 at 2.30 p.m.

The Senate adjourned at 6.30 p.m.