

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD**

Tuesday, 15th November, 2022

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

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

PRAYER**QUORUM CALL 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 bell.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Clerk, I thought there was a Communication.

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

PAPERS LAID

Proceed, Majority Leader.

Sen. Dr. Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 15th, November, 2022-

**REPORTS OF THE AUDITOR GENERAL ON FINANCIAL
STATEMENTS OF VARIOUS ENTITIES**

Report of the Auditor General on the Financial Statements of Lamu Water & Sewerage Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Lodwar Water & Sanitation Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Bungoma County Disaster Management and Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Tharaka Nithi County Assembly Mortgage and Car Loan Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Vihiga County Education Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of West Pokot County Cooperative Development Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Nandi County Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Yatta Water Services Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Kericho County Assembly Members Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Kericho County Enterprise Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Trans Nzoia County (Executive) Car Loan and Mortgage Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Trans Nzoia Water & Sewerage Company for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Municipality of Kitale for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Busia County Assembly Revolving Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Busia County Co-operative Enterprise Development Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Busia Water & Sewerage Services Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statements of Kakamega County Assembly Loans & Mortgages Fund for the year ended 30th June, 2021.

Thank you, Mr. Speaker, Sir. I lay.

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

The Speaker (Hon. Kingi): Next Order.

Sen. Korir, there is a report to be laid. It needs to be laid on the Table, so kindly, proceed to lay it.

REPORT OF THE JOINT SELECT COMMITTEE ON
ELECTION OF MEMBERS TO EALA

Sen. Korir: Thank you very much, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today 15th November, 2022-

Report of the Joint Select Committee on election of Members to the EALA.

I beg to lay.

(Sen. Korir laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

Sen. Korir, give Notice of Motion for consideration of your Report.

NOTICE OF MOTION

ADOPTION OF REPORT ON ELECTION OF MEMBERS TO EALA

Sen. Korir: Thank you, Mr. Speaker, Sir. I beg to give a notice of the following Motion-

THAT, pursuant to the provisions of Article 50 of the Treaty for the establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, the Senate adopts the Report of the Joint Select Committee on the Election of Members to the East African Legislative Assembly on its consideration of the nomination papers of the duly nominated candidates for election as Members of the East African Legislative Assembly laid on the Table of the Senate on Tuesday, 15th November, 2022.

COMMUNICATION FROM THE CHAIR

PROCEDURE FOR DEBATE AND ELECTION OF MEMBERS TO EALA

The Speaker (Hon. Kingi): Hon. Senators, as you have noted, Sen. Korir on behalf of Sen. Maanzo, the Co-chairperson of the Joint Select Committee on election of Members to the EALA, has tabled the Report of the Joint Select Committee on its consideration of the nomination papers of the newly nominated candidates for Election as Members of EALA.

The Co-Chairperson - subsequently through the Senator- gave Notice of Motion for consideration of the Report by the Senate. At the time of Moving the Motion, debate will proceed in the usual manner and at the conclusion, the question will be put.

Hon. Senators, in the event that the Motion is carried, the Clerks of the Houses of Parliament who under Rule 2 of the EALA Elections (Elections of Member of Assembly Rules 2017) are the presiding officers, will, pursuant to Rule 15, one of the rules, by notice in the Kenya Gazette and in at least two newspapers of national circulation, appoint the date, time and venue for the election of the dully nominated candidates to be undertaken.

I will guide the Senate on the procedure for the election on the election day. In the event that the Motion of the Joint Select Committee is not carried, the presiding officers will gazette a fresh nomination process.

Thank you.

NOTICE OF MOTION**APPROVAL OF SENATORS TO SERVE IN
SELECT COMMITTEES**

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT pursuant to Standing Orders No.199 and 228 and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows:

- (a) Devolution and Intergovernmental Relations: Sen. Esther Anyieni Okenyuri, MP
- (b) Health: Sen. Esther Anyieni Okenyuri, MP
- (c) Trade, Industrialization and Tourism: Sen. Danson Mungatana, MP

Pursuant to Section 15(1)(b)(ii) of the Parliamentary Powers and Privileges Act, and Standing Order No.199, the Senate approves the nomination, by the Senate Business Committee, of Senator Esther Anyieni Okenyuri, MP, to serve in the Committee on Powers and Privileges.

Pursuant to Standing Order Nos.194 and 199, the Senate approves the nomination, by the Senate Business Committee, of Senator James Kamau Murango, MP, to serve in the County Public Investments and Special Funds Committee.

The Speaker (Hon. Kingi): Next Order.

STATEMENTS**THE COST OF ELECTRICITY IN THE COUNTRY**

Sen. Chute: Mr. Speaker, Sir, I have a request for a Statement on the cost of electricity in the country.

I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Energy regarding the cost of electricity in the country. In the Statement, the Committee should-

(1) Explain the reasons for the escalating cost of electricity in the country yet the country's electricity generation capacity is on the upward trajectory, with the inclusion of solar and wind generated electricity to the grid.

(2) Provide details of contracts signed between the Government and Independent Power Producers (IPPs), detailing the implications of the contractual agreements on affordability of electricity in the country.

(3) Explain why counties in Northern Kenya that are host to some of the IPPs do not benefit from the electricity generated in the region which is instead powered to other parts of the country.

(4) Inform the Senate if there are plans by the Government to totally switch to renewable sources of energy to power the country electricity grid as a way of reducing the carbon footprint and provide a timeline for the same.

(5) State plans, if any, by the Government to reduce the cost of electricity in the country as a way of addressing the high cost of living.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Mariam Omar, proceed.

REGISTRATION OF BIRTHS IN MANDERA COUNTY

Sen. Mariam Omar: 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, Defence and Foreign Relations regarding registration of births in Mandera County.

In the Statement, the Committee should-

(1) State plans, if any, by the Government to decentralize registration of birth services from Mandera Town to other centres in the county, noting that mothers from far-flung parts of the County such as Elwak and Takaba, have to travel hundreds of kilometres to the only Registration of Births Office in the county situated in Mandera Town.

(2) Explain measures put in place by relevant Government authorities, to ensure children born out of hospitals in remote parts of Mandera County are registered and issued with birth certificates, noting that birth notification is hardly issued in home deliveries.

(3) State measures put in place to facilitate late registration of births in Mandera County, in view of the fact that many infants in Mandera are often not registered upon birth due to the nomadic lifestyle of the local population yet a birth certificate is an essential requirement for school enrolment.

Thank you, Mr. Speaker, Sir.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I have two Statements under Standing Order No.51.

DEATH OF THE FIRST KENYAN OLYMPIC MEDALLIST

I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of general topical concern and national importance, namely: the death of the first Kenyan Olympic medallist, Mr. Wilson Kiprugut Arap Chuma.

Mr. Speaker, Sir, Wilson Kiprugut Arap Chuma died on 1st November, 2022 at the age of 84 in Kericho County, after a long illness. He was the first Kenyan to win an Olympic medal, where he won Bronze in 800 metres at the 1964 Tokyo Games. In the same year, he also ran 400 metres but failed to reach the finals.

Wilson Kiprugut also made a breakthrough on the international stage after storming to the silver medal at the 1968 Summer Olympics in Mexico. The following year, he clinched a bronze medal in the 880 yards at the Commonwealth Games held in Kingston, Jamaica. Later, he sealed a slot in the Kenyan Team that placed fifth in the 4,400 yards race at the 1962 Commonwealth Games in Perth, Australia.

Mr. Speaker, Sir, Mr. Kiprugut's bronze medal at the 1964 Olympics was extremely valuable since it was the first ever for a Kenyan thus inspiring other athletes to

shine on the Olympics stage. It is unfortunate that Kenya has lost a legend and - for the benefit of the House - the great legend was laid to rest in his home county where our Majority Leader comes from, Kericho County.

It is unfortunate that Kenya has lost a legend who died as a poor man despite the glory he brought to the country. I continue to call upon the Ministry of Youth Affairs, Sports and Arts, and National Olympic Committee of Kenya to introduce a scheme and welfare fund to cushion retired athletes, sportsmen and women and legends who have brought glory to this nation.

On behalf of the great people of Nandi County and of the Senate of the Republic of Kenya, I wish to pass my sincere and deepest condolences to the family, friends and to the great people of Kericho County for the demise of Mr. Wilson Kiprugut Arap Chuma and the entire sporting fraternity, especially athletes.

It is worth noting that when this legend was running, he never used doping. Even as we discuss the issue of doping cases in the country, we must continue to urge our colleagues and request the relevant agencies to take action against individuals who continue to use our athletes as guinea pigs, giving them doping banned substances at the expense of the glory of the nation.

I will go to my second Statement.

IMPACT OF THE CURRENT DROUGHT ON WILDLIFE IN KENYA

Mr. Speaker, Sir, pursuant to Standing Order No. 53(1), I rise to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism on the impact of the current drought on wildlife in Kenya.

In the Statement, the Committee should -

(1) State the exact number of mortalities of wildlife, mostly zebras and elephants, resulting from the current drought being experienced in Kenya.

(2) State what measures the Ministry of Tourism, Wildlife and Heritage has taken to curb the rising human and wildlife conflict as animals move to villages in search of food.

(3) State whether the Ministry of Tourism, Wildlife and Heritage has conducted an aerial census on wildlife in all the game reserves to assess and have a broader view of the impact of the drought.

(4) State what immediate measures the Ministry of Tourism, Wildlife and Heritage has taken to avert more deaths of the wildlife in our national parks.

(5) State the estimated amount required in order to mitigate the impact of drought in Kenya.

(6) State what the Ministry has done to restock the rhino sanctuary in Tsavo West National Park as well as other overstocked rhino sanctuaries to prevent death of these rare species resulting from the drought.

Thank you, Mr. Speaker, Sir for indulging me to be able to dispense those two Statements.

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

The Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I want to say something on the Statement issued by Sen. Cherarkey on the fallen hero, Mr. Kiprugut.

Last weekend, we laid Mr. Kiprugut to rest at his home in Kericho County. First of all, I wish to appreciate that unlike in previous occasions where we have laid heroes to rest, the Ministry of Tourism, Wildlife and Heritage was well represented. Athletics Kenya also came in its full force. I was not able to personally join them but I followed the event and appreciated that at least the country recognized this hero albeit in death.

Mr. Speaker, Sir, it would have been my wish that such legends get to enjoy the fruits of their labour while they are alive. There are many people who have given tremendous service to the country and earned us glory and fame which is something that is priceless.

Unfortunately, we have never been able to quantify as a country, what is the value that we draw when the whole attention of the seven billion population of earth is following a particular sporting event, Kenya's flag is flown high and our anthem is played. When those people return home because we have not been able to commercialise it and put a value or a premium to it, after their service to the country, many of them are left to languish in poverty. We have said this times without number and it will be unfortunate if we continue doing it.

I challenge the Cabinet Secretary (CS) for Youth Affairs, Sports and Arts, hon. Ababu Namwamba to, in the amendments--- I know because I have seen communications and correspondence from him on part of the legislative agenda that he wants us, as a House, to consider this particular term with regards to sports as an industry in the country; to put a premium and find a way. We must surely find a way of at least even in the smallest of gestures, appreciating athletes who do well in global events like the Olympics, Commonwealth and world championships.

Next door, President Museveni ensures that each time Kiplimo wins the 10,000 meters or Cheptegei wins the Commonwealth, by the time they arrive in Uganda, they have a house and a brand-new vehicle that are paid for by the Government of Uganda. That is why they have continued to pose such a great challenge to us, as a country.

To the contrary, our athletes queue up with the rest of the citizens including those who have arrived from holidays and different missions because most of them are very humble citizens. In fact, if they are not picked from the queue, nobody would even recognise that this is a world champion they are queueing with.

Therefore, I challenge the CS for Youth Affairs, Sports and the Arts, that in the legislation that he is bringing to this House, let him provide a legislative framework for which we can appreciate athletes that bring global fame to this country.

Mr. Speaker, Sir, all in all, we appreciate and thank that particular Ministry for at least recognising Mr. Kiprugut. As a county, we shall do something just beyond mentioning him. I know there are good plans of ensuring that his name is remembered long after he has been laid to rest.

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

Sen. (Prof.) Tom Ojienda, SC: Mr. Speaker, Sir, let me join Sen. Cherarkey and the Majority Leader, Sen. Cheruiyot, in paying homage and acknowledging the athlete that died and was buried last week.

It is not just about athletics and paying homage to a hero who competed and won the athletics and continued to shine and mentor other younger athletes. I believe it is about sports and the development of sports in our counties.

Mr. Speaker, Sir, it is an opportunity to speak about the real issues regarding sports development within counties, the roles and steps that different counties are taking to develop sport to the next level.

We know that sports is not only important for health purposes. Sports goes to the very essence for developing the youth and talent. I believe the challenge that county governments should have, including the national Government, is to ensure that sports such as athletics, football, netball and all other sports, find some seriousness, a good budget from the county but also the development of sports academies.

I believe that counties should take the issue of sports academies seriously so that when our sports heroes die, like the one that we are celebrating here today, we are able to have younger sportsmen and women coming to take up their role. For instance, I know that whilst the Rift Valley is popular with athletics - though I know that Sen. William Cheptumo cannot run - it is the duty of all our county governments and leaders to inculcate research for athletes and good sportsmen and women.

We should not just be searching for talents when looking for people to play in international games or during competitions at Nyayo National Stadium. If we have ingrown talent right in our villages, sub-counties and counties, then we will have good sportsmen and women to take over from those who have left us.

I support and I am happy that this particular Statement has found support from the Senate Majority Leader. It is important that we pay homage to our dead colleagues, who have served this country. Most of our athletes, especially those from the Rift Valley, shine while running for the country but later on live in abject poverty.

Mr. Speaker, Sir, it is time we considered not only the question of their future but also find a way of ensuring that sportsmen and women who serve the country, do not just retire in abject poverty and suffer to their death, merely because they are unable to get good medical insurance or fend for themselves at that later age.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I also wish to strongly add my voice, not only in sending my condolences to the family and friends of the departed, Mr. Wilson Kiprugut Arap Chuma, but also join colleagues in creating national consensus around this problem.

Mr. Speaker, Sir, we must accept that today, sports is a major employment industry. The only way to do it, is to appreciate that it takes awareness for people to take up and eventually discover their talent. We have had great reason for us to do that through sportsmen and women of yesteryears.

Mr. Speaker, Sir, you may not believe that this is the country of Ben Jipcho, David Rudisha, Joe Kadenge, Wilberforce Mulamba, Josephat Murila and William 'Chege' Ouma. Those are great sons of this country, who played sports at the highest levels, both in football and athletics.

Just like Wilson Kiprugut Arap Chuma has died and been forgotten, so has Wangila Napunyi, who was a cousin of the Clerk of the Senate. He was the first man to get a gold medal in boxing during the Olympics. It is pathetic that as I speak, the late Wangila Napunyi is yet to reach his home in Busia. His journey ended here in Nairobi because of the disorganization of his family and so on, yet he was a hero.

Mr. Speaker, Sir, we have to rise to this consciousness and start asking questions. I am glad that the very able man, Hon. Ababu Namwamba, is now the Cabinet Secretary for Youth Affairs, Sports and Arts.

One major challenge affecting sports is the devil and threat of doping. Doping is not properly investigated and punished. Whenever you hear of doping, it is either this or that athlete has been punished but where are the doctors of those athletes? When you ban an athlete, you should also punish the doctor, chemists, and hotels and restaurants where athletes take food which is laced with banned drugs.

(Applause)

Mr. Speaker, Sir, most of the athletes are usually not highly educated, like the great son of the Mijikenda, who is currently sitting on the Speaker's Chair. They are usually people with little or no education. Therefore, the poor man from Ikolomani will not understand, if you tell him not to eat certain foods, while all his life he has been eating ugali and *mrenda*, because he knows that is the food you eat when hungry. The people who take advantage of these children and traffic drugs must be punished, because it requires a lot of knowledge to have access to chemicals.

Finally, instead of people running around looking for politicians to name roads after them, let them name these monuments after people who bring joy and happiness in our houses on our television sets and everywhere.

If you think it is a small issue, go to Brazil. Brazil has more than a realistic chance of winning the World Cup in Qatar for the sixth time. They are not doing it by chance.

Before Coach Tite of Brazil named the 26 players who will play in Qatar, the National Assembly of Brazil, where Romario, a former football star and now an MP sits, had to debate, so that it comes to the attention of the coach, that there are certain players he cannot leave out in the team.

They have developed a culture in the process. Brazilians are the richest footballers in the world. They produce the best talent because of the support that they get back home.

I usually see young Kalenjin boys along the Kapsabet to Kericho Road, while on my way back to Nairobi. If we backed them, we can bag all the medals. May the people from Kalenjin Community be congratulated but they should know that we are also coming up.

Today, we have Ferdinand Omanyala, the latest 100 metres sensation. For your information, he is---

The Speaker (Hon. Kingi): Please, speak to the Chair.

Sen. (Dr.) Khalwale: I wanted to warn some people here, who think that they have the monopoly of running.

(Laughter)

Mr. Speaker, Sir, Omanyala's grandmother is my sister from Ikolomani but people do not know. It shows the possibilities.

The man there, who is having a closed eye reflection of what is going on, called Sen. Osotsi, is actually a second nephew of Joe Kadenge. As you can see, he cannot even play in the Bunge Team.

Mr. Speaker, Sir---

(Laughter)

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

The Speaker (Hon. Kingi): Sen. Osotsi, I think Sen. (Dr.) Khalwale is already done with his contributions. Therefore, you cannot rise on a point of order.

Proceed, Sen. Beth Syengo.

Sen. Beth Syengo: Mr. Speaker, Sir, I rise to support the Statement by Sen. Cherarkey.

We actually have a lot of talent in this country. It is important to support our youth with upcoming talents, so that they can earn their living through sporting activities.

As I support, I would like to state that it is important that we take this further, so that we have proper policies and guidelines on how to support our youth.

I thank you.

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

Sen. Cheptumo: Mr. Speaker, Sir, I support the Statement by my learned junior.

There are many Kenyans who have placed this country on high levels in terms of sports, but they live in conditions that Wilson Kiprugut Arap Chuma actually lived.

Mr. Speaker, Sir, this is a devolved function to the county governments. This House deals with matters devolution. It is important for Senators to encourage county speakers to put more resources in this area. At the national level the Ministry of Youth Affairs Sports and Arts should push for more funding for training.

Elgeyo-Marakwet, Baringo and other areas in Rift Valley have athletic training centers. Those are the areas that we need to develop for more of our young people to participate in the training. Those who sponsor our young Kenyans-who participate in sports-end up taking their revenue. Many of the sponsors are not Kenyans; they are foreigners. To avoid such a situation in future, it is important that both the national and county governments take sports seriously.

The allocations given to the Ministry of Youth Affairs, Sports and Arts over the years is minimal because we have not taken sports seriously. I am happy that in the Kenya Kwanza Government Manifesto; sports is key. I call upon my colleague; Cabinet Secretary (CS), Sports, Culture and Heritage, Hon. Namwamba, who is a young man, to demonstrate this and ensure he leads from the front.

Mr. Speaker, Sir, hon. Namwamba needs to ensure that training centers in areas like Iten, Talai in Baringo County and Ossen, are funded to have the facilities necessary to train our young people. Most of the buildings in Eldoret and Kabarnet today are owned by our sportsmen and women. Mr. Tergat from Baringo County has done a lot of investment in Kabarnet Town. Some of the sports men and women from Elgeyo-Marakwet County have done serious investments in Eldoret town.

It is not just a question of sports and this country being recognized. Sports is critical in wealth creation. I support and request that both national and county governments take sports seriously because it is a way of empowering our people.

I thank you.

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

INCESSANT HUMAN-WILDLIFE CONFLICT
IN LAMU COUNTY

Sen. Githuku: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural resources on the incessant human wildlife conflict in Lamu County.

The Committee should -

(1) State the reason for the frequent cases of human-wildlife conflict in Lamu County involving invasion of farms and residential areas by elephants particularly in Mkunumbi, Bahari and Hongwe wards.

(2) Explain the reason for the failure by the Kenya Wildlife Services (KWS) in dealing with the menace in view of the destruction of food crops and properties in the area.

(3) Apprise the Senate on the number of compensation claims filed in Lamu County in the financial years 2021/2022 and 2022/2023, providing a list of all salutary claims indicating the nature of compensation, the year of the claim, the year the claim was filed and the amounts paid in the respective claims.

(4) Cause the KWS to undertake a thorough assessment of the matter and spell out target measures to avert more cases of human-wildlife conflict in the area.

I thank you.

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

Sen. Cherarkey: Mr. Speaker, Sir, I had already read my statements. I read them concurrently, pursuant to Standing Order No. 52(1) and 53(1). I request that you commit them to the respective committees.

(The Speaker (Hon. Kingi) spoke off record)

Sen. Cherarkey: The first statement was on the impact of the current drought on wildlife in Kenya. The other statement was under Standing Order No. 51(1), which can be referred to the Committee on Labor and Social Welfare and this one to the Committee on Tourism, Trade and Industrialization.

The Speaker (Hon. Kingi): Very well, Sen. Cherarkey. However, you also have a Statement under Standing Order No. 53(1). The Statement requested by the Senator for Lamu County to be referred to the relevant Committee. The reason I called you is because you had a request for a Statement under Standing Order No.53(1) different from the Statement you have made. That is equally committed to the relevant Committee.

Sen. Cherarkey: Yes. Thank you, Mr. Speaker, Sir.

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

DEATH OF *BODA BODA* RIDERS AND PASSENGERS
IN NDHIWA CONSTITUENCY

Sen. Ogola: Mr. Speaker, Sir, I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Roads, Transportation, and Housing on the

death of *boda boda* riders and their passengers by sugarcane trailers of a local sugar miller (Sukari Industry) in Ndhiwa Constituency.

The situation in Ndhiwa and where the trailers operate is so pathetic.

In the Statement, the Committee should -

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

The roads are narrow and the sugarcane that they carry overlaps across the roads thus endangering other road users in Ndhiwa Constituency.

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

In the last few weeks, we have a teacher who was cleared with the rest of his family on a *boda boda*. Three young girls taken in the same week and a whole family cleared in the same way.

(3) Cause the sugar miller to clear cane trailer breakdowns along the local roads promptly, noting inordinate delays in clearing broken down cane trailers from the roads continues to pose danger to road users;

On the roads, you find the trailers broken down on hill tops, corners and they stay uncleared for days endangering other road users in the constituency.

The Committee should inform the Senate whether families of persons who have lost their lives or sustained injuries arising from accidents involving cane trailers and *boda bodas* have been compensated by the sugar miller, where investigations have found the miller culpable; and

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

Those are my humble prayers.

The dreams of Ndhiwa constituents when this factory was initiated was that it would uplift the livelihood of this region. Far from this, young *boda boda* riders, their passengers and pedestrians are now losing their lives.

Thank you.

The Speaker (Hon. Kingi): It is so referred.

*(The Statement was referred to the Committee on
Roads, Transportation, and Housing)*

Next Order!

MOTION

APPROVAL OF SENATORS TO SERVE
IN SELECT COMMITTEES

The Speaker (Sen. Kingi): The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. Motion on the approval of Senators to serve in the Select Committees---

THAT, the Senate resolves that-

Pursuant to Standing Order Nos.199 and 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees ---

The Speaker (Sen. Kingi): Leader of Majority Party, you need to use the right language. Do you beg to move?

The Senate Majority Leader (Sen. Cheruiyot): I apologise. Let me make the correction.

I beg to Move the following Motion-

THAT, the Senate resolves that pursuant to Standing Order No. 199 and 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows-

a) Devolution and Intergovernmental Relations:

Sen. Esther Anyieni Okenyuri, MP

b) Health-

Sen. Esther Anyieni Okenyuri, MP

c) Trade, Industrialization and Tourism:

Sen. Danson Mungatana, MP

Pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order No. 199, the Senate approves the nomination, by the Senate Business Committee, of Senator Esther Anyieni Okenyuri, MP, to serve in the Committee on Powers and Privileges.

Pursuant to Standing Order Nos. 194 and 199, the Senate approves the nomination, by the Senate Business Committee, of Senator James Kamau Murango, MP, to serve in County Public Investments and Special Funds Committee.

Mr. Speaker, Sir, this is a straightforward matter that arose from Sen. Soipan Tuya resigning from the Senate because of her appointment to the Cabinet. Therefore, it created this slot in our committees.

The United Democratic Alliance (UDA) nominated Sen. Anyieni Okenyuri to join the Senate to replace Sen. Soipan. She has duly been sworn in and is now a colleague Senator like the rest of all of us. It is unfair for her to continue being a Senator without enjoying the duties of serving in our Committees.

Therefore, the Senate Business Committee approved her to become a Member of the two committees. There is additional vacancy because Sen. Murkomen resigned. We are still consulting further, amongst the Majority side on how to fill the vacancy.

In the meantime, we have proposed Sen. Mungatana to serve in the Trade, Industrialisation and Tourism and Sen. James Kamau Murango to serve in the County Public Investments and Special Funds Committee in place of Sen. Murkomen.

Since these are important committees whose quorum is important, I do not expect debate on this matter because this is a packed afternoon. We have three important Motions that we need to consider.

I beg to move and request Sen. Cherarkey to second.

Sen. Cherarkey: Mr. Speaker, Sir, this is a Procedural Motion. There is not much to say. I congratulate Sen. Anyieni Okenyuri for being nominated and wish her well.

I hope she learns from the best especially the Senate Minority Leader. Also, I congratulate Sen. Mungatana and Sen. James Kamau Murango. I wish them well as they serve in committees. I believe they will build their capacity and serve the nation through these committees. We wish them well and hope that they can add value to those committees.

We are expecting by-elections in Elgeyo Marakwet County where the current Cabinet Secretary of Roads and Transport was the Senator. Also, we will have by-elections in Bungoma County. I know my lecturer is worried about the numbers. However, I can assure him that we still have the majority.

I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Kingi): Next Order.

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

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

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.37

THE SECURITY SITUATION IN KITUI COUNTY

Sen. Wambua: Mr. Speaker Sir, I rise on a point of order pursuant to Standing Order No.37, to seek leave of the House to adjourn to discuss a matter of national importance namely: the security situation in Kitui County, as a result of conflict between camel herders and residents of the county at an appropriate time this afternoon.

I ask Sen. Kinyua to Second.

Sen. Kinyua: Mr. Speaker, Sir, I Second.

(Several Senators stood up in their places)

The Speaker (Hon. Kingi): Hon. Senators, the threshold has been met. Therefore, I nominate debate to the Motion to be moved at 5:30 p.m.

Next Order.

MOTION

ADOPTION OF REPORT ON ELECTION OF MEMBERS TO EALA

The Speaker (Hon. Kingi): The Co-Chairperson of the Joint Select Committee on the election of Members to EALA, please, proceed.

Sen. Ogola: Mr. Speaker, Sir, I beg to move the following Motion -

THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, the Senate adopts the Report of the Joint Select Committee on the Election of Members to the East African Legislative Assembly on its consideration of the nomination papers of the duly nominated candidates for election as Members of the East African Legislative Assembly, laid on the Table of the Senate on Tuesday, 15th November, 2022.

Mr. Speaker, Sir, EALA is the independent legislative arm of the East African Community. The Assembly plays a critical role in the furtherance of the East African objectives.

The Fourth Assembly of EALA which commenced on 18th December, 2017 will come to an end on 17th December, 2022. Consequently, the Member States are expected to elect Members of the Assembly within 90 days before the end of the term of the ongoing Assembly.

It is in this regard that the National Assembly and the Senate respectively, resolved to establish a Joint Parliamentary Select Committee on the election of Members to EALA.

The Joint Committee has membership of the National Assembly namely:

Hon. Wanjiku Mukia, MP - Co-Chairperson

Hon. (Dr.) Makali Mulu CBS, MP

Hon. Sabina Chege--

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

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

POINT OF ORDER

SUSPENSION OF PROCEEDINGS TO ALLOW MEMBERS FAMILIARISE THEMSELVES WITH REPORT ON ELECTION OF MEMBERS TO EALA

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise on Standing Order No.38, to move that the Senate suspends its proceedings for 15 minutes in order for us to familiarise ourselves with the details of this very important Report, that is going to cause an election of MPs to EALA.

It is so important that we be informed because we do not know some of the members. We will be voting for members who belong to different parties. Therefore, we need a bit of time understand. I am not saying that the Office of the Clerk has failed in anything. I have consulted them and he has assured me that the report is being processed. Since the report was only tabled a few minutes ago, give us 15 minutes to read it.

Having been an Assistant Minister for the East African Community under the late President Mwai Kibaki, I happen to know the importance of this Assembly. Therefore, we must do a good job. Otherwise, Members will end up voting for members from their communities or political parties and leave out a very good man who can add value, the way Sen. (Prof.) Tom Ojienda SC has stated because he is a Professor of Law. We want our institution to be enriched in that balance.

The Speaker (Hon. Kingi): Hon. Senators, I thought that maybe one of you would have seconded the request before I proceed to make my ruling on it. In the absence of that, then it might die---

(Loud consultations)

Hon. Sen. (Dr.) Khalwale, do you have a Secunder or not?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have a Secunder. It is the distinguished Senator from my neighbourhood, Nandi County, Sen. Cherarkey.

Sen. Cherarkey: Mr. Speaker, Sir, it is the tradition of this House. I remember during your election, our good Clerk, Mr. Nyegenye, had to give us time. This was after Senior Counsel, Sen. Omogeni, requested to look at the Curricula Vitae (CVs) of the people who were running for the Speaker of the Senate. A tradition has been established in this House that when you bring a report, allow Members to familiarise themselves with it.

Under Standing Order No.1 in which you have powers, give us 15 minutes because I do not see that Report in my gadgets. I am not saying that the Clerk has not circulated but we have not seen that Report. It is important that when we discuss, we do it from a point of information.

I beg to Second.

The Speaker (Hon. Kingi): Hon Senators, under Order No.38(2), I now proceed to propose the question.

*(Question, that the Senate suspends its proceedings for
Members to acquaint themselves with the Report, proposed)*

The Speaker (Hon. Kingi): We will resume after the 15 minutes. It is now 3.49 p.m. The House will resume as from 4.05 p.m.

(Question put and agreed to)

We adjourn for 15 minutes. We will be back here at 4.05 p.m.

(The Senate adjourned temporarily at 3.50 p.m)

(The Senate resumed at 4.07 p.m.)

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

ADOPTION OF REPORT ON ELECTION OF
MEMBERS TO EALA

The Speaker (Hon. Kingi): Sen. Ogola, kindly proceed from where you left.

Sen. Ogola: Mr. Speaker, Sir, I thank you for your wisdom in granting the House the opportunity to go through the Report.

Mr. Speaker, Sir, I beg to move the following Motion—

THAT, pursuant to the provisions of Article 50 for the establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, the Senate adopts the Report of the Joint Select Committee on the election of Members to the East African Legislative Assembly on its consideration of the nomination papers of the duly nominated candidates for election as Members of the East African Legislative Assembly, laid on the Table of the Senate on Tuesday, 15th November, 2022.

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The Fourth Assembly of the EALA, which commenced on 18th December, 2017, will come to an end on 17th December, 2022. Consequently, member states are expected to elect Members of the Assembly within 90 days before the end of the term of the ongoing Assembly.

It is in this regard that the National Assembly and the Senate respectively resolved to establish a Joint Parliamentary Select Committee, on election of Members to the EALA.

The Joint Select Committee was established on 13th and 18th October, 2022 by the National Assembly and the Senate respectively to undertake the functions.

The Committee comprises of the following Members of the National Assembly-

- (1) The Hon. Wanjiku Muhia, MP, - Co-Chair
- (2) The Hon. (Dr.) Makali Mulu, CBS, MP
- (3) The Hon. Sabina Chege, CBS, MP
- (4) The Hon. (Dr.) John Kanyuithia Mutunga, MP
- (5) The Hon. Daniel Epuyo Nanok, MP
- (6) The Hon. Francis Sigei Kipyegon, CBS, MP
- (7) The Hon. Ruth Adhiambo Busia, MP

The Members of the Senate in the Joint Select Committee are-

- (1) Sen. Daniel Kitonga Maanzo, EBS, MP – Co-Chair
- (2) Sen. Raphael Chimera Mwinzangu, MP
- (3) Sen. Joyce Chepkoech Korir, MP
- (4) Sen. Miraj Abdillahi Abdulrahman, MP
- (5) Sen. Chute Mohamed Said, MP
- (6) Sen. Joseph Githuku Kamau, MP
- (7) Sen. Beatrice Akinyi Ogola, MP

Mr. Speaker, Sir, the Joint Select Committee held its first meeting on 25th October, 2022. Pursuant to Rule 4 of the EALA elections, the Presiding Officers, that is the Clerks of the Houses of Parliament, notified the public via Gazette Notice No.13031 dated 26th October, 2022.

An advertisement was placed on both *The Standard* and *The Daily Nation* newspapers on 26th October, 2022 inviting interested and qualified persons to apply within a period of seven days from the date of the notice.

At the close of application, that was on 2nd November, 2022, the Presiding Officers noted that although the total number of applications received was 348, a number

of other applicants had submitted multiple applications, with some applicants submitting up to even four applications.

On 7th November, 2022, the Presiding Officers made a pre-nomination briefing to the party leaderships of both Houses of Parliament. On Wednesday, 9th November, 2022, the Presiding Officers received nomination documents from candidates of political parties and candidates of independent political parties.

A total of 69 candidates, as indicated in the report, appeared before the Presiding Officers, out of whom the Kenya Kwanza Alliance Coalition presented 15 candidates and the Azimio La Umoja-One Kenya Alliance Coalition presented 12 nominees, while 42 were candidates of independent political parties.

Therefore, pursuant to Rule 12 of the Rules, the Presiding Officers gave the public an opportunity to inspect the nomination papers and lodge any complaints they may have had with respect to the candidates' nominations. The inspection was done on Thursday, 10th and Friday, 11th from 9.00 a.m. to 4.00 p.m. as presented.

At the close of nomination on Friday 11th, the Presiding Officers forwarded the names and nomination papers of the duly nominated candidates to the Joint Select Committee for consideration and complaints lodged during the inspection days.

Mr. Speaker, Sir, I also present observations that have been made by the Joint Select Committee. The Committee observed that the East African Legislative Assembly elections assign crucial roles in the election process to the presiding officers instead of the Joint Select Committee.

The Committee also observed that some of the candidates did not comply with the advertisements in national newspapers, including *The Daily Nation* and *Standard*, and the Kenya Gazette of the 26th of October. Most applicants did not comply with the provision of the Elections Act on requirements of qualifications of Members of Parliament (MP) either through a Political Party or as an Independent Candidate.

Based on the aforementioned observations, the Joint Select Committee, therefore, recommends enhancement to the East African Legislative Assembly elections. One observation is to enhance the role of the Joint Select Committee. It is also recommended for a provision of a framework for formal campaigns by the candidate.

It is now my pleasant duty and privilege on behalf of the Joint Select Committee to present the Report of the Election of Members to EALA for your consideration.

I beg to move and ask Sen. Joyce Korir to second.

(Applause)

Sen. Korir: Mr. Speaker, Sir, I second the Report of the Joint Committee as read by my colleague Sen. Beatrice Oyomo. The Members of this Committee held a number of meetings to check on a number of issues. This was meant to assist us in getting Members to the East Africa Legislative Assembly as per the East African Community (EAC) Treaty that was signed among the member states.

Among the issues that this Joint Select Committee recommended was to amend the East African Legislative Elections to enhance the role of the Joint Select Committee.

My colleague also touched on the Members who applied. The total number of applicants was 348. Some made multiple applications. After cleaning up the applicants'

data with the presiding officers, the number was reduced to 287. This was done by the presiding officers without the involvement of the Joint Select Committee.

The Committee recommended that the procedure should involve the Joint Select Committee from the onset. A number of people who have applied to be members of the EALA have been our colleagues in both Houses of Parliament. We have interacted with a number of them.

I know that the key players for this appointment are political parties. The Committee received a list of 15 members from one political party and nine from another political party. From the two lists, we are supposed to approve five Members for the Majority Side and four Members for the Minority Side. It is upon the Members to check the entire list and come up with Members whom they feel will represent this nation in EALA.

I beg to second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, you may now make your contributions. Sen. (Prof.) Ojienda, proceed.

Sen. (Prof.) Tom Ojienda, SC: Mr. Speaker, Sir, I thank you for giving me this opportunity to contribute to this Motion. The Treaty for the establishment of the EAC in 1999 is an important one. The Treaty contemplates that right from the Customs Union, there shall be a Common Market, a Monetary Union, and finally, a Political Federation.

Mr. Speaker, Sir, I know that you have served as Minister for EAC. I know that you, like anyone else, yearn to ensure that we complete the five stages and see a Federation for East Africa granted. That every region of the Seven Member States of the Union has challenges---

(Interruption of debate on Motion)

PROCEDURAL MOTION

LIMITATION OF DEBATE UNDER STANDING ORDER NO.111

The Senate Majority Leader (Sen. Cheruiyot): On a point of order Mr. Speaker, Sir.

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

The Senate Majority Leader (Sen. Cheruiyot): My unreserved apologies to the Senator for Kisumu.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.111 on Limitation of Debate; that: -

“The Senate may on a Motion made by any Senator in accordance with this Standing Order impose a limit in respect of debate of any particular Motion or Bill by allotting a limited period of time for such debate by limiting the time during which Senators may speak in such a debate by imposing such limitations.”

The reason I am doing this is that you have already allocated 5.30 p.m. as the time to do the Adjournment Motion of Sen. Wambua. It is now 4.22 pm. We have to discuss this Motion and have a further Motion providing for the Election Day on Thursday.

For all that, we need to compress and conclude before 5.30 p.m. That being the case, I request that you limit debate by Members. If Members can agree, we can have two to three minutes of contribution from both sides. I, however, want to be specific on time. I will appreciate it if you limit it to three minutes per person.

I request Sen. Methu to second me on that.

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

The Speaker (Hon. Kingi): Do you have a seconder?

Sen. Methu: Mr. Speaker, Sir, I second.

(Question put)

The Speaker (Hon. Kingi): Hon. Senators, the Mover of the Motion has indicated that you will have adequate time to debate this matter. So, let us limit it to two minutes. Let us limit debate to two minutes per Senator.

(Resumption of debate on Motion)

Sen. (Prof.) Tom Ojienda, SC, I am yet to conclude on this matter. I have put the question and we are yet to vote on it.

(Question put and agreed to)

(Resumption of debate on the Motion)

Professor, you may proceed.

Sen. (Prof.) Tom Ojienda, SC: Let me just spend my time wisely. The reason I seek to contribute on this Motion is because, as you are aware, I have previously served as President of the East African Law Society. I was part of the drafting of the protocol of the Customs Union. I contributed professionally and I have been part of the process.

Therefore, the election of Members to the EALA, which is one of the arms contemplated by the Treaty; the Summit, the East African Court of Justice (EACJ) and now East African Legislative Assembly (EALA), is a very important organ. I urge Members to ensure that they vote for competent people to represent this region in that Assembly.

Today, I have received a lot of interests from individuals who want to go to that Assembly. I know very competent ones that we shall vote for. I urge this House, in considering whom to vote for, to vote for Winnie Odinga.

Thank you.

The Speaker (Hon. Kingi): Clerks, can you put the timer on, so that we limit the time to two minutes.

Sen. Mungatana, MGH, you may have the Floor.

Sen. Mungatana, MGH: Mr. Speaker, Sir, very quickly. From my small experience in the Pan-African Parliament, when Kenya stands to speak, people want to hear what it is about to say.

The delegation that has gone there before has represented us very well. My point is that the people we are going to choose to go and sit in that East African Parliament must be the very best of us and have experience. We do not want people who go there to start learning how to even address the House.

Mr. Speaker, Sir, that is a Regional Parliament. I urge very strongly that we send people who have already served in this Parliament of the Republic of Kenya. These people will go there and give us good quality debates and representation worthy of the title 'Republic of Kenya.' Let us not send people who have no experience just because they have political connection.

I thank you.

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

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity. Reading through the Report, the Committee has recommended that the rules need to be amended, so that we have clarity on the role of the Joint Committee. The rules talk about presiding officers. I hope that the relevant Committee will take it up and make sure that the rules are amended appropriately.

Also, the provision on the withdrawal of candidates is not clearly stipulated. The Committee has recommended that it be looked at. Many people have talked about competence. However, one important qualification is that those who come from near the boarders should be considered, for example, those who come from near the borders of Lake Victoria with Tanzania or Western and Uganda, the Northern Part of Kenya with Somali and Turkana with Southern Sudan.

They must be considered because those are the people who go through challenges, which need to be addressed under the framework of EALA. I therefore, recommend that we vote for individuals who come from those regions.

I also encourage Members to vote according to their conscience. We are told that some people will go to a Parliamentary Group Meeting (PG) and a list will be given to them. This country is democratic. Let people vote freely and for the people they want to vote for. They should not be coerced to vote for particular individuals because the party has given them direction to do that. We must exercise democracy ---

(Sen. Osotsi's microphone went off)

The Speaker (Hon. Kingi): Sen. Osotsi, your time is up Senator. Thank you. Sen. Veronica Maina, you may have the Floor.

(Sen. Veronica Maina spoke off record)

The Speaker (Hon. Kingi): Your microphone is off Senator.

Sen. Veronica Maina: It seems there is a problem. That is okay.

Mr. Speaker, Sir, first, I thank the Joint Committee for the good job they have done and presenting the Report that has been brought to the Floor of the House.

All the candidates who have been shortlisted in that Report should be considered as equal, qualified and fit to serve within the EALA. The fact that a candidate has not served in any Parliament before should never act as a bar towards them ascending to the EALA.

I urge Members to vote guided by their own conscience. They should vote knowing that the list of the Members who should be voted in to serve in that Assembly should first have a diversity within the Kenyan communities. It should also consider gender balance. I encourage the Members to consider, this time round, accepting more women than men because all the other Parliaments have more men than women.

Thank you.

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

Sen. Faki: Asante Bw. Spika kwa kunipa fursa hii kuunga mkono Ripoti ambayo imeletwa Bungeni ya uteuzi wa wagombea wa ubunge wa EALA.

Kwa hakika wote ambao wameteuliwa wanatajiriba. Ni vizuri tuchague watu ambao watakuwa na uwezo wa kusongesha mbele Bunge hili la Afrika Mashariki.

Bw. Spika, tukiangalia katika zile taasisi za *East Africa Cooperation*, Mahakama ya *East Africa* imefanya maamuzi ambayo yamesaidia maswala ya haki za binadamu katika maeneo yetu kwa sehemu kubwa kuliko yale ambayo yamefanywa na Bunge hili. Hayo yote yametokana na maswala kwamba wale wanaoenda kutuwakilisha ni watu ambao wanaenda kutafuta kazi. Si watu wanaoenda kuangalia yale maswala ambayo yanaangaziwa na Bunge lile.

Nimebahatika kusafiri kwenda Zanzibar na Pemba mwezi uliopita. Niliona kwamba kuna mambo mengi ambayo Bunge hili linaweza kuangazia ili kurahisisha biashara baina ya nchi saba za Afrika Mashariki.

Kwa hivyo, wale ambao tutawachagua siku ya Alhamisi lazima wawe ni watu ambao wana maono ya kupeleka Bunge hili mbele, wala si kutafutia watu kazi. Hata kama mtu ndio mara yake ya kwanza kuchaguliwa, ikiwa ana maono ya kupeleka Bunge hili mbele, anafaa kupewa kazi hiyo. Kuna wengi ambao wamechaguliwa katika Bunge hili la Seneti mwaka huu, hawajakua Maseneta lakini tumeona zile kazi ambazo wamefanya zinaridhisha kwa sababu wamechaguliwa kusaidia nchi hii kwenda mbele.

Asante.

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

Sen. Wamatinga: Mr. Speaker, Sir, I also rise to support. When we talk about EAC, thoughts of Pan-Africanism arise. I wish to ask Members that when they go for elections, they should look at people who will put the face of Kenya in that Parliament.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Maanzo, proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I thank all Members of this Committee who assisted me as the Co-Chair, to make this Report. My apologies to the House as I was not here earlier, and Sen. Ogola was kind to move it on my behalf.

I had to go to my county because I had a visitor – Bill Gates. Some time back, Parliament was in Seattle and I visited his office. I invited him to Kenya and, luckily, he came.

The main issue that we found in this Report and could be ideal for consideration in future is that whatever happens to a single State happens to all Member States. Secondly, there was one time when this process was abused by Kenya. There was a court

case at the East African Court of Justice (EACJ) and I was lucky to be one of the lawyers there. The court directed and we ended up with what we have now.

Mr. Speaker, Sir, that is why we have to choose out of three. Instead of selecting, there has to be an election. However, we have to balance gender, youth and continuity. One of the problems with the Kenyan elections is that we remove everybody and then end up having no institutional memory in EALA.

Therefore, I urge Members, while they are voting to support this, to also look at that consideration, so that we can have continuity in EALA.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I also rise to support the Report. From the outset, I would like to indicate to the House that EALA has attracted a good number of people who I believe are qualified. From the Report, 348 people applied, 69 were nominated and nine are required to be elected tomorrow.

I believe that from the list that has been given, this House is capable of picking people who are qualified and who will push the agenda of Kenya in EALA. I urge Members from this House to do what is objective tomorrow when it comes to voting. I believe that the election will be on Thursday.

Mr. Speaker, Sir, as I conclude, the Committee has proposed that a framework for formal campaigns be placed in the 2017 Rules for these particular positions. Once the House is done with the elections process, it can also formulate a process where candidates can have formal processes to conduct their campaigns. This will make it easy and we will also get an opportunity to interrogate whatever they are seeking to go and do for us as a country in EALA.

Sen. Shakila Abdalla: Thank you, Mr. Speaker, Sir. I rise to support this Motion. I urge Members to make sure that we vote for the right candidates. It is important that whoever is sent to EALA represents the face of the country. They should be people who are experienced, committed and with a constitutional memory, so as to move EALA forward.

It is important to give opportunity to all applicants. There should be no reason to deny someone an opportunity because they are connected to certain political affiliations or kingpins.

If somebody is qualified, is a grown-up and over 18 years old, then they have their own life. People should not be denied opportunities or have their dreams shattered simply because they are connected to a certain politician. I urge the House to give these opportunities to everybody who deserves to enable them serve in EALA.

With those few remarks, I support.

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

Sen. Cherarkey: Mr. Speaker, Sir, I rise to support this Report. In the interests of this House and other issues that have been raised, there is a Committee that concerns itself with this and it needs to pick up some of these recommendations going into the future. This will ensure that the process of EALA election becomes less tedious within the law.

I have heard from my colleagues from the Minority Side, the Azimio la Umoja-One Kenya Alliance. I think the one who spoke just left the Chamber, but he alleges that at some point, Members of Kenya Kwanza will be told who to vote for.

I have a simple question because when you look at this Report; which is the worst form of democracy and corruption if you bring your own daughter or son to be elected to EALA? Ms. Winnie Odinga wants to be an EALA Member simply because of her second name, just like Hon. Kalonzo Musyoka's son. The names are here. They should stop lecturing us about democracy when they practice the worst form of democracy and corruption.

Mr. Speaker, Sir, if it comes to voting, I will not allow cronyism and nepotism to go through. That is not the spirit of this Republic. If you look at Kenya Kwanza's list, it only has 'hustlers', people who come from bottom-up. Those are the ones we have nominated to go to EALA to represent this country.

I ask the Azimio la Umoja-One Kenya Alliance to stop peddling lies to Kenyans that they are democratic; they are not. They are corrupt and practice nepotism and cronyism. We shall not allow that.

Thank you, Mr. Speaker, Sir.

(Loud consultations)

The Speaker (Hon. Kingi): Sen. Lemaltian, proceed.

Sen. Lemaltian: Thank you, Mr. Speaker, Sir. First, every time I rise, the expectation is that I will speak for the marginalised people in this country. However, with regard to the EALA nominations list, I wish to highlight that the most marginalised group of people in this country turns out to be the youth.

It is unfair for a sitting Senator to say that experience is required and that one should have sat in Parliament before in order to participate in EALA.

I strongly refute that. I hope that Hon. Members will interrogate themselves and remember that these very youths who are seeking these positions have no experience, and next time, it could turn out to be their own children.

I believe that whoever we are going to send to the East African Legislative Assembly (EALA) should be someone who is knowledgeable, eloquent, has a vast knowledge of the East African affairs and matters. They should understand the importance of discipline, aggressiveness and the value that the East African Community brings when we have a common goal that will consolidate our interests.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, please, stop interrupting.

The Speaker (Hon. Kingi): Sen. Lemaltian, do not be distracted by another Senator. Leave it to me, I will protect you.

Please, proceed.

Sen. Lemaltian: Thank you, Mr. Speaker, Sir. I believe Sen. Cherarkey should be the first to speak about the young people getting opportunities more than those who have experience, having been a young Member of the Senate in the last Parliament, as a young naive boy from the Hills of Nandi.

(Laughter)

(Red light was switched on)

The opportunity bestowed upon him turned him into the brave man, who is always interrupting---

(Sen. Lemaltians' microphone was switched off)

(Sen. Cherarkey spoke off record)

The Speaker (Hon. Kingi): Hon. Senator, your time is up.

Sen. (Dr.) Khalwale, please, proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have listened to Members and agreed with them that we need proven competence at EALA. You and I have been there in an executive role, and you know the critical role played by this Assembly. Countries like Rwanda and Uganda bring very good Members of Parliament (MPs).

I have listened to Sen. Osotsi and I sympathise with him. He is saying that a parliamentary group meeting that is going to discuss this matter should not be entertained. Poor him!

Sen. Osotsi, in November 2006, Prof. Anyang'-Nyong'o and other leaders belonging to the Rainbow Coalition took President Mwai Kibaki to the East African Court of Justice. The ruling was given in Prof. Anyang'-Nyong'o's favour that no political party within a coalition can be locked out. That was the ruling.

Therefore, heads of coalitions must seat together and agree, so that among the Members we take to EALA, Wiper, Jubilee and Orange Democratic Movement (ODM) should be there on that side and on our side, we should reflect our composition.

This is why I want to urge ODM that if you have not held consultations with your colleagues, you are going to give us problems. We will be ruled out of order by that court. Therefore, we need tomorrow's PG meeting by us to be seen as value adding.

The only thing I will request is that because I will be voting for you, I will go by the ruling of the East African Court of Justice and make sure that the people I vote for, I will give some to ODM, some to Wiper and some to Jubilee. On the United Democratic Alliance (UDA) side, because we have almost 90 per cent majority, the law allows us to take all the UDA MPs. I will, therefore, be guided and urge Members to also be guided by the geographical consideration, so that the entire Kenyan community is also in East Africa.

I support.

(Applause)

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

Sen. Wambua: Mr. Speaker, Sir, I also stand in support of the Report. There is a lot of consultation going around, which is healthy. Let those people who are interested in representing our Republic in EALA lobby, canvass and caucus. There is no formula for doing it. People will canvass in the best way that they know how to.

At the end of the day, the thing that we must all be careful about is what Sen. (Dr.) Khalwale has said; that we need to take to Arusha a team of nine Members who will represent two things: One, the face of this country and the competence levels of representation of this country.

Mr. Speaker, Sir, this is not to say that the youth should not get an opportunity. They must get an opportunity. It will be remembered that at some point all of us were first-time Senators or Members of the National Assembly. We cannot say that one of the criteria for electing people to EALA should be people who have previously served in a Parliament. If people are competent enough, they lobby, canvass and caucus enough, let the best team go to represent Kenya in Arusha.

I thank you.

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

(Loud consultations)

Sen. Tobiko: Mr. Speaker, Sir, I rise to support the Report of the Committee that they have done a good job with the names that they have presented to both Houses to be considered for the EALA Parliament.

All those who are in that list are Kenyans who can represent this country. It is good that as we go to vote, we consider the face of this country, diversity, regional balance and competence. As we consider all categories, it is also good that people who are physically challenged and the youth are considered because we have seen them in the list.

There is a fair number of the women of this country in that list. As my Secretary General said, it would be good if, for the first time, we can have majority of women in the EALA Parliament because we have seen the women of this country are also competent.

Mr. Speaker, Sir, as we consider many factors, it is good that we consider that there are communities, particularly that cut across the borders of the East African countries. You will find a community like the Maasai is both in Tanzania and Kenya. The Pokots are both in Kenya and Uganda.

(Red light was switched on)

There are many communities that cut across the borders, and it will be good if such communities are given a chance because as they go to EALA, they will bring unity of purpose in all our countries. There are aspects that affect those communities in---

(Sen. Tobiko's microphone was switched off)

The Speaker (Hon. Kingi): Hon. Senator, your time is up.

Sen. Olekina, please, proceed.

Sen. Olekina: Mr. Speaker, Sir, I rise to support the Report on the Joint Committee on the Elections of Members to serve in the East African Parliament. I would like us to remember that this is an extension of this Parliament. I am happy to see that both coalitions have considered at least five women on either side. I hope that we can send many women to be able to represent us.

I share the sentiments of my sister that it will be imperative for us to look at communities that share boundaries, so that we can enhance cohesion between these two countries.

The purpose of the EALA is to be able to foresee the future development of the East African Community, so that at least eventually, we can have one country, which will be called the East African country that is going to help us enhance development. Some of the things that we will be talking about in future is the introduction of future parliaments and committees that will look at the challenges that we go through.

I want to beseech my colleagues that on Thursday let us look at the list entirely. Let us take into consideration those issues that we have discussed here. I also plead with my colleagues. It does not matter because every Kenyan has a right. We never chose to be born in either rich or poor families. We are all Kenyans. When we come here, let us respect each other and give each other an opportunity and God will select the best person to represent us.

Finally, remember that whoever we send to the EALA will be representing this Parliament. It is an extension of this Parliament and that is why we, Members of Parliament (MPs), elect our colleagues to go and represent us.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Ali Roba.

Sen. Ali Roba: Mr. Speaker, Sir, I rise to support the Report of the Joint Select Committee. We have looked through the Report and the people selected by the Joint Select Committee generally represent all the regions of this country.

This is an opportunity for us, as Parliament, to help in fine-tuning the fantastic job by the Joint Select Committee. It is critical that we do not let down the Joint Select Committee as we fine-tune its work through voting.

The report has recommended women, youth, experienced and unexperienced persons. With that spirit, it is an opportunity for us to select and approve them. The proposals have been given by different political coalitions, but as MPs, let us allow people to lobby. We have also gone through elections. In so far as we consider lobbying, let us also not miss the opportunity to see through and make sure that we maintain the balance.

Mr. Speaker, Sir, I support. Thank you.

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

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you for giving me this opportunity. I rise to support the Report.

I am drawn to Article 19 (1) (2) of the Constitution, which states as follows-

“(1) The Bill of Rights is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies.

(2) The purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings.”

Mr. Speaker, Sir, the day we attempt to suspend this Article, whether by just word of mouth or mere political rhetoric, is the day we will condemn all our children to condemnation without relief.

(Sen. Wambua spoke off record)

The Speaker (Hon. Kingi): Sen. Wambua, kindly consult in low tones.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I am disappointed by a Senator who has spoken passionately, profiling sons and daughters of other senior politicians in this country. In that regard, we are talking about dynasties, but we are also politicians by virtue of the opportunity we got to serve in this House. Our children will also be treated with the same measure.

My request for the election that is coming up on Thursday, is that let us consider people who can advance economic opportunities of our people in the East African market. You might look at Winnie Odinga as the daughter of the Rt. Hon. Raila Odinga, but she is also a qualified Drexel University Double Major graduate. So, please, respect the Constitution.

Thank you very much, Mr. Speaker, Sir.

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

Sen. Okenyuri: Mr. Speaker, Sir, I also rise to support the Report by the Joint Select Committee. I urge hon. Members of this House that the shortlisted candidates meet the requirements, but we need to do away with the narrative that these slots are a bureau for employment. This House will be judged by citizens across the EAC based on the kind of people we select to go and represent us there.

Secondly, someone like me would have never made it to this Senate had I not been given a platform. I, therefore, request Members to consider young people and women. So long as they have the capability and needed qualifications, they fit the bill to be in that House.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, at this juncture, I invite the Mover to reply.

Sen. Ogola: Mr. Speaker, Sir, I stand here a proud Member of the Joint Select Committee of the two Houses. Worth noting is the fact that the Joint Select Committee took into consideration many comments by Senators while on the Floor.

Mr. Speaker, Sir, while I was here, I have been wondering about certain references of daughters, sons, nepotism or cronyism. This was an advertisement available to all Kenyans. We invited willing Kenyan applicants who were interested and those are the applications that we received. We ended up with final names, which we will present to this House.

Mr. Speaker, Sir, are we saying, as Senators, that our children will never go for seats that they are passionate about? I grew up as a daughter of a teacher. Parents are the first mentors that we have in society. A number of my siblings and I thus became teachers.

Are we saying as a House that the Teachers Service Commission (TSC) was wrong for giving me an opportunity to be a teacher? Sen. (Dr.) Khalwale is a doctor. Would it be wrong for his son or daughter to be a doctor? Let us give chance to willing Kenyans who applied and met requisite requirements.

The Joint Select Committee took into consideration regional balance, gender and youth. Shades of opinion were taken care of by political parties.

Mr. Speaker, Sir, I beg to reply.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.84 (2), I do make a determination that this matter does not affect counties and, therefore, proceed to put the question.

(Question put and agreed to)

Let us go to the next Order.

MOTION

APPROVAL FOR THE SENATE TO HOLD A MORNING SITTING
ON THURSDAY, 17TH NOVEMBER, 2022.

The Speaker (Hon. Kingi): Proceed Senate Majority Leader.

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

— THAT, pursuant to the provisions of Standing Order No. 34(4)(b), the Senate resolves to hold a Sitting on Thursday, 17th November, 2022, commencing at 9.30 a.m. and terminating not later than 2.15 p.m., for purposes of the election of Members to the East African Legislative Assembly (EALA) and any other business as maybe approved by the Senate Business Committee.

Mr. Speaker, Sir, if you recall the 2017 election, we voted late into the night, and you understand that it was not primarily because of us as the Senate because we are only 67 of us. The whole process of counting and ballot casting does not take more than an hour on our side, but it will take long in the National Assembly. In 2017, the National Assembly counted late into the night.

The eventual winners are a joint tally of the votes that one gets in both Houses. We need to conclude our process, so that our colleagues in the National Assembly can also carry--- I believe they have a similar Motion which they will begin voting for that morning, so that by Four or Five O'clock, or even earlier, we should have already known who the Kenyan EALA representatives for the next five years are.

This is a Procedural Motion on which I would ask Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. This being purely a Procedural Motion whose reasons have been ably justified by the Senate Leader of Minority, I wish to support---

(Loud Consultations)

I meant the Senate Majority Leader. I forgot that he is the Majority Leader because of his height

(Laughter)

I wish to second him and request that both sides of the House support the Motion. I thank you.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, you may now proceed to make your contributions.

(Loud Consultations)

Hon. Senators, pursuant to Standing Order No. 84 (2), I do make a determination that this Motion does not affect counties and, therefore, proceed to put the question.

(Question put and agreed to)

The Speaker (Hon. Kingi): Next Order.

MOTION

EFFECTS OF UPSTREAM ACTIVITIES ON RIVER TANA ON RESIDENTS OF TANA DELTA

The Speaker (Hon. Kingi): Hon. Sen. Mungatana, kindly move your Motion.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I beg to move the following Motion –

THAT, aware that water is a fundamental resource to life, livelihood, food security and sustainable development and an economic good, which is critical for the sustainable development of the country;

FURTHER AWARE THAT the River Tana plays an important role in the lives of the communities living along its banks including Garissa and Tana River Counties whose main economic activities are livestock keeping, farming and fishing;

RECOGNIZING THAT Article 43 (1) (d) of the Constitution of Kenya, provides that every Kenyan has the right to clean and safe water in adequate quantities;

NOTING THAT the residents of Tana River County have perennially suffered from acute effects of flooding and inadequate supply of water to its residents and their livestock; COGNIZANT THAT the challenge of flooding has predominantly been caused by KenGen's release of huge amounts of water from the seven forks dams which combine with rain water from the highlands;

FURTHER COGNIZANT THAT the hoarding of water at the seven forks dams and other significant upstream activities such as irrigation and small scale dams limits the amount of water that flows downstream through River Tana significantly affecting agricultural activities in irrigation schemes such as Bura, Galole and other small scale irrigation schemes in the Tana Delta as a result of inadequate water supply to the canals that channel the water to the irrigation schemes; CONCERNED THAT limited water supply to the hinterland and irrigation schemes cause severe hunger to the residents of Tana River, death of livestock and conflicts between farmers and herders, and that floods cause deaths, displacements and other challenges like waterborne diseases such as cholera downstream at Tana Delta;

NOW THEREFORE, the Senate urges the Ministry of Water, Sanitation and Irrigation in conjunction with the Water Resources Authority (WRA) to;

- i) conduct stakeholder participation before undertaking any major upstream activity including construction of dams, before the release of water during rainy season and limiting flow of water to River Tana during the dry season;
- ii) develop a policy in line with the Nile Treaty of 1959 to guarantee average annual flow of the River Tana; and
- iii) come up with mitigation measures to the perennial floods and water scarcity to the residents of Tana Delta.

I would like to explain the basis of this Motion. For many years, the people living downstream River Tana have suffered and borne the brunt of activities that are carried upstream. We have nothing against developments being done upstream, but they have huge impact on the ecosystem downstream. The development upstream has caused great losses to the people who occupy the river basin in Tana River. This affects both the Tana River and Garissa Counties.

The livelihoods of our people depend on what happens with the water as it flows from the highlands, downstream. When I was young, there was flooding of the river. When it occurred, water would recede which brought forth a beautiful planting season. Everyone knew that it was time for planting.

People would plant on the rich alluvial soils that had been left by the receding waters of the river. There would be plentiful harvest. The delta used to be grounds for harvesting a lot of rice. Nobody used to talk about hunger in the basin of Tana River. It was a time of rejoicing and celebration, when the river would recede and the people would go and plant.

Mr. Speaker, Sir, the livelihoods of people in the Tana River basin have changed completely. The volume of the water that is coming from upstream going into the sea has receded substantially. The sea has started asserting itself in areas where alluvial soil would be deposited and farming would take place traditionally. This is as a result of the reduced volume of the water flowing down.

When the sea asserts itself, the lands become areas of salt deposits. The farmlands have been converted into areas where salt is deposited and, therefore, no farming takes place.

Our people have been impoverished. For the whole ecosystem that used to exist, life used to be free and happy, but is no longer there because the whole system has been changed by the power of the sea.

The Motion is bringing to the attention of the Nation and this House to pronounce itself that the people who are the bottom have as much right to this water as the people upstream. It also brings in the debate on participation of communities in this country. Some communities are so small that their voices are not heard when big programmes are being arranged. There is no other way that they will be helped if this Senate does not pronounce itself on this matter.

Dams have been created upstream and when it is dry season, we pay the price, because there is no water downstream. When the rainy season begins like it has now, the dams are full and water is excess upstream. They tell people living downstream that they need to move to higher ground because they would be releasing the waters.

The Kenya Electricity Generating Company (KenGen) has been our greatest enemy downstream. They release these waters with so much energy. You could be

sleeping in your house and, in the morning, you find you are not in your bed. People have lost animals in their thousands because water is released and the communities downstream pay the price and make huge financial losses.

Was there stakeholder participation by communities downstream when these programmes and development were being done? The answer is negative. When these projects were being conceived apparently for the good of the country, were there any benefits that were transferable to the communities downstream? The answer is negative.

Was the Environmental Impact Assessments(EIA) carried out when these projects were being done? How were these reports done? When you look at it, none of these Environmental Impact Assessment reports on the major projects have mentioned the river basin, Garissa and Tana River counties, yet we bear the brunt of all the losses that affect us downstream.

There are many experts who have studied river ecology and are experts in lake ecology. They tell us that the water upstream belongs to the people downstream. If projects are being done upstream, the biggest stakeholders are the people downstream. There has been no delegation of Members of Parliament to inspect the projects that have been done on River Tana, or elders from downstream who have been called to be informed the river is going to be used in certain projects.

There has been no stakeholder participation. There has been open suppression of the people. There has been no voice given to the minorities whose lives depend on that river.

When we were growing up there were ox-bow lakes. When the river receded people used to fish. There are no ox-bow lakes anymore. When we were growing up, the river used to move with force and people used it for irrigation downstream. At the moment, the river has lost its force, and is cutting up entire villages because, upstream, the volume and the strength of the river have been cut down.

You will find villages and ancestral homes of thousands of people being cut off because downstream, the river does not have its volume and strength. As a result, it begins to change and now goes to the bushes. Whole communities that never knew lack of water and went to the river to shower have no water.

Mr. Speaker, Sir, now the river changes and the Government has not been there to respond to our people. The people have continued to be marginalized and impoverished and nothing has happened.

This Motion is asking this House to recognize that as people who are downstream, we have a right as much as those people who are upstream. Anything being done upstream will affect us downstream. We are Kenyans. We did not come here as refugees. We have a right and need to be consulted.

This Senate needs to pronounce itself very strongly. The Water Resources Authority (WRA) needs to start looking at the rights of the people who are downstream. We must be consulted on everything that is being done upstream.

In this Motion, I have sought to bring to the attention of the House that the Anglo-Egyptian Agreements (AGP) that were signed by the British and the Egyptians were to the effect of protecting water sources.

Mr. Speaker, Sir, three treaties were signed by the British and the Colonies that were under the British at that time. Egypt was seeking to protect River Nile because

Egypt is at the downstream. River Nile starts from Uganda and other areas and then flows to Sudan---

(Sen. Olekina spoke off record)

Not Maasai Mara.

The Speaker (Hon. Kingi): Hon. Sen. Olekina, kindly, could we hear Sen. Mungatana, MGH in silence?

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. It starts upstream and goes down to Sudan and then divides into the White Nile and the Blue Nile, and goes all the way to Egypt.

In many occasions, Egypt has been prepared to go to war because of its waters. That is why to sort out these problems, there have been, in fact, three treaties that have been signed to protect the volumes of water that moves upstream going downstream.

If I may recollect, the first Treaty was signed was in 1903. In that Treaty, Sudan at that time which was a colony of Britain, was informed that they could not do any economic or irrigation activities upstream because it would affect the life of Egypt downstream. Egypt was prepared to go to war. That is why for a very long time, there has been no irrigation or any works being done because of that first Treaty.

Then came the Second and Third treaties. The 1959 Treaty actually allocated the volumes of water. It stated how many millions of cubic water was supposed to be for Egypt, Sudan and Uganda. The bulk of this water was allocated to Egypt. In fact, in the 1959 Treaty, if I may quote it properly, the allocation for Egypt was 55.5 billion cubic waters or 66 per cent of the volumes of River Nile. A total of 22 per cent or 18.5 billion cubic waters was allocated to the other colonies and 12 per cent was provided for evaporation.

Mr. Speaker, Sir, when you look at that Treaty and the details within which the provision of that Treaty stated, you will see that Egypt, which was the downstream State, was given the bulk of the water.

Therefore, as we carry out activities of upstream the River Tana, they should remember in the international treaty, the water belongs to the downstream people. The people upstream must use it with that in mind. We do not have tanks, a military of our own or war machines. However, I am telling you today that if the people of Tana River were to be given those machines, we would cause war against any person who touches that River. That River is life and it gives us our identification.

When I was born in Ngao, my umbilical cord was cut and thrown in the River. That is the connection that, that River has with the people of Tana River.

(Loud consultations)

I request the Senate to understand that the River is our life. It is something that is almost connected to some sort of deity. Our people are suffering because this River is drying up. The activities upstream are destroying the lives of the people downstream.

The Government has not changed its mind about how to treat us downstream. The Government had this huge project where they were diverting the waters of River Tana down to the basin of Athi River to create water for Nairobi City County. I remember very

well that the Opposition in this nation – and I hope they continue being strong – rose and said that the basin of the River would be drained and that people would die.

That project has continued and it has not even involved---

(Sen. Mungatana's microphone went off)

The Speaker (Hon. Kingi): Senator, your time is up. You have truly made your case.

If you have a Seconder, he can second.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I beg to move. I have not finished, but it is okay.

I ask Sen. Dr.) Khalwale to second this Motion.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, that I am seconding this Motion, is not by chance by any means. Sen. Mungatana created a partnership with me, Hon. Ababu Namwamba, Hon. Gitobu Imanyara, Hon. Martha Karua, the late Jakoyo Midiwo and others whom I cannot finish naming. It was around 10 of us. We defined Kenya after Kenyans voted against tribalism in the year 2002.

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

Sen. (Dr.) Khalwale: Sorry if I have offended you, Member!

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

Sen. Korir: Thank you, Mr. Speaker, Sir. This House, being a House of rules and procedure, you had ruled that at 5.30 p.m., we were going to have a debate on a certain matter. It is already past 5.30 p.m. Kindly guide us.

The Speaker (Hon. Kingi): Very well, Sen. Korir. I will allow the Seconder to finish, then propose the question. When we resume on this Motion, it will be time for Hon. Senators to contribute. It will be neater that way.

Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Without demeaning colleagues of previous Parliaments, we achieved a lot through that partnership. I thank the people of Tana River County for having returned Sen. Mungatana to this Parliament because Kenya needs him.

Sen. Mungatana, is the father of the Unclaimed Assets Authority. Through his brainchild and like today, I seconded him when he moved to create the Unclaimed Assets Authority which emanated from that Act. I, therefore, compliment them---

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, just proceed to second.

Sen. (Dr.) Khalwale: Thank you Mr. Speaker, Sir. It is what we call 'building up.' I was building up.

(Applause)

The long and short of this Motion is that the hon. Senator is crying for the management of the eco-system of the Tana River right from the source up to the Indian Ocean. He has done sufficient research and confirmed that we, as a country, do not have to re-invent the wheel. We merely follow the wheel and take cognizance of the lessons learnt by Egypt who have managed to exploit the River Nile to the extent that the people

living along its course, including Kenyans, Ugandans, Sudanese and South Sudanese, sometimes feel angry when they read the story of the success of Egypt.

I support the Senator because he is asking them; “to go ahead and build the dams, but involve us. Go ahead release water as and when you want, but consult us. Go ahead and control the amount of water that is going to reach downstream, but for God’s sake, consult us.”

Mr. Speaker, Sir, because you have bent backwards, I will make my final point. My final point is that the people of the Tana Delta cannot be left by this Senate, the House of equity, to perpetual counting of losses. These people wake up to count the loss in tourism.

There was a beautiful army of nature housed in the Tana River running into the ocean because the Indian Ocean would attack the Tana Delta trying to deposit useless salt on it. The Tana would come with its water in speed. As you know, when the ocean is moving towards the shore and the Tana river is coming from upstream, the two armies would meet and water would go up hundreds of feet. It was a sight behold.

Thirty years ago when I was a young dashing doctor, I would go there, all the way from Mombasa, to see that site. It was beautiful. That tourism has been lost. They are counting loss of investments when the delta used to be a fertile delta. Booker Tate of Great Britain that created Mumias Sugar Company had actually prepared a paper. They wanted to move into the delta to create a mega sugar industry there. People of Tana River are counting those losses of their homes, lives and property.

May I tell this House that it was President Benjamin Franklin of the United States of America who said-

“Poverty is not to be ashamed of; it is shame for you to be ashamed of poverty.”

Sen. Mungatana, you might have come from that poor place, but defend them. Be proud of that poverty so that you make it different when you will be our President, God willing, you address it properly.

I wish you good luck. Wish me good luck as well.

Thank you.

Sen. Mungatana, MGH: I wish you well.

Sen. (Dr.) Khalwale: Sorry, Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, debate will resume during our next sitting.

(Debate on Motion deferred)

At this juncture, I will call upon Sen. Wambua to move his Motion.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 37

THE SECURITY SITUATION IN KITUI COUNTY

Sen. Wambua: Mr. Speaker, Sir, I beg to move the following Motion:

THAT pursuant to Standing Order No.37, the Senate do now adjourn to discuss a matter of urgent national importance, being the security situation in Kitui County occasioned by raging conflict between camel herders and residents of the county.

Mr. Speaker, insecurity has become a matter of serious national concern in this country. We have all heard and listened to the newly installed Inspector General (IG) of Police vowing to tame runaway insecurity. Recently, we were all treated to a video that went viral of a senior police officer caught on camera advocating for a ruthless approach in dealing with criminals.

Mr. Speaker, Sir, a lot has been said and done about urban crime, but little has been said and done about it in rural Kenya. The insecurity visited on the residents of sections of Kitui County amounts to acts of terrorism. Our people continue to lose their lives. The common denominator of the crime that is meted on the innocent souls in Kitui County and parts of this country is that the perpetrators are never brought to book.

Yesterday, Monday, 14th November, 2022, a man by the name Mzee Matii from Chamalutu Village in Wikithuke Area of Sikulu Ward was literally butchered. The circumstances around the killing of the innocent man, a trader in livestock, are known. He was called by a person known to him who lured him to his death. His name is Ali. He told him that he should go to their *manyatta* to buy goats. Innocently, the victim hired a motorcycle and went.

Upon arriving at the *manyatta*, he realized that the *manyatta* had been vacated. He called Ali and asked him; “where are you, you told me to come and buy goats?” He said; “Wait for me. In two minutes, I will be with you.” True to his words, in two minutes, Ali went back and told Matii that they had moved and so they should go to where they had moved, so that he could see the goats and buy them.

Hardly two minutes of their walk, two men emerged from the bushes and Ali disappeared. They attempted to attack the motorcyclist, a young man who took off. However, Matii was not lucky. His head was literally chopped off from his body. That incident happened yesterday in Sikulu Ward.

On Sunday, in the neighbouring Ngomeni Ward, camel herders invaded the village and attempted to kill a man called Mutie Mutiya. If the nominated Senator of Orange Democratic Movement (ODM), Sen. Syengo would get an opportunity to contribute to this Motion, she will say she knows the person because he is her relative. Mzee Mutie managed to escape, but with a deep cut on the neck.

On the same day at night, the herders opened fire. They were shooting aimlessly to scare villagers and they succeeded. In the entire Mandongoi Village, women, children and men went to spend the night in the bush.

The following day, which was yesterday, Mandongoi Primary School was not opened. The children were scattered all over the bush. Teachers have already written to be allowed to move from that region.

What I am talking about today is not any different from the experiences of colleagues in this House, representing their counties of Marsabit, Samburu, Taita Taveta, Baringo and Tana River.

The question that these Senators and the people of Kitui County are asking is whether they are children of a lesser God. They are wondering whether they have been

invited into this country and live at the mercy of people who own animals that they cannot contain them on their own farms.

It will go on record and I want to repeat this because I appeared before the National Cohesion and Integration Commission (NCIC) and I told them that perhaps it is time we had a conversation about the effectiveness of some of these commissions that we put in place. Is the NCIC still relevant to our situation?

Once you frame a question badly, chances are that you will come up with a wrong prescription. We have never had a conflict between the people of Ukambani and the people of Somali origin. I want this point to sink well. The Kamba Community and the Somali Community are not in conflict. The problem that we are suffering today is a problem of camel herders who invade our farms and kill our people with impunity.

Mr. Speaker, Sir, since this message does not seem to be understood; I must say this on the Floor of this Senate. I fear that in a few days, the conflict that we have always tried to avoid may eventually happen. When that happens, it will be difficult for anyone to deal with it.

Now, we have an opportunity as the Senate of the Republic of Kenya to put an end to this menace. We have an opportunity to ensure that the law protects people affected by camel herders in their counties. We should not have a situation where a small group of people ignites national tension which has a potential of skyrocketing into national conflict.

As I conclude, in International Law - we have lawyers in this House - there is something called the responsibility to protect. If governments are either unwilling or unable to protect their citizens, then frontline states have a moral responsibility to step in and protect suffering citizens.

Closer home, I hope that we do not have to go that way. The Government must demonstrate the ability and willingness to protect the lives and property of its citizens. If that does not happen---

(Sen. Wambua's Microphone was switched off)

Can I get this one on record, please? If that does not happen, then the only option left to citizens is to find means and ways of protecting themselves and their property. As I said, I hope that we do not walk that way.

With those few remarks, I beg to move the Motion and request Sen. Hezena Lemaletian to second.

I thank you.

The Speaker (Hon. Kingi): Sen. Hezena. You may proceed.

If your microphone is not working, you can come to the Dispatch Box.

Sen. Lemaltian: Mr. Speaker, Sir, I rise to second this Motion. The people of Kitui are legitimate citizens of this country. The same applies to the people of Samburu County and other parts of the rural marginalized parts of Kenya. As such, they all deserve protection from the Government.

Like the Liberian people said, "if the townspeople are happy, you have to look for their chief." Kenyans are not happy. People in these towns are not happy.

It is also clear that the administration of the day has more to tell us about the hot air. As the rural region of this country, we have been receiving promises that security is going to be tackled with speed. However, turns out that it has been nothing, but hot air.

We have witnessed rampant insecurity in the Capital City and urban centres of this country. Consequently, we have seen the administration moving with speed together with relevant security authorities to contain the situation. However, we are not seeing the same swift response being replicated in curbing insecurity in rural areas.

The people of Kitui cannot be butchered like flies. Neither should the people of Samburu County or Turkana County be killed like flies as if we do not have a functional administration. The people of Kenya in the rural areas are not voting robots whose usefulness ends the very moment a new President is in office. They are citizens deserving of protection, and security and the Government must prove that it can protect its citizens before sending its forces to the Democratic Republic of Congo (DRC).

Mr. Speaker, Sir, these rural counties already face implicit forms of disadvantages. From marginalization, through developments. Some are dated back as far as historical injustices. When you threaten people's livelihood, you are threatening their extinction. If the Government has the plan to wipe off some counties and some communities, they should tell us. Most of these people affected by insecurities in the Northern Eastern of Kenya and Lower Eastern are already minority communities.

I reiterate that the national Government and its security forces must provide citizens with sufficient security with immediate effect. It should be a conscious effort aimed at providing security in rural areas just like in urban areas.

Mr. Speaker, Sir, I challenge my colleagues on the other side of the Floor. It is said: "When a king has good counselors, his reign is peaceful." You are the people we depend on reaching direct to the 'Chief Hustler' to help us join hands on our side and ensure that there is security in the rural areas. Equally, with the same speed, they are doing in the urban centres.

Conflict has been ongoing in Samburu County as far as yesterday. Despite the meetings that we have had with the security agencies, including the Cabinet Secretary (CS) for Security and relevant leaders within the security docket, it is clear that there is a lot of delay in the provision of security for rural Kenya; especially Samburu County.

The Chief Hustler should remember that the people who voted for him are looking out for his intervention. I challenge a leader like Sen. Cherarkey to come out and tell us whether his interest is the Coalition that he belongs to or the citizens of this country that he is supposed to protect and defend as an oversight House.

Mr. Speaker, Sir, I thank you and I beg to second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, Standing Order No.37(6) provides that no Senator speaking on this matter shall speak for more than five minutes. Looking at the time, it is 6.01 p.m. and the House is going to rise at 6.30 p.m. I, therefore, direct that each Senator speaking on this matter does so within three minutes.

Hon. Senators, you may proceed to make your contributions. Sen. Syengo, you may proceed.

Sen. Beth Syengo: Mr. Speaker, Sir, I stand to support the Motion that has been moved by Sen. Wambua of Kitui County. The insecurity situation witnessed in Kitui County and other rural parts of this country is worrying. The man that Sen. Wambua referred to is my relative. Mutia Mutie is my brother-in-law and he escaped death by a whisker.

The situation is even worse because people from Mandongoi, Kasiluni, Kakuyuni, parts of Ngomeni Ward, and Mwingi North in Kitui County are spending nights in the bush. There are over 400 people, including women and children who are camping at Mandongoi Primary School and others in a dispensary. They have no food to eat. This morning, I had to donate food that was delivered by some people in my home to take to those people because they had not eaten for about three days.

This situation is so bad that today at 2.00 p.m., two men were hijacked as they were coming from the market. They were taken to a faraway distance by the camel herders. The locals from the region had to pursue the kidnappers in search of the two men and rescue them. I am happy to report that a few minutes before I stood to support this Motion, I got a message that they have been rescued, safe and sound. This situation is really worrying and the Government must take this very seriously.

Mr. Speaker, Sir, the other day, we had a meeting with the NCIC and they promised to go on the ground. I am wondering which ground they visited. Did their visit bear fruit? If it bore fruit, what steps have been taken?

As Sen. Wambua has alluded, it is true, Kambas do not have any conflict with camel herders. They are invading our lands. People are taking their camels in our *shambas* yet it is the rainy season and our people want to plant. They want to tend to their farms. They are being evicted from their own homes.

Mr. Speaker, Sir, it is very painful for even me, a whole Senator, if I go home today, I would be forced to either go to the bush or run away from my home. This is because all my relatives are also spending their nights in the bush. It is unfortunate. This must come to an end.

I support.

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

(Technical hitch)

There is a technical problem.

Sen. Abbas: Mr. Speaker, Sir, thank you for the opportunity.

As Sen. Wambua has said, the people of Tana River, Garissa and Kitui counties have never had conflicts. It only used to be a few incidents here and there. For many years we used to be together.

(Inaudible)

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

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

Mr. Temporary Speaker, Sir, due to the ongoing droughts, people are crossing borders. They move from Ethiopia, Somalia, Tanzania, and we also move out.

As a result, there are many new people who do not understand the dynamics and the customs of neighborhoods. They come into this country following up with their camels and other animals. As a result, they cause a lot of problem to us.

The best solution is for us to come together as leaders, sit down, talk to the people and iron out this problem. We all know, most of these people are known---

(The red light on the timer went off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Abbas, your time is up.

Hon. Senators, you will bear with us. The system seems to be down. I have a list of Senators. From the Minority side, we have Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika wa Muda. Kwanza, nampa kongole Seneta wa Kaunti ya Kitui kwa kuweza kuleta Hoja hii. Imekuwa mtindo sasa katika sehemu fulani za nchi yetu ya Kenya ambako watu wanaleta mifugo, wanakuwa huru kuingia na kuweza kuyalisha hiyo mimea ya watu waliyotia bidi kuyapanda katika mashamba yao.

Ni jambo la kusikitisha sana ikiwa mifugo hiyo inaharibu mali na mimea ya watu wa Kitui ambako kuna njaa. Watu wenyewe ni maskini lakini wamefanya bidi katika mashamba yao. Wamepanda halafu watu wengine wanakuja na ng'ombe, mbuzi na ngamia na kulisha katika mashamba yao ambayo siyo ardhi yao.

Bw. Spika wa Muda, ni jambo la kusikitishwa. Haya yote yanafanyika bila polisi wa maeneo hayo kuchukua hatua yoyote. Wanataarifiwa kwamba, kuna watu fulani kutoka maeneo fulani ambao wamekuja na mifugo, wameingia nayo mashambani na kulisha mimea na kuharibu mali ya watu wengine bila wao kuchukua hatua yote.

Hivi juzi, wiki hii hatujaimaliza, katika Kilifi Kaunti, katika eneo Bunge la Magharini, kijiji cha Kamale, kuna mashamba ya wananchi kule. Mashamba ya Wagiriama wamepanda mimea yao. Hao ni Mijikenda. Ni watu ambao wanategemea mimea yao katika mashamba yao kuishi.

Leo, wamepanda mahindi yao hadi imekomaa. Imetokea ya kwamba watu wametokea sehemu zisizoeleweka wakiwa na mifugo yao. Wameingia ndani ya mashamba. Pia, wakitumia nguvu wakaingia ndani ya mto ambao watu wanateka maji ya kunywa.

Ni watu ambao---

(The red light on the timer went off)

Kama Kiongozi wa Wachache Bungeni naomba unipe dakika mbili nimalize. Tafadhali.

The Temporary Speaker (Sen. Sen. Abdul Haji): Kiongozi---

The Senate Minority Leader (Sen. Madzayo): Ningeomba unipatie dakika mbili niweze kumaliza.

The Temporary Speaker (Sen. Sen. Abdul Haji): Nitakupatia dakika moja tu.

The Senate Minority Leader (Sen. Madzayo): Nataka kumaliza nikitumia dakika mbili tafadhali.

The Temporary Speaker (Sen. Abdul Haji): Sio sawa kwa wengine lakini. Dakika moja tafadhali.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika wa Muda, utaona ya kwamba, sasa polisi wametaarifiwa na halafu walipoondoka, wale watu wamerudi tena. Hivi sasa tunavyoongea, wameingia na mifugo yao maeneo ya Kamale katika lile ziwa la Dera, wameweka ngamia hapo wanakunywa maji.

Inabidi binadamu wanakunywa maji pamoja na wanyama. Ngamia na ng'ombe wanakunywa hapo. Halafu wanawaingiza ndani ya mashamba ya Wagiriama wanakula mimea yao.

Hii italeti vita ambavyo Serikali itashindwa kukomesha. Hatutakubali hata kidogo kuona watu wetu wanafanya bidii kulima na kupanda mahindi na vyakula vingine, halafu watu wengine wanakuja na ngamia au ng'ombe kuliwalisha mimea ambayo hawakufanyia bidii. Inatatika Serikali ichukue hatua.

Tuko na Seneta mchapakazi, Mhe. (Prof.) Kindiki, ambaye amechaguliwa juzi kama Waziri wa Mambo ya Ndani. Tunamwomba aanze kazi yake ili asilaumiwe. Kenya hii sasa tunaona watu wengine wanadharau wenzao. Sisi kama watu wa Kaunti ya Kilifi, hatutakubali hata kidogo kuona mali yetu ikiharibiwa na watu wanaoleta mifugo katika mashamba yetu.

Ni aibu sana kuona mtu anatoka kule anatoka na kuleta mifugo kwako. Akiulizwa, wanaua hawa watu au wanapigana nao. Hii ni tabia mbaya. Tunauliza hii Serikali sababu ina uwezo na iko makini, ichukue hatua kuona madhara kama hayo ambayo yanaweza kuleta vita vikuu nchini yamalizwe.

Bw. Spika wa Muda, tumengojea Serikali iingilie kati lakini tumeshindwa na sasa tumechoka. *We are tired!* Tunaona watu wengine wakitumia mali yetu baada ya sisi kutumia nguvu kwa mashamba halafu wao waje kufaidika na mahali ambapo hawafai kufaidika.

The Temporary Speaker (Sen. Abdul Haji): Ahsante sana, *Senate Minority Leader*.

Sen. Gataya, proceed.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker, Sir. What Hon. Wambua has presented in this House is a sad and pathetic story. That story has touched a number of us. This has been with us for quite some time.

We all know we are transiting from the previous Government to the current one. Most likely, we had some transitional gaps. Recently, we put in place a Cabinet Secretary (CS), Hon. (Prof.) Kithure Kindiki, who is a brainchild of this House.

All Senators can confirm that Hon. (Prof.) Kindiki is an efficient CS. Just recently, he issued a stern warning that he will deal ruthlessly with all perpetrators of crime, including Kitui and other parts of this country. He said that all criminals will be apprehended.

We also had an assessment from the IG of Police who was vetted and approved by this House. In the nearest time possible, we will see serious changes. In the next few weeks, we will not see what is happening in Kitui and Samburu counties or any other part of this country. This is a new regime and the people in control, including the CS of Interior and Coordination of National Government, are equal to the task. I am also sure that Hon. Wambua will not raise that issue again because that matter will be addressed.

I support the Motion.

An hon. Senator: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. There is no need for a point of order because he is done.

Sen. Olekina, proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, my time should start running now. I empathise with my brother and sister from Ukambani, the distinguished Sen. Wambua and Sen. Beth Syengo.

Insecurity can lead to the collapse of a country.

We have seen a failed State such as Somalia as a result of insecurity in the country. This is a country that has made tremendous progress when it comes to issues of national cohesion.

We are not the only visitors in Jerusalem. We know that drought has decimated the population in this country. Wildlife, domestic animals and even we, human beings, are hard hit by this drought. That case as it may be, does not give anyone the right to do away with another life.

Mr. Temporary Speaker, Sir, this is a very serious matter. I hope that the security council of this country, which is comprised of the President, the Cabinet Secretary (CS) and the entire security organs will begin taking the matter of security in this country seriously.

Yesterday, when I saw the text from the distinguished Senator from Kitui County, tears started oozing from my eyes because I could feel his pain. Citizens are reaching out to him to support them. We are the ombudsmen of the citizens. We are the only people who they can reach out to. I am now pleading to my colleagues from the other side of the aisle to reach out to the leaders of this Government and let them know that unless there is security in this country, it will collapse.

Mr. Temporary Speaker, Sir, in the social media, there are various viral videos of people being killed. Yesterday, there was a student from United States International University (USIU) who was coming back from playing basketball and he was stabbed because of a lot of things that are happening in this country.

Article 245 of the Constitution is very clear that no one can direct the IG. The CS can give policy direction. I want to call upon the CS to now seat down and speak man to man with his new team. The first thing I seek they should do is try and create synergy among the police service men and women to ensure that---

(Red light was switched on)

Mr. Temporary Speaker, Sir, my minutes started running late because of the system. Let me just prosecute this matter because my minutes were running.

It is a transitioning period where people are jittery. Nobody knows whether they will still remain or not. A job is a job. You took the Bible, swore to defend the Constitution and the citizens of this country and you were in the National Police Service. I want to request the people of Kitui County and the police commanders, to sit down and find a way to resolve this.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Olekina.

Sen. Wakili Sigei, please proceed.

Sen. Wakili Sigei: Mr. Temporary Speaker, Sir, listening to Sen. Wambua speaking about what has happened is very painful to say the least. Listening to Sen. Syengo who is also unable to go home is not the best---

Mr. Temporary Speaker, Sir, allow me to then have my minutes begin to run. Listening to Sen. Wambua and Sen. Syengo talking about what their people are going through is very painful. It is the responsibility of every Government to provide security. It is the least of that responsibility to ensure that that Government is in office to protect its citizens from whatever kind of inversion. Where people, in this case, the late Mr. Musee Mati was butchered, it is not the simplest of things to discuss in this House.

The Government is governed by law and order. His Excellency the President himself has on many occasions confirmed to the citizenry that this is a Government of law and order.

When we have people invading others' land, whether in search of pasture or otherwise, that in itself is breach of law. Where are the security forces in places where invaders attack people?

Yesterday, we had the Cabinet Secretary for Interior and Administration warning criminals. I believe and wish that the warnings sent out will also be put to action, so that not only the people of Kitui are protected, but also the neighbouring counties. It is painful

I urge the Government to take responsibility. They need to show the people of Kitui and neighbouring counties that whoever is in breach of law will not be let off and that the full force of law will be meted on those who are involved in these murderous acts. It does not matter whether you were looking for pasture or otherwise. The law is the law.

Mr. Temporary Speaker, Sir, I laud Sen. Wambua for speaking out because if you do not speak today, it will be you tomorrow and there will be no one to speak for you.

I urge the Government to take up the challenge and protect the citizenry of this country.

I support.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, you can donate your time because we have many requests to contribute, but a few minutes.

Proceed, Senator for Turkana County, Sen. Lomenen.

Sen. Lomenen: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to support Sen. Wambua's Motion.

I have a lot to say about security. Sen. Wambua has spoken about the incidences in Kitui. I am in pain and agony because I lose people every day. Yester night, I lost three people. Every time, the people I represent lose lives and property.

I am sure people are not taking the issue of insecurity in Kenya seriously. I want to put it clearly; it is a serious issue. If we do not take it seriously, we will lose people, property and Kenya will be disastrous.

The role of every Government in this world is to protect lives and property of its citizen. If a government fails to protect life and property, then citizens will go back to the state of nature and take the law into their own hands. People will be killed and property taken aimlessly.

That is what is happening in Kenya. It is not a story. Let us declare Kenya as a failed State because people are dying.

(An hon. Senator spoke off record)

I will justify. Nobody is supposed to lose life or property. That is the prime role of the Government.

If you conduct ballistic audit or count illegal guns that are owned by Kenyans, you will find that they are more than those owned by the Government. What are these guns doing? When did they accumulate them? Where was the Government? Those are questions we are asking.

The other issue is on boundaries. People are fighting over boundaries.

Finally, the other issue---

(Sen. Lomenen's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senator, your time is up.

Sen. Lomenen: Mr. Temporary Speaker, Sir, I know, but I have a lot to say.

The Temporary Speaker (Sen. Abdul Haji): But we have time limit.

Hon. Senators, I will use the Speaker's discretion and add another 10 minutes because I can see a lot of interest. I, therefore, apply Standing Order No.34(2). Therefore, 10 minutes should be enough.

Proceed, Sen. Mandago.

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion by Sen. Wambua of Kitui County on this matter of security. I wish to defer with my colleagues on the issue of transition and transition gaps on matter security.

Mr. Temporary Speaker, Sir, as you are aware there are about only three or so offices in the security sector that will be affected by appointments. The office of the Cabinet Secretary (CS), IG, and the changes in the Director of Criminal Investigation (DCI) of which these officers were in service. In every county, we have the County Commander of Police, County Commander of the Directorate of Criminal Investigation (DCI) and the County Coordinator of Intelligence.

It is the failure of the public officers to take their duties seriously; that is why we are losing lives. In my opinion, the officers responsible must be taken to task. How will you explain a population migrating into a region unchecked and carrying weapons in broad daylight? I am tempted to agree with the Senator for Turkana County. There is failure in the security system of this country, but not a failure of the State as the Senator for Turkana would like us to believe.

I urge the security officers responsible to; first, mop up all the illegal guns that are being carried by herders. We know and understand that there is drought and famine ravaging this country and those herders have legitimate reasons to try and look for pasture. This is not something new. Communities have been moving to other areas and requesting the host communities to support them with pasture.

I am aware that the residents of Turkana County have moved to Uganda and have been welcomed because of drought to herd their livestock. The same can be done, but we cannot protect criminals in the name of transition. The CS must wake up and take immediate action.

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

The Temporary Speaker (Sen. Abdul Haji): Thank you. Proceed, Sen. Tobiko.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion by Sen. Wambua. This is a matter of national importance. We have been seeing the insecurity in Kitui and all other counties. In Kitui County, insecurity is because of the camel herders who have moved into peoples' lands and have had complete disregard of lives and property in those areas.

I rise to say that the residents of Kitui and all other counties deserve to be given protection by the police force. There is drought which has also escalated insecurity. I know that there is livestock from Kajiado County that is in Kitui County right now. We are sensitive that we are moving into peoples' lands. Our people are requesting a good stay from the locals in that place and they had been allowed to graze. We urge the camel herders to do the same.

The insecurity is not only localized in Kitui County, but it is all over the country. I was with the Hon. Member of Laikipia North over lunch hour. She informed that she is hosting 200 women who are internally displaced because of insecurity.

I was with hon. Naisula Lesuada of Samburu West Constituency. They are crying of insecurity. The NPS must wake up because they are sleeping on the job. This is not about the transition in Government. Hon. Senators from the minority side must desist from politicizing this matter because it is not politics.

There is insecurity in urban centres like Nairobi, Kitengela and Rongai. The NPS must wake up. They are not personnel from Kenya Kwanza coalition. Kenyans must wake up to do their jobs. The police must protect the citizenry and be held accountable.

The insecurity is not caused by Kenya Kwanza Coalition Government. Insecurity has been there even the other day when we had His Excellency Uhuru Kenyatta as the President. This is not a political issue and must not be politicised.

It is important that Kenyans are protected on all fronts, in towns and rural areas.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Korir, proceed.

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. I would also want to stand with my colleague, Sen. Wambua, on this emotive issue of insecurity in his county. This is not only in his county, but a number of places within this country. It is high time that we stopped the Public Relations (PR) and blame games. It is time to step up and address this issue in all the affected regions.

Where there is insecurity there is no development and peace. Unless the Government steps up and address this issue, it might cause another problem in the entire country.

I listened to the Hon. Senator explaining the happenings and the videos going viral on social media. It is devastating to us leaders and the members of the public. We urge the hon. Cabinet Secretary (CS) in charge of security to address this issue.

We have security personnel, the County Commissioners and the rest, before we task the Committee on National Security, Defence and Foreign Relations to investigate the issues affecting the people. They should also give us a comprehensive report on what is happening on the ground.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Montet Betty, proceed.

Sen. Montet Betty: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion brought by the Senator of Kitui County. It is sad that the issue of insecurity in Kitui County is being discussed in this House for the third time. It is sad that we continue to have people lose their lives. The perpetrators are not camel herders but criminals. They are not on horses, but are herders so they are around there.

We have security teams in the county. I wonder what is happening because we have not had anybody brought to book. They are doing it and are not being held accountable. They harass people from one village or ward to another. These are criminals who should be dealt with. If Kenyans continue to lose lives and hope then things will not be the same.

I support the Senator that insecurity issue should be taken seriously and dealt with immediately.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): We will have the last two speakers. Sen. Tabitha Mutinda followed by Sen. Seki because she is in the National Security, Defence and Foreign Relations.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion from my brother Sen. Wambua. Kitui is my home.

May I inform this House that the people of Kitui County are hardworking. It saddens me that as my colleagues have mentioned, that this issue is a recurrent one. It is an issue that has been brought to this House before.

The President, His Excellency (Dr.) William Ruto, was in Kitui County a few weeks ago. He looked into this issue and he has put his house in order. We have the CS, Hon. (Prof.) Kindiki, who we believe is up to the task.

We ask the Senate to give a long-term solution to this particular issue. We are tired of our people in Kitui losing lives, abandoning their homes that they have worked so hard to build. Property has been lost and tension is still high. We do not want to give people opportunity to start inter-tribal clashes. We ask the Government to be on the front line and address this issue not only in Kitui, even in other parts of this country. Every Kenyan deserves to be in a secure environment.

The Temporary Speaker (Sen. Abdul Haji): Sen. Seki, you may proceed.

Sen. Seki: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion by Sen. Wambua on this matter of insecurity, particularly on the issue of the camels grazed in his county.

From history, I know this issue can be emotive. The Kamba Community is very hard working as one Senator has alluded to. They do a lot of cultivation on their parcels of land, paddock and prepare good pasture for their animals. I know that because they are my neighbours. It would be very discouraging to have people coming to intrude into their land and butcher the owners.

I know the Committee on National Security, Defence and Foreign Relations has been having this issue quite often. We are taking a number of steps in this Committee through the concerned security authorities. The IG of Police and the CS are aware of this matter. In fact, as a Committee, we have even booked an appointment with the CS.

Mr. Temporary Speaker, Sir, Kenyans must understand the importance of respecting the property of other people. We know people will be destabilised by this kind

of destruction of property. We need to understand that schools are being affected and families are insecure because they have a lot of fear of these killers. That is very bad.

We are against this insecurity and the CS in charge of the Ministry of Interior and Coordination of National Government needs to put this issue to rest. We request the CS to come out openly to the public and explain the steps that the Government is taking to make sure that the issue of insecurity in Kitui, Samburu and Turkana counties and other parts of the country is put to rest. It is very important that the Senate follows up on this matter.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Seki.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.44 p.m., time to adjourn the House. Therefore, the Senate stands adjourned until tomorrow, Wednesday 16th November, 2022 at 2.30 p.m.

The Senate rose at 6.44 p.m.