

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 25th October, 2022

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

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

PRAYER

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I confirm that we have quorum. Mr. Clerk, please proceed with the Business of the House.

PAPERS LAID

AUDITOR GENERAL REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale): Thank you, Mr. Deputy Speaker, Sir.

I beg to lay the following Papers on the Table of the Senate, today, the 25th, October 2022, the year of our Lord. These are the Reports of the Auditor-General for the year ended 30th June 2021 on the financial statements of the following:

Report of the Auditor-General on the Financial Statements of Mandera County Executive for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Mandera County Assembly for the year ended 30th June, 2021.

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

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

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

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

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

Report of the Auditor-General on the Financial Statements of Siaya County Executive for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Siaya County Assembly for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Samburu County Executive Staff Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Samburu County Assembly Staff Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.

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

Report of the Auditor-General on the Financial Statements of Samburu County Youth & Women Enterprise Development Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Samburu County Persons Living with Disability Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Kilifi County Health Services Improvement Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Kilifi County Micro Finance (Mbegu) Fund for the year ended 30th June, 2021.

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

Report of the Auditor-General on the Financial Statements of Taita Taveta County Executive Car Loan & Mortgage Revolving Fund for the year ended 30th June, 2021.

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

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

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

Report of the Auditor-General on the Financial Statements of Tana River County Executive for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Tana River County Assembly for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Tana River County Car Loan Mortgage Scheme Fund for the year ended 30th June, 2021.

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

Report of the Auditor-General on the Financial Statements of Tana River County Ward Bursary Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Embu County Executive Car Loan & Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2021.

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

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

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

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

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

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

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

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

Report of the Auditor-General on the Financial Statements of Vihiga Municipal Board for the year ended 30th June, 2021.

Report of the Auditor-General on the Financial Statements of Kericho County Executive Staff Car Loan Fund for the year ended 30th June, 2021.

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

Report of the Auditor-General on the Financial Statements of Laikipia County Assembly (Staff Car & Mortgage Fund for the year ended 30th June, 2021.

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

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

The Deputy Speaker (Sen. Kathuri): The next Order is Notice of Motion. Let us proceed to the next Order if Sen. M. Kajwang' is not around.

STATEMENTS

Hon. Senators, let us have the first Statement by Sen. (Prof.) Tom Ojienda, SC. If he is not around, we will go to the next Statement by Sen. Lemaltian. She is not around either. The third Statement is by Sen. Chute.

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

Sen. Cherarkey, please issue your Statement under Standing Order No.52(1).

DEATH OF MR. PHILIP WARUNGE

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir, for your indulgence.

I rise pursuant to Standing Order No.52 (1) to make a Statement on a general topical concern and national importance, namely; the passing on of one of Kenya's most decorated boxer, Mr. Philip Warunge.

Mr. Philip Warunge, a legend who died on 19th October, 2020, was born on 3rd February, 1945. He was a legendary boxer who represented our country in various boxing events in the world arena.

He started his boxing career in the late 1960s at the historic Madison Square Garden in Nakuru Town, now Nakuru City County, and became a reknown boxer admired by many. He was the first African boxer to win the coveted Val Barker Trophy in the 1968 Olympics Games.

Late Waruinge turned into a professional boxer in 1973 as a super bantamweight and fought largely in Japan. In 1976, he attempted to take the World Boxing Championship (WBC) Bantamweight title in a boxing match against Carlos Zarate of Mexico, but was outclassed and knocked out in the fourth round. Two years later, he decided to retire, having competed in 25 professional bouts, winning 14, losing 10 and drawing 1.

It is unfortunate that Kenya has lost a legend who died as a poor man despite the glory he brought to the country. I will not relent in calling upon the Ministry of Sports, Culture and Heritage to be concerned about sportsmen and women to ensure such patriots are accorded decent lives even after they retire.

He flew the Kenyan flag for the longest time possible, having won in several Olympic championships that he participated in when he was a young man. He died a poor dejected man with no support from the Government. He did not have even pension.

Mr. Deputy Speaker, Sir, on behalf of the great people of Nandi County, which is the source of champions, and on behalf of the people of Kenya and the Senate, allow me to pass my sincere condolences to the family of the late Philip Waruinge and the entire boxing fraternity.

I thank you.

The Deputy Speaker (Sen. Kathuri): I can see several requests. Is it concerning the Statement on Mr. Waruinge? Sen. Kinyua, please proceed.

Sen. Kinyua: Bw. Naibu wa Spika, naunga mkono Taarifa hiyo ya mwanamasumbwi aliyebobea sana. Wanamichezo wetu husifika tu wakati wanafanya vizuri. Kwa mfano, Waruinge alisifika sana katika mchezo wa masumbwi na kupokea nishani tele.

Jambo la kuvunja moyo ni kwamba hawakumbukwi hata baada ya wao kufanya Kenya kujulikana kote ulimwenguni. Mara nyingi, utakuta wanamichezo wanaishi maisha ya shida ilhali walifanya nchi yetu kujulikana kila mahali.

Sio Waruinge pekee yake. Kuna wanamasumbwi wengine kama vile Conjestina Achieng' ambaye alifanya Kenya ikajulikana ulimwenguni, lakini hatuwakumbuki licha ya sifa tuletea.

Taarifa hii inafaa kushughulikiwa na kamati huzika ili kuhakikisha kuwa kama si wachezaji wenyewe, basi familia zao ambazo hufanya Kenya kujulikana ulimwenguni zinafaa kufidiwa. Inasikitisha kuwa licha ya wao kufanya Kenya ijulikane kila mahali, familia zao zinabaki katika hali ya uchochole.

Bw. Naibu Spika, jambo hili lichukuliwe kwa umakini sana. Nampongeza Sen. Cherarkey kwa sababu Taarifa hii inahusu wanyonge na amekuwa akiongea mambo yao hapa.

Nashukuru na kumuunga mkono.

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

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I join Sen. Cherarkey in extending my condolences to the family of the famed boxer, Mr. Waruinge. We grew up

watching the gentleman, including another one known as Stephen Muchoki. They used to entertain us when we were young and they brought a lot of glory to this nation.

It is sad to learn from this Statement that our Mr. Waruinge, the famed boxer, has died a poor man, yet the National Assembly passed the Sports Act that created a Fund Sports to help our sportsmen and women who have brought glory to this country.

The fund is supposed to develop talent and facilities. Initially, nobody thought that it was going to collect as much money as it did. When the National Treasury saw that it had money, it was somehow manipulated. Now only 35 per cent of it goes to sports. We are told that some of it has gone to health or arts, yet the original intention of the Sports Act, when Hon. Ababu Namwamba was the Minister for Sports and Culture, was to create a fund which could take care of our people who have brought glory to us.

As we remember and celebrate this gentleman on his passing away, it is upon us to look back at what happened. What was the mistake? How did the National Treasury repossess money from it? Why is it being managed from the National Treasury yet the Sports Act envisaged it differently?

Mr. Deputy Speaker, Sir, I beg to support.

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

Sen. Osotsi: Mr. Deputy Speaker, Sir, I did not want to contribute to this Statement. I am waiting to make my Statement. However, I support Sen. Cherarkey and the other speakers on appreciating the effort of this boxer in promoting boxing in the country.

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

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. Allow me to join my colleagues who have spoken before me in sending my condolences to our late hero, Mr. Phillip Waruinge.

Mr. Deputy Speaker, Sir, I would want this country to move away from this culture where we come here to mourn and celebrate people when they have left us. We then pontificate about all the nice things that we were supposed to do for them, which we did not do.

(Applause)

It is largely embarrassing for us, as a country, that we only highlight the plight of the people who bring glory to us when they have already left us. What is the point?

There was a preacher who said that when one dies, he sees six heavy men or women, who carry the casket. On that final journey, one does not need those six friends. He wishes that he had those six friends when he was alive. People who would carry him whenever he was low, down, struggling, doubting or when things were difficult.

Mr. Deputy Speaker, Sir, a delegation of the coaching staff of our national rugby team came to my office over the weekend. They are called the Kenyan Lionesses which is an active national team that brings glory to this country. They are scheduled for the world cup regional qualifiers, in Kampala, this weekend.

As I speak, the Government of Kenya has not given them a single shilling and we expect them to bring glory to us. However, if by bad luck something happens to them, we will be here celebrating them as national heroes who brought us glory. But at the moment, we are doing nothing for them.

(Sen. Githuku crossed the Floor)

Mr. Deputy Speaker, Sir, for us, we do not have the ---

The Deputy Speaker (Sen. Kathuri): Just a minute. I need to offer guidance to the Senator for Lamu County. Senator, you cannot cross the Floor in that way. Please go up to the bar, bow and then cross to the other side.

(Sen. Githuku proceeded to the bar and bowed)

Proceed, Sen. Sifuna.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. My point is that, we in the Minority side, had made certain promises. Had we won the election and be in control of the pasturing's, the people who bring glory to this country, after finishing their tour of duty, would be actively involved even as civil or public servants. That would help them continue earning something because they have already done enough for this country. We would like to celebrate these heroes now.

I plead with Sen. Cherarkey as we bid farewell to the great boxer, Mr. Phillip Waruinge. I wish Sen. Nyamu was here because I called her about the issue of the Kenyan Lionesses. Can we extend support to the people who bring us glory while they are still alive? If we do so, we can come back here next week to celebrate the Kenya Lionesses for having qualified for the world cup and bringing more glory to the country.

I thank you, Mr. Deputy Speaker, Sir.

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

The Deputy Speaker (Sen. Kathuri): Sen. Kinyua, what is out of order?

Sen. Kinyua: Mr. Deputy Speaker, Sir, I listened to the good Senator. He made reference to Sen. Cherarkey, but I think the best person to help him is the Senate Majority Leader, Sen. Cheruiyot. He would have offered him more help on what he requires instead of Sen. Cherarkey. Nonetheless, it is okay.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Proceed, the Senate Majority Whip, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. This is a very serious matter. All the things that have been spoken by the distinguished Senators in respect to this fallen hero and in connection with other related sporting issues to this matter, all are true.

Mr. Deputy Speaker, Sir, as we request for the Government's intervention and support to the family during this very difficult time, let us also be futuristic. I agree with Sen. Sifuna that we need to have a stipend. However, why do you want the stipend when things have changed? Right now, the best sector to be employed in all over the world is sports. Football and boxing stars are paid in figures that you cannot imagine.

The Government should not give money to immediate sport stars. We should start nurturing the youth and put professionals alongside them, so that each player has got a manager and an accountant.

What happens is that these young people go to Europe, earn millions of dollars, but are then captured by beautiful women on the streets of London. These beautiful women become their wives, only on paper, and when the young men try to change that, they are accused of rape. So, the young man must have a manager. We should keep them away from the brokers.

For those of us who come from the other side of the world, if you drive early in the morning in Kapsabet, you will see these children train from as early as 4.00 a.m. As they do so, some white men will be driving four-wheel cars behind them. They capture these children. By the time the young men earn money, they only see it on paper, but in practice, those people take the money. The protection should go beyond that.

I defend the Government from those who think that we will be doing things as the previous governments. As recently as Mashujaa Day, the Government of President Ruto invited a fresh set of heroes. I am proud that my area Chief of Ilesi, was invited and accorded the respect of a hero, when he is still alive.

(Sen. Sifuna spoke off record)

Sen. (Dr.) Khalwale: Can you come again?

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you are an old Member of this House. You should not listen to non-essentials.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I made a mistake of listening to my younger brother. I wanted to help him.

The Deputy Speaker (Sen. Kathuri): That is the reason as to why I told you two weeks ago, make your Statement looking directly into my eyes and not Sen. Sifuna's.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I listened to him, so that I can help him. He said that chiefs from Kanduyi, where he comes from, steal chicken. That is what he told me in Luhya.

I assure you that these young Luhyas who grew up in Nairobi, should stick here in Nairobi.

The chiefs of Kanduyi do not steal chicken at all. If the chiefs of Eastlands, where you grew up, steal chicken, that is his business.

(Laughter)

In fact, this is becoming very sad.

Another Member of Parliament (MP) in Bungoma told our primary school teachers that they are stealing chicken in the name of Competency Based Curriculum (CBC).

The teachers are not stealing chicken. They are implementing the flawed CBC policy of the former President, His Excellency Uhuru Kenyatta, which expects teachers to teach children showing them the intestines and gizzard of the chicken. So, where will the teacher get them from if not from the parents? So, do not blame the teacher. Blame the CBC by removing it.

I support the Statement.

I call for a State funeral for this great hero, Mr. Waruinge, so that it becomes a lesson.

The Deputy Speaker (Sen. Kathuri): Let us get the last contribution from Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I had an opportunity to be a secretary to the Ministry of Youth Affairs and Sports in the year 2008. We had successful olympics then as a country.

When I was in that office, we laid down the law to help the youngsters who participate in this country. Eventually, we came up with a way of fundraising so that those who retire and are not active can get assisted.

Extreme sports, especially boxing severely affects sportsmen very much. So, their later years are riddled with a lot of misery and bad health. There must be a system of making sure that retired or active sports people who bring a lot of glory to the country do not end up in misery and disgrace.

On this particular one, it is very sad that during holidays, the President does not honour sportsmen. They are not even proposed to be honoured by the President. However, the sports managers want to be top of that list. We must change our attitude towards our heroes. They have built our economy and tourism.

We condole with the family of Mr. Waruinge and wish them well.

We, as a country, must implement the policies and the laws that we have already made because they are enough to take care of our sportsmen.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

The Deputy Speaker (Sen. Kathuri): We are still under Statements under Standing Order No. 52 (1).

Let me call out again the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda.

BORDER DISPUTE BETWEEN KISUMU, NANDI
AND KERICHO COUNTIES

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of country-wide and inter-county concern, namely the border dispute between Kisumu and Nandi counties over Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere towns. Most fundamental, a matter to which the Senate Majority Leader, Sen. Cheruiyot, addressed, hardly a week ago, that is the question of the border dispute between Kericho and Kisumu counties over the Sondu Town/Area, all located in Kisumu County.

Mr. Deputy Speaker, Sir, the Statement by the Senate Majority Leader, elicited a lot of emotional concern from me, not just as the Senator for Kisumu County, but as a person who hails from Nyakach in that sub-county. Therefore, Sen. Cheruiyot addressed himself to issues that are very dear to my heart. That necessitated this Statement.

Kisumu County is surrounded by Kericho County to the East, Nandi County to the North East, Vihiga County to the North, where we have had disputes as well, Siaya County to the West, and Homa Bay County to the South.

The Constitution of Kenya created the 47 counties as specified under Article 6(1) as read with the First Schedule of the Constitution. This forward-looking Constitution,

foresaw the likelihood of border disputes between the 47 counties that it created, hence set out a mechanism for peaceful co-existence and resolution of any disputes between the counties.

Mr. Speaker, the framework for peaceful resolution of inter-county disputes mechanism is clearly encapsulated in the Constitution and relevant statutes, specifically the Intergovernmental Relations Act, 2012 which is at Act No. 2 of 2012 and the County Governments Act, 2012 at Act No.17 of 2012 set out a framework for dispute resolution and stipulates the interdependency of the two levels of Government.

Consequently, the question of cooperation between the governments is addressed in Article 189 of the Constitution and goes further to pre-empt situations where disputes may arise and calls upon Parliament to enact legislation to provide procedures for settling these intergovernmental disputes.

I am alive to the fact that a relevant Bill has been brought before this House by the current Governor of Makueni County on that question. The County Boundaries Bill is receiving attention from this House.

The dispute that we currently have touching on Sondu Town and in other areas, I am aware that Meru, Isiolo, Makueni and Kajiado have disputes.

It is, therefore, important that these issues are settled timeously and properly under Article 188 of the Constitution which provides that Parliament may set up a commission that may recommend alteration of a county boundary.

To that end, I wish to recommend that this matter be referred to the relevant House Committee to intervene and make recommendations on how best to resolve the issue of the boundary disputes between counties, including reintroduction of the County Boundaries Bill.

That is why I brought this Statement pursuant to Standing Order No. 52 (1) of this House,

In the meantime, the Senate Majority Leader, Sen. Cheruiyot, should keep off Sondu Town.

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

Sen. (Prof.) Tom Ojienda, SC: Sen. Cherarkey, just hold on. I know there is an issue with Nandi County---

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, with all due respect to my learned senior and teacher, Sen. (Prof.) Tom Ojienda, Standing Order No. 55 is explicit on when you are requesting for Statements.

I have been following the Statement word by word. Sen. (Prof.) Tom Ojienda is adding political statements in his submission which is contravening Standing Order No. 55 (3) where it says:

- “A request for Statement shall not-
- (a) be made the pretext for debate;
 - (b) be framed so as to give information or suggest its own response; (c) convey a particular point of view;
 - (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;

- (e) repeat in substance any matter covered in a prior request for statement or already responded to, either as a statement or in the course of a debate during the same Session;
- (f) seek an expression of opinion;
- (g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;
- (h) refer to more than one subject matter;
- (i) be of excessive length;
- (j) include the name of any person nor any statement not strictly necessary to render the request intelligible; or
- (k) refer to proceedings of a Select Committee before that Committee has made its report to the House”.

Sen. (Prof.) Tom Ojienda by adding and inferring some opinion about the Senate Majority Leader, Sen. Cheruiyot, is out of order. He should stick to his Statement. If he wants to make political deliberation as Statements so that he can be loved in Nyakach and Kisumu County, he should restrict himself to funerals, birthday parties and baby showers and make those statements there.

The Deputy Speaker (Sen. Kathuri): Sen. (Prof.) Tom Ojienda, do you attend baby showers?

(Laughter)

Sen. (Prof.) Tom Ojienda, SC: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): You were mentioning the Senate Majority Leader without any good reason. Avoid that. I was a bit lenient, but I am now observant. Okay. Proceed.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, I will avoid that and proceed strictly under the provisions of the Constitution. I am confining myself to Article 6(2) and 188.

There is a recommendation that the Speaker commits this question to the relevant Committee of the House.

The National Security, Defence and Foreign Relations and the National Cohesion, Equal Opportunity and Regional Integration Committees could address the questions I have raised.

I am not out of sync under Standing Order No.55, because I have not imputed any bad motives on the Senate Majority Leader. He spoke to the question that I am addressing myself to. I am sure that Sen. Cherarkey is rising because he knows even in Nandi County, they are claiming places, including my home.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): This Statement has elicited a lot of interest. We will start with Sen. Thang’wa.

(Sen. Cherarkey spoke off record)

The Deputy Speaker (Sen. Kathuri): I cannot see him. Sen. (Dr.) Khalwale, what is it?

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. Sen. (Prof.) Tom Ojienda, is a professor of law. He knows the doctrine of clean hands. If the professor is seeking for justice, then the doctrine of clean hands demands of him to seek for justice with clean hands.

If it is good for you to reclaim your town which you perceive to be in Nandi, when are you going to release Maseno Town which is in Vihiga County? For the last 10 years, you have been collecting revenue and that town is not in Kisumu. When are you going to bring it back? You will not be allowed to get away with this Statement when you do not have clean hands.

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

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. This is an important matter. When my good neighbour, Sen. (Prof.) Tom Ojienda begun I was applauding and cheering him on because I thought he would canvass it in a different manner.

His conclusion has left me with questions on whether he understands the dispute at hand and whether he is in the right frame of mind to prosecute this matter.

First of all, the video he is referring to is more than two years old. If you watch that video Sen. (Prof.) Tom Ojienda, you will realize the people I am addressing are all donning masks. This is a video shot in 2020. I know it has made rounds the last few weeks and people think that I spoke a few days ago which is not the truth.

Secondly, it will be good for you to know that from Sondu to my home, it is a walking distance of no more than 25 minutes for a fast walker. For you, it might take an hour.

(Laughter)

Mr. Deputy Speaker, my good neighbour should know that even in that video, I bring it to the attention of the people that are disputing, that the main market in Sondu called the Sondu market that has been built by the County Government of Kericho will be opened in the next two or three weeks. All the major businesses have their business permits paid to the County Government of Kericho.

I was addressing at that particular time is because of the nature of this town that each time when we are approaching the election, the local politicians, especially Members of the County Assembly use this dispute as a political gimmick. They raise emotions and ask people to stop paying rates licenses.

This is why I was speaking to it and saying, if you want to do business in Sondu everybody is welcome. Sondu is part and parcel of Kenya. The mistake they are making is that you cannot be allowed to trade where you are not paying rates for.

Mr. Deputy Speaker, Sir, I agree with him up to the point he says, perhaps you may want to refer this matter to a competent Committee of this House. I am wondering how long this dispute will be unresolved. We have been with this issue for as long as I can remember. Your Governor is aware since we visited the place in 2016 when he was Senator. The current Member of Parliament for Nyakach, hon. Aduma who was throwing chairs at Bomas with my good friend Sen. Olekina was also with us then.

This is what gave birth to the County Boundaries Bill. You have put a better proposition, which I agree with. Let us conclude on the County Boundaries Bill so that we can bring the matter of dispute between Kajiado and Taita Taveta, Garissa and Kitui

County to a closure. Sen. Wambua is losing his cool. You saw him arguing with old men in a particular video because of county disputes.

As a House, we need to bring this matter to a conclusion because it permeates the country. There are disputes virtually everywhere. Let us priorities this Bill, publish it afresh then conclude on this matter amicably because that is what is expected of us as leaders.

Otherwise, we should avoid making Statements such as what Sen. (Prof.) Tom Ojienda is saying that I keep off Sondu. Do you know the kind of interest I have in Sondu, both economic, social and others that cannot be mentioned in this House?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, your name was not mentioned but Nandi County. Okay, you have the Floor.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. Article 188 is expressly clear. I saw the recommendation of Sen. (Prof.) Tom Ojienda to the Speaker on which Committee should handle the Statement, the Statement that falls under Standing Order No.51 on General Statement. In your wisdom, under Standing Order 52(3), you may decide to refer the matter to the relevant Committee.

This is a serious issue. Nandi and Kisumu counties have even gone to the National Lands Commission (NLC) over the boundary dispute we have with Kisumu County. Kisumu County has been encroaching Nandi County.

I remember when the Privatization Commission over the privatizing of the nucleus of sugar companies, more so, the issue of Chemelil Sugar Company. When it was built during Mzee Jomo Kenyatta's time, it was in Nandi County. Now the Kisumu County Government have purportedly taken over. The border between us and Kisumu County should go beyond the railway line that was built. It was the wisdom of the *wazungu* of that time.

This is a very serious matter. I respect Sen. (Prof.) Tom Ojienda because he taught me conveyancing. He has written a lot on land issues. In one of his books, he says land is an emotive issue. He knows well that he is walking into a quagmire. Leaders should not make sensational Statements in the House. He has accused one county of encroaching into the other, yet he knows this matter has given us problems at the border between Kisumu and Nandi counties.

However, because of the magnanimity of my people, we have tried to be peaceful as we pursue this matter with relevant authorities, for instance, the NLC.

Lastly, Sen. Mutula Kilonzo Jnr. the current Governor of Makueni County proposed the County Boundaries Bill. As the Senate Majority Leader has said, if we republish it, it will address boundary disputes we are facing.

Sen. (Prof.) Tom Ojienda, as a leader, you sieve information. When people are emotional, do not take part in it. As leaders, we look into solutions, like setting up a commission to look into the issue. Article 188 is explicit on how to resolve this matter.

Mr. Deputy Speaker, Sir, if you exercise your discretion on the matter and refer it to the relevant Senate Committee in line with Standing Order No52(3). Please note that it is not a simple matter.

I request that this matter is not committed to any Committee, but is brought to a Committee of the Whole House, then issues like the one where we saw Sen. Wambua engaging some old men who had led their camels to graze in other counties will be averted.

There is an issue with Maseno Town in Vihiga County, where Sen. Osotsi comes from. There are several boundary disputes that this House must be alive to. We are the protectors of devolution as provided for under Article 96 of the Constitution. We must take the front sit and address these boundary disputes, once and all.

We have a boundary dispute between Nandi and Kisumu counties. Since the Governor of Kisumu County is a professor of Political Science and the Senator for Nandi County is also a ‘professor’ of Law, I thought they would bring their knowledge and wisdom in resolving this matter. This would be a better thing to do instead of going to a village to make declarations.

I saw him speaking somewhere over the weekend. I appeal to my people in Nandi County to remain calm and peaceful as we approach this issue. I want to assure the country that the boundary of Nandi County is beyond where the railway line passes. Sen. (Prof.) Tom Ojienda, your people must be ready to pay us revenue because we provide services up to that far end.

With those remarks, I hope this matter will be expedited so that Kericho, Nandi, Vihiga and Kisumu counties get justice, once and for all.

The Deputy Speaker (Sen. Kathuri): Let me take two comments from this side and one more from the other side.

Proceed, Sen. Osotsi.

Sen. Osotsi: Mr. Deputy Speaker, Sir, this Statement by my neighbour and colleague, Sen. (Prof.) Tom Ojienda is very timely. The people of Vihiga County have been yearning to have the boundary problem at Maseno resolved. We need to resolve this matter with less emotions because the people of that area have intermarried. Some have even bought land across the border.

I support the Senators who are saying that we need to take leadership and ensure we implement Article 188 of the Constitution. It says that we need to set up an independent commission which will guide this process. How I wish that this could be done before the Independent Electoral Boundaries Commission (IEBC) starts implementing Article 89 on Delimitation of Electoral Units.

It is not just Kisumu County that we have a boundary issue with. We also have a problem with Nandi County, represented by Sen. Cherarkey, at a place called Musasa. I believe there are many other boundary disputes such as between Makueni and Machakos counties. The Senate has to take leadership in this matter and have it addressed as soon as possible. Our people need to live without tension among themselves.

Mr. Deputy Speaker, Sir, during elections, some people put “permanent stump” just beyond the boarder after Maseno School. It was very irritating. We had to cool our people down to stop a fight. I expect us to amicably resolve these boundary problems within the Term of this Senate. We should do that without getting our people to fight each other.

The people at the boundary of Vihiga and Kisumu counties have lived peacefully for many years and should continue doing so. I have even intermarried and own land near Maseno. We should not make it emotive. Let us do it peacefully and within the law.

I support the Statement.

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

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

Sen. Cheptumo: I have the Floor.

Sen. (Dr.) Khalwale: You do not have.

An. Hon. Senator: Clearly, you do not have the Floor.

The Senate Minority Leader (Sen. Madzayo): The two of you can have the Floor.

The Deputy Speaker (Sen. Kathuri): I ruled that you must also quote the Standing Order that you are using to rise.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, is the Senator for Vihiga County, who was elected to protect and defend the interest of the people of Vihiga County, in order to say the only reason he does not mind the boundary the way it is, is because of intermarriages? Vihiga County does not stop where we are being told it does. Maseno, Lela and Chulaimbo are in Vihiga County and the Senator knows that.

This matter is serious because when we share revenue, we use population. The population of Vihiga County, which would account for the money due to Vihiga County is counted for in Kisumu County. The own source revenue of Vihiga County, due from Maseno, Lela and Chulaimbo towns goes to Kisumu County.

It is a matter far more important that emotions of marriage and so on. *Kwani* what is marriage? For some of us, our wives are not Luhyas.

(Laughter)

We have not ceded the boundary of Kakamega County simply because our wives come from outside the county.

Is he in order, Mr. Deputy, Speaker, Sir?

An Hon. Senator: How many wives?

(Laughter)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, a monogamist here is trying to find out how many wives I have.

(Laughter)

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

Kindly, let us make comments on these Statements to support. Let us not debate them for five minutes.

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

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Osotsi.

Sen. Osotsi: Mr. Deputy Speaker, Sir, if you listened to me carefully, I did not say that the only reason why we are not resolving this matter in time, is intermarriage. I said the people of Vihiga County would want this matter resolved peacefully and within the law. I proceeded to say that the first step of doing so is to implement Article 188 of the Constitution.

Sen. (Dr.) Khalwale is out of order in explaining that the only reason we should not fight our brothers on the other side is intermarriage. In fact, the people who talk loudly about this issue - like Sen. (Dr.) Khalwale here - stay very far from Maseno.

Those of us who stay near the boundary would like this matter resolved amicably, peacefully and lawfully.

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

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I will be very brief on this. Article 188 of the Constitution says that boundaries of a county may be altered. This means---

(Sen. Cheruiyot spoke off record)

Sen. Cheptumo: Mr. Deputy Speaker, Sir, what is happening with the Senate Majority Leader?

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cheptumo. He is okay.

(Laughter)

Sen. Cheptumo: Mr. Deputy Speaker, Sir, that Article says that our county boundaries are known. That is the beginning. The boundary between Baringo and Turkana counties is known. It is the same case with that of Kisumu, Kericho and Nandi County.

That is the beginning of Article 188. The alteration will only be done by considering items under (2); physical and human infrastructure, historical and cultural ties, geographical features and so on.

I want to agree with the proposal by my classmate, Sen. (Prof.) Tom Ojienda that the best way is to pass that law on the Commission on boundaries of counties. The work is done because we have a Bill already in place. Our people may not be very keen to see us arguing and raising emotions here.

In fact, at some point, I was tempted to raise a point of order that as we debate this issue, we should be careful so that we do not make our people feel like we are having a war.

Mr. Deputy Speaker, Sir---

*(Sen. Nyamu entered into the Chamber
without bowing to the Chair)*

The Deputy Speaker (Sen. Kathuri): Sen. Nyamu, just walk back to the Bar and bow to the Chair.

(Sen. Nyamu went to the Bar and bowed to the Chair)

Proceed, Sen Cheptumo.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, you need to forgive our colleague because she is new and still learning.

The Deputy Speaker (Sen. Kathuri): That was brought to my attention by a Senator on this side.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I agree that we need to pass the Bill. Apart from the county boundaries, we also have inter-sub county boundary disputes in some areas. I think this Bill is limited to only county boundaries.

We need to pass a law, so that we deal with the issue of county boundaries. We may also need to think through and see how we can resolve boundary disputes within sub-counties.

These are issues which during campaigns, Members of this and the other House used to make their political scores so that they gain. So, this House should move with speed and pass that Bill. That will help to reduce the tension.

Finally, for you to realize how important this Article is, that commission must be passed by the National Assembly and this House. We will be counted as a serious Senate if we pass the Bill.

I support the discussion on this particular Statement by my classmate Sen. (Prof.) Tom Ojienda.

The Deputy Speaker (Sen. Kathuri): You will now have two minutes each. Sen. Wambua and Sen. Olekina will have two minute each while Sen. Oketch Gacheru will have one minute.

Sen. Wambua: So my time begins now.

Mr. Deputy Speaker, Sir, I thank Sen. (Prof.) Tom Ojienda for bringing this Statement.

Many things have been said by my colleagues. Perhaps what my colleague would have thought of doing was to bring a substantive Motion because the issue of boundaries for counties is much bigger that the disputes that he is pointing to between Kisumu, Nandi and Kericho counties.

During the previous session when we debated this matter, I remember there were Senators who spoke and alluded to the fact that some counties were becoming expansionists; eating into other people's lands. Boundaries are there, yet disputes are in almost every county.

I have a proposal to make because I am part of the leadership. Perhaps there is need to have an informal session for Senators to appraise ourselves on the matter of county boundaries and where they exist and take a position before the IEBC begins demarcation and alteration of county boundaries. That is important so that as Sen. Cheptumo has said, we do not elicit unnecessary emotions on the matter of boundaries.

Lastly, Mr. Deputy Speaker, Sir, I would like to correct the wrong impression created that Kitui County has a boundary dispute with Garissa County. Kitui County does not share a boundary with Garissa County.

We share a boundary with Tana River County and the conflict that Members are alluding to is not a conflict between communities. It is a conflict between some people who own animals and those who own some farms.

I thank you.

Sen. Olekina: Mr. Deputy Speaker, Sir, let me begin by thanking the distinguished Senator for Kisumu County for bringing this matter once again. This is a matter that we have canvased in this House during the previous Parliament. A Statement was brought, which led to the drafting and presentation of the County Boundaries Bill by the former Senator for Makueni County.

We also have the same challenges in Narok County. We have conflict between Narok and Nakuru counties. In fact, I a few years, there will be many deaths between Likia and Maela areas.

If you go to the border between Migori and Narok counties, we have lost over 30,000 acres which have been given to the people of Migori.

Between Kajiado and Narok South, there is a place called Ngurumani where there is a big forest. We have fights on a daily basis between the people of Kajiado and Narok counties. The same happens at the Narok, Nakuru and Migori county borders. Some of these challenges are historical.

Let me reiterate what the Senator for Baringo had directed this House to do because there are solutions. If you read Article 188 of the Constitution, this House and the National Assembly have powers.

My suggestion is that the distinguished Senator for Kisumu County, who has brought this Statement, should go to the Journals Office and get a copy of the Bill which was proposed by the former Senator for Makueni, now the current Governor, and re-introduce the Bill here which we should expedite.

One of the biggest problems that is causing a lot of tension and making this matter emotive is the issue of historical injustices. You will be shocked if you go to Narok County. Nakuru County cuts across Narok County. That was brought about by the former Minister for Finance, Hon. Simon Nyachae, when he allocated himself the land. One side is in Narok County, but the other side is in Nakuru County.

Mr. Deputy Speaker, Sir, I request that you commit this Statement to a relevant committee. The distinguished Senator for Kisumu should also co-sponsor this Bill with someone else in the National Assembly, which we should expedite and pass.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, the Senate Majority Leader has a bad habit of heckling, but that is fine. I hope he will not heckle.

The Deputy Speaker (Sen. Kathuri): I hope you will do it in one minute.

Sen. Oketch Gacheru: Sure, Mr. Deputy Speaker, Sir.

On this issue, it is critical that we do not belittle a House that is defined in the Constitution. This is because Article 6 of the Constitution establishes creation of the counties. That is supported by the First Schedule of the Constitution.

It is important for us to know that county boundaries were created from the previous provincial administrative units that we had. Basically, we adopted the former 46 districts that we had during the previous provincial administration system since 1992.

If you look at those districts then, it is clear that places like Sondu and Chulaimbo that the Senate Majority Whip has talked about passionately were clearly in Kisumu.

To deal with border disputes among the counties, the best thing to do - I do not think we have explored this - is taking advantage of the intergovernmental relations, whereby these issues should be solved through communal understanding.

When Sen. Osotsi was talking about intermarriages, I do not think he was doing so just to make fun of it.

It is critical we understand that communities and villages have got ways in which they can have conversations around making these borders more amicable. They can bring amicable solutions than emotive issues that politicians, like some of us here, escalate and forget the historical formation that we had then.

It is critical we understand that the administration from which we adopted these boundaries from, were as they are right now.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): This issue on boundaries is very emotive. As Members have indicated, there are so many boundary disputes across counties. As I refer this Statement to the relevant Committees, I will encourage as many Members as possible to raise similar Statements so that they can be consolidated and be worked on, once and for all.

The Statement is committed to the Committee on Devolution and Inter-Governmental Relations together with the Committee on National Security, Defence and Foreign Relations.

(The Statement was committed to the Committee on Devolution and Inter-Governmental Relations together with the Committee on National Security, Defence and Foreign Relations)

(Interruption of Debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NDUUNDUNE SECONDARY
SCHOOL, MAKUENI COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have a visiting group of teachers and students from Nduundune Secondary School in Makueni County. In the public gallery, we have 48 students accompanied by three teachers who are in the Senate on an educational tour. You may stand so that you are acknowledged in the Senate tradition.

(Applause)

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

Thank you.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to welcome the students from Nduundune Secondary School. It is about six kilometres from Emali Town along Ukia-Emali Road.

This is the school where Prof. Kivutha Kibwana began his primary education. They have heard the former Senator for Makueni, Governor Mutula Kilonzo Jnr. mentioned in this House. I believe they will be encouraged and inspired enough for them to be Senators one day.

I welcome them and I will be joining them after this session to share more with them about what happens here. I hope to inspire them to one day be like me or Governor Mutula Kilonzo Jnr.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Let me give chance to one more Senator. Sen. Kavindu Muthama, kindly proceed.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir. It is good to know that you have at last noticed that we want to contribute to the lands issue, but let me take this opportunity to, first, join you and Sen. Maanzo in welcoming the students from Nduundune in Makueni County to the Senate.

I am sure they are learning a lot and as Sen. Maanzo has said, there are senators and presidents amongst them. They should study hard and be obedient to their teachers and God will bless them.

Mr. Deputy Speaker, Sir, if you allow me, I will mention something about the Statement you have just directed.

The Deputy Speaker (Sen. Kathuri): No, we concluded on that Statement unless it is on another one---

Sen. Kavindu Muthama: Yes, Mr. Deputy Speaker, Sir. However, I will ask you to check both sides. The Senator for Turkana County pressed to speak a long time ago together with me. Please---

The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Muthama, I was keenly following this list. It is a long list. You were somewhere within the list, but a bit---

Sen. Kavindu Muthama: Okay, Mr. Deputy Speaker, Sir. I agree with you.

The Deputy Speaker (Sen. Kathuri): Never doubt me when I am in this Chair.

(Applause)

Sen. Kavindu Muthama: Mr. Deputy Speaker, Sir, am not doubting you. Let me not argue---

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, you also want to welcome the students? You may proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Naibu Spika kwa kunipa nafasi hii.

Ninawakaribisha wanafunzi na waalimu. Najiunga nawe pia kuwaambia, “karibuni ndani ya Bunge la Seneti”. Jambo la muhimu ni kwamba wamekuja kujionea jinsi Seneti inavyofanya kazi na kuweza kuona viongozi wao wanavyotekeleza wajibu wao baaada ya kuchaguliwa.

Bw. Naibu Spika, la muhimu ni kwamba Nduundune, nilivyoambiwa na ndugu yangu Sen. Maanzo, ni shule nzuri iliyopitiwa na vigogo wa nchi hii yetu. Nawatakia kila la heri. Kuja kwao hapa imewawezesha kuona vile kazi inaendelea ndani ya Seneti. Nina uhakika kwamba mmoja au wawili wao wameguswa. Nina imani kwamba wengine wao watasimama siku moja na kusema kwamba waliona viongozi wao wakifanya kazi katika Seneti na hao pia wanaomba mwenyezi Mungu awasaidia kufika hapa.

Nawatakia kila la heri katika shughuli zao ili waweze kujifunza. Watakaporudi nyumbani, wawe na mioyo na ari ya kuja hapa watakapomaliza masomo yao baada ya sisi kuondoka. \

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Le us have Sen. Lemaltian.

The Nominated Senator (Sen. Hezena Lemaletian): Thank you, Mr. Deputy Speaker, Sir. It is an incredible privilege to serve the youth of our country, the heroic people of Kenya and the marginalized minorities.

I pay my gratitude to the Almighty God for life and the blessings He bestowed upon me. Allow me to thank some outstanding people in my life. First and foremost, I want to thank my supportive family, my late father, Raphael Lemaltian, a great statesman who taught me a lot about love for country and humanity.

Allow me to express my profound gratitude to His Excellency Right Hon. Raila Odinga, the former Prime Minister and the African Union (AU) envoy for Infrastructural Development. He is my political mentor and father, an indefatigable pan-Africanist whose commitment and ideals for democracy and social justice in Africa has inspired generations of political activists across the continent.

His understanding for the need for robust dialogues and links between generations and the African renaissance at large is legendary. It is that unique ability that has enabled me, a girl from the nomadic hills of Samburu North, to stand before this House today to represent my people.

Mr. Deputy Speaker, Sir, it is easier said than done, that young beautiful girls receive a lot of support. I want to demystify that misconception. In fact, to the contrary, we receive a lot of opposition. I thank God because my leader and party leader, Raila Odinga, gave me an opportunity and shelter in the political party that ensured my voice was heard as a young person in this country.

Mr. Deputy Speaker, Sir, I will work in total dedication to justify his confidence in me and that the youth are truly the present and the future of this country and the continent at large. I make the same pledge of committed labour to my fellow Samburu citizens and the Kenyan youth.

Mr. Deputy Speaker, Sir, allow me to recognise a few outstanding ladies who played a major role in shaping who I am today. First and foremost, I recognise my aunt, Commissioner Sofia Lebushirit, EBS, who is my role model since I was in Class Four and the first Samburu girl to go to university.

From the moment I saw her somewhere in the streets of Maralal Town, I made sure that one day I would go to the university and be a great states woman in this country.

(Applause)

Additionally, may I note to my fellow hon. Members that she has been one of the longest serving Commissioners of the Ethics and Anti-Corruption Commission (EACC).

I also pay a special gratitude to Ms. Doreen Hayanga Wasike, who is my National Director for Miss Commonwealth, who nurtured me. She gave me a platform and polished a naive and timid girl into a leader, who is fearless and can stand before kings and presidents in global functions and stages, most notably, last year, speaking at African Women Summit alongside the Vice President of Liberia, Her Excellency Jewel Howard-Taylor, who has since become another notable mentor in my life.

I profoundly acknowledge the blessings I received from the elders of the nine clans of Samburu when I set out to vie for the position of Woman Representative, coming straight out of the beauty pageant industry without any political experience. They bestowed the honour and under uncommon occurrence to endorse a young girl to run for a county office.

I will not fail to recognise the steady support of the youth and women who traversed various villages in Samburu to campaign for me without a single coin. Some of

them even slept on the road. They proved to me that, in deed, the movement I started which was dubbed 'Youth for Youth' is unstoppable.

I promise them that I will convey their hopes and inspirations. I will show in word and action that the youth represents the very best of our country today and in the future. I will endeavour to expedite actionably known fronts to advance the interest of the youths, the under privileged and the minority communities.

(Resumption of Debate on Statements)

INSECURITY IN SAMBURU COUNTY

Sen. Lemaletian: Mr. Deputy Speaker, Sir, I also rise pursuant to the Standing Order No.52(1) to make a Statement on the matter of countywide concern, regarding the insecurity situation in Samburu County.

Mr. Deputy Speaker, Sir, months ago, Samburu County has been embroiled in bloody conflict and rising cases of cattle rustling, which has claimed so many lives, including that of the security personnel, local residents as well as wanton destruction of property.

Sporadic bandits' attacks in several parts of Samburu County have become the norm and the county residents are living in total fear of the attacks. In a span of just one week, a bandit has led to the loss of lives of five family members.

Apart from the recent incident that happened in Loiborkare and Kurkur, more people have lost their lives and others are hospitalized. Further, the livestock has been driven down the hills of a commonly known bandit territory in Tiaty Constituency, Baringo County.

The Government has remained unresponsive and as usual, it will issue a press statement on operations in the affected area. We are tired of these operations. The conflict has seen more than 4,500 households displaced across the entire county. These numbers keep rising as more raids are witnessed.

I am calling upon the Government to act against politicians and other leaders who incite violence. Already, certain known names and identification numbers (IDs) have been submitted, but no action has been taken by the relevant security agencies.

I also urge the security agencies to take a decisive action against the bandits and their supporters as to restore calm in the region. The mere rhetoric from the Government officials is not enough to reassure our locals.

Mr. Deputy Speaker, Sir, the situation is bigger than banditry. It is robbery with violence and a global syndicate. Otherwise, how do you explain that people who are dying of hunger and living in abject poverty can afford to buy very powerful weapons?

I am challenging my colleagues, on the Government side, to join us in speaking in one voice to condemn this matter. Our forefathers said "ignorance is a voluntary misfortune."

Mr. Deputy Speaker, Sir, a lie has many variations, while truth has none. The loss of lives coupled with the raging famine in Samburu County and other parts of the Northern Region have become a fully-blown disaster and we cannot afford to bury our heads in the sand.

I remind the ruling coalition that a bird that flies off the earth and lands on an anthill is still on earth. The problems of the nation must bring us together by all means.

Mr. Deputy Speaker, Sir, if indeed there are leaders who are blood thirsty, we want the Government to deal with them ruthlessly, as the President promised, regardless of their being in either part of the political divide.

Someone out there is deliberately poking the nose of the administration and yet there is no response. A bandit is a criminal and an enemy of the State. The Government must ensure that citizens are well protected within their borders. The State must demonstrate its capacity to deal with internal criminals before they can tell us anything about the external criminals.

Mr. Deputy Speaker, Sir, the previous disarmament exercises conducted by the Government have not been successful because they were uncoordinated in approach. We saw members of Samburu County surrendering their arms, but our Pokot counterparts were not disarmed.

The result is that not so long ago, the 46 police officers were massacred in Suguta Valley and the police guns stolen and are still in the hands of these bandits. This has continued to aggravate the perennial conflict in Samburu County.

As a result, mistrust has developed between the people and the very security forces that are supposed to protect them. The disarmament exercise will likely complicate the current humanitarian crisis in the region experienced by the sick, elderly, pregnant women, lactating mothers and students.

The conflict continues to negatively impact the lives and livelihoods of the local Samburus', especially the people I have mention above and other vulnerable groups. We have lost a huge number of youth who contribute tremendously to the Gross Domestic Product (GDP) of this country. These are people whose families depend on as breadwinners.

The Deputy Speaker (Sen. Kathuri): Due to the grievous nature and the urgency of the issues, I have raised, although the Statement is under Standing Order No. (52), I request you to refer this matter to the Standing Committee on National Security, Defence and Foreign Relations for consideration. I am willing to provide the Committee with the specific areas of focus.

(The Statement was committed to the Standing Committee on National Security, Defence and Foreign Relations)

We will now proceed to the Statements under Standing Order No.53. We start with Sen. Mohammed Chute.

OPERATIONALIZATION OF NHIF
COVER IN MARSABIT COUNTY

Sen. Chute: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek Statement from the Standing Committee on Health on the State of Operationalization of the National Health Insurance Fund (NHIF) cover in Marsabit County.

In the Statement, the Committee should-

(1) Disclose the number of the elderly and less privileged residents of the county being covered in the medical scheme in the last five years, outlining its administration structure.

(2) State the amount of public funds allocated and spent in the scheme in the last five years, giving the number and particulars of the beneficiaries.

(3) Shed light on allegations of patients being turned away from the medical facilities on claims of non-payment of the cover, noting the long distance these people travel to reach the nearest facility.

(4) Apprise the Senate on the state of operationalization of the medical scheme for the workers in the county government, shedding light on a matter of transfer of the medical cover from NHIF enhanced cover to the Takaful Insurance Company, stating when and whether the process was tendered, the cost quoted.

(5) Investigate why county Government workers are being turned away from the medical facilities on account of non-payment of the cover, tabling evidence of the premiums paid to the scheme for the financial years 2021/2022 and 2022/2023.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the Statement by Sen. Hezena Lemaletian is hereby referred to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

(The Statement was committed to the Standing Committee on National Security, Defence and Foreign Relations)

Sen. Mandago, do you want to make a comment on the Statement by Sen. Mohammed Chute?

Sen. Mandago: Mr. Deputy Speaker, Sir, the Statement by Senator for Marsabit, Hon. Chute, is a matter that needs to be discussed. As the Chairperson of that Committee, we are already handling another matter where we have invited NHIF.

We shall be inviting NHIF to discuss with us that matter. It is a Statement that was sought by an hon. Senator. We shall be glad as a Committee to handle that matter also with NHIF.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the Statement by Sen. Chute is hereby referred to the Standing Committee on Health.

(The Statement was committed to the Standing Committee on Health)

Seneta wa Kaunti ya Mombasa, Sen. Faki, make your Statement.

KUVUNJILIWA MBALI KWA KITENGO
CHA UPELELEZI WA JINAI

Sen. Faki: Asante, Bw. Naibu wa Spika, kwa kunipa fursa hii. Nimesimama kwa mujibu wa Kanuni za Kudumu Nambari 51(1), kuomba Taarifa kutoka kwa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu kuvunjiliwa mbali kwa Kitengo cha Upelelezi wa Jinai.

Katika taarifa hiyo, Kamati iangazie yafuatayo-

(1) Sababu zilizopelekea kuvunjwa kwa Kitengo hicho kwa ghafla;

(2)Idadi ya watu waliouliwa au kukamatwa na kitengo hicho, na iwapo kuna wananchi wowote ambao walikamatwa na kuwekwa kizuizini bila kupelekwa Mahakamani;

(3)Iwapo Serikali itawalipa ridhaa wale wote walioshikwa bila ya makosa ama bila kupelekwa Mahakamani, na;

(5)Hatua zitakazochukuliwa kwa maafisa waliohusika na uhalifu huu, ili dhambi na hujuma kama hizi zisitokee nchini kwa siku za usoni.

Bw. Naibu wa Spika, kwa kuongezea ni kwamba, hivi majuzi kulikuwa na taarifa kwamba mhe. Rais amevunjilia mbali kile kitengo cha Upelelezi wa Jinai kinachoitwa Special Service Unit (SSU).

Tukiangalia kutoka Mwaka wa 2013 hadi 2022, Zaidi ya watu 2,000 wameweza kupotezwa na wengine kuweza kuuawa kinyama na vitengo vya usalama. Hawa wote wameuawa bila kupelekwa mahakamani. Hivyo basi, hawakupewa nafasi ya kujitetea kwa yale makosa ambayo walituhumiwa kufanya.

Nikizungumzia Mombasa, waliuliwa Sheikh Abud Rogo, marehemu makaburi na wengine wengi. Wote waliouliwa kinyama na polisi bila sababu zote za kisheria.

Kuvunjiliwa mbali kwa kitengo hicho hakutatatua maswala haya. Hii ni kwa sababu, Serikali ambayo ilikuwa mamlakani ilikuwa ni “nusu mkate” kuanzia mwaka wa 2013 mpaka 2022. Kwa hivyo, walihusika kwa kiwango fulani kwa vitendo hivi vya maafisa wa usalama.

Tunaomba kwamba Kamati hii iangalie kwa undani zaidi. Na ikiwezekana hata kama ni mapendekezo, yawe na Tume Huru ya kuchunguza maswala haya kama vile Goldenberg na mengineyo. Hii itafanya siku za usoni tusiwe na shida kama hizo. Hii ni kwa sababu Katiba yetu inamlinda mtu yeyote katika nchi yetu ya Kenya.

The Deputy Speaker (Sen. Kathuri): That Statement stands committed to the Standing Committee on National Security, Defence and Foreign Relations.

(The Statement was committed to the Standing Committee on National Security, Defence and Foreign Relations)

Sen. Karungo wa Thangw’ a, you are on a point of order. What is it?

Sen. Thang’wa: Thank you, Mr. Deputy Speaker, Sir. I rise on a point of order pursuant to Standing Order No.98 that might direct you to Standing Order No.52, which might also interest you in Standing Order No.1.

I commend the Senate and especially the Clerk’s Office for the ingenuity in facilitating the Senators in exercising their mandate, one of them being protecting the interest of the counties.

Section 4 of the County Government Act requires that every county should have its symbol, flag and emblem. On this point of order, I would request your indulgence.

As you walk towards this Chamber, we have 47 flags that are donned on either side of the walkway. Each flag represents a certain county. I have noted that the flag that represents my county is not a Kiambu flag and it has never been since. Therefore, I seek your indulgence and you can advise me where I can direct that matter.

It has never been the county flag of Kiambu County. Probably, we would want to know how it even ended up here. If you allow me, I can lay on the Table the right flag for

Kiambu County. When I see my flag donned here, I feel that, yes, I am a Member of this Senate.

Mr. Deputy Speaker, Sir, you can advise me on that. Can I table this?

(Sen. Thang'wa laid the flag on the Table)

The Deputy Speaker (Sen. Kathuri): Sen. Thang'wa, I have not allowed you to table it.

(Sen. Thang'wa retrieved the flag)

Sen. Thang'wa, you know that, that is a different matter from what we were discussing or dispensing off on this Floor. Next time, raise your issue as a substantive statement. A statement could do very well, so that the relevant Committee can handle.

However, the administration of the Senate is well seized of your matter.

Sen. Kinyua, are you on a point of order on this?

(Sen. Kinyua spoke off record)

Is it about the flag and the emblem?

Sen. Kinyua: Thank you, Mr. Deputy Speaker, Sir. Ninamshukuru Sen. Thang'wa kwa kuelewa ya kwamba bendera iliyoko pale sio ya Kaunti yake. Kwa hivyo, anafanya kazi yake ya *oversight* na kuangalia kila mahali.

Ninakumbuka nilipokuwa Mwenyekiti wa Kamati ya Ugatuzi, nilikuwa nikiangalia mambo kwa kindani.

Bw. Naibu wa Spika, kumekuwa na shida katika Kaunti yako kati ya Gavana na madiwani. Gavana Mwangaza alipoanza kutoa hotuba yake, madiwani wote walitoka nje mara moja.

Sisi kama Maseneta, kazi yetu ni kuangalia vile kaunti zetu zinaendelea. Bw. Naibu wa Spika, huenda ikuwe vigumu wewe kusema, lakini nimeona niseme kwa sababu jambo hilo silo nzuri.

Kwa hivyo, ningeomba Gavana pamoja na madiwani wa Kaunti ya Meru, wakae chini na waongee. Siku ni chache sana. Hata mwaka haujaisha kutoka uchaguzi ufanyike. Ni vizuri wakae chini, waongee na wakubaliane ili watatue hayo matatizo.

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

Sen. Kinyua: Bw. Naibu Spika, nimesimama katika Hoja ya Nidhamu na Sen. Olekina anaelewa sana kuliko mwingine yeyote.

The Deputy Speaker (Sen. Kathuri): Umemaliza?

Sen. Kinyua: Bw. Naibu wa Spika, mambo ya Kaunti ya Meru yanapaswa kuangaliwa kwa kina. Wakae chini na waelewane.

The Senate Minority Leader (Sen. Madzayo): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): We are on Statements. I am wondering why the second consecutive Member is digressing.

Senate Minority Leader, what is out of order?

Sen. Madzayo: Bw. Naibu wa Spika, je, ni haki ndugu yangu, Sen. Kinyua, kuleta hoja nyingine ambayo haiuhusiani kabisa na Hoja ya nidhamu? Umemsikia

alivyosema na mimi ninaomba uamuzi wako. Ilikuwa hoja ya nidhamu ama mambo ya Kaunti ya Meru? Kama ni mambo ya Kaunti ya Meru, anatakiwa alete Hoja maalum hapa tuijadili.

The Deputy Speaker (Sen. Kathuri): Asante sana, Kiongozi wa Wachache.

Sen. Kinyua, umefuata mwigo wa Seneta wa Kaunti ya Kiambu. Amefanya makosa na pia wewe unaendelea kufanya makosa zaidi na wewe ni mwenyeji.

Let us proceed with the Statement from the Senator for Vihiga County.

ALLEGED FINE ON GOK FOR DEFAULTING ON SGR LOAN

Sen. Osotsi: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget. It is about the default by the Government of Kenya (GoK) on the Kshs1.312 billion Standard Gauge Railway (SGR) loan from the Export Import Bank of China and other lenders; and the consequent fine as captured in the in the financial statement for the year ended June, 2022.

In the Statement, the Committee should-

(1) Shed light on the fine of Kshs1.312 billion by the Export Import Bank of China and other lenders, on the GoK, on the Government of Kenya in the financial statement for the year ended June 2022, for defaulting on the SGR loan.

(2) State revenues generated by the SGR project and remitted in the last three years.

(3) Table an audit of the loan repayments made by the Ministry of National Treasury and Economic Planning on behalf of the GoK to the Chinese lenders, on account of the SGR loan from when the loan became due.

(4) State targeted interventions taken by the Government to prevent the looming repossession of Kenya's collateral assets by the Chinese lenders due to loan defaults.

(5) Investigate loan agreements, project repayment and project adjustments of SGR from inception, stating any defaults accrued to date.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, if you are not interested in that matter, please withdraw your request. I can see requests from Sen. Lomenen and Sen. Maanzo, and they are not in this House at the moment.

Sen. Olekina, do you want to say something on this Statement?

Sen. Olekina: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Okay. Kindly take two minutes.

Sen. Olekina: Mr. Deputy Speaker, Sir, I thank the distinguished Senator for Vihiga County for bringing a very important Statement. It is important for us to know the financial status of our country.

The railway ended up in Narok County in the middle of nowhere. Every so often when I drive to Narok using Ngong Road, I see the train going down completely empty. When you commit this Statement to the Senate Standing Committee on Finance and Budget, I would like the Committee to go further and give us details on the actual loans that our country owes the Chinese.

Last week, I read from the British Broadcasting Corporation (BBC) that the Chinese were setting up police stations in African countries. If we proceed with that trend

without really knowing our risks as a country and how much money we owe the Chinese, we will end up losing our sovereignty.

Mr. Deputy Speaker, Sir, if it is true that the Chinese are setting up police stations in Tanzania; and if we continue with this trajectory where we are now being fined Kshs1.3 billion, tomorrow, we may end up not affording to pay salaries. I would like the Committee on Finance and Budget to go to a greater height and apprise this House on all the fees that we are paying in regards to SGR.

Finally, I would also like the Committee on Roads, Transportation and Housing – this is under your discretion if you decide to commit that Statement to both Committees – to investigate on what we can do.

Finally, Mr. Deputy Speaker, Sir, I would also like the Senate Standing Committee on Roads and Transportation to establish what we can do to encourage Kenyans to utilize that asset, especially on the other side of Narok and other areas where we do not have train services. I know that there were plans by the previous administration to extend that railway line all the way to Kisumu.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, two minutes please.

Sen. Munyi Mundigi: Bw. Naibu Spika, naunga mkono Seneta wa Laikipia kwa sababu Kenya ina majimbo---

The Deputy Speaker (Sen. Kathuri): Tulimaliza mjadala kuhusu Taarifa hiyo kitambo.

Sen. Munyi Mundigi: Bw. Naibu Spika, Kenya ina majimbo 47. Ugonjwa ukianza Meru---

The Deputy Speaker (Sen. Kathuri): Ngoja kidogo Seneta. Tunajadili kuhusu Taarifa ya Seneta wa Vihiga, Sen. Osotsi. Unaunga mkono Sen. Osotsi ama Sen. Kinyua?

Sen. Munyi Mundigi: Naunga mkono Sen. Kinyua kwa sababu ulimkataza kuongea.

Bw. Naibu Spika, Kenya ina majimbo---

(Laughter)

Nimepewa ruhusa.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, ingekuwa bora kama ungeunga mkono Taarifa ya Seneta wa Vihiga kisha uongeze maneno ambayo unasema. Taarifa ya Sen. Kinyua ilijadiliwa kitambo.

This Statement is referred to the Committee on Finance and Budget.

Sen. Mungatana, do you have your Statement?

DIVERSION OF RIVER TANA

Sen. Mungatana, MGH: Mr. Deputy 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 regarding the diversion of River Tana in the Tana Delta Region of Tana River County.

In the Statement, the committee should-

(1) Explain the recourse available to the residents living along the original course of River Tana whose harvests and access to clean water has been jeopardized.

(2) Recommend investigations on the cause of the diversion of River Tana at Matomba Brooke where it has deviated from its original course.

(3) Outline measures put in place by the Ministry of Water, Sanitation and Irrigation, if any, to restore River Tana back to its original course to assist thousands of villagers affected.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Lelegwe Ltumbesi, do you want to comment on this Statement?

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, I do not want to comment on the Statement because we are still within the Statements' Hour.

When Sen. Lemaltian was giving a Statement concerning security issues, I noted that you did not give us time to give our views on that.

I also thank you for committing this Statement to the Committee on National Security, Defence and Foreign Relations. However, at times in this House, we raise important Statements on security, but the Committee takes months to respond.

People are losing lives and livelihoods everyday according to security issues raised by Sen. Lemaltian. The Government does not act claiming that the police are not aware, yet people are losing even their homes.

You ruled that the Committee should report to this House. Therefore, they should not take forever to report. If possible, I request that you give a timeline as to when the Committee Chairperson should table that report, with specific---

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

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Lelegwe Ltumbesi, would you wish Sen. Wambua to inform you on this?

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, Sen. Wambua can inform me.

Sen. Wambua: Mr. Deputy Speaker, Sir, first, I take this opportunity to congratulate Sen. (Dr.) Lelegwe Ltumbesi, although I am not happy to have cut him short. I know that he takes security issues seriously and is a committed leader in this Senate.

I would like to inform him that the Committee on Security, Defence and Foreign Relations we now have, led by Sen. Cheptumo, is likely to be different.

To their credit, I raised the issue of insecurity in Kitui, just a week ago and today, they invited me to deliberate on my Statement. By a resolution of all the Members, we have undertaken to travel to Kitui tomorrow to deal with the issue.

Mr. Deputy Speaker, Sir, give them the benefit of doubt and see how they will proceed. To his credit, Sen. (Dr.) Lelegwe Ltumbesi is one of the most active Members in this Senate on matters of security.

I thank you.

Sen. (Dr.) Lelegwe Ltumbesi: I thank Sen. Wambua for that information. We hope that the Committee will take this Statement seriously and call Sen. Lemaltian and I, tomorrow, so that we add specific questions to the Chair of the Committee and the person in charge of the security docket.

Mr. Deputy Speaker, Sir, my request was on the timelines.

The Deputy Speaker (Sen. Kathuri): Sen. Cheptumo, kindly respond because you are the Chairperson of the Committee on National Security, Defence and Foreign Relations.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I understand the concerns of the Senator who has just requested for a timeframe. Security matters are very sensitive. His concern is that it may take long before we come back with the Government's response.

When the Senator for Kitui raised sensitive matters of security in his county, we took it upon ourselves to confirm what he said. Today, we resolved to visit Kitui County tomorrow and you approved our request.

Yesterday, I spoke to the County Commissioner of the Eastern Region so as to affirm to him that this House takes security matters seriously.

I have been a victim of that kind of a situation in Baringo North for many years. I want to assure Members of this House that we will do our best on any security matter as soon as we have the Cabinet Secretary in charge of internal security, the Principal Secretary and the Inspector-General of Police (IG).

I am happy that this House will vet the Inspector General of police in the next one or two weeks.

Mr. Deputy Speaker, Sir, I want to assure my colleague, the Nominated Senator from Samburu County, and all our Members that we will go out of our way. As of today, we have seven Statements. We should be the Committee with the highest number of Statements, but we have no option, but to deliver.

Our Committee will invite the Cabinet Secretary for Interior and Coordination of National Government, once he has been sworn in, for us to agree on the action to be taken regarding the Statement. We do not want the delay to cause our Committee not to function.

I agree with the Senator on the importance of time. We will ensure that we move with speed and give our response as soon as possible.

The Deputy Speaker (Sen. Kathuri): Thank you, Chairperson for Committee on National Security and Foreign Relations. The Statement by Sen. Mungatana, stands committed to the Committee on Lands, Environment and Natural Resources.

We have several other Statements from Sen. Wambua. That Statement is under Standing Order No.53 (1). Sen. Wambua, you have two Statements.

DROUGHT MITIGATION PROGRAMMES IN ARID AND SEMI-ARID (ASAL) AREAS

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. With your permission, I will seek the two Statements at the same time.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the drought mitigation programmes in Arid and Semi-Arid Lands (ASALs).

In the Statement, the Committee should –

(1) State whether the Government has an integrated drought management plan or framework for combating drought crisis and mitigating their socio-economic and environmental impacts and if there is one, the status of implementation of the same.

(2) Explain whether the Government has any plans to roll out a national livestock off-take program to mitigate the huge losses suffered by livestock farmers as a result of the ongoing severe drought.

(3) Spell out the immediate and long-term interventions put in place, by way of best practices in drought response, preparedness and mitigation, in order to build community resilience in drought prone areas.

STATUS OF PAYMENT OF THE ONE-OFF HONORARIUM
TO FORMER COUNCILORS

Mr. Deputy Speaker, Sir, the second Statement is under Standing Order No.53 (1) and this Statement has a context to it. Before I seek this Statement, I want to thank Sen. Kinyua and Sen. Cherarkey. In the last Session of this Senate, the matter of former councillors came up very strongly. It is on that backdrop that I seek the Statement on the status of payment of the one-off honorarium to former councillors.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the status of payment of the one-off honorarium to former councillors.

In the Statement, the Committee should-

(1) Explain the status of implementation of the payments by the Treasury as resolved by the Senate on 18th October, 2018, following recommendations of the Standing Committee on Labour and Social Welfare Report on a Petition by former councillors, of the one-off token of Kshs200,000 each to former councillors for their dedicated service to the country.

(2) State whether the Government would consider enrolling the former councillors and their spouses to the National Hospital Insurance Fund (NHIF) scheme to benefit from treatment in their respective county health facilities.

Mr. Deputy Speaker, Sir, allow me to make a comment on this Statement. When this Statement was sought in 2018, we had more than 12,000 former councillors who were living very squalid lives. Today, that number has reduced to almost less than 10,000. We are losing these former councillors at a very high rate. They are desperate and have been reduced to paupers.

Mr. Deputy Speaker, Sir, I can hear the Senate Minority Leader complaining about the Statement. I believe the former councillors from Kilifi County would want to benefit from this Statement.

I issue the Statements.

The Deputy Speaker (Sen. Kathuri): The first Statement by Sen. Wambua, the Statement on Drought Mitigation programmes in Arid and Semi-Arid (ASAL) areas, stands committed to the Committee on Agriculture, Livestock and Fisheries.

*(The Statement was committed to the
Committee on Agriculture, Livestock and Fisheries)*

(The Minority Leader (Sen. Madzayo) and Sen. Olekina spoke off record)

My friends, Sen. Madzayo and Sen. Olekina, I am dispensing the first Statement then we can go to the second one. I can see there are seven interests. Let us first hear from Councillor Kinyua.

(Laughter)

Sen. Kinyua: Bw. Naibu wa Spika, ndio niweze kuweka mambo haya bayana, ni vyema niseme ya kwamba nilikuwa diwani wa sehemu inayoitwa Mutara. Pia nilikuwa Mwenyekiti wa Kaunti ya Laikipia. Kwa hivyo, Sen. Olekina aelewe hayo. Naona Sen. Madzayo anababaika.

Bw. Naibu wa Spika, nataka kwanza kuunga mkono taarifa iliyotolewa kuhusu janga la njaa. Ni ukweli kuwa kuna janga la njaa. Ukitembea sehemu nyingi ya Jamhuri ya Kenya kama Kaunti ya Laikipia, Narok, Lamu na sehemu nyinginezo, utaona ya kwamba tuko na hili janga la njaa.

Kwa hivyo, tungeomba Serikali inunue mifugo kutoka kwa wale walio na wanyama, hasa katika sehemu za Mutara na Moran, kwa sababu hata wao wana ile shida ya wanyama kufa. Serikali inaweza kuwapa nyama watu ambao wamekumbwa na janga la njaa.

Bw. Naibu wa Spika, naunga mkono Taarifa hiyo na ni vyema niseme ya kwamba janga la njaa haliko katika Kaunti ya Laikipia pekee. Ukitembea sehemu za Kaunti ya Kitui, kuna watu wanaoishi katika hali ya uchochole.

Serikali inapaswa ichukulie jambo hili kwa makini na waweze kusaidia wakulima wetu. Kitengo kimoja katika Serikali yetu ya Kenya Kwanza ni mambo ya kupigana na njaa na najua tumejitolea maanga na tutafanya hivo.

Bw. Naibu Spika, jambo la pili ni kuhusu madiwani. Madiwani ni viongozi kama wale wengine. Ukitembea katika sehemu zetu za Kenya, utapata waliokuwa Wabunge wanapewa ridhaa. Maafisa wengine wa Serikali pia wanapewa ridhaa.

Madiwani waliohudumia nchi ya Kenya, kama vile Sen. Wambua alivyosema, walikuwa zaidi ya 12,000. Lakini tunapongea hivi sasa, 9,000 ndio waliobaki na wanaishi maisha ya umaskini na ufukara. Ukitembea sehemu zingine, utawapata wameajiriwa kuchunga mifugo au kazi za kuosha nguo.

Tunaomba waangaliwe na wafidiwe. Kama vile, Sen. Wambua, alivyosema, wajumuishwe na wazee wengine wakati wanapewa tiba ya NHIF.

Ni vizuri niwaambie Masenata walioko hapa kwamba Mhe. Najib Balala, Mhe. Maina Kamanda na pia Sen. (Dr.) Oburu kutoka Siaya walikuwa madiwani.

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

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

Bw. Spika wa Muda, Madiwani wanafaa waangaliwe ili waweze kuendelea kufanya kazi zao. Tutasimama nao, tutawatetea hadi wapate haki yao.

Sen. Olekina ni mtetezi wa wanyonge. Kwa hivyo, ninamuomba awatete Madiwani kwa sababu hata kule anakotoka, Narok, kuna madiwani. Wamekuwa wakinipigia simu, wakisema wanataka kuwasikia Masenata wa Narok, Kilifi, Siaya na

Nairobi wakiongea. Wanataka kusikia Maseneta wa kwao wakisema neno kuhusu Madiwani.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Yes, Sen. Olekina.

Sen. Olekina: Mr. Temporary Speaker, Sir, I would have loved to speak in Kiswahili, but I have already started in English. Therefore, there is no way that I can go back to speak in Kiswahili.

Let me begin by thanking the distinguished Senator for Kitui County, who is also the Senate Deputy Minority Leader. This is a matter that we canvassed in the last Parliament through a Petition. It was also canvassed in the 11th Parliament through a Motion. In fact, we had the Cabinet Secretary (CS) for Labour and Social Protection, Hon. Simon Chelugui, either last or early this year---

Sen. Kinyua: Mr. Temporary Speaker, Sir, on a point of information.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, do you want to be informed by Sen. Kinyua?

Sen. Olekina: Yes, of course. I would like to be informed.

Sen. Kinyua: Mr. Temporary Speaker, Sir, last year, I brought in a Motion, which was canvassed in the House.

Sen. Olekina: Mr. Temporary Speaker, Sir, I hope that I can get back my line of thoughts. I advise this House and the distinguished Senator for Kitui that instead of us talking and not getting to the end of this game, it is about time now that he seeks to get a champion from the 'Lower' House, so that this matter can be budgeted. We are all in agreement.

The former Senator for Nairobi who is the current governor was the then Chairman of the Committee on Labour and Social Welfare. He moved expeditiously, and one day, we made sure that CS Chelugui appeared before the Committee. It now became an issue for the National Treasury, where they were talking about how much the councilors would be paid.

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

Sen. Olekina: Yes, I will be happy to be informed.

The Temporary Speaker (Sen. Wakili Sigei): Proceed Sen. Wambua.

Sen. Wambua: Thank you, Mr. Temporary Speaker. I am sorry for interrupting Sen. Olekina.

The full context of this Statement is that, last year, I raised a similar Statement, which went to three Ministries; the Ministries of Devolution and Planning, Ministry of Labour and Social Protection and the National Treasury. All the CSs met the Committee that was then led by Sen. Sakaja and a decision was made in writing.

Mr. Temporary Speaker, Sir, if you look at today's Statement, it makes reference to a resolution that former councilors should be paid at least Kshs200,000. The money was supposed to have been put in last year's Supplementary Budget.

This Statement seeks to give effect to that resolution. That money has been set aside and the only thing remaining was to put it in the Budget. That is all we seek to do.

Sen. Olekina: Mr. Temporary Speaker, Sir, I am trying to give direction to the information presented today by the distinguished Senator for Kitui County, so that this matter can come to a closure.

For your information, Sen. Kinyua, I have met with these councilors. They have come to my home. I have also met them in Kajiado. When CSs appeared in the Committee on Labour and Social Welfare, we extensively discussed that matter.

It now behooves us, as the 'Upper' House to work together with our colleagues in the 'Lower' House, so that we can ensure that this money is factored in the Supplementary Budget.

This issue is similar to the one on victims of human and wildlife conflict. Every year, we talk about it. We are now being reduced to a 'talking' House. The only way we can ensure that we come to a conclusion on this matter is to take the information that we are given.

I believe that the Senator for Kitui has given us more information in his submissions, where he talked about this number coming down to less than 10,000. If the figure that was agreed upon was Kshs200,000, with simple mathematics, it is only Kshs2 billion. That is the amount of money the former President said was stolen on a daily basis through corruption.

The only way we can be seen to be making progress on this matter is by looking at our Standing Orders; Motions that we have pronounced ourselves on; Petitions, issues that were brought about by the National Treasury and ensure that the distinguished Senator for Kitui has a champion in the 'Lower' House in Budget and Appropriations Committee. This is so that this money can be put in the budget. Once that money has been put in, we then follow through to ensure that councilors start pushing for their money. This token of Kshs200,000. It is very little money.

There is the other issue of NHIF. This morning, when I was reading news, I came across information from the former Senator for Murang'a, Sen. (Dr.) Kang'ata, the current Governor of Murang'a. He has formed 'Kang'ata Care', where he is working closely with NHIF. He is providing 20,000 NHIF covers to residence of Murang'a.

As a Member of the Committee on Health, I am aware that there was a scheme by the Government to allocate about 20,000 slots in NHIF to each of the 47 counties. I believe that this House can move a Motion and pronounce itself on this matter. This is a matter that my very able Chairperson of the Committee on Health, Sen. Mandago, can take up, so that these 10,000 honourable people, who served this country are given first priority when allocating free universal healthcare.

This is a matter that we can have a way forward.

When you travel to the West - I happen to have lived there for 20 years - senior citizens are always respected. In some countries, they do not pay the bus fare when travelling. It is about time that we start respecting our senior citizens.

In conclusion, I suggest to the distinguished Senator from Kitui County, Sen. Wambua, apart from going forward with the matter to the Committee on Labour and Social Welfare, to also make sure this money is factored in the supplementary budget. This is because he has friends from both the Azimio and Kenya Kwanza Coalition in the Budget Committee.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Olekina. I invite Sen. Madzayo. Senators, kindly make your comments brief so that we can move to the next Order.

Sen. Madzayo: Asante, Bw. Spika wa Muda. Kwanza nampa kongole Seneta wa Kitui kwa kuleta hii Taarifa.

Pili, ni ukweli kabisa, mimi nikiwa kama shahidi kwa sababu nilikuwa katika ile Kamati ya Labour and Social Welfare na bado nipo. Kwa hivyo, ninaongea ukweli kwamba jambo hili lilijadiliwa kwenye Kamati hiyo.

(Sen. Olekina spoke off record)

Bw. Spika wa Muda, nitetee kwa sababu huyu Mmaasai ananiingilia.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, I thought you had exhausted your comments on this issue. Allow the Senate Minority Leader, Sen. Madzayo, to go ahead.

Sen. Madzayo: Asante, Bw. Spika wa Muda. Pili, ukiona madiwani waliokuwapo zama hizo, utawaonea huruma. Wale wezi wao wako sawasawa ilhali wale waliofanyia wananchi kazi kisawasawa waliopoteza viti vyao. Ukiwaona ni watu wanaoishi “mahai” yaani maisha ya uchochole. Hawana mbele wala nyuma. Utashangaa kama walikuwa madiwani walioheshimika wakati huo.

Mwisho, ni ukweli kuwa tulipitisha ridhaa ya Kshs200,000, lakini hizo si pesa nyingi. Nina imani ya kwamba, Taarifa hii ikipelekwa kwa ile Kamati ya Leba na Maslahi ya Jamii, basi wale watakaoketi kwa hiyo Kamati, hawana haja ya kufanya kama Sen. Olekina alivyosema, kuwa akimbie kwa marafiki zake kule Bunge la Kitaifa kuwatongoza.

Tuko na uwezo katika Kamati ya Leba na Maslahi ya Jamii, kuchukua hatua na kusema kuwa ile pesa ya ridhaa iliyoipitishwa ilipwe. Tuko na Mawaziri wapya waliochaguliwa. Tuna imani kuwa yule Waziri wa Leba hataanguka ukaguzi. Ripoti yake ikiwa safi, ataanza kazi haraka iwezekanavyo.

Kuna umuhumu wa kuwapatia hawa madiwani wazee walioanzisha serikali za ugatuzi heshima yao. Bila hao hatungeweza kusimama hapa leo hii na kusema kuwa tunataka seriakali za ugatuzi ziendeleo vipi.

Wao ndio waliotengeneza Serikali za mashinani ndipo sisi tukachukua kutoka kwao tukasema hizo zitakuwa serikali za ugatuzi. Ni lazima tuwaheshimu. Nampa Kongole Seneta wa Kitui, Seneta mchapakazi, Sen. Wambua, kwa Taarifa aliyoileta.

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. I also speak to the Statement from the Senator of Kitui County. It is a very important and crucial Statement that touches so many lives in this country.

Concerning the drought issue, if nothing is done very soon, we are worried that we might lose many lives. We have already lost animals, but many people may die out of that drought due to famine.

Former councilors have played a big role and sacrificed their lives for this country and were part of its second liberation. Unfortunately, they have been neglected by the successive governments. Today, they are aging and have no social welfare security such as health security.

In this country, we already have counties which are functional and the processes are already on the ground. Therefore, it would be wise and fair enough to look into their welfare of those former councilors and even Members of Parliament (MP) who have failed to come back to Parliament, many of whom are still wallowing in poverty. It is high time that this House looked into the senior citizens who have a lot of problems.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Abass. I would like to have the last person speak on this.

Sen. (Dr.) Oburu, Senator for Siaya County.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity. I do not want to be lengthy. Remunerating or giving a lumpsum to former councilors is very important.

I was a councilor from the year 1974 to 1975. Those days they were not paid any salary or anything like that. They were only given allowances. My allowance was Kshs250 per month.

I would not like to speak much of those days because most of my colleagues - I think all of them - the people I served with, are all dead.

This just goes out to show that there is a very high rate of losing that cadre. That is a cadre of leadership that served this country very diligently, yet they are dying at a very high rate because they have nothing. Most of them are living in squalor.

As the Member for Bondo, I used to receive several petitions and appeals from former councilors. During the last elections, they came as a group and pleaded that I assist them because most of them live in squalor. A few of them ventured into business and they are enjoying a certain quality of life. However, majority of them are living in squalor.

The former MPs were also suffering the same fate. They used to come to Parliament in some tattered clothes to beg from former MPs who knew them. That was a very sad situation. They were given some lump sum, which is a very modest figure although it was more than what is being suggested for former councilors.

Mr. Temporary Speaker, Sir, I hope that the National Assembly's Committee on Budget and Appropriation will consider this figure and incorporate it in the budget. This will enable our elders who served this country with diligence and dedication to get something to survive, particularly care for their health.

Apart from the lump sum, this cadre of leaders should get health insurance because health is important. If their NHIF remittances can be paid for them, it will help them and save their livelihood. Whatever little they get, they can use it for business when they are healthy.

With those few words, I support my brother.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Oburu for your contribution.

I have allowed Sen. (Dr.) Oburu more time because he will be a beneficiary of the Fund, if it were to be passed. He was a councilor in 1974, 1975 and 1976.

Sen. Mandago from Uasin Gishu, kindly take a short time. I do not want to intervene.

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir. The matter of councilors has been pending for too long. I support the Senator for Kitui County; that councilors deserve to be paid. Since the matter has not been addressed for too long, the question of lump sum should be revisited.

As you are aware, a majority of elected leaders in present-day Kenya enjoy pension. Councilors are leaders who set a firm foundation of development in this country. Those days, there were District Development Committees (DDC). Today, the foundation

that counties have been laid on is the work of the former councilors. They did a diligent job.

It has been a trend in this country that sections of workers are well remunerated and enjoy pension. Some sections do not enjoy such benefits. This amounts to discrimination and the matter needs to be addressed with the seriousness it deserves.

As we discuss the matter of former councilors, the hon. Members of County Assembly (MCAs) will be the next lot, whose matters will be making their way to this House. MCAs do not enjoy a pension like other elected leaders.

Mr. Temporary Speaker, Sir, you should also know that even governors have no pension and this trend is worrying. I thank the people of my county for giving me the opportunity to serve as Senator. You can imagine at below the age of 50 years, I would be home without a pension and unable to access the National Social Security Fund (NSSF) dues before I am 55 years. I would have stayed for another 10 years without a pension.

Probably, by then because of the challenges of life, just as Sen. (Dr.) Oburu Odinga has said, a majority of people will leave this world not because their time was due, but because of the challenges of life.

Mr. Temporary Speaker, Sir, I support this. As a House, we must follow this matter vigorously and ensure that the councilors are given that lump sum. There is also need for an amendment, so that they start to enjoy a monthly stipend to enable them face the challenges of life.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mandago. I hope you will also take up the challenge on the issue facing MCAs as well as governors, having been one.

Sen. Oketch Gicheru, Migori County proceed.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to document my thoughts on this matter. From the Floor today, we have learnt that this matter has been raised by different Ministries in the past and resolutions made. Unfortunately, it has not been executed.

This matter borders issues of human dignity. Article 28 of the Constitution states that:

“Every person has inherent dignity and the right to have that dignity respected and protected.”

This is an issue that borders on fundamental rights of human dignity to people who have served this nation. We are in a country where if you happen to have served in any political office or capacity, you are inherently disadvantaged in terms of finding opportunities economically to move forward. The stigma is so big. It is not only lonely to serve in this country as a political leader, but also problematic to coexist with other people in case you lose your seat or after service.

The issue of councilors indicts the people who have seriously committed to public service and duty in this country. It will be difficult to attract serious talent from the private sector or civil society, to dedicate their lives to public service in whatever capacity. That is if councilors they admired in their times, do not get what they deserve and do not live a respected life with some sense of dignity.

Mr. Temporary Speaker, Sir, this is not charity, sympathy or empathy to these councilors. It is fighting for fundamental dignity for people who offered themselves for

public service. It is important that this House promotes dignity to people who serve our country in any capacity in public service. This would make a statement that if you serve this country diligently as a public servant, you will have a good and respected life.

I support that this House takes this matter seriously and forward, to ensure these councilors get what is due to them constitutionally.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Oketch Gicheru. Sen. Methu, proceed.

Sen. Methu: Thank you, Mr. Temporary Speaker, Sir for giving me an opportunity to weigh in on the Statement by the distinguished Senator for Kitui County. The statement is unfortunate.

I have listened to the Senator for Siaya County, Sen. (Dr.) Oburu. He was a councilor in 1974. The years 1974 and 1975 are early and we may not remember most happenings because Sen. Oketch Gicheru and I were not yet born. Our mothers were young girls. Sen. (Dr.) Oburu mentioned that the most unfortunate bit is that the councilors he served with in 1974 are all dead.

I support the Statement by the Senator for Kitui County. We need to move with speed, so that we do not provide food to people who have died of hunger. We do not provide solutions to people who have perished because they were not provided in good time.

We have been told in this House that this matter is not new; it has been mentioned before. I was imagining that in future, the Constitution might be amended and the Senate will be abolished. This means that there will be no Senators. Things do change and our services may not be needed anymore.

Mr. Temporary Speaker, Sir, the Statement is talking about giving the councilors a stipend of just Kshs200,000 as an appreciation. It is not payment because some of the councillors served for five or 10 years but others served longer than that.

A gardener serving in your garden for five to ten years cannot be rewarded with Kshs200,000. It should be more than that. The former councillors are not asking much. They just want Kshs200,000.

As we discuss this matter here, we need to ask our brothers to be magnanimous enough. Now that the money was set aside, they should have it in budgets, so that this matter is dispensed with, once and for all. Those were public servants that served our country.

During those days, we used to have councillors, Members of Parliament (MP) and the President. They used to deal with all the problems facing 'Wanjiku'. They used to deal with many issues such as health and other functions that are now devolved and those under the national Government. We need to appreciate them.

We are now in the third term of devolution since we did away with the councillors. We should and must deal with this matter urgently.

Mr. Temporary Speaker, Sir, I thank the Senator for Kitui because this is well thought out. All of us should unanimously support this, including our colleagues in the National Assembly.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Cherarkey. Kindly let us do this in less than two minutes so that we can move to the next Statement.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I can recall that during the previous session, Sen. Kinyua brought a Motion and I seconded it. Sen. Wambua also tried to follow up on this matter. Let us place it where it belongs. The National Treasury refused to release the funds. We canvassed and agreed that former councillors rightfully deserve to be given honorarium or a lump sum because of the services they offered to this country. This issue is long overdue.

On several occasions, we have met the former councilors in Nandi County. We have also met officials and representatives of the former councillors across the country. We met last when Gov. Sakaja, then a Senator, was the Chair of the Committee on Labour and Social Welfare and I was a Member. Most of them are frail and sick.

They feel that they are not recognised. Sen. Sifuna has said that we celebrate people who are already dead and pontificate them when they are gone. We should recognize them when they are still alive. Let us stop going to their funerals and saying that the Government should have paid them or given them pension.

As I conclude, we need to provide them with a medical cover even as we give them money in lump sum. The President talked about Universal Health Coverage (UHC), because most of them are old, frail and sickly and they need money.

Secondly, we must find a way of recognising those in our towns and city centres. What does it take to name a street or road after them? After all, they worked for this country, but they did not have mileage allowances and car grants then, but they helped in establishing the devolved units that we have today.

We have Nandi County because of the former Nandi County Council. The same applies to other counties such as Bomet and Kericho among others. As a Senate, we must put our best foot forward. I hope the incoming nominee in charge of the National Treasury and Planning, Prof. Njuguna Ndung'u, is following this because the current Cabinet Secretary, Hon. Ukur Yatani, took us in circles. I hope the incoming CS will be magnanimous enough and release the money.

The National Assembly is likely to approve all the nominees. Therefore, they must implement the resolutions that we pass.

Mr. Deputy Speaker, Sir, I congratulate Sen. Wambua and wish him well. I hope this matter shall be brought to conclusion during our time here.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Murgor, you should be the last one to give your comments on this, so that we proceed to the next Statement.

Sen. Murgor: Mr. Temporary Speaker, Sir, I join my colleagues in airing my views about the matter of the former councillors.

Like Sen. (Dr.) Oburu said, it is definite that most of them are dead. We are talking about a few who are still there. Some of them who were young then could be 50 or 60 years old. The sooner we have them get the money, the sooner we will help them to deal with their health issues.

I can only imagine their frail health and poor living conditions, which I am sure are pathetic. Moving with speed will help some of them who were younger then. They also have children. You can imagine the plight of their children; how they went to school and all that.

Mr. Temporary Speaker, Sir, as my colleagues have said, this matter has been coming here, yet implementation is the issue. We need to act with speed so that we help

them. It is not only former councilors, but there are also other people in this country who deserve our recognition. Needless to say, they laid a foundation which led to promotion of some centres to municipals and town councils. We should recognize the work they did by laying the foundation on which we are now building.

I thank you and support.

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

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I will be brief. I was happy to learn that Sen. Kinyua was the Chairman of Laikipia County Council during those days and now he is sitting with us here as a Senator.

The chairmen of the former County Council of Tana River live in difficult conditions. I will single out one in particular one without mentioning his name. It has come to a point where he has had to sell his village house in order to survive.

Mr. Temporary Speaker, Sir, I agree with those who have spoken before me and support the proposal by Sen. Wambua. In fact, the Statement just requires implementation of what had been agreed upon, which is a good thing. Let us finish the work that was begun before.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other request to contribute---

(Sen. Mariam Omar spoke off record)

Sen. Mariam Omar, go ahead. I know that your gadget has a problem. Kindly move to the Dispatch Box and contribute.

Sen. Mariam Omar: Mr. Temporary Speaker, Sir, I have to say something on this issue. I am a daughter to a former councilor who served for many years. My mother was a councilor from 1969 to 2002. She served many years in Nairobi City Council and she was among the first women councillors together with the late Margaret Kenyatta.

Unfortunately, she passed on. Her name was Hadija Salim. She made a change in Nairobi City Council. During the whole of her tenure, she used to be chairperson in charge of the housing docket.

Mr. Temporary Speaker, Sir, she is the one who introduced high-rise houses in Nairobi and she also worked on Pumwani and California houses. She made the change while trying to support the needy from Pumwani together with the late Tom Mboya.

I saw how depressed she was in 2002 when she was told, "you have served Kenyans enough and it is now time for you to retire". She died depressed. She died a poor woman and nobody recognized her until now.

I am working on a book on her and the changes that she made in Nairobi. I support Sen. Wambua and thank him for bringing this Statement. It is long overdue and I wish someone did this during that time. My heart bleeds and I feel sad knowing what she did for over 35 years and how she died.

I fully support and encourage that this be taken seriously. It should be taken to the next level. We should not just talk, but we should walk the talk and support the councillors. I wish she was alive.

Ahsante.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator, for that moving support to the Statement.

There being no other contribution, I now commit the Statement on the status of the payment of one of the former councillors to the Standing Committee on Labour and Social Welfare.

(The Statement was committed to the Standing Committee on Labour and Social Welfare)

I now call upon the Senator for Lamu County, Sen. Githuku, to make his Statement.

THREATS TO THE SECURITY OF CERTAIN
COMMUNITIES IN LAMU COUNTY

Sen. Githuku: Thank you, Mr Temporary 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 threats to the security of certain communities in Lamu County.

In the Statement, the Committee should:

(1) Investigate allegations of circulation of leaflets with messages threatening members of some communities in the county; warning the said communities to permanently evacuate the area.

(2) Apprise the Senate on the plans the Government, through the Ministry of Interior and National Administration, has put in place in response to the current insecurity in the county with a view to arresting and charging the individuals threatening the peaceful coexistence of the communities.

(3) Outline the measures that have been put in place, if any, by the Government to deal conclusively with the insecurity and cases of alleged terrorist attacks which have lately become rampant in Lamu County.

I thank you.

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

I now call on contributions to this Statement. Sen. Wambua, you have the Floor.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I want to take this opportunity to thank Sen. Githuku; Senator for Lamu County for bringing this Statement.

Article 27 of the Constitution talks of the Right to Freedom from Discrimination. It states that no person shall be discriminated against on any basis; be it religion, race or tribe.

What the Senator for Lamu County has brought to the Floor of this Senate is an important issue. We debated earlier on the issue of county boundaries and conflicts between certain communities. At the back of our minds, we must always remind ourselves that people have a right to live where they choose to live peacefully. This is something that I have personally tried to remind my community. It should never happen that a community living in a certain area rises up in arms against another community.

(Sen. Sifuna crossed the Floor to consult with the Clerk-at-the Table)

The Senator for Nairobi---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, I know you are in the learning process. Kindly comply when you are crossing the Floor of the House.

(Sen Sifuna proceeded to the Bar and Bowed)

Sen. Wambua: I can now proceed, Mr. Temporary Speaker, Sir. We have heard of leaflets being distributed in Lamu---

The Temporary Speaker (Sen. Wakili Sigei): Sorry, Sen. Wambua. I did not mean to interrupt you, but could you state the points in support or the clarification that you seek in the Statement for us to close on it in the shortest time possible.

Sen. Wambua: Sure, Mr. Temporary Speaker, Sir. I support this Statement. I wish to state that the path or direction that the people living in Lamu are taking is not right. Those few elements who are distributing the leaflets should be picked by law enforcement, brought to book and justice be served.

Otherwise, we will not have a country if we are to probably say that the Luhya community, which is the majority in Kakamega County, should be the only tribe allowed to live there and any other community that lives there must permanently disappear from that region. If we do so, we will divide this country into small enclaves that will not benefit anyone.

With those remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Wambua. Sen. Shakila Abdalla, you have the Floor and I will give you one minute.

Sen. Shakila Abdalla: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Statement. Lamu County is a heritage site and it is a tourist destination. It is also a historical Island with good background.

It is unfortunate that we have individuals who are cowards and trying to disturb the peace in Lamu County. From time immemorial, we have lived in peace and have been assisting the immigrants who have come to Lamu County.

Lamu is a cosmopolitan county. We are the ones who welcomed the immigrants who came to Lamu. We took care of their babies when they went to the *shamba*. It is unfortunate that there are few people who are cowards who want to disturb the peace in Lamu; they want to create tension and fear.

There is no community that is against another in Lamu County. The statement has Sen. Wambua has made is very wrong. We only have a few individuals, who are cowards, who want to disturb the peace and economy of Lamu County because the port is working and the county is beginning to thrive. That is why we have people coming out to disturb our peace.

There was good security backup in Lamu; there were roadblocks and all manner of security which has been put in place. It is a shame and unfortunate that all these security apparatus have failed to do their work and the county is now being threatened by few individuals who want to disturb its peace.

Our security apparatus should be more vigilant to ensure that we maintain peace in Lamu County. We do not want war and neither do we want problems. We have

always lived in peace. As I said, Lamu is a cosmopolitan county. We have many tribes living there and nobody abused or chased away.

People are free to take up leadership positions and to thrive our economy. It is very unfortunate that this thing has come up now. We want the security apparatus to do their work and bring the culprits to the book.

I thank you.

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

I want us to move to the next order. Before we do so, I commit the Statement to the Standing Committee on National Security, Defence and Foreign Relations to give a report on it.

(The Statement was committed to the Standing Committee on National Security, Defence and Foreign Relations)

Next Order.

MOTION

PARKING CHARGES IN INSTITUTIONS OFFERING ESSENTIAL SERVICES

The Temporary Speaker (Sen. Wakili Sigei): Senator for Nairobi City County, Sen. Sifuna, I note you have 18 minutes out of your time having previously utilized two minutes.

You may go ahead.

Sen. Sifuna: Thank you so much, Mr. Temporary Speaker, Sir. Those of us who are new to the House are learning the hard way. The manner in which matters are listed on the Order Paper makes it impossible for us to prosecute any business that we have put in place in terms of Motions.

Standing Order No.51 states that Statement Hour should take one hour. However, we sit here every time. I can use the two minutes to express my frustrations of having a Motion on the Order Paper every single day.

This is my time.

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

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, Sen. Sifuna is out of order. In as much as we have Standing Order No. 51, Standing Order No. 1 gives the Speaker the discretion to increase the time for the Statement Hour beyond one hour. Some of the issues we discuss are sometimes of serious magnitude. We are not saying Motions or Bills in the Order Paper are less serious.

Sen. Sifuna should proceed and move his Motion instead of questioning the Order Paper as it goes to the running of the House. He is walking on dangerous grounds by questioning how the Speaker runs the House. Standing Order No. 1 gives the Chair the power and leverage to increase or decrease the time allocated unless it is specific in the Standing Order. Therefore, he is totally out of order.

Sen. Mungatana, MGH: On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, Sen. Sifuna is bringing a very important point to this House. You cannot dismiss by saying the Speaker is applying Standing Order No. 1. The Speaker will only apply Standing Order No. 1, if there is no clear provision. However, there is a clear provision that Statement Hour should be Statement Hour.

These Statements have taken too long. Let us agree that as Sen. Sifuna is raising these issues, he is not speaking to the air. We want resolutions of the House. This will only be brought if Motions are debated and the House makes decisions. Is Sen. Cherarkey in order to say that Sen. Sifuna is out of order?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, and Sen. Cherarkey points of order are noted.

Kindly proceed Sen. Sifuna. We will deal with that matter.

(Several Senators spoke off record)

Sen. Cherarkey, you have already raised your point of order.

Proceed Sen. Sifuna.

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

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Whip, what is your point of order?

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. At the moment, we are on a very dangerous trajectory.

The matter raised by Sen. Sifuna, whereas it should be noted, it amounts to him challenging the Chair, the Order Paper and the Senate Business Committee (SBC).

He is on a learning curve. We should quietly help him realize that there is no business in this House which is superior. The fact that his is a Motion does not make it any superior than a matter of grave national importance like the insecurity in Lamu County.

You should find that he is out of order--

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, the more reason why I noted the comments and points of order by Sen. Mungatana, Sen. Cherarkey and yourself.

That is noted.

Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Temporary Speaker, Sir, far be it for me to belittle any business that is brought before this House. I was of the opinion that we are allowed to make suggestions to how we conduct our business in this House.

There is nothing wrong with that. Let me prosecute the Motion so that Sen. (Dr.) Khalwale can discuss the question of his chiefs, which he thinks is important than some of the things we want to bring here.

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

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and

miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions, airports, shopping malls and other public utilities are offered in urban centers, and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education, shopping and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions, airports, shopping malls and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant parking fees.

(Sen. Sifuna on 19.10.2022)

(Resumption of debate interrupted on 19.10.2022)

Mr. Temporary Speaker, Sir, this particular Motion was motivated by a 10 minutes' discussion with what our brothers on the majority side call the real hustlers here in Nairobi.

An Uber driver who picks somebody along Mombasa Road, in some areas the fees Uber levies on customers is may be Kshs250. They have to drop the person at the Jomo Kenyatta International Airport (JKIA) and upon entry, whether you are dropping someone or going for any other business, a minimum of Kshs100 is levied on you as parking charges.

These hustlers who drive Uber in Nairobi are saying that it is not proper. A customer pays you Kshs250 to take them to the airport if you are coming from Pipeline or those areas around Mombasa Road and JKIA, then Kshs100 is already levied to you in terms of parking fees at JKIA.

What we have seen in other countries are dedicated lanes for the taxi drivers to use in dropping their customers and then pay nothing. They are only there for the business of dropping off the passenger at the airport.

In other essential services, institutions such as hospitals, at Kenyatta National Hospital (KNH) it has been the norm for a long time until recently, that people do not pay

parking fees. However, of late, it has been introduced as a levy on all motorists. If you spend a certain minimum amount of time at KNH, you are required to pay parking fees.

Mr. Temporary Speaker, Sir, some of these institutions argue that when you free up the space for parking without payment, it is subject to abuse by people who are not using the services offered at that particular institution.

We are encouraging the Ministry of Lands, Housing and Urban Development to develop a mechanism to ensure that those using those parking spaces in those institutions are there for the related business. That people are going to the airport or hospital to use the services offered there.

To give you an example, at JKIA, if you spend between zero to 20 minutes, and that is the time it takes to drop somebody at a terminal, you are required to pay Kshs100.

Mr. Temporary Speaker, Sir, sometimes you may spend 20 to 40 minutes in your hallowed Chair and there was a slight delay in your flight. If you were using a cab, they would have to pay Kshs250 for the waiting.

At Kenyatta National Teaching and Referral Hospital (KNTRH) they are charging automated parking from one hour. If you have ever visited KNTRH, knowing the volumes of people who have to go through, there is a very serious waiting time for you to be attended even for emergency cases.

Most malls in Nairobi, although you are going there to pay for their services, still want to take the money from the parking. If you take the example of Capital Centre on Mombasa Road, the first 15 minutes is the only time that you will not be charged parking. You wonder what business you can execute if you are not a cab driver drooping off passengers. There is no way that you can execute business that fast and escape that parking.

I was privilege to travel to Lusaka, Zambia, just last month. There is no parking fee charged at shopping malls because the businesses there recognise that it is an ancillary service that is critical for them to be able to get business.

In Nairobi, if you do not have parking at your premises, you are not going to get customers. The first thing that people ask if you open an entertainment space, is if there is parking space. If it is a shopping mall, where will I leave my car? Is it a safe and secure space? It does not make sense.

As you have seen in other malls that, in fact, if you spend a certain amount of money buying goods at a certain shop, they allow you to validate your parking at that shop.

Mr. Temporary Speaker, Sir, we are speaking about critical services whether they are offered by private or public institutions such as schools, hospitals or airports, including Wilson Airport.

We would want the Ministry of Transport to come with a policy framework to ensure that there are no exorbitant parking fees that are being charged. This is especially so for services such as the JKIA and the example that I have given for just an Uber driver who is dropping off a client.

I beg to move and ask one of my Members of the Nairobi City County Delegation, Sen. Kibwana to second.

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir. I also thank Sen. Sifuna for giving me this opportunity to second the Motion before this House.

Parking fee is a thorny issue. The debate on parking charges by private hospitals was revived in 2019 by the nominated Member of County Assembly (MCA) hon. Anne Tumbi. She urged that charging patients and visitors at the hospitals amounted to increasing the cost of medical care.

Seriously, I echo Sen. Sifuna's Motion. It is painful that the sick even during emergencies have to pay parking fees. When you take children to the mall or whichever place, you pay parking fees. As you said, the Uber drivers currently are so hurting when they are taking you to the airports. They keep on cancelling because the standard parking fee has to be paid. This is unfair.

Finding a suitable answer to the question of whether or not to abolish hospital parking fee depends on who you speak to. The proposal is yet to be effected thus leaving patients at the mercy of hospitals. This is quite sad.

If this House adopts the resolution, banks and all other facilities that provide public services will also be compelled to drop this parking fee.

I second.

(Question proposed)

(Interruption of Debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM HURUMA GIRLS
HIGH SCHOOL, NAIROBI CITY COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, in the Public Gallery, we have 112 students accompanied by three teachers from Huruma Girls High School in Nairobi County, who are in the Senate on an education tour. You may stand so that you are acknowledged in the Senate tradition.

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

(Applause)

I thank you.

Sen. Sifuna: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to welcome the students and teachers from Huruma Girls, in Makadara Constituency.

Nairobi is the largest delegation in the Senate. We have seven Members of the Senate from Nairobi led by myself. I saw Sen. Cherarkey asking who the others are. I want to make it a tradition to be introducing these colleagues of mine to the House.

We have Sen. Nyamu who is a nominated Senator, Sen. Kibwana, Sen. Beth Syengo and Sen. Veronica Maina who are seated next to me. With my exception, it is a very strong women delegation. We also have Sen. Tabitha Mutinda and Sen. Mumma who are also part of the Delegation. I want you to feel free and get to learn something from here.

Mr. Temporary Speaker, Sir, if you allow me, please allow one Member of the delegation from Nairobi to help me in welcoming them. Since I have already nominated

the person to vote in my absentia, I request that you allow Sen. Beth to welcome these lovely students to the Senate and just to encourage them that they keep at it at school, listen to their teachers and all their dreams will come true.

Thank you, very much and God bless you.

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

I now invite Sen. Beth Syengo to welcome the visiting students and also contribute to the Motion.

Proceed.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to welcome the students and teachers in the Public Gallery. May I request them to feel free and make the best of their time here as they learn from the proceedings.

I am encouraged that the students in the Gallery are girls. I encourage them to shine in their performance in class. Welcome!

(Resumption of Debate on Motion)

Mr. Temporary Speaker, Sir, allow me to also contribute to the Motion moved by the Senator for Nairobi City County. Parking charges is a thorn in the flesh for people visiting institutions of essential services.

This morning, I took a sick child to Agha Khan Hospital and it was an emergency. I alighted from my vehicle with the child but then I realised I was missing some documents. I had to send the driver back to the house for the documents. I was really embarrassed to run around looking for some money to give to the driver to pay for parking fees. It was not in order. That is first-hand experience on how that is not proper.

I call upon the Ministry of Roads, Transport and Public Works to make policies that will address this issue. When people visit institutions for essential services, it is good that this is taken care of. The parking fee should be removed, if possible, to make sure that Kenyans do not suffer.

The Government side is talking of the bottom-up economic approach. The 'hustlers'; the Uber and Bolt drivers are charged a lot and they feel the pain. They keep cancelling trips when clients request to be dropped at the airport or even shopping malls. This bottom-up economic approach should make sense to those who are not earning a lot and are just hustling to make ends meet.

I support the Motion.

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

Sen. Nyamu, you may proceed.

Sen. Nyamu: Mr. Temporary Speaker, Sir, I rise to laud Sen. Sifuna for bringing this matter to the Floor of the House. Exorbitant parking fees, particularly on spaces for essential services, amounts to double taxation on the citizenry of this county.

I propose that county governments come up with a framework to harmonize parking fees. As it is now, parking charges in institutions of essential services are exorbitant. This is due to inadequate parking space in the City County. I must applaud the Nairobi City County Assembly. The good Senator, whose name I have forgotten, alluded to that matter.

The Temporary Speaker (Sen. Wakili Sigei): She is Sen. Beth Syengo.

Sen. Nyamu: Mr. Temporary Speaker Sir, I am referring to the other lady. Anyway, the Motion brought by---

The Temporary Speaker (Sen. Wakili Sigei): She is Sen. Kibwana.

Sen. Nyamu: Yes, Mr. Temporary Speaker, Sir. A Motion by Hon. Ann Thumbi of Nairobi City County Assembly in 2019, passed a Bill to regulate parking charges in private hospitals. This was a great relief to many citizens who use the facilities.

As Sen. Sifuna has pointed out, KNH, is one of the biggest medical facilities in country, has gone through the backdoor and introduced underhand parking charges. As a Member of the Nairobi City County delegation, I wish to inform this House that Nairobi City is one of the most congested---

Sen. Mungatana, MGH: On point of order, Mr. Temporary Speaker, Sir.

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

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I do not wish to interrupt my colleague, Sen. Nyamu. Given that this is a House of debate, is she in order to read a speech? We are getting tired. Can she debate the Motion?

Sen. Nyamu: Mr. Temporary Speaker, Sir, I am not reading a speech. I have some points that I have noted down to guide me in this debate. I am not reading any speech.

It should raise hairs to note that Nairobi City County was ranked eighth among the most difficult cities to find parking. As a Member of the Nairobi City County Delegation, I wish to inform this House that Nairobi City is one of the most congested cities in Africa. Getting a parking spot is a menace. This imbalance of parking demand and the slots available is due to the high number of motorists who prefer using their cars, as opposed to public means.

I have a few proposals to tackle this issue of parking in the City. There is need to provide more parking spaces. Contractors of any new building, particularly in the Central Business District (CBD), should indicate how they intend to provide parking to the users of those buildings. This should even be in the pre-approval process.

There is need to re-designate some roads within the CBD and allow parking on pavements. The City County government should also provide non-motorable means into the CBD, like we have seen in other parts of the world. Not all of us need to drive into the already congested CBD. Special interest groups such as People Living with Disabilities (PWDs) deserve more allotments for parking areas.

I support the Motion.

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

Sen. Crystal Asige, proceed.

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to contribute to this important issue.

I made it quite clear to the House, while giving my maiden speech, how passionate I am about inclusive transport. We should have transport systems that take care of every single road user and not just thinking about the non-disabled road users.

I thank the Senator for Nairobi City County, Sen. Sifuna, for bringing this Motion, which is timely, coming at the beginning of our term, because this is an issue that transcends different types of groups, not just in Nairobi City County, but across the country.

We have had many issues being raised through the Motion regarding exorbitant fees, miscalculations in planning for parking, lack of enough designated parking spaces and time allocations that are not friendly to all types of motorists using the amenities around the Central Business District (CBD) or other institutions.

Mr. Temporary Speaker, Sir, I would like to tilt the lens for a moment, so that we can also start thinking about this from the perspective of Persons with Disabilities (PWDs) as slightly mentioned by Sen. Nyamu a moment ago. If the non-disabled are having issues with parking, how much more are PWDs suffering?

There are universal design standards that are clear on how designated parking around cities and other areas, whether rural or urban, should be like. For example, for every 50 parking spaces, there must be a PWD parking space. That is a principle of universal design. Another principle is that the designated PWDs parking spaces must be at least 3.6 metres wide. It is recommended that they are 3.9 metres wide. This is because of the transfer that needs to happen from a car to a wheelchair, for example, and from a wheelchair back into the car. PWDs need more space.

In Nairobi City, which I am not used to because I am from Mombasa County, I find that the designated parking slots, whether for PWDs or not, are extremely thin. It makes it difficult for PWDs to move around easily with comfort and dignity in and out of their motor vehicles.

Think about parents who, for example, take their children to town to be fitted with uniforms. They need space so that their children can procure that service. Think of people who are paraplegic trying to move around the city centre and get their errands done. Think about the visually impaired people like myself, who also need to get around quickly and have perhaps a friend or a family member drive them around but because of the cramped spaces; we have to fear for our lives every time we get out of a car.

Another issue that the disabled communities face with the designated parking, apart from lack of parking spaces for us, is the timing as mentioned by Sen. Sifuna. Unfortunately, it is not possible for us to move as quickly or comfortably as the non-disabled. Therefore, we need more than just a one hour or 30-minute grace period before we can pay.

Unfortunately, the environment around us, which we have to navigate, does not allow us to do what we need to do in a short period of time. That is something else that needs to be considered in this essential Motion that has been brought to the Floor of the House.

Another challenge that PWDs face is that people use the few designated parking slots meant for PWDs. Many a times, I have been at a mall or an institution to seek for services. Sometimes when a family member or friend drives me and we try to locate for a parking slot meant for PWDs, we realise that there is a *boda boda* parked there.

Sometimes you find that a parked car does not have a sticker showing that it belongs to a PWD because an *askari* told them to park there because there was nobody. That means that we are being forgotten about from the jump. Just because a designated PWDs parking space does not have somebody at the moment, it does not mean that in the next five minutes a PWD will not need it.

There is also the issue of respect and dignity. Earlier on, Sen. Oketch Gicheru talked about human rights while Sen. Wambua talked about freedom from discrimination of any kind. These are violations of human rights and not just lack of planning by the

Ministries involved, such as the Ministry of Lands and Physical Planning and the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. It goes to the heart of the kind of a world that we want to create. Are we going to keep leaving PWDs behind when it comes to parking slots?

Mr. Temporary Speaker, Sir, I request Sen. Sifuna to also consider this angle and perspective of PWDs and the designated spaces that we need. This is because we also want to access schools, hospitals, financial services, shopping malls, recreation centres, sporting facilities and the likes. We should not continue being left behind in these issues.

I thank you.

(Applause)

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise to strongly support this Motion and applaud Sen. Sifuna for this timely intervention.

It is bad to claim that you are offering essential services, but you deny people from accessing them. It is even immoral when that essential service is a hospital facility. It is completely immoral to expect somebody to pay money when they visit a hospital. Like they say in West Africa, we must ask ourselves; when did the rain start beating us? We must fix that.

Sen. Sifuna, I am glad that you are the Senator for Nairobi City County and you have a strong seven-member team in this House. You can count me in because I will stand with you on this matter.

What is happening in Nairobi City County is actually a system controlled by cartels from within the Nairobi City County government. They want to charge anything and everything so as to make money, not to ensure delivery of services, but money which they can carry home in the evening.

I am speaking with authority because as the longest serving Chairman of the Public Accounts Committee (PAC) in the National Assembly and the County Public Accounts and Investments Committee (CPAIC) in the Senate, I had the opportunity to know how money used to be stolen from the then City Hall and now the county government.

Mr. Temporary Speaker, Sir, I urge the seven Senators for Nairobi City County to organise for a formal meeting with the governor and MCAs. They have to review that because this is not just a national problem, it is the Nairobi City county government that is doing these things. They need to go and tell them that what they are doing is wrong. If they refuse, then we should step in based on the constitutional principle of conflict of laws.

According to the Constitution, if a national legislation is at conflict with a county legislation, the national legislation prevails. If they refuse to listen to you, then we are going to legislate and prohibit collection of fees at parking points from institutions that render essential services.

Why we must take this squarely to the county government is because majority of the buildings in Nairobi - if not all of them - are not planned by experts. If you go to New York or Washington, you do not see vehicles parked alongside the road. In fact, walking in New York and Washington is pleasant because the experts who draw buildings provide for parking in the architectural plans.

What stops the people who are putting up a new building that will have 50 offices from having three or four levels? They can designate parking spaces in the underground, have two levels at the basement then three more levels above the ground. An office block that will have 50 offices should have a minimum 50 parking slots for people in that particular building. With that, the people who will be working in that building will not have to park in town where they will probably be harassed.

Mr. Temporary Speaker, Sir, the Senator for Nairobi City County knows that we have institutions that are doing something about it. The last time I was at the Marble Arch Hotel, around four or five years ago, the Hotel had acquired a parking. When you visit that hotel and get a service, they simply stamp your parking slip and you drive out. They are of the view that since you parked in their parking and you were serviced in their hotel, they should not double tax you. They merely stamp your parking slip and you drive away. They do the same thing at the Norfolk Hotel. This is the innovation that should be put in place.

Allow me tell you the story of cartels. The outgoing governor of Kakamega County, which is a humble and a friendly county in Western Kenya, went out of his way and bought a one-storey building that sat on a very large space. He knocked down that building and created a parking space and he is now collecting the parking fees because that has now become his property.

Mr. Temporary Speaker, Sir, it is this selfish thinking and greed for money and more money in public service that makes Kenya very unattractive. What will you be asking people to pay for as they enter JKIA, Kisumu International Airport, Eldoret International Airport and Wilson Airport?

When you go to Madrid or Barcelona, you will realise that public service vehicles are not allowed to park at the airport. What we should be doing at the airport is allow the Uber to enter the airport without paying a cent. The Uber should drop a client and leave without paying anything. They should only pay if they park at the airport. That will help the traffic to flow and the country will look friendly. If you go to Kigali in Rwanda, a small country, that harassment of paying for parking is not there.

We are making our city unattractive. When visitors come, and thanks to us, they do not get acknowledgement for their payment. When did the Hon. Members last receive an acknowledgement of payment from a parking boy? When one parks somewhere, a parking boy will by right insist that he must be given Kshs100 and when that does not happen, he calls the people who work at the City Hall. That is because he works with them and before you know it, those people have clamped your vehicle. I hope none of the Members has gone through this. It is amazing.

Mr. Temporary Speaker, Sir, taxi drivers own the parking slots, which are supposed to be free. If you find an empty parking slot which is pilferaged by taxi drivers and you park there, those drivers will call the people who work for City Hall to come and clamp your vehicle in order for you to go and pay. You can imagine someone in transit, who has come to do business and bring money to the country going to place X, parks and when they come back they get their vehicle clamped and they have to go through that long procedure at City Hall; come back, pay Kshs800 and what not. That makes the cost of doing business very high and the town becomes completely unattractive.

Mr. Temporary Speaker, Sir, Sen. Sifuna should talk to the governor. If he fails then we should work together, as a Senate to make our city decent by cutting out some of these unnecessary charges.

I want to say this with all due respect. Usually when one is moving a Motion and they ask someone to second, the Mover and the Seconder must do extensive research so as to raise the interest of the House in the Motion. That is why it is called moving and the reason as to why one is given 20 minutes. When one moves a Motion for 10 minutes, he makes it unattractive.

Members watch the proceedings of the House from the gallery, sorry, the Lounge. That is the right English word, Hallelujah! English is a foreign language to me. They will always run back to make their contributions when they see the way the Motion has been moved and seconded. I want to use this opportunity to congratulate Sen. Beth Syengo for debating this Motion very well. I thought she was referring to notes yet she was doing it from her reflections.

I thank and congratulate Sen. Sifuna for his first Motion. He is going to do very well. We have had people in Parliament including this Senate, some who have served for two terms, who have never moved a single Motion.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Khalwale. Can we hear from Sen. Montet Betty?

Sen. Montet Betty: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion moved by Sen. Sifuna. I also congratulate him because it is an important Motion for the people and his team living in Nairobi.

The issue of parking charges in places where essential services are offered is a serious one. I am sure Sen. Sifuna will support me on this. Places that offer essential services charge the most as my sister, Sen. Beth Syengo, has said. This happened to me. If one visits a hospital like Aga Khan Hospital with an emergency, which they were not ready for, they can be kept there for eight or 10 hours and they will have to pay dearly for those hours.

Mr. Temporary Speaker, Sir, this leaves one wondering considering that they have already paid the hospital a lot of money just to be levied a high parking fee for the time they have spent seeking for the services of the same hospital. This is very timely even though we appreciate that it has become a business in Nairobi.

These parking levies have made life in Nairobi very expensive. On a bad day or a good day when you have errands to run in Nairobi and have to visit several places, you will find that you have paid so much money on parking by the end of the day. You then ask yourself how much money is collected in a month if Kenyans pay that kind of money in a month.

Mr. Temporary Speaker, we can come up with legislation where these parking charges are levied depending on where people are going and the hours that the cars are parked. Nowadays, most parking areas do not have the first free 15 minutes. They charge people a minimum Kshs50 as long as one has entered a parking lot and the charges start going up after one hour.

This is a point which should be looked at very carefully, especially on the essential services area as well as the airports. When you enter Wilson Airport to drop somebody, you have to pay Kshs200.

Mr. Temporary Speaker, Sir, as I echo what Sen. (Dr.) Khalwale said, it is becoming a very unfriendly city. This is because most of the time when you land at the airport, you have to spend a lot of time waiting for a taxi because all the taxis do not want to come into the airport.

I believe this is the time to look into the issue of planning to have a dedicated lane for the vehicles dropping people. That way, we can at least help the people of Nairobi City County.

Those coming to work in Nairobi are spending Kshs300 every day. I believe life in Nairobi City County has become harder. That is why people are finding alternatives. It means that when people are not busy enough, they are not generating enough for this economy.

This is a timely debate and it has come at the right time. I urge the Senator of Nairobi City County, since he is in the middle of it, to make it a point to follow up with the Committee which is going to get this Motion and make sure that the people of Nairobi City County are given that service.

I beg to support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, please proceed.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Senator from Nairobi City County in this Motion.

I believe there is a problem in terms of the greed that is there amongst land owners. This Motion has not gone far enough. It should have called for the total abolition of all parking charges. I say so because we grew up in this country and this issue of parking charges in malls, in hotels and in hospitals is a new development.

When we were growing up, you would go to the shop, do your thing, go home and nobody would ask you for parking charges. We must arrest the greed that land owners have nowadays. The only way we are going to arrest it is by legislating against it.

When our forefathers fought for independence of this country, they fought against land owners. At that time, they were *muzungu* land owners. These *muzungu* land owners are still there except they are wearing black skins. How do you justify?

You write a rental agreement with a business owner in a mall, you are charging him and every year, there is escalation of those charges, which are costly. In fact, they have inbred within them the cost of the land which you have purchased.

Mr. Temporary Speaker, Sir, why is it that all of a sudden, the area that is supposed to help that businessman do the business where he is already collecting rent becomes an area where you still want to take? You take from the guy of the shop, from the guy who is having an office there and from everybody in that shopping mall. It is the greed and we must legislate against it.

The people who are owning this land are killing this country. How much are they paying in terms of annual land rent to the Ministry of Lands, Housing and Urban Development? The taxation they are paying is so minimal and it is already covered within that tenant landlord agreement. However, they continue to milk Kenyans more. It is a shame.

I believe this Motion should go further. We should call for the abolition of all these charges.

Mr. Temporary Speaker, Sir, I serve as a Commissioner in the Common Market for Eastern and Southern Africa (COMESA) Competition Commission. I travel a lot in

the southern part of Africa. There are no parking charges in malls in Zambia, Malawi, Kigali or Zimbabwe. There is nothing like that in many parts of Africa. So, why in Kenya? People are just greedy and we must legislate against these people.

I pray that when we pass this Motion, our people will be freed from this. The Senate will pronounce itself in a manner that we will abolish this.

We are not going to wait for policies and what not.

After we resolve to pass this Motion, the learned Senator for Nairobi needs to have a legislation brought to the Floor of this House. We will support it and force these people to think again.

We have voted in a new administration; a government that says it is going to be friendly, help the business community, the people of Kenya and all those who are trying day and night to make a living. These are the ‘hustlers.’ We have been told about taxi’s, *boda boda* operators and even the normal people who have taken loans to buy their cars and who get emergencies in hospitals.

Mr. Temporary Speaker, Sir, imagine that someone has gone to visit a person who has prolonged stay in hospital. The hospital is making money from the patient and it will still make more money from the visitor. It is immoral. We must legislate against this thievery, which it is. It has been done in other parts of the world. The Scottish Parliament has passed a law to outlaw charges in any hospitals, be it private or public. We can do it here in Kenya. We do not have to borrow from those jurisdictions.

I remind the Senate, that the United Kingdom (UK) has identified categories of people. Persons Living with Disabilities (PWDs), their caregivers, workers of the national insurance and hospitals will not pay. They have been able to categorize and decide which category of people can pay. There is a possibility for us to bring legislation that will control this kind of greed.

I beg my learned Sen. Sifuna, to take it further and bring a legislative proposal here, so that we can start dealing with people who are stealing from the people of Kenya.

I support.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. I am going to be very brief on this matter.

The problem of parking in Nairobi indicts the problem between the county and national Government. It is a problem that has always persisted because we are not clear as a nation, whether the issue of parking fees is revenue collection or of regulating parking in Nairobi. The problem starts, if it is an issue of revenue collection.

Mr. Temporary Speaker, Sir, Article 209(1)(a)(b)(c) and (d) clearly states-
“Only the national government may impose-

- (a) income tax;
- (b) value-added tax;
- (c) customs duties and other duties on import and export goods; and
- (d) excise tax.”

The problem of parking in Nairobi is because of the Nairobi City County government, which passed a Financial Act in 2018, that started this kind of revenue collection target.

This year in February, it passed an Amendment Bill that imposed some of these ridiculous tax targets. It is targeting to raise about Kshs19.8 billion through that amendment. Businesses that have a capacity of 50 vehicles are forced to pay up to

Kshs500,000 whereas those that have a capacity of 100 vehicles pay up to almost Kshs2 million.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, you will have your 13 minutes tomorrow.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow Wednesday, 26th October, 2022 at 2.30 p.m.

The Senate rose at 6.30 p.m.