

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 29th June, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Serjeant-at-Arms, I am informed we do have quorum now. Kindly stop the Bell. Clerk, please call out the first Order.

(Sen. Madzayo walked into the Chamber)

The Speaker (Hon. Kingi): Sen. Madzayo, kindly take your seat. You are the one holding us.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM NYANDARUA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting Members of the Committee on Delegated Legislation and the secretariat from Nyandarua County Assembly who are in the Senate for a five-day benchmarking visit with our counterparts. I request each

Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

1. Hon. Daniel Gitau Ndung'u - Chairperson
2. Hon. Peter Mwangi Maina - Vice Chairperson
3. Hon. Peter Gathungu Kamau
4. Hon. Paul Ngeche Mbaire
5. Hon. Maureen Wairimu Mugaki
6. Hon. Ibrahim Mwangi Maina
7. Ms. Alice Nyambura Kimani
8. Ms. Judy Nyambura Kinyua
9. Ms. Leah Wanjiru Njenga
10. Mr. Dennis Odot

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

(Applause)

I have another communication.

VISITING DELEGATION FROM THE
INVICTUS GAMES FOUNDATION

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Invictus Games Foundation who are in the Senate for a one-day visit. They are in the country through an invitation of Sen. Orwoba.

The Invictus Games Foundation was founded in 2013 by Prince Harry, the Duke of Sussex, to celebrate the unconquered human spirit, and shine a spotlight on the men and women who served. It offers a recovery pathway for international wounded, injured and sick servicemen and women.

They also collaborate to provide opportunities for post-traumatic growth: enabling those involved to reclaim their purpose, identity and future, beyond injury.

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

- (1) Mr. David Wiseman - Director
- (2) Mr. Derrick Cobbin - Africa Representative

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

I do not see the Senator of Nyandarua. Therefore, I will request the Senator of Laikipia, in under in minute, to say words of welcome. Thereafter, Sen. Orwoba, you will take the Floor to say words of welcome. Proceed in that order.

Sen. Kinyua: Asante, Bw. Spika. Nataka kuungana nawe kuwakaribisha ndugu zetu waheshimiwa kutoka Kaunti ya Nyandarua. Kaunti ya Nyandarua ni jirani na Kaunti ya Laikipia. Seneta wao ni Mwenyekiti wa Kamati ya Ardhi, Mazingira na Mali Asili. Ni

kiongozi ambaye tunatambua kwenye shughuli za kikazi. Ni mtu anayefanya kazi nzuri kama Seneta.

Ni hakika watajifunza mambo mengi katika Seneti. Kazi ya Seneti ni kuangalia na kuongeza fedha zinazogawiwa gatu zetu.

Bila kupoteza muda mwingi, ninawakaribisha nikitumaini kuwa watajifunza mengi. Seneta wenu amebobea katika kazi yake. Tunamuenzi na kuwashukuru kwa kumchagua.

(Sen. Cherarkey consulted loudly)

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

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I extend a warm welcome to the Invictus Games Delegation. I know they are here with the blessings of Prince Harry.

They are here to engage the Kenyan stakeholders to ensure that Kenya become the second African country to join the Invictus Games.

We have soldiers who have gone out to serve this country and ensure we have peace and stability. They also guard our borders. While on duty, some of them end up wounded.

This would be a great opportunity for the Government, through the Ministries of Defence and Youth Affairs, the Arts and Sports to exercise equal opportunity to the wounded soldiers. This will ensure that our youth who want to join the military are motivated since they would see that their country cares for them. In addition, this would ensure that the wounded soldiers are taken care of and have a life after the injuries.

In September, the Invictus Games will be held in Germany. Through the Committee on National Cohesion, Equal Opportunity and Regional Integration, I hope we will engage legislators and take a delegation from Kenya to ensure we are looking out for our wounded soldiers.

Karibu Kenya and greetings to Prince Harry and the Invictus Games delegation all over the world.

The Speaker (Hon. Kingi): Before the Clerk calls the Next Order, I have another Communication to make.

VISITING DELEGATION FROM MOI GIRLS
KAMUSINGA, BUNGOMA COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the public gallery we have 64 students accompanied by four teachers from Moi Girls Kamusinga Bungoma County who are in the Senate on an education tour.

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

I will allow the Senator of Bungoma to say a few words under one minute to welcome them.

Proceed Sen. Wafula.

Sen. Wafula: Asante sana, Bw. Spika, kwa kunipa fursa hii ya kuwakaribisha waalimu wenzangu ambao wameongoza kikosi cha mabinti wenye nishati mpwito mpwito. Wamezuru Seneti siku ya leo kujionea kwa macho yale yanayoajiri hapa.

Shule hii imo miongoni mwa shule zinazobobea kimasomo katika Kaunti ya Bungoma. Ni shule mojawapo ambayo kiongozi wa akina mama Mhe. Catherine Wambilianga alizindua mchakato wa kuboresha masomo na fedha za *bursary* katika Kaunti ya Bungoma.

Ni shule mojawapo ambayo waasisi wake ni kanisa la *Friends*. Shule hii inatambulika kwa michezo, uimbaji wa kwaya na talanta mbalimbali. Mimi ninajivunia waalimu na wanafunzi ambao wako hapa. Ni kielelezo kwamba Bungoma ina uwezo wa kimasomo na talanta ambazo kwa muda mrefu zimepuuzwa na wengi nchini.

Nina furaha kwamba wamefika hapa kujionea mwalimu Wafula akiboronga na kukinyorosha Kiswahili, akiwasilisha hoja za Bungoma na nchi nzima mchana peupe pasipo kutishwa ama kutikiswa na mtu yeyote.

Hii ni shule ya wasichana na ningependa mjionee. Kuna Maseneta akina mama ambao hutetea hadhi na nafasi ya wanawake nchini Kenya. Sio kwa sababu ni wanawake lakini wamepigwa kura na kuteuliwa na vyama vya kisiasa ambavyo zinaamini katika demokrasia na nafasi ya akina mama kama uti wa mgongo wa nchi ya Kenya.

Leo mmejionea na mmeshika kovu kama Tomaso kwamba japo nyinyi ni wasichana, muna nafasi ile ile kama vijana barubaru katika Kaunti ya Bungoma kupata nafasi na mgao wenu nchini.

Sisi Serikali ya Kenya Kwanza tutawatetea wasichana na wavulana ili katika mgao na rasilimali za nchi ya Kenya, wote waweze kunufaika sio kwa sababu ya jinsia ila uwezo wako wa kusoma na kuandika, na kupambana na changamoto za kiuchumi.

Bw. Spika, nashukuru sana kwa nafasi hii. Ningependa uwape nafasi kupitia mamlaka yako, wanywe chai na wajivijari katika Bunge la Seneti.

The Speaker (Hon. Kingi): Hon. Senators, if I call upon you to make welcome remarks and I tell you to do that under one minute, the timer will be switched on. After one minute, your microphone will go off. I have seen quite a number of us are truly abusing that privilege.

Next Order.

PETITION

CATASTROPHIC MAIZE DISEASE IN BOMET COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Kerich Kipronoh Hillary, a resident of Nyangores Ward, Chepalungu Constituency in the County of Bomet, concerning catastrophic maize diseases that farmers in Bomet County have endured for the last 12 years.

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

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

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

(1) THAT, Bomet County is one of the seven most high potential maize production zones in Kenya with agriculture servicing as the main economic activity in the county.

Maize in particular plays a crucial role in terms of food and nutrition security as well as income generation in the county.

(2) THAT, in September 2011 food security in the county has been severely impacted by catastrophic maize disease known as Maize Lethal Necrosis (MLN).

(3) THAT, the disease which was first identified at the Kipsuter locality, quickly spread to the entire county, killing 90 per cent of the crop in the year 2012, making maize crop farming an unpopular investment in the region due to these losses.

(4) THAT, to date, no intervention measures have been extended to the residents by either the national or the County Government, with maize farmers who relied wholly on the crop for subsistence and cash crop farming, never receiving any sensitisation on the disease specifically.

(5) THAT, considering that the disease is a fast spreader, there is a big risk that other maize-growing regions of Kenya will soon be affected by the disease, resulting in maize crop failure in the country, thus leading to further food insecurity.

(6) THAT, subsequently, other development stakeholders have chosen not to give input loans to farmers in the affected region, making them suffer double jeopardy.

(7) THAT, the Petitioner has made all efforts to have this matter investigated and resolved by the relevant bodies whose responses have not been satisfactory.

THEREFORE, the petitioner prays that the Senate intervenes on this matter with a view to doing the following;

(1) Recommend measures for redress to the rural poor farmers affected by the maize disease in Bomet County.

(2) Recommend measures to prevent the relevant Government agencies to undertake research to curb the spread of these diseases to other crops.

(3) Recommend regulation of maize seed sale to ensure farmers have access to disease-resistant varieties.

(4) Recommend the provision of crop insurance to farmers in the region to mitigate crop losses and provide them with safety net.

(5) Recommend the identification and promotion of alternative crops that can be planted in place of maize to ensure farmers and their families have sustainable food security.

Hon. Senators, as you are aware, under Standing Order No.237, the Speaker may allow comments for a period not exceeding 30 minutes on this. However, due to the workload ahead of us, I am going to give two senators from the Government side and two senators from the Opposition side to respond or to make their interventions as regards this Petition.

Before you do that, I am going to allow the next Petition to be read. Once we are done reading the second Petition, we can combine our responses. We will combine the two Petitions and the two Senators from both sides will choose which Petition they will make their intervention on. It is so directed, Sen. Seki, please proceed.

RAMPANT LIVESTOCK THEFT IN KAJIADO COUNTY

Sen. Seki: Thank you, Hon. Speaker, Sir. This is a Petition to the Senate by residents of Kajiado East and Kajiado West Sub-counties concerning the rampant livestock theft in the region and Kajiado County at large.

We, the undersigned citizens of the Republic of Kenya and residents of Kajiado East and West Sub-counties, draw the attention of the Senate to the following:

THAT, the livestock industry holds immense significance in both the economic prosperity and cultural heritage of Kajiado County and the country at large.

THAT, the livestock keepers in Kajiado County faced a crisis in recent times.

THAT, this has been in form of recurrent livestock theft happening within the county.

THAT, the escalating incidents of livestock theft has inflicted substantial financial losses, loss of lives and encompassed in recent cases in Kajiado County, where perpetrators killed the homestead owners and made away with livestock. This has brought about emotional distress and an overwhelming sense of insecurity in our community.

THAT, the community has lost over 5,000 livestock in terms of goats and sheep alone over a period of six months.

THAT, the total number of livestock lost could be higher since more residents do not report the cases to the police anymore as a result of low confidence in the security institutions.

THAT, the cases of livestock theft in the stated sub-counties have been rampant despite the presence of police apparatus and roadblocks across the affected areas within the county.

The strategy used by the livestock thieves or the conspiracy, therefore, seems to be high-tech and well-executed as the action goes undetected until the livestock are long gone.

THAT, the Petitioner has forwarded the matter to the relevant authorities for consideration, but the response has been unsatisfactory.

THAT, none of the issues raised in this Petition is pending before any Court of Law, institutional, or any other legal body.

THEREFORE, your humble petitioners pray that the Senate;

- (1) Hears and consider this Petition
- (2) Investigates how the livestock is ferried past the heavy presence of police apparatus and roadblocks within Kajiado County without any notice or arrests of the perpetrators and whether there could be a conspiracy to defeat justice.
- (3) Initiates the formulation and passage of stringent legislation specifically targeting livestock thefts. These laws could encompass severe penalties for offenders, and enhance law enforcement measures and provisions for the establishment of specialized units to combat livestock thefts effectively.

(4) Investigates why there have not been any arrests and prosecutions of perpetrators of livestock thefts, especially when such huge numbers of livestock are involved.

(5) THAT, Senate considers the community request and redresses it in the form of compensation for the losses caused by the cases of livestock theft within Kajiado County.

(6) Takes any other measure or recommendations that Senate may deem appropriate.

The Speaker (Hon. Kingi): So, as I have already directed on these two Petitions, we will pick two Senators from both sides to make the interventions. I will start with Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, nataka kumpa kongole aliyeleta hii *Petition* ndani ya Bunge hili la Seneti, kuomba ya kwamba, Bunge la Seneti litaweza kuingilia kati kuona kuwa wale wakulima wanaolima mahindi katika maeneo ya Bomet na Nandi wanaoongozwa na ndugu yangu Sen. Cherarkey wamepata afueni na misaada inayohitajika ili kuona kwamba mazao ya mahindi kule yamefaidika.

Bw. Spika, Ardhilhali hii sio ya watu wa Kaunti ya Bomet pekee yake bali Kenya nzima, hata Kaunti ya Kilifi. Sote tunategemea kilimo cha mahindi ili tupate faida wakati wa mavuno. Mavuno haya yatatukinga kutokana na njaa, kuwapa wananchi afya na vile vile pesa iwapo watauzwa hayo mahindi.

Itakuwa vizuri iwapo tutazingatia mkulima huyu kutoka Kaunti ya Bomet. Ni lazima kuwe na mikakati mbalimbali. Magonjwa mengine huharibu mimea shambani na mfano ni huu ugonjwa ulio katika Kaunti ya Bomet. Taarifa ni kwamba unaweza sambaa kila mahali nchini. Itakuwa vyema kuichukulia hatua mwafaka Ardhilhali hii kwa sababu pia watu wa Kaunti ya Kilifi wanatatizwa na huu ugonjwa wa mahindi.

Ugonjwa huu unafanya mavuno ya mahindi kupungua. Tunataka nchi hii iwe na chakula cha kutosha ili wananchi wafaidike na wapige njaa teke.

Kwa upande mwingine, ikiwa huo ugonjwa utaharibu mahindi, basi watu watapata taabu na kutakuwa na njaa. Tunapaswa kukabiliana na huu ugonjwa ili wakulima wa mahindi wafaidike.

Asante.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. This Petition is timely. I congratulate the petitioner, Mr. Kerich Kiprono Hillary, for having faith in the Senate and petitioning on the issue of maize.

As you are aware, majorly, my region of the North Rift which includes Nandi, Bomet among other areas; grows a lot of maize. This maize is eaten all over the country. This issue is very serious. Cheshire and Mosop sub-counties in Nandi County largely plant maize. However, we have always had challenges. I am surprised because maize crop is highly sought after to be eaten. My good brother and friend, the Senator of Nairobi City County, once said that anything else apart from ugali is not a serious meal.

We must give maize farmers insurance the same way we have given livestock insurance to pastoralists. So, when the maize crop fails, maize farmers should be compensated.

Secondly, we are currently having rains in the North Rift although some parts do not have regular rains. When the rains are inadequate, our crops normally fail because we need herbicides and acaricides. I am happy that I am seated next to the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries. The elephant in the room is that there are some herbicides and acaricides which have been banned in the United States of America (USA) which have been linked to the increasing cancer cases in the country.

I am surprised that the Ministry of Agriculture and Livestock Development, Kenya Plant Health Inspectorate Service (KEPHIS), Kenya Medical Research Institute

(KEMRI) and the Agriculture and Food Authority (AFA) have not banned such herbicides. It has been discovered that it has cancerous elements. I challenge the Committee to look at this issue of failing maize crop in Bomet County.

Third and final, we challenge the Kenya Seed Company Limited. They gave us seeds whose quality was poor compared to 6-chogo. These seeds do not mature the way we expected them to. In most of our farms, some of the maize seeds have changed color because of the quality.

I request that now that the budget and the Finance Bill, 2023, have passed, we must increase the allocation to the Kenya Seed Company Limited. The allocation will go into purchasing disease resistant maize seeds, among other seeds crops such as mung beans.

As a region that plants a lot of maize, we expect a bumper harvest. The only challenge we had was the subsidized fertilizer. However, we thank the Government. We saw our President in his farm yesterday where the maize was maturing properly. I assure our brothers on the Minority side to give us two to three months and they will leave those sufurias in the kitchen for cooking.

Thank you.

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

Sen. Mumma: Thank you, Mr. Speaker, Sir, for allowing me an opportunity to speak to both Statements. The challenges raised by both Petitioners in Bomet and Kajiado counties, call to the Senate to emphasize on the need for functional inter-governmental relations between the national and county government.

In the first instance, the Bomet County case, you are talking of the function of research and standards. The national Government is in charge of standards and research. However, since devolution, the national Government, seems to have abandoned its role in setting high standards and doing the relevant research in order to support county governments with the relevant technical support for the country to perform as well.

I urge the Committee that will look into these issues, to look at how best the national Government can support county governments with the functions of research and standards.

I wish to link this to the recent Bill about extension workers. If extension workers were to be given the basic necessary knowledge, they would be able to help identify the key problems and challenges around a particular seed or crop – whether it is maize or tea – and ensure we are able to deal with whatever problem in infancy.

On the issue of the cattle rustling, I have always been of the view that national Government is the primary function holder for security. However, they cannot deliver this without working in collaboration with county governments. The issues raised by the petitioner on whose behalf Sen. Seki read, is raising an issue that would be best addressed if the national and county government actors were to collaborate in order to properly investigate the issues around rampant cattle stealing and rustling in the pastoralist communities.

I urge that the Senate makes effort to use the inter-governmental relations opportunities to emphasize opportunities that prevail. This should enable us to collaborate better as national and county governments for better service delivery to our people.

I support.

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

Sen. (Dr.) Murango: Asante, Bw. Spika. Kwanza ninaunga mkono Ardhillali iliyoletwa na watu wa Kaunti za Kajiado na Bomet. Ingawa tunajitahidi kufanya ukulima wa mahindi na mimea mingine, shida kubwa ambayo tuko nayo ni wadudu, viwavi na ndege wanaoharibu mimea. Ni vizuri tuwashike mkono wakulima haswa wa mahindi, kwa sababu hicho ndicho chakula ambacho kinaliwa sana nchini.

Tunafaa kuwapa dawa na pembejeo zinazofaa ili kuhakikisha kuwa ile mahindi yao inakomaa na wameweza kulisha Kenya nzima.

Bw. Spika, shida kama hizo ni nyingi kwa sababu, hata wakulima wa mchele huko upande za Mwea, Ahero na Bura pia wana shida kama hizo. Wakati wakulima wanapanda mpunga, mwezi wa saba, kuna ndege wanaoitwa Kwelea ambao wanakuja kushambulia yale mashamba. Ndege mmoja anakula kama *gram* tano. Kwa hivyo, katika mwezi wa saba, msimu wa mpunga unapofika wakulima wa Kenya wanapoteza tani tano ya mchele kila siku.

Naunga mkono haya maombi yote na yakija kwa Kamati, tutayashughulikia vilivyo.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No. 238 (1), regarding the Petition as read by Sen. Seki, I do direct that the same be committed to the Standing Committee on National Security, Defence and Foreign Relations. Pursuant to Standing Order No. 238 (2), the committee is required, in not more than 60 calendar days from the time of reading this prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

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

As regards to the Petition by Mr. Kerich, I direct that the same be committed to the Committee of Agriculture, Livestock and Fisheries for its consideration. In terms of Standing Order No. 238 (2), the Committee is required in not more than 60 calendar days from the date of reading this prayer, which is today, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate. It is so directed.

Next order.

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

PAPERS LAID

THE CBK SUPERVISION ANNUAL REPORT FOR 2021

The Speaker (Hon. Kingi): The Senate Majority Whip, please proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of this Senate today, 29th June, 2023:

The Central Bank of Kenya Supervision Annual Report for the Year 2021.

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

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Agriculture, Livestock and Fisheries.

REPORT ON THE PREVENTION OF LIVESTOCK AND
PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)

Sen. (Dr.) Murang'o: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 29th June, 2023:

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the prevention of livestock and produce theft Bill (Senate Bills No.12 of 2023).

(Sen. (Dr.) Murang'o laid the document on the Table)

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

REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION
OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67)

Sen. Dullo: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 29th June, 2023: -

Report of the Senate delegation to the 67th session of the Commission on the status of women (CSW 67).

(Sen. Dullo laid the document on the Table)

The Speaker (Hon. Kingi): Next order.

NOTICE OF MOTION

NOTING OF REPORT OF THE SENATE DELEGATION
TO THE 67TH SESSION OF CSW HELD IN NEW YORK

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

Sen. Dullo: Mr. Speaker, Sir, I beg to give notice of the following Motion that the Senate notes the report of the Senate delegation to the 67th Session of the Commission on the Status of Women (CSW) held in New York from 6th March, 2023 to 17th March, 2023 laid on the Table of the Senate on Thursday 29th June, 2023.

The Speaker (Hon. Kingi): Next order.

STATEMENTS

ACCREDITATION OF NEW CLINICS AND
HEALTH FACILITIES BY NHIF BOARD

Sen. Okenyuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Health on the abnormal rise in

accreditation of new clinics and health facilities across the country by the Board of the National Health Insurance Fund (NHIF) after the rollout of Universal Health Coverage programme.

In the Statement, the Committee should-

(1) Indicate the number of health facilities per year, per county, accredited by NHIF in the past four years (2019-2023) vis-a-vis those of the preceding four years (2014-2018).

(2) Disclose the quarterly trajectory of payments made from the Fund to the NHIF-top 20th - percentile-benefactor-hospitals per county, from the day those top-20th - percentile-beneficiary facilities were accredited as hospitals from the year 2019 or whichever is earlier.

(3) Cause an investigation on claims of siphoning of the Fund in dubious claims by benefactor health facilities across the country, shedding light on reports of collusion with NHIF staff and directors of such facilities.

(4) State measures put in place to recover public funds lost in collusions between employees of the Fund and directors of health facilities.

(5) Indicate the amount of funds recovered through such measures instituted by the Fund in the last five years, stating deficiencies and interventions, if any.

SENSITISATION AND INVOLVEMENT OF WOMEN AND YOUTH START-UPS IN SEZ AND INDUSTRIAL PARKS

Mr. Speaker, Sir, I also have another Statement. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the sensitization of and involvement of women and youth startup enterprises in the Special Economic Zones and County Aggregation Industrial Parks.

In the Statement, the Committee should-

(1) Apprise the Senate of the measures taken by the Government to encourage and support investment in value addition by women and youth startup enterprises in the Special Economic Zones (SEZs) and County Aggregation Industrial Parks (CAIPs).

(2) State the number of women and youth startup enterprises that have been identified for training and capacity building on value addition.

(3) Explain the nature of support, including mobilization of financial support, if any, that will be extended to women and youth by the national and county governments for their enterprises to investment in value addition in the SEZs and CAIPs.

(4) Inform the Senate whether there will be any preferential treatment and set quotas for women and youth startup enterprises in accessing opportunities to invest in the SEZs and CAIPs.

(5) State whether the national and county governments have identified any markets at the local, regional and global levels for the sale of products produced by women and youth startup enterprises at the SEZs and CAIPs.

The Speaker (Hon. Kingi): What is your intervention, Sen. Mwaruma?

Sen. Mwaruma: Mr. Speaker, Sir, I stand because I want to seek permission to read a Statement which was dropped previously because I had an engagement with the Principal Secretary for Mining and I came a little bit late. I seek your indulgence to allow me to read it today.

The Speaker (Hon. Kingi): Sen. Mwaruma, the practice is that once your Statement is dropped, you do a letter addressed to the Speaker seeking for its reinstatement. I have not seen that letter.

However, being the last day, I will save you. You will proceed to read your statement. Do you have it with you?

Sen. Mwaruma: Yes, Mr. Speaker, Sir, I have it with me.

The Speaker (Hon. Kingi): Proceed.

Sen. Mwaruma: Thank you so much.

STATUS OF FUNDS FOR CONSTRUCTION OF
TAITA-TAVETA COUNTY HEADQUARTERS

Sen. Mwaruma: Mr. Speaker, Sir, I stand pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget concerning the status of release of funds for construction of Taita-Taveta County Headquarters.

In the Statement, the Committee should-

(1) Explain the status of release of funds allocated for the construction of the Taita-Taveta County Headquarters.

(2) Give reasons that have occasioned delay of the release of the said funds.

(3) Outline any steps being taken to ensure that the funds are released for the construction to commence.

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

OFFICE OF KAKAMEGA COUNTY GOVERNOR'S SPOUSE

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations concerning efforts by the Kakamega County Government, through its Assembly to anchor into law the Office of the Governor's Spouse in total contravention of the Constitution, the County Governments Act and the Legal Advisory by the Attorney-General.

In the Statement, the Committee should-

(1) State the legal basis for anchoring in law the Office of the Governor's Spouse, through the Kakamega County Office of the Governor's Spouse Bill 2023.

(2) Cause the Auditor-General to undertake an audit of the powers of the County Assembly of Kakamega to establish the purported office of the Governor's wife and processes used to create the said office.

(3) Probe the possible cases of abuse of this Constitution and other laws by the county governors in creating unnecessary offices in an already bloated payroll.

(4) State the extent of the implementation of the said law establishing the Office of the Governor's Spouse in Kakamega County.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Mr. Speaker, Sir, I have two Statements. Can I start with either?

The Speaker (Hon. Kingi): Yes.

RETESTING OF PUBLIC SERVICE AND
COMMERCIAL VEHICLE DRIVERS

Sen. Crystal Asige: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding retesting of public service and commercial vehicle drivers upon expiry of their driving licences.

In the Statement, the Committee should-

(1) Explain the justification and criteria for retesting of holders of driving licences with class endorsements B3, D1, D2, D3, C, C1, CE and CD, upon the expiry of the holder's licence as communicated by the National Transport and Safety Authority (NTSA) on 20th June, 2023, stating the associated fees.

(2) State the professional qualification requirements for individuals conducting the retests.

(3) State whether the proposed biometric licences are obligatory, specifying which category of drivers will be required to obtain them and the cost associated with obtaining a biometric licence, explaining the difference in cost, if any.

(4) Shed light on the extent to which representatives of long-distance drivers and conductors' associations were involved in arriving at the decision by the NTSA to retest drivers holding the said driving licences.

My second Statement is also pursuant to Standing Order No.53(1).

UNFAIR LABOUR PRACTICES FACING LONG-DISTANCE
DRIVERS AND CONDUCTORS

Sen. Crystal Asige: Mr. 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 unfair labour practices facing long-distance drivers and conductors.

In the Statement, the Committee should-

(1) State measures in place to protect long-distance drivers and conductors from exploitation by their employers through unfair labour practices.

(2) Find out the extent of unfair labour practices against long-distance drivers and conductors, including but not limited to, long working hours and poor wages, stating whether the minimum pay is in line with the Regulation of Wages (General) (Amendment) Order, 2022, which sets minimum wages for heavy commercial drivers and medium-sized commercial drivers.

I thank you.

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

DELAYED PAYMENT OF MONIES TO ELDERLY PERSONS

Sen. Omogeni: Mr. 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 delayed payment of monies to the elderly persons under the Older Persons Cash Transfer (OPCT) Programme.

In the Statement, the Committee should-

(1) State the reasons for inordinate delays in payment of monies to the elderly under the OPCT Programme

(2) Outline any measures put in place by the Government to ensure timely disbursement of these funds to the elderly persons of this country.

Mr. Speaker, sir, if you allow me, I have another Statement.

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

STATE OF ROADS IN NYAMIRA COUNTY

Sen. Omogeni: Mr. Speaker, Sir, pursuant to Standing Order No.53(1), I rise to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the state of roads in the County of Nyamira.

In the Statement, the Committee should-

(1) Disclose the roads that have been approved for funding by the County Government of Nyamira during Financial Year 2019/2020 to 2020/2022 detailing the respective constituencies in which the said roads are located.

(2) Table a report on the roads that are completed as well as those currently under construction.

(3) Disclose the funding allocated by the Kenya Rural Roads Authority (KeRRA) to Nyamira County covering Financial Years 2019/2020 to 2021/2022 and provide a breakdown of the budgetary allocations by the National Treasury per constituency.

(4) Outline the plans the County Government of Nyamira and the KeRRA have put in place to ensure that the roads in the county are in a passable state.

I thank you.

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

MANAGEMENT OF TALENT IN THE COUNTIES

Sen. (Dr.) Murango: Mr. 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 management of talent in the counties. In the Statement, the Committee should-

(1) Outline plans in place by the national and county governments, if any, to provide infrastructural support and economic incentives for upcoming and established artists in Kirinyaga County.

(2) State whether there are plans by the County Government of Kirinyaga to establish a recording studio, arts academy or any other income generating projects for artists in Financial Year 2023/2024.

(3) Update the Senate on progress made by the Government in establishing the National Rights Registry, a central depository for collecting details pertaining to ownership of various copyrights works and the Kenya Copyrights Board (KECOBO).

By Sen. James Murango, the Senator of Kirinyaga County.

I thank you.

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

NEGLECT OF THE FAMILIES OF THE
FIVE FREEDOM FIGHTERS

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to request for a Statement from the Standing Committee on Labour and Social Welfare regarding the neglect of the families of the five freedom fighters who were imprisoned in Kapenguria together with the founding father, the late Mzee Jomo Kenyatta, during the fight for the country's Independence.

In the Statement, the Committee should-

(1) State the factors that contributed to the prolonged non-disbursement of pensions and benefits to the families of the five freedom fighters, stating measures that can be taken to rectify this situation.

(2) Outline the steps being taken by the Government to ensure that the distinguished contributions of the five freedom fighters are appropriately acknowledged and honoured in line with the recognition bestowed upon their peers and colleagues, who actively participated in the struggle for Independence.

(3) State the existing plans or initiatives aimed at indemnifying or providing compensation to the families of the five freedom fighters as well as other heroic individuals who endured financial hardships due to the prolonged absence of their primary providers during the fight for independence.

(4) Explain why the principle of honouring those who heroically struggled to bring freedom and justice to our land as espoused in the preamble to our Constitution has consistently been applied selectively and not on all freedom fighters.

I thank you.

The Speaker (Hon. Kingi): Next Order.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 18TH JULY, 2023

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 57 (1) to hereby present the business of the Senate for the week commencing 18th July, 2023.

As you are aware, on Tuesday we passed a Motion that the House will proceed on a recess at the rise of the House, later this afternoon and be back on the 18th July, 2023.

Hon. Members, this is to bring your attention that today we conclude Part Three of the Second Session in accordance with the Senate Calendar.

This far, a total of 38 Bills have been published. Out of these Bills, 21 are pending conclusion in the Senate at various stages. A total of 17 Bills are at the Second Reading while four are at the Committee of the Whole stage.

The Senate has considered and passed six Bills, two of which are awaiting assent by his Excellency the President and one has already been assented to. Three are pending before the National Assembly.

Hon. Senators, I take this opportunity to laud and thank all Senators for their dedication and commitment that they have shown in discharge of their mandate as legislators.

Following the August, 2017 at such a time as this, the Senate had published 28 Bills which were pending at various stages. One Bill had been assented to and six had been passed by the Senate and forwarded to the National Assembly.

This shows great improvement at this time. I urge us to continue with the same spirit in service to the people who entrusted us to represent their interest in this House.

Mr. Speaker, Sir, as indicated in today's Order Paper, at Order Nos. 8, 9 and 11, they are division at the Second Reading and Committee of the Whole stage. I urge our party Whips from both sides of the House to mobilize the requisite of Senators for division to be undertaken.

Following the passage by the National Assembly of the County Allocation of Revenue Bill, 2023, it is expected that the County Government Cash Disbursement Schedule, will be introduced in the coming days for consideration by the Senate.

I want to laud the Standing Committee on Finance and Budget for the timely consideration of critical financial instruments and tabling of the reports thereon, and urge other Committees to emulate this kind of dedication.

Mr. Speaker, Sir, we have 22 Motions that are pending before the Senate. I continue to urge the respective movers to be available in the Chamber whenever their Motions are scheduled in the Order Paper.

A total of 12 petitions are now due for reporting. As I indicated last week and will emphasize again, that there are four petitions which are due for reporting by the Standing Committees on Roads, Transport and Housing. I can see the Chairperson is in the House. I hope he takes note of that.

Due for reporting means that the statutory 60 days timeframe within which we are to report to petitioners has lapsed. Therefore, we expect you Sen. Karungo and your team to actually report back to the House on the progress. I hope you will take advantage of the recess to conclude on this business.

Three petitions are due for reporting by the Standing Committee on Justice, Legal Affairs and Human Rights. I do not see the Chairperson, but I am sure the Members are there.

Two petitions are due for reporting by the Standing Committee on Labour and Social Welfare. One Petition is due for reporting by the Standing Committee on Education. One Petition is due for reporting by the Standing Committee on Agriculture, Livestock and Fisheries and one Petition is due for reporting by the Standing Committee on Land, Environment and Natural Resources.

I request the Standing Committees to expedite consideration of these Petitions and table reports as required under Standing Order No.238 (2).

Mr. Speaker, Sir, Statements are increasingly being sought pursuant to Standing Order No.53 and others issued pursuant to Standing Order No.52. A total of 141 statements are pending conclusion by Standing Committees.

I urge the respective Committees to expedite consideration of the same and table reports pursuant to the Standing Orders.

I also encourage Chairpersons of Standing Committees to utilize Standing Order No.56 (1)(a) to present statements on matters for which the committees are responsible to apprise the House from time to time.

Mr. Speaker, Sir, it is important for our Chairpersons to note that the provisions of Standing Order No.56 (1) are available for their use. This is to regularly update the House

and colleague Senators on the matters that they are actively considering before the House so that we do not have to wait and question them.

With regards to Questions, during the meeting of the Senate Business Committee (SBC) held on 27th June, 2023, the Committee maintained the same set of Questions scheduled for Wednesday, 28th June, 2023 to be rescheduled for Wednesday, 19th July, 2023, upon resumption of the Senate from recess. This came as a result of the postponement of these set of Questions owing to Wednesday, 28th June, 2023, being gazetted as a public holiday to celebrate *Eid al-Adha*.

Mr. Speaker, Sir, the Cabinet Secretary for Education will appear before the Senate on Wednesday, 19th July, 2023 to respond to questions by the following Senators-

- (1) Sen. George Mbugua, MP on Persons Living with Disabilities (PWDs) education needs.
- (2) Sen. Joyce Korir, MP
- (3) Sen. Peris P. Tobiko, MP
- (4) Sen. Mariam Sheikh Omar, MP
- (5) Sen. Samson Cherarkey, MP on a couple of questions.

Finally, in accordance with the Senate Calendar, at the rise of the Senate today, the Senate will proceed on a two-week recess. Regular sittings of the Senate will resume on Tuesday, 18th July, 2023.

Finally, on Tuesday, 18th July, 2023, the SBC will consider and approve the business for the week. This will contain business that will not be concluded from today's Order Paper, and any other business scheduled by the SBC.

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

(Sen. Cheruiyot laid the document on the Table)

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

BILLS

Second Reading

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

(Bill deferred)

Second Reading

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

(Bill deferred)

COMMITTEE OF THE WHOLE

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO.5 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO. 4 OF 2023)

The Speaker (Hon. Kingi): That order is also deferred.

(Committee of the Whole deferred)

The Speaker (Hon. Kingi): Next.

BILL

Second Reading

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

(Sen. Wambua on 20.06.2023)

(Resumption of debate interrupted on 22.6.2023)

The Speaker (Hon. Kingi): Hon. Senators, we have deferred about five Bills that were to proceed to Division, owing to the lack of the requisite numbers of delegations. This is the last day after which we will go for a two weeks recess.

I urge both sides of the House to take this opportunity and reflect on the very reason why we are in this Senate. One of the key reasons why we are in this Senate is to make laws.

I have looked at my list and the Senators I have released to travel are very few. As I speak, we have the numbers present in this country. However, these numbers are not in the Chamber. Therefore, we have to defer six Bills that would have sailed through in Division until after recess.

Hon. Senators, this is your House and your business. Please purpose to make sure that once we have a Bill committed, we take it all the way to avoid clogging the legislative Calendar.

We are going to resume business on the Mung Beans Bill. I can see Sen. Maanzo.

(Interruption of debate on Bill)

POINT OF ORDER

LACK OF REQUISITE NUMBER OF DELEGATIONS IN THE HOUSE TO FACILITATE DIVISION ON BILLS

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

The Speaker (Hon. Kingi): Yes, what is your point of order?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I thank you for that guidance. The pain that I am feeling as a Whip is shared by my colleague on the other side. We started whipping as soon as we adjourned on Tuesday. We told Members that come Thursday, which is today, they should be here to vote. I have been whipping from 8.00 a.m., up to now. I am very disappointed.

Mr. Speaker, Sir, I wish you could have a tool to make your Communication more emphatic. It is very frustrating to sit here from 2.30 p.m. to 6.30 p.m. and then allow business to pend.

As you can see, the leadership of the House is leading by example. The Senate Majority and Minority Leaders are here. All the leadership of the House is here today.

Mr. Speaker, Sir, it goes beyond the Senate Business Committee (SBC).

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, before I respond to that, let me allow Sen. Wambua to give us his words of wisdom before I respond.

Sen. Wambua: I thank you, Mr. Speaker, Sir. I almost felt the pain expressed by Sen. (Dr.) Khalwale. What he is asking for, in my very humble opinion, may not be the way to go.

The one thing that we must all appreciate is the statement that you have made. This is personal to every Senator. The decision to just commit to the cause of the Senate cannot be whipped or enforced through the Speaker's Rules. It has to be a personal commitment to the course.

Mr. Speaker, Sir, I implore my colleagues and even myself or everyone who has business in this Senate, we have an opportunity as a House to rise above the fray and be that House where when everything else seems not to be working, then this should be the House of last resort for everyone. We should provide leadership and guidance.

Mr. Speaker, Sir, you have said it and I have also expressed myself to you. How beautiful would it have been if my Chairman, Sen. Thang'wa of Kiambu and all my other colleagues in this House would be going out today having dispensed of six Bills? We could then challenge the National Assembly and tell them that the ball is in their court and ask them to push the Bills to completion.

I have heard the Senate Majority Leader read his Statement. There are quite impressive businesses before us. If we could just complete this business, then we would be remembered as that House that took its legislative role a lot more seriously.

Mr. Speaker, Sir, I thank you for that opportunity.

The Speaker (Hon. Kingi): Thank you. Sen. Thang'wa, what do you have to say?

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. I truly agree with you, that we have to remember why we were voted for so that we discuss important issues when we are in this House. I am asking myself whether this could be the effect of having a holiday in between the week. It could be. I am just asking myself.

I also tried to raise the same issue last week on Monday, maybe not in the way that it should be and I was told to withdraw and apologise. However, we need to understand as a Senate why we were voted for. It feels sad that six Bills have to wait for another few weeks before we can vote for them.

It calls for the leadership of this House to invite us for a *kamukunji*, so that we can discuss some of the issues that maybe we cannot discuss on the Floor of this House. We should speak in one voice when we come back and be one Senate that is geared towards fighting for the interest of our counties.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. Let us not make this an issue of debate. Yes, Sen. Madzayo, what is your wisdom in this matter?

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Nafikiri ni kwa sababu ya likizo. Kumekuwa na msemo kwamba wengi wetu huwa hatukuji Bungeni. Ni jambo la kusikitisha sana.

Kwanza, watu huja Bungeni kukiwa na Mswada ama mtu ameambiwa aje kwa sababu ya kitu fulani. Mienendo kama hiyo haitatusaidia.

Wewe ulichaguliwa na wananchi uje kwenye Seneti, utunge sheria ambazo zitasaidia na kutetea kaunti uliochaguliwa. Lakini, ni jambo la kusikitisha kuona hususan watu ambao walichaguliwa ndio hawaji kwenye Bunge.

Sen. Thang'wa amesema kwamba ingekuwa vizuri tuwe na *kamukunji* ili tuilizane maswali kwa kina na kwa uwazi, ili tujue kwa sababu gani watu hawataki kuja Bungeni?

Kiongozi wa walio Wengi atakubaliana na mimi kwamba Bunge lilikuwa likijaa sana miaka ya 2013, 2014, 2015 na hata Bunge lililopita.

Bw. Spika, tunakaribia mwisho wa mwaka tangu tuanze hili Bunge. Ninasikitika ya kwamba wakati mwingine unapoingia ndani, ndio kengele inapigwa. Hiyo sio kawaida. Kawaida ya Bunge ni sisi sote tuingie hapa ndani na tukae, halafu wewe ukiingia baadaye, utakuta Bunge limejaa. Sio kuitwa na kengele.

Ninawauliza hawa ndugu zangu, Viranja wa Upinzani na wa Walio Wengi Bungeni, wanastahili kujua na kufanya kazi yao vizuri. Ninawapatia kongole kwa sababu wanafanya kazi. Hata huu upande wetu, wanafanya kazi. Lakini sasa itabidi tuite *Kamukunji* ili tuwape nguvu Viranja. Itatulazimu kuzungumzia hili jambo katika *Kamukunji* hata kama Viranja wanafanya kazi yao. Mimi naona pia heshima imepungua. Lazima tutafakari hili jambo vizuri.

The Speaker (Hon. Kingi): Sen. Cheruiyot, did you press to contribute to your Motion?

(Sen. Cheruiyot spoke off record)

Please, go ahead.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. Mine is just a quick comment. All is not lost. We currently have 19 delegations within the precincts; 17 in the House and two in the Lounge, I am told.

What I could ask of our Whips is to try and raise another five Senators and we will be good to go because we need only 24 delegations. I know that is a bit of a weird way of working but we should do better. However, what do you do in the circumstances?

Sometimes I ask myself what has changed because of what the Senate Minority Leader is saying. I am used to a very vibrant House that is full of debate. That is what Senate is known for. In fact, many of our colleagues from the National Assembly are always jealous of the Senate because of the opportunity to debate. Maybe this break was needed. We hope that in the course of the break, people will re-energise and conclude all that they are normally rushing out of this House to go and transact. When it is time for Senate, you sit from 2.30 p.m. to 6.30 p.m.

Mr. Speaker, Sir, I always wonder why we forget so soon. During election season, people can kill and fight for a chance to come to this House. Soon after they get the chance to be here, they want to be elsewhere and not inside the House, which is rather weird.

We can proceed with the Business that is ahead of us. Should our Whips raise the other five Members that are needed in the next few minutes, we can always seek your indulgence under Standing Order No.1, to revert to the previous order and we conclude on it. It is very important Business for us to proceed on recess without concluding on it.

Mr. Speaker, Sir, finally, I have always said this to my Whip and I want to say this to my brother, Sen. Sifuna, as well; keep a list so that we know who is coming to the House and who is not. We can then just be ticking and knowing who had assured us of coming to vote. That way, it will be easier to mobilise.

Allow us to proceed. Should we get these five delegations that we are waiting for, we will be good to go and we can revert and conclude on that business. That means that the people that are in should not leave the precincts of Parliament. Just be within.

The Speaker (Hon. Kingi): Thank you. To those who spoke, thank you for your words of wisdom. I hope, as Sen. Wambua has said, it goes to the personal responsibility, really. Having run a campaign and made promises that you are going to be the best representative of your county in the Senate; and then you are nowhere when the real business of the Senate is called up, I think it calls for personal responsibility. As you do your *Kamukunji*, that is the message that you ought to give to your Members.

This is an area where the Speaker has very little latitude, if any. I do not remember starting a Sitting with a Quorum, other than during the controversial impeachment and the list of Committee Members. Those are areas that are really not key responsibilities of the Senate.

Members, this is your House. We had murmurs when we started that the Panel was taking too long. That whoever was on the Chair would take too long in dispensing with statements and all that. We have now gone over that hurdle. We want to give more time to critical Business which are the Bills. We have reached there, ready to move and we do not have the numbers to do that.

I believe that as we proceed in today's business, if the two Whips can save these Bills today so that as we go on recess at least we can say that in this Session, we passed these Bills, that will be a good record and score for the Senate.

Sen. Maanzo, kindly proceed.

(Resumption of debate on Bill)

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to the Mung Beans Bill, 2022 brought by the Senator for Kitui County, Sen. Wambua.

The mung bean is the green gram. So that we may move with the Kenyans who are following this debate, it is popularly known as *ndengu*. The mung bean is very common in the drier parts of the country, especially Makueni, Kitui, Kajiado, coastal counties and dry parts of the country. It is a very rich source of proteins and it is used by many people as food. It can make quite a number of food substances such as soup.

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

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

In Makueni County, we had a processing plant sponsored by the World Bank. This plant is currently being revamped by the current county government so that it can be effective. However, the plant will not work well if farmers do not grow *ndengu*. Therefore, the Ministry of Agriculture, Livestock and Fisheries is very instrumental.

Madam Temporary Speaker, unfortunately, the Ministry of Agriculture, Livestock and Fisheries which is devolved under the Constitution, has not fully been devolved. Agriculture is the main component of what we do. Agriculture is the main earner or activity Kenya carries on. We have different climatic conditions and *ndengu* favours the drier parts and survives with little rainfall.

Therefore, this Bill is very important so that farmers can now start growing this rich source of protein. *Ndengu* is also exportable because it is a very common legume in many parts of the world as a source of protein, especially for vegetarians.

There is a growing practice by many citizens of the world. Many of them are going vegetarian owing to one-time scarcity of meat. Secondly, owing to the uncertainty of meat, treatment of animals and the quality of meat. Many people have been advised by their doctors to be vegetarians.

As people age, there are problems with consumption of meat and then vegetarian diet that is fully supplemented with protein, is very important. Therefore, *ndengu* comes in as one of such plants. *Ndengu* grows in Makueni county and it survives with very little rainfall. In fact, farmers who grow *ndengu* are sure they are going to harvest even with two weeks rainfall.

The biggest problem which has come up now is just like we had a case in Nandi and other places whereby maize has been affected by strange diseases. Similarly, *ndengu* has also been hit by a very strange disease. There is a little animal which attacks it. It is blackish in color and covers the leaves, the stems and the pods. The county governments have to be empowered to fight these diseases.

These particular one when sprayed does not respond to herbicides whether organic or synthetic. It is very frustrating to farmers but I believe, with this law, the county governments will be empowered. This is because there is a role of national Government through Agricultural and Food Authority (AFA) and the role of the county governments. More importantly, if farmers are organized in cooperatives, it is easier to grow this plant and market it locally and abroad.

The demand for this bean is so much such that whatever is grown quickly ends up being consumed and we begin to import. I believe with such wonderful soils and climatic conditions in this country despite the challenges of climate change which as our people we are making an effort to counter, it is imperatively important that we make sure that this plant gets support.

One of the best things Sen. Wambua has done is to give it a legal structure so that the implementation, the growth and the support of farmers and the support by the international community, people who believe in vegetarian diet--- You know many lobbyists in the world will come in and support the farmer to grow this plant.

Therefore, I would like to encourage the farmers of Makueni, Kitui, Machakos, Kajiado and the coastal region to grow this crop because it survives with little rainfall. Once it is harvested and you have excess, you can sell it at a very good price and you will find that you can buy other food stuff. It is one way of ensuring that there is food security in the country.

I have been in the Committee of Agriculture in the National Assembly once and now in the Senate I am in the Committee of Agriculture, Livestock and Fisheries. Our committee did very well to support this law. It has also quickly moved to the floor of the House. Therefore, it is very important for all Senators and governors to encourage the growth of this crop in many other parts of the country like Tharaka.

It is crop which is easy to protect from attacks by wild animals and other crops. It is not easily consumed. Again, it takes a very short time to mature and dries up quickly and is very easy to process. Storage of this crop is a challenge. This is what Makueni was trying to sort out and is at a very advanced stage of doing so.

First and foremost, while encouraging this debate, we should make sure that as many farmers as possible in those favorable climatic conditions grow this plant now that we have a law which is going to protect that.

Secondly, the County Executive Committee Member (CECM) of Agriculture in the counties should have an elaborate plan on how to make sure that there are enough seedlings before the rains fall and that farmers are sensitized sufficiently to be able to plant as soon as the rains fall. If that happens then it becomes very easy to encourage farmers.

Coming back to the issue of cooperatives, if farmers are organized in cooperatives, they will easily deal with the herbicides, seedlings, and marketing issues because that is where one of the biggest challenges comes. Control of prices to make sure that farmers are able to maximize their profits.

It is also not labour-intensive. It does not require as much labour as other crops do. It is harvested by hand. When you grow this *ndengu* large scale, you are also creating an employment. Young people will be busy planting when the rains come, busy while harvesting, busy while transporting and busy while marketing to different places.

On many occasions, business people come to places like Makueni looking for this product and they are able to get a lot of it at a cheap price. I believe when farmers are organized in cooperatives, it is easier to make sure that they are not exploited and we avoid the middleman.

This crop is also widely grown in India - I can see my chairperson for the Committee on Agriculture, Livestock and Fisheries is in the House - it is one of the places we could also benchmark and see how the systems including the storage and the warehouse of which now we have a law in the country can happen to reduce post-harvest damages and processes.

Also, the herbicides, if we could go more on organic and bio, the world over is very keen on bio products. It is very keen on products which have not been sprayed with herbicides which are natural. We are very blessed in Kenya that we have pyrethrum which manufactures organic herbicides. We could be leading when we are very sure that farmers - that is why we talked about extension officers - have been guided properly. If farmers are guided properly, they would find it easy to access these herbicides which are organic. The European market will really welcome us. You see, from where we are, when we go synthetic herbicides, then we lose the market from the European countries.

The European countries are very keen on getting organic products, especially for consumption in this era of cancer. Therefore, that is one of the things to look at so that we have a ready market and it is also good for our own consumption when the herbicides are safe and even the storage becomes easier when you are using products which are natural. Pepper can also be used to produce organic herbicides. That has been one of the biggest challenges.

There is a very big debate now on Genetically Modified (GMO) Products. This is one of the ways to check GMO products coming from the country. We can develop our seed so that it is locally developed, natural and is organic.

We have scientists in this country who make the best out of a product so that we have a bean which is fully grown and grows quickly. The seedlings can be planted without losses. We have scientists in the country who can do that. We do not have to develop GMO products of this nature. Unfortunately, GMO products need a lot of herbicides to survive harsh weather and the things which attack crops. However, this crop can be developed in such a way that it is able to survive local diseases, and drought in the country just by developing the normal seed.

With the framework which has been provided and the regulations which will be made thereunder, I believe that it is doable and Kenyans are going to plant this important crop in as many parts of the country as possible.

I challenge the national Government because it has a role to play by providing infrastructure in terms of extra warehousing now that we have a housing law, storage, marketing strategies and most importantly, funding the counties. It should devolve agriculture to make sure that by the time rains set we are ready being an agricultural country.

Having an agriculture-based economy, we have to utilize every plant that we grow in this country with a lot of wisdom to ensure that we have the best seedlings and that the plants are suited for the climate.

One of the areas to learn from is Israel's experience where they grow crops through irrigation. We should move away from rain-fed to irrigation agriculture. It will

take time before we get there because the construction of Thwake Dam that will supply water to Kitui, Makueni, Kajiado and Machakos counties is still under construction.

I am happy to report that the works resumed after about three weeks because an amount of Kshs5 billion had been removed from the budget. After a serious fight with the Ministry of Water, Sanitation and Irrigation, and the National Treasury, the money was taken back and the young men who had been laid off are back to work.

Once the dam is completed, we will do irrigation. Even when the rains fail, now that we are in the era of climate change, mung beans will still be irrigated and the best out of that product will be realized.

I want to laud the Senator for Kitui and assure him of our support. When they did public participation, he got a lot of assistance from the Standing Committee on Agriculture, Livestock and Fisheries and Sen. Beth Syengo who is nominated. The product is grown a lot where she originally came from.

We encourage Kenyans in all the counties where mung beans are grown to come up. Farmers should know that this is a good product. Now that there will be a legal framework, they should grow it. More importantly, I encourage the national and county governments to do their duty to help the farmers.

We look forward to the passing of the Bill on agricultural extension officers, so that we have knowledgeable officers who know how best to deal with legumes so that we get the best.

We have other legumes which are popular there. They include beans, cowpeas, green peas and many others. We have the popular *minji* from Kirinyaga. In the other parts, we supplement it with green grams. I believe we will give the world enough proteins.

I support.

The Temporary Speaker (Sen. Mumma): Hon. Members, I have a communication to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ORERO BOYS
HIGH SCHOOL, HOMA BAY COUNTY

The Temporary Speaker (Sen. Mumma): Hon. Senators, in the Public Gallery, we have 45 students accompanied by 6 teachers from Orero Boys High Scholl in Homa Bay County, who are in the Senate on an education tour.

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

I thank you.

(Applause)

I would like to request the Sen. Wambua, on behalf of the Senator for Homa Bay, to welcome the team.

Sen. Wambua: Thank you, Madam Temporary Speaker, for this opportunity to welcome the visiting delegation from Homa Bay County. They are students and teachers from Orero Boys High School.

For the visiting delegation, the Senate of the Republic of Kenya is the 'Upper House', where we legislate especially on matters that touch on devolution. We defend devolution and ensure that it succeeds in the country.

On behalf of your Senator, Sen. M. Kajwang', who occupies an important position in this Senate because he is the Chairman of the County Public Accounts Committee (CPAC), I welcome you. He must be out on official business to ensure that counties comply with all the regulations and rules governing devolution.

On my behalf and on behalf of my colleagues in the Senate, I welcome you to the Senate.

(Resumption of debate on the Bill)

The Temporary Speaker (Sen. Mumma): Regarding the Mung Beans Bill, I now call upon the Mover to reply.

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

Apologies. Sen. Mungatana, you may proceed.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker, for giving me the opportunity to make a small contribution to this Bill.

The great Senator for Kitui who sponsored this Bill is my neighbour. Tana River County is a neighbour to Kitui. When he talks about growing mung beans, it is the same climatic region that we are talking about. I, therefore, stand here to strongly support this Bill.

We have seen other sectors of the economy in this country being supported by the State. We have seen the coffee and tea sectors being supported by the State. However, when it comes to crops grown in our climatic regions such as Kitui, Tana River and other areas, there is no support that the State has given us.

What we have had is tokenism, where we are told they will send us a little fertilizer or some little help from the Ministry and it is a one-off thing. The politics of oppression and segregation in this country have been shown in the resource allocation in this country in areas such as ours.

You will never hear that the national Government has written off loans worth billions to sectors of production in areas such as ours. However, you will hear that the Government is writing off loans for coffee farmers or the tea sector worth billions.

All of us pay money. However, we are told that there is no law because the crops we grow do not have a legal framework or an organized and regulated sector. That has continued since Independence.

People say that the people of Kitui or Tana River are not developed. It is not because their leaders are not working but because of economic segregation. It is my prayer that in the President William Ruto's Administration, the bottom-up spirit will reach areas such as ours to support our economies.

Right now, we know special measures are being put up to support coffee and tea sectors, but you do not hear anything about mung beans or watermelons which are grown in our area, or other legumes like beans that we grow in Tana River. You do not hear small-scale farmers being given support to boost what they grow.

We continue to be segregated in this economy. We continue to participate from outside. We are cheering in an economy where people are growing. That is unfortunate.

Madam Temporary Speaker, I hope you will travel. You should visit our areas and see the type of housing. When people get coffee booms, they make beautiful homes. They make nice houses and beautiful areas. However, in our areas, there is no boom. There is nothing like that.

You will see dilapidated houses and farmers who are struggling to feed their people. It is difficult even to feed themselves. So, I stand here to urge fellow Senators to support this Bill.

The establishment of this regulatory sector to help the development of this sector for growth is good for us, especially those who have similar conditions in the drier areas of this country.

Madam Temporary Speaker, I want to point out two specific areas of the Bill, which we must support. I do not know where my spectacles are. I do not know maybe the opposition has taken them.

Sen. Sifuna: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Sifuna?

Sen. Mungatana, MGH: Sifuna, *bwana. Acha!*

Sen. Sifuna: Madam Temporary Speaker, we are not allowed to be imputing ulterior or bad motives on our colleagues here. Can the Senator withdraw because he does not realize he was on HANSARD. He has insinuated that members of the Opposition have relieved him of some of his property. Now that it has been found, I think he needs to withdraw and apologise. We are not thieves.

The Temporary Speaker (Sen. Mumma): Sen. Mungatana, please withdraw.

Sen. Mungatana, MGH: Madam Temporary Speaker, I withdraw and apologise. I never said that. Sen. Sifuna, you know that you are a fine gentleman.

Let us go to the Bill. Regarding responsibilities of the national and county Governments, the proposed Clause 4 of this Bill, sub-clause (k) talks about initiating financing schemes for growers to enable access to affordable funding for farmers. You will never hear farmers in Tana River being given credit and loans.

In fact, when you go down to the entire Coast region, one of the things that is there is the coconut that cannot grow anywhere. When I was in the “lower House”, I brought a Bill and the Government at that time had resigned from Government.

I remember very well the hon. Sally Kosgei was the Minister for Agriculture and the Bill went past Second Reading and she came to me and told me: “You know, we want to put all the nuts and oil producing plants in one Bill so that we can have a big organization that takes care of everyone.” I was convinced that she meant well, but when it was subsumed there, that whole thing died. I had asked from the then President, to set up a coconut board and it was there. President Kibaki set up that board. It served for a while, but then because it was a presidential order, it was going to lapse. We decided to

put a Bill to it. Even the holders of Government offices do not take these economic areas of growth for other regions seriously. That Coconut Bill just went.

This Mung Bill must be supported. I am praying that all the Senators in this country should support this Bill. We must start to be deliberate about growing the economies of other areas. We must start being deliberate about Government financing of these areas so that they can grow. Imagine mung bean growers in Tana River and Kitui County and that whole belt had taken loans of about Kshs500 million. For whatever reason they are having problems repaying and then the president says, "We are writing off Kshs500 million with the taxpayer's money". Imagine what that will do to our people.

Now, this has been normal for coffee and tea growing areas, but we have never benefited. This inequality in growth must end. This Bill starts to address those issues.

Paragraph 1 of this Bill, says –

"It will promote access to international mung bean markets and for this purpose, collaborate with respective County Executive Committee Members (CECMs) in determining appropriate areas for the establishment of local, regional and international markets."

The Chinese and all those in the Indian areas consume these things seriously. So, you can imagine the market and the production from where is organized so that it is targeted at Chinese market. How many peasant farmers will start earning good money for the efforts they make?

Madam Temporary Speaker, this is a good Bill and it is very well thought out. I urge Members of the Senate that we pass it with a philosophical background that indeed we are now fighting for our counties. The counties that have never benefited from the national Government; the counties that have always been left behind. We have always been thought of as counties that receive relief. This must come to an end. We must not be thought as those counties that cannot produce. Just because our climatic areas are not cold, does not mean we cannot produce crops; we can. All we require is support from the national Government and those policymakers who are listening to us must hear.

The Senate is saying that this change of mind must happen. We must produce in our minds another hormone that says even in those areas that are dry, we can produce and make a lot of money if supported by the national Government. What has been going on is wrong. We have been segregated and left behind. People have had access to funding to grow their areas which we have not had. This Bill is one step to address those injustices that have been happening since independence.

I congratulate my neighbour, Sen. Wambua for this Bill. I pray that all of us will stand to support and pass this Bill as soon as possible.

I thank you.

The Temporary Speaker (Sen. Mumma): I now call upon the Mover to reply.

Sen. Wambua: Thank you, Madam Temporary Speaker, for the opportunity to Reply.

I begin where my brother, my friend, my neighbour, the Senator of Tana River has left. It is an open secret that *ndengu* farmers and many farmers of legumes in our country have been both oppressed and segregated over a long period of time.

A time has come that we must lift that yoke of segregation and oppression as a country. We are not very well endowed with mineral resources. I guess that is why we say that Kenya is largely an agricultural country.

In this Bill, my colleagues and I see an opportunity to diversify our cash crops base because the traditional cash crops; tea, coffee and pyrethrum, are losing out to international competition. As a Senate, we have a responsibility to each farmer in this country to innovate around the practice of agriculture and to regulate this industry.

Madam Temporary Speaker, I made the opening remarks. I take this opportunity to warmly thank Sen. Mwaruma, Senator for Taita Taveta County who seconded this Bill. I also want to thank our able Chair of the Standing Committee on Agriculture, Livestock and Fisheries, Sen. (Dr.) Murango, for being extremely passionate about this Bill. When the Bill went to the Committee, the Chair took it up as his own. He led us to very robust and successful public participation exercises in Kitui County. We visited four regions; Tseikuru, Ngomeni, Mutomo and Kiusyani.

The passion of the Chair and the team he led including the Senator for Embu County, Sen. Munyi Mundigi, the Senator for Bungoma County, Sen. Wafula and my sister the nominated Senator for Kitui County, Sen. Beth Syengo and myself, led to a very successful public participation exercise in those areas. On behalf of the areas we visited, I thank the team very much.

This Bill advances the cause of marketing mung beans or green grams both locally and internationally. In the local market, the options we want to explore are especially in the feeding programs for the public schools in the national Government and in the institutions that fall under the management of the county governments.

Internationally as Sen. Mungatana has alluded to, there is a ready market in Asia, India and the Middle East. The only thing we need to do is regulate this industry, package our produce properly, process the beans and sell them as finished products in the international markets.

I have said this and I will repeat it again. There is a reason why the drafters of the Constitution, 2010 listed agriculture as item number one in Part II of the Fourth Schedule on devolved functions. I have really been impressed by the challenge we have been given by our Speaker this afternoon. We may differ and disagree on a lot of things in this country, as leaders and individual Kenyans and it is okay to disagree to agree. However, when it comes to the issues of legislation, especially those that touch on our people, it is the time that the voice of the Senate is heard loud and clear.

In the drafting of the Mung Beans Bill, the farmer takes center stage. The farmer is put at the center of every conversation in terms of farm inputs, crop management, collection and storage, and post-harvest management of the crop. The farmer is king in this Bill. I also want to take this opportunity to sincerely thank the secretariat and my colleague and teacher, Sen. (Prof.) Kamar, who spent a lot of time with me to panel beat this Bill and ensure it attained world-class status. In conversations around the drafting of this Bill, we were guided by the principle of putting the farmer at the top of every conversation in Mung Beans Bill.

This is because there are some regions of the world where the farmer is really the king. He is supported and respected so much that they are issued with free passes in supermarkets, metro stations, and some hospitals. If a farmer comes to a metro station or a supermarket and there is a line, they just show their free pass and they are served immediately so that they can go back to the farm and feed the nation. We need to get there with our *ndengu* farmers and livestock keepers. The people who we think are at the

bottom of the pyramid in terms of our economy are the people who shoulder the burden of feeding this nation.

We need to disabuse ourselves of the notion that this is an *Ukambani* Bill because it is not. In fact, this legume is extensively grown in Nyanza region, upper eastern region of Embu and parts of Meru, Kirinyaga County and coastal region. You are aware of the testimony of our brother, friend, and neighbor Sen. Mungatana. This crop just needs to be regulated and farmers need to be supported. When that happens then, the basic conversations in this country will stop.

Conversations about providing relief food to sections in the country shall stop. Conversations about basic ailments caused by poor nutrition, children not going to school for lack of food, and our military going without food because there is no supply will come to an end.

I want to implore on my colleagues that when this Bill is finally put to a vote, as many or more who have supported the Bill can cast their votes in support of it so that we can push it to the National Assembly. I want to take this opportunity to assure this House that the passage of this Bill in the Senate shall not be an act in futility. We shall follow this Bill every day and minute in the National Assembly to ensure that it passes and is assented to law by the President, to ensure that our farmers begin to benefit from the proceeds of their sweat.

Madam Temporary Speaker, allow me to mention the support and contributions that have been made by my colleagues in support of this Bill. Allow me to also mention the Senators who have stood with this Bill by name because then we shall say that these and other Senators are the real friends of *ndengu* farmers in this country.

On behalf of those farmers across this country, I applaud the Senators that have created time and opportunity to research on this Bill to make their contributions.

I thank Sen. Mwaruma; Sen. Beth Syengo; Sen. Seki; Sen. (Dr.) Murang'o, my Chairman; Sen. Ogola; Sen. Munyi Mundigi of Embu County; Sen. Madzayo, my leader; Sen. Wafula from Bungoma County; Sen. (Dr.) Oburu, we call him the 'chairman of the youth'; Sen. Wakili Sigei; Sen. Okiya Omtatah; Sen. Cherarkey; my teacher, Sen. (Prof.) Kamar; Sen. Tabitha Mutinda, my colleague in leadership; Sen. Sifuna; Sen. Cheruiyot, the Senate Majority Leader; Sen. Wamatinga; Sen. Thang'wa, my other Chairman in the Committee of Roads and Transportation; Sen. Commissioner Kinyua; Sen. Okenyuri; Sen. Veronica Maina; Sen. Maanzo; Sen. Mungatana and all the other Senators who have in one way or another, helped us to come this far with this Bill.

Madam Temporary Speaker, with those remarks, I beg to reply.

I request that pursuant to Standing Order No.66(3), you defer the putting of the question to a later date.

The Temporary Speaker (Sen. Mumma): It is so deferred.

(Putting of question on the Bill deferred)

COMMUNICATION FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM
FRIENDS SCHOOL, BWAKE BOYS

The Temporary Speaker (Sen. Mumma): Hon. Senators, in the Public Gallery, we have 43 students accompanied by two teachers from Friends School, Bwake Boys in Trans Nzoia County. They are in the Senate on an education tour.

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

Thank you.

(Applause)

Is the Senator for Trans Nzoia County here? If not, I wish to invite the Senator for Bungoma County to welcome the team.

Sen. Wafula: Asante Bi. Spika wa Muda kwa fursa hii ambayo umenitunuku ili nikaribishe wanafunzi na walimu wa Friends School, Bwake.

Chanzo cha jina Bwake ni Kaunti ya Bungoma. Hii ni ishara kwamba kitaasisi ama kiafrika, watu hugura kutoka eneo moja hadi lingine. Hawa jinsi walivyo hapa, ni ndugu zangu kutoka Kaunti ya Trans Nzoia. Wazazi wao walitia jitihada ili wawe katika uhai huu na shule hii.

Walimu vilevile ambao wamehakikisha wanafunzi wamekuja hapa, wanaelewa kwamba, jukumu la Bunge la Seneti ni kutunga sheria. Hususan, kudhibiti matumizi ya fedha katika kaunti, kutunga sheria, kuafiki malengo ya ugatuzi na pia kupambana na ufiisadi katika kaunti.

Langu ni kuwakaribisha wanafunzi kutoka Kaunti ya Trans Nzoia. Nyinyi na Kaunti ya Bungoma ni kama mapacha ambao wanafanana kisiasa, kiuchumi na kijamii. Ninawahakikishia kwamba changamoto ambazo huwapata nyinyi watu wa Kaunti ya Trans Nzoia, huwafikia watu wa Kaunti ya Bungoma. Pamoja na Seneta wenu, ndugu yangu, Sen. Chesang, tutahakikisha kwamba miundo mbinu, idadi ya walimu katika shule na mazingira mufti ya wanafunzi na walimu kufanya kazi yatadumishwa ili kuhakikisha kwamba mnapata yale mnataraji katika shule; na wazazi vilevile wanufaika katika matokeo ambayo mtapata. Sisi kama Serikali, tutahakikisha kwamba fedha zinakuja wakati unaostahili na kwamba pia mnanufaika na kufurahia.

Bi Spika wa Muda, ndugu yangu, Seneta wenu, amewasili. Ningependa yeye kama pacha wangu wa Kaunti ya Bungoma, nimkaribishe kupitia kwa idhini yako, akaribishe vijana chipukizi kutoka Kaunti ya Trans Nzoia. Ni vizuri wasikie sauti yake na wapate mawaidha na baraka zake. Baadaye, atawapa ya Kaisari baada ya kuhudumia Buynge la Seneti.

(Laughter)

The Temporary Speaker (Sen. Mumma): Sen. Chesang, please, proceed. One minute.

Sen. Chesang: Madam Temporary Speaker, I take this opportunity to welcome my school from Bwake. Just a word of encouragement to my people; as you look at us here, I encourage you that one day, you can be here. That is if you work hard, put God first and, of course, respect your teachers and follow what they teach you. You know me as your Senator and as one of the youngest Senators in this country.

As I look at you here, I can see the next leaders, Members of County Assembly (MCAs), Members of Parliament (MPs) and doctors. I encourage you to always work

hard and put God first. I also send a word of thanks to your parents, sisters and maybe even some of you, who might have voted for me.

As my neighbour Senator has said, I will give Caesar what belongs to Caesar. *Karibuni sana.*

The Temporary Speaker (Sen. Mumma): Hon. Senators, pursuant to Standing Order No.45 on sequence of proceedings, I wish to direct that the Order Paper be reorganised so that we move to Order No.19.

MOTION

ESTABLISHMENT OF AN *AD HOC* COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources.

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured.

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury.

FURTHER NOTING THAT, the USA Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated.

NOW, THEREFORE, the Senate resolves to establish an Ad Hoc committee to –

(i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kins in the Victim Compensation Fund, pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;

(ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the USA government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,

(iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast and submit a report to the House within 90 days with effect from 3rd July, 2023.

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee:

1. Sen. Agnes Kavindu Muthama, MP
2. Sen. Daniel Maanzo, MP
3. Sen. Alexander Mundigi, MP
4. Sen. Beatrice Ogolla, MP
5. Sen. Johnnes Mwaruma, MP
6. Sen. Mohamed Said Chute, MP
7. Sen. Jackson Mandago, MP
8. Sen. William Cheptumo, MP.
9. Sen. Peris Tobiko, MP.

(Sen. Kavindu Muthama 27.6.2023)

Resumption of debate interrupted on 27.6.2023)

The Temporary Speaker (Sen. Mumma): Sen. Madzayo had some minutes to go. I see he is not in the House. Any other speakers?

Sen. Maanzo, please proceed.

Sen. Maanzo: Madam Temporary Speaker, I wish to support this Motion. What happened in this country in 1998 was terrible. Many people died, others were injured and disabled. I know quite a number of petitioners in this matter no longer have their sight out of the blast. This disability happened to them when they were mature. For those who died, their representatives are still waiting for compensation up to today.

The most important thing in the sequence of events, is that a fund was set up for the whole world where American institutions are targeted by terrorists. This was an attack to the American Government. Kenya became collateral damage. Therefore, where such activities happen, it is only fair they come up with this fund and compensate victims as the American Government.

Many of those who were disabled can still undergo reconstructive surgery and go back to their normal finesse. They are waiting for this moment so that it can happen.

What is left for this fund to be actualised, is a law to be passed in the American Houses; the Senate and the Congress. For this to happen, we have to lobby our colleagues in the United States of America (USA) so that they expedite the passing of this law to actualise this fund. Once passed, it will not only serve Kenya but also other countries which have been attacked while Americans are targeted.

In this case, 12 Americans and 213 Kenyans died. We really suffered. Ordinarily, those are very many years to have passed without compensation at all.

When you come to the composition of the Members who have been proposed, first I want to thank the House that I am one of them. Owing to the National Prayer Breakfast, I have got very close friends in the American Congress and in the American Senate.

I remember recently, Sen. Chris Coons was here in Kenya. The Senate was on recess. I received him on behalf of the Senate one evening. Sen. Chris Coons, the Senator for Delaware is one of the big movers in the American Senate. He inherited the seat of

the current President which had been occupied for many years. He has steadfastly held the seat for quite a number of years.

He is therefore very instrumental and familiar with Kenya. In fact, he speaks fluent Kiswahili because when he was in university, he came here for an exchange program with the University of Nairobi and stayed here for two years. So, he understands the geography and the difficulties Kenyans go through.

At the same time, they have their own friends and caucuses therefore, this law can be passed in the USA and the families of the victims can be compensated.

We also have quite a number of people who are still following this matter. In their current condition, they are making telephone calls every day. I know some of them personally. They are following this and have a lot of expectation. From the first time we had a debate in this House, there was a lot of expectation from many Kenyans who suffered here.

The role of the Ministry of Foreign affairs, Parliament and Ministries relevant to this matter are very important. I believe with this team which has been set up, we will be able to action this quickly and we could easily find compensation for the victims.

Madam Temporary Speaker, I support and look forward to very quick action by this House so that Kenyans who suffered in the 1998 bombing of the American embassy here end up being compensated and restored despite many years of suffering.

I thank you.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Asante Bi. Spika. Naunga mkono Kamati inayoenda kuangalia vile watu waliumia. Ni ajabu kwamba kumekuwa na ajali kwa miaka mingi. Utakuta kuna zingine kuna *insurance*, na zingine watu wakienda kotini wanalipwa. Unakuta kwamba gari likianguka, mtu analipwa kwa kipindi cha miaka miwili au mitatu.

Ni jambo la aibu sana kwamba kuna watu waliumia na wakafa, wengine walipoteza wazazi ambao walikuwa na watoto na mabibi ambao walikuwa wanawategemea, lakini mpaka leo; miaka 25 iliyopita, wale watu waliwachwa na sasa wamekua masikini hata hawawezi kusomesha watoto wao wala kufanya jambo lolote.

Wengine waliumia na familia zao zikasambaratika. Wengine wanatembea na magari kwa sababu mikono yao ama miguu yao ilikatwa. Wengine walikuwa wanafunza lakini saa hii hawawezi kufanya kazi yoyote. Wengine wako hali mahututi na wengine waliaga dunia. Saa hii ni miaka ishirini na tano.

Kwa hivyo ninaunga mkono kwamba nchi ya Marekani iweze kuangalia vile hawa watu wataweza kulipwa pesa zao. Ni aibu kwamba jambo kama hilo lilifanyika na lilikuwa linahusu Wamarekani ambao wanajivunia kwamba, wako na pesa na hawajalipa watu wetu wa Kenya.

Naunga mkono.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. THERESA'S
GIRLS, SAMBURU COUNTY

The Temporary Speaker (Sen. Mumma): Hon. Senators, in the Public Gallery we have 45 students accompanied by four teachers from St. Theresa's Girls School in Samburu County who are in the Senate on an education tour.

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

I thank you.

I now wish to invite Sen. Lemaletian to welcome them on her own behalf and on the behalf of the Senator of Samburu County.

Sen. Lemaletian: Thank you, Madam Temporary Speaker. Nelson Mandela reiterated that a good mind and a good heart are a formidable combination and there is nothing that best describes or interests us more than that.

I am proud to see these lovely ladies here because this is my *alma mater*. This is a majestic school nestled in between the Matthews Ranges and the great Ewaso Nyiro River in Samburu, in the north. They are referred to as the “desert roses” and the academic giants of the north. This is one school that has given a lot of rivalry in academics to every other existing school in the north and I am proud to be an alumnus.

Madam Temporary Speaker, as their motto suggests, it is a tradition of excellence being one of the oldest schools in the north and the most prestigious school in the arid side of Samburu. Like we used to say being a very strict mission school, that we abide in truth, love and justice.

This school has given forth and proffered outstanding individuals to our society, starting with the first Samburu girl to go to university, Commissioner Sophia Lepuchirit, EBS and my mum, Mary Lemaletian.

I am also very sentimentally attached to this school, having been a place where my late father Raphael Lemaletian, was a teacher and two of my sisters have been through this school.

As a very strict Catholic school, the school has raised ladies of reputable character. I am proud that they continue to excel not just in academics but outside there in that when you walk the streets of Samburu or any town in the north you always feel proud that you are a student from St. Theresa's.

On behalf of my colleague, Sen. (Dr.) Lelegwe, I would like to read this brief welcoming note.

I rise to join you in welcoming the teachers and students of St. Theresa's Girls, Wamba. In a world where gender equality continues to be a pressing issue, St. Theresa's Girls stands as a shining example of hope for our girls in Samburu. Their consistent excellence academic performance has demonstrated that girls possess equal potential and are capable of leading in all aspects of life.

May their presence in the Senate inspire us to continue working towards a society where every girl is empowered, where their voices are heard and their contributions are recognized.

Once again, I extend a warm and heartfelt welcome to St. Theresa's Girls Wamba. May their time here be filled with fruitful experience and inspiration to be leaders in our society.

Welcome, ladies and teachers. This is the upper House of the Parliament of Kenya, the Senate. This is where we make laws affecting the county. I hope you have a wonderful stay.

Thank you.

(Resumption of debate on Motion)

Sen. Sifuna: Madam Temporary Speaker, indeed, I want to join my colleagues to support the Motion that is before the House this afternoon. Twenty five years is a very long time for people to wait for justice. I am sure that many of the victims of the bomb blast in that happened on 7th, August, 1998, have lost hope.

When it happened, I was 16 years old. From that time, we have had a lot of efforts being directed towards getting justice for the victims of the August 7th Bombing but nothing has happened up to date. It is a national shame that we have not done anything to pursue justice for the helpless victims.

Many were wondering why the Senator for Nairobi City is not a Member of the committee yet it happened in Nairobi. I want to correct the notion. What happened on 7th August, 1998, was a national disaster. Actually, it has international proportions because we lost people from all walks of life and regions in the country. Even international victims also lost their lives.

For the survivors, we opened up a memorial park and people have moved on with their lives. You can imagine people who were 16 years old like myself. We are now in our 40's and we are here in the Senate. The Committee should ensure there is justice for the people who were affected in that particular tragedy.

Madam Temporary Speaker, we have seen compensation for other nationals by the United States (US) Government. It is only fair because there is no greater life to another. I do not think that a citizen of the US has greater value in terms of humanity than citizens of other countries including Kenya.

By establishing this Committee, I do not want us to just sell hope to the people because they have held on to the hope for too long. I hope that the Committee will finally resolve this question for them because they have been to every office in the land.

I am aware of efforts that have been directed towards foreign lands, including in the US itself. When they see that the Senate is trying to do something for them, I really hope that the effort does not fail. I encourage Members of the Committee, led by Sen. Kavindu Muthama, to know that the hopes of millions of families in this country are resting on them.

As the Senator for Nairobi, I will support in any way I can. I am available for you in the event you need any support. However, for the love of our people and for the respect of the time that they have waited for this to happen, I really pray that something is done.

Madam Temporary Speaker, I know that Members of the Committee will not fail on this one. They must succeed and bring closure to these families the pain they endured on 7th August, 1998, so that it does not continue.

I support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Thang'wa.

Sen. Thang'wa: Madam Temporary Speaker, I rise to support this Motion, owing to the fact that in a month's time, that is August this year, we will mark 25 years since the 1998 bomb blast.

I remember when I heard the news about the bomb blast, I was in a *matatu* somewhere in Kaplamai. That is in Trans Nzoia because we had just closed school. At that particular time, because we heard news on radio, you could not paint the gruesome picture of the bomb blast.

It is sad to hear that 25 years later, the victims have not been compensated, yet the Americans who died, 12 of them, and those who were injured were all compensated.

I stand here because I have many people in my County of Kiambu and we know them by name. They cry to us all the time that they have not been compensated. They were neglected. Some of them were working at the Cooperative House. After the bomb blast, they lost their jobs and physical ability. It was traumatizing and that affected their mental health.

I think this is the right time that the *Ad Hoc* Committee is formed, so that they follow with the Ministry of Foreign Affairs, the Government of Kenya and the American Government, to see that over 5,000 citizens of this country, just like the American citizens who were affected by the bomb blast, are compensated.

Just to show that we know them, I know a few from in Kiambu. They are 17 of them led by Esther Githangui and Kingori Ezekiel from Kikuyu. I am mentioning those names because they do have groups and they have registered themselves.

Some of them gave up and went back home. For those who were not registered, it is time they reached out and told us that they are there. They should narrate to us what happened and what they have been following.

It is not enough just to have your name on a wall somewhere in Nairobi for people to be coming and taking photos, yet your parent, father, brother or sister lost a life there and nothing else came out of it.

I call upon all the victims of the 1998 bomb blast in Nairobi to register. When Members of the *Ad Hoc* Committee will be looking into this matter, atleast they will have the right number of people. At the end of it all, they will know that they helped those who were supposed to be helped.

So, I stand to support this Motion. The Committee has Members who are diligent, led by the Mover of the Motion, Sen. Kavindu Muthama. Other Members are Sen. Daniel Maanzo, Sen. Alexander Mundigi, Sen. Beatrice Ogolla, Sen. Johnes Mwaruma, Sen. Mohamed Said Chute, Sen. Jackson Mandago, Sen. William Cheptumo, and, Sen. Peris Tobiko.

I believe this is the right team to look into this matter. I know that at the end of it all, it will be said that the Senate of between 2022 and 2027 ensured justice to the people who were affected by the 1998 bomb blast here in Nairobi.

I support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Wafula.

Sen. Wafula: Thank you, Madam Temporary Speaker, for this opportunity to support what my good Senator has brought to the House.

At that time, I was a tender gentleman in primary school. At that time, *Kenya Times* was the newspaper of the day and my parents could afford a newspaper. The Kenya Broadcasting Corporation (*KBC*) was the real thing at that time.

We were surprised, perturbed and in shock to hear what had happened in Nairobi. People died, others suffered and some were in shock. The entire country was trembling. We had relatives and friends in that building.

All the networks and connectivity apparatus available were put into use to confirm if our loved ones were safe, injured or dead. Some were injured while some died. For some, it was possible for the Government to save them at that time.

It is sad in the history of this country that up to now, such people are dubbed as history, while I believe some, because of the financial and political connectivity, managed to get health care services in hospitals.

Some had insurance covers that catered for them. However, we have Kenyans who were there seeking for services and looking for opportunities and in consultation with leaders of the day, ended up being casualties because of proximity or their availability at that place.

I believe the reason Kenya was attacked was because of our proximity and association with our partners in this world. I believe many of those people, who were not Kenyans, got their rightful share of compensation.

As Kenyans, because of enjoying our cordial relationships, we ended up paying the price for our connectivity and friendship with our partners. Our people are still languishing in poverty and pain. Some cannot even fend for themselves because of that attack.

Madam Temporary Speaker, I beseech this House that our friends should always be with us in our times of need and also in their time of need. They should stand with us when our people are suffering and not only when we are happy as a country.

We cannot be talking about this for over 15 years. Where is the Government? Where are our partners? What are our moral standings in this society? What values do we stand for as a country? It cannot be business only. We are human beings and also human doings. Whatever we do must reflect the human perspective.

I support this Committee. I demand and expect that anyone who was in the line of duty or was in that building, and as a Kenyan suffered as a casualty because of friendship with our partners, must get a rightful share of compensation.

I hope that people did not pocket our money. We live in a country where as people cry or suffer in the media, social media and functions, others might have struck deals to close that file. We might be sitting on a time bomb.

This Committee must dig deep and find out what those agreements were all about, who did what and where in that time of history. Were there any agreements or concessions that the Government entered with our partners, so that we close this file and go home happy so that those who are at home and were casualties can then be confident that this chapter has been closed in a fair and free manner?

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Madam Temporary Speaker, thank you for giving me an opportunity to speak to this Motion. I start by congratulating the honourable 'iron lady' from Machakos for bringing this Motion, again in the form in which she has brought it.

I was here when this Motion came in a different format and we felt as a Senate that it was not strong enough. I am glad that she went and brought it back in this format.

The hon. Senator who spoke before me said that this is a national matter. Indeed, it is because somebody who was then living in Nairobi but comes from Tana River called me and said that they have been told to reach out to their Senators because something is being done by the Senate. Therefore, even people in my own county were affected by that bomb blast.

Madam Temporary Speaker, let me recall from my recollections of what happened that day. There was a truck that came to the American Embassy on 7th August, 1998. At that time, the Embassy was located in town, as we all remember, next to the Cooperative Bank of Kenya.

There was a drop-off under the building housing the embassy, so that one could make deliveries. This truck that was carrying explosives and terrorists came in the normal manner as if to make deliveries. The guards denied them access because they had not been cleared to go down the barrier.

In their initial plans, the terrorists had planned that they would talk their way through the barrier and maybe bribe the local guards. Then, they would gain access with a lorry full of explosives dummied as deliveries and go down. The explosives would then explode while under the building, so that the entire building would come down.

Madam Temporary Speaker, the local guards who were at the barrier denied them entry. These terrorists became frustrated. Therefore, they started shooting at the guards so that they could gain access. In the confusion, that truck never made it to the basement. Had it done so, the entire Embassy structure would have come down. They decided to explode it at the parking lot. In a sense, the local guards saved many people because of their act of bravery.

It is very sad because the aftermath was 213 deaths; 44 were Americans. Four thousand people were injured including this guard who did a very brave thing.

Madam Temporary Speaker, it is 25 years later and he has not been compensated. It is a very sad thing to hear. Many people lived because of him, including senior Embassy staffers who were upstairs. Many of them were saved.

If that building had come down, then many of them would have died. It is now 25 years but the guards and other fellows who saved lives of many people and were celebrated at the time have not been compensated. It is a very sad situation.

Madam Temporary Speaker, I fully support this Motion in the manner in which it has been brought. I believe that this *Ad-hoc* Committee will be more productive in its work.

Why an *Ad-hoc* Committee? It is able to focus and is not bound by the normal scheduling. They are able to create their own timetable in consultation with the management of the House. They are also able to have meetings that are focused on the work which they are doing.

Madam Temporary Speaker, I currently Chair an *Ad-hoc* Committee. I know that when you are sitting in an *Ad-hoc* Committee, then you are able to focus on issues. The team which is there is also committed.

I want to single out hon. Sen. Cheptumo, who is also part of my own Committee. He is dedicated to his job. I know others are also dedicated but I wish to mention him because he will never miss a meeting. I believe with that dedication, the team that has been nominated will be approved to and that it will give us a good report that can be acted upon.

I urge this House in passing this Motion that we should relook again at this whole issue of cutting budgets for foreign travels for *Ad-hoc* Committees. I know the management of the House is listening. They must listen and hear that you must not curtail the work of a Committee just because it is an *Ad-hoc* committee.

This Committee must travel to the US. How else are they going to meet the important movers and shakers that the hon. Sen. Maanzo talked about? He said that they have contacts of some Senators.

How will they hold discussions? Will it be over the phone, Skype or Zoom, while talking about millions of shillings owed to the people as compensation? Why can you not pay a courtesy call to those people in Washington DC?

It would be a tragedy if this Committee is not enabled to perform its work on the basis that we are curtailing foreign travel by *Ad-hoc* committees. Foreign travel must be there for this Committee. They must go and do what needs to be done in Washington DC.

Madam Temporary Speaker, we have voted Kshs40 billion as a combined budget for both the National Assembly and the Senate. We pray that this money will go to facilitate the work of this Committee.

May the people of Kenya see results that the Senate is going to finally give them after 25 years of waiting.

Madam Temporary Speaker, I rise to support. Thank you.

The Temporary Speaker (Sen. Mumma): Sen. Tobiko, you may have the Floor.

Sen. Tobiko: Thank you, Madam Temporary Speaker. I rise to support the Motion, including the formation of the *ad hoc* Committee.

First, I congratulate our sister, Sen. Kavindu Muthama, for being the initiator of this Motion. I also congratulate the people of Machakos County for electing this good lady to represent them here, because she has gone beyond the borders of Machakos County to represent all Kenyans. This is why it is important that women get elected because besides just being a Senator, she has put the human face on this whole issue.

The bomb blast affected many families. As I was sitting at the back bench with Sen. Okenyuri, I was trying to imagine how old she was then at that time. She must have been a toddler. I was three months into the marriage. I had just gotten married in May of that year. My husband was working at the Central Bank of Kenya (CBK). I had just walked across the road to go to the General Post Office (GPO) when I saw the smoke. I thought it was the CBK that had exploded and I thought my life had ended. Just three months into marriage and now here I was. The whole place was smoky. I could not tell the difference. By that time, the whole place was smoky, there were rubbles and all that. Many people died even on the road. It was traumatizing. I watched it happening from a distance.

Madam Temporary Speaker, it is unfortunate that to date, our people have not been compensated. Sen. Mungatana, MGH, was giving a description of what really transpired that day. What if the guards did not block this truck that was meant to go under the American Embassy Building? Not that I would have wished the Americans to die, but the casualties on our people may have been less.

Why am I saying this? America is our big brother, the world superpower and the police of every other nation. Their conscience should be pricked that our people died on their behalf. We did not know what caused our people to die. They died because of being

friends with America. The conscience of the American people and the American Government should be pricked and know that people died for a course that we could never tell. Families are agonising. Besides those who got injured for life, we have people whose lives have become miserable since then.

It is sad that we are still talking about the American Bomb Blast to date without compensation for our people whose names have just been inscribed on a stone somewhere where the American Embassy used to be. This should be concluded. America must listen. Our people should receive what is duly theirs. Whatever compensation they receive; they will never really be able to bring their lives back to what it was. It will not raise the dead for those who passed on. Those who lost their loved ones will never see them. Those who got physically injured will remain maimed for life. People's lives have been affected forever.

Madam Temporary Speaker, I pray that the American nation is listening and that the American Government will be touched. I pray that this will be brought to a conclusion.

I thank you, Madam Temporary Speaker, for this opportunity.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, you may have the Floor.

Sen. Cherarkey: Thank you, Madam Temporary Speaker, for this opportunity. At the outset, I support this Motion for the formation of an *Ad-Hoc* Committee to investigate compensation and other forms of reparations to the victims of the 1998 Bomb Blast. I thank Sen. Kavindu Muthama for the wonderful work she has done. I also thank the Liaison Committee led by the Chairperson, Sen. Kathuri, for approving the formation of an *Ad-Hoc* Committee. I know it has not been easy for her. She has been restless for the better part of late last month and this month. I am happy that finally, I can see a smile, not only on her face but on the face of the victims of the 1998 Bomb Blast here in Nairobi and in Dar-es-Salaam. Sen. Kavindu Muthama knows the role I have played. We have been consulting.

In fact, one of my constituents from Nandi Hills by the name Jackson Mutahi lost a brother during the 1998 Bomb Blast. They come from a place near Keteng in Nandi Hills Sub-County in Nandi County. When he saw this Motion, he called me and told me that as their Senator, they depend on me because they lost a brother that day. About 224 victims died and more than 4500 both foreigners and locals were injured.

Madam Temporary Speaker, it is sad that 24 years later, we are still talking about compensation for the victims. At that time, I was not so conscious enough to know what was happening. I was just starting my primary school. However, 24 years later, we are still discussing compensation. I appeal to the State Department of the United States of America (USA); this is the price we are paying for being friends with Americans. They say friendship is expensive and one of the instances is now.

I have seen in situations where American citizens have been injured, they have always demanded compensation. You remember Gaddafi compensated America for what happened with the plane that was brought down. You remember Sudan--- although it is in crisis now--- for the economic sanctions to be removed, they had to pay compensation for the lives of Americans that were lost in Sudan during those years.

We want to ask the great people of America whom we have had a tremendous cordial relationship with, to, at least, have a conscience. They have compensated their

people. We are not only talking about money; we are also talking about psycho-social support. There are victims whose lives changed. They lost their breadwinners, their parents and friends who are still traumatised to date.

Madam Temporary Speaker, we know the act of terror is an act of cowardice. I speak, noting that we have been losing soldiers and other people because of an act of terror in the northern part of this Republic. Our sympathies and empathies go to the people in the north. The fight against terrorism is accumulative and a joint venture across the world. We appreciate that the issue of terrorism continues to be a huge challenge across the world. That is why we have domesticated the Anti-Terrorism Act and Laws. We even have a police unit dedicated to fighting terrorism in this country. We are aware of that.

The conscience of Americans should have been, they cannot just compensate their people and take Kenyans and other nationalities as collateral.

It is unfair, immoral and an abuse of human rights. I am happy because we are taking a more friendly way. Other nations would have moved to court.

Madam Temporary Speaker, you remember the tragedy of the Ethiopian Airlines a few years ago. I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights and we investigated the issue of the Boeing 787 Max that had technical errors. We went to Chicago to meet the Boeing managers and other manufacturers. Those people have been compensated huge money by just a corporation.

What we want this Motion to achieve, is to have a sit-down and ensure the victims and their families are compensated, so that we have value for life. If we allow this, there will be no value for life. How many children did not go to school because they lost either their parents or guardians that day? Many! How many people lost their spouses or loved ones? Many! The American citizens have been compensated and given psycho-social support. They are now okay.

We believe in this Committee to give us recommendations and policy interventions. In future, where Kenyans are lost, we must take the hardball. We appreciate the fact that USA takes the hard ball when their people are affected. I have given the example of Gaddafi and the Sudan compensations. These are small countries and small economies but they have compensated the giant of economies.

I urge the Committee to even go and have a sitting with the State Department of Justice in USA. Let them discuss how compensation can be done. Black is not enough to just write a name. We must get other important remembrance structures. The money that should be given for compensation should even build a structure in this City of Nairobi in remembrance of the 224 victims and the more than 4,500 who were injured on that day.

Therefore, Madam Temporary Speaker, compensation should happen like yesterday. I have seen the membership of the Committee and I have faith in it. I would wish to have been a Member but as I have always said on the Floor of this House, all of us are Senators. Everyone has the capacity and ability to serve in any Committee. Sen. Kavindu Muthama approached me and I told her that we needed to also get more people who may want to learn and have diverse history. That way, we can have well-informed and important recommendations for the future.

This is a straightforward matter. The Government supported the Mau Mau case. The Attorney-General's Office has what is called Mutual Legal Assistance (MLA). As a Senior Counsel and Legal Practitioner in this country, the Attorney General should step

in and assist the Committee in ensuring that any negotiations that are done through MLA, are at the forefront. We did that with the Mau Mau.

There is the issue of Koitalel Arap Samoei whose head was taken by the British and there is no compensation up to now. What we have been having is lip service. I brought a Petition and I thank the Senate because we recommended compensation to the families. It included land, recognition and compensation. In Nandi Hills, there is Koitalel Museum. I thank President Kibaki because he at least gave us money to build the Museum. However, it is not the standard.

Now that the Mau Mau case was done, let us also be honest with the issue of Koitalel Arap Samoei and the victims of the 1998 Bomb Blast. We need compensation. We have seen the British Government pay other compensations. I believe in the former Speaker of the National Assembly who is currently Attorney-General, Hon. Justin Muturi, to lead negotiation through LMA. We are aware of our cordial relationship with USA.

The Senate is not trying not to antagonize our relationship with USA. We are just telling them that we have a formal structure. Let them sit with the *Ad-Hoc* Committee, the Attorney-General of the Republic of Kenya and the State Department of Justice in USA; look at the victims and compensate us. We are not interested in having an adversarial conversation.

In the last Parliament where Sen. Osotsi was a beneficiary, the Government committed Kshs10 billion for compensation of victims of human rights abuses. I believe that even as we pursue this matter, the USA should not be the only one paying compensation. We also want the Kenyan Government to pay compensation because these are forgotten Kenyans. I expect that the Kshs10 billion for reparation and victim compensation should be reinstated. This is because we have different types of human rights abuses.

Madam Temporary Speaker, at the coastal region, we have enforced disappearances. There are human rights abuses where police officers are accused of extrajudicial killings. Some people were killed during Post-Election Violence. We have Internally Displaced People (IDPs) and Infrastructural Evictees (IEs). The victims of human rights abuses must be compensated, including the 224 victims of the 1998 Bomb Blast. This is not only by the USA Government but also the Kenyan Government. That is what the law says under the Bill of Rights. It says that you right a wrong through compensation.

Therefore, we must relook at this Kshs10 billion. We need to re-right the historical injustices. At least, the Mau Mau case has become a standard. It was listened to in London. The Koitalel Arap Samoei victims are still suffering. They were returned to a small area where they could not expand. The Koitalel Clan in Kipsigis, Nandi and others in Suba are suffering. I am sure you know the history very well because you are a neighbour of that region, Madam Temporary Speaker.

I challenge this Committee that we can have a Supplementary Budget and push to reinstate the Kshs10 billion. This is the amount that was meant to re-right and compensate for injustices and human rights abuses in Kenya.

Finally, let me give a short story so that we can learn from it. When I was the Chairperson of JLAC, we visited a place in Kwale and had a meeting at the Kwale Social Hall. The meeting was to do with enforced disappearances and extra-judicial killings.

Only women came to that meeting. I asked the County Commissioner what was happening, such that it was only women who had come to our session. He told me that their husbands had allegedly been killed through extrajudicial killings and enforced disappearances.

There is an animal that we need to strangle. Here in Nairobi City County, it is dangerous to be young in some estates. When you are young, you become an easy target of extrajudicial killings. We must ensure that young people, especially young men, live in a safe environment. I am told in some of these estates, young men are killed and the parents are told to pay up to Kshs20,000 for the bullet. Where are we heading as a country?

I want us to use the bomb blast victims as an example of not doing wrong to a Kenyan. If you kill someone in some of these slums and it is two bullets, they say they will pay for your son Kshs40,000. We must ensure that the human rights of every Kenyan is respected. As they say, justice delayed is justice denied. This is what has befallen the victims of the 1998 Bomb Blast.

Madam Temporary Speaker, I wish the Committee led by Sen. Kavindu Muthama '*Kavaa Mama*' all the best. I challenge her that this is not going to be an easy fight. It will involve diplomacy and many agencies. So, be ready. I know that you are a prayerful woman. Please, pray for other Members so that they can have the courage, zeal and passion of ensuring that justice is done for our fellow Kenyans.

With those many remarks, I support this Motion. I hope when the report comes, we shall have appropriate recommendations.

The Temporary Speaker (Sen. Mumma): Sen. Okiya Omtatah, you may proceed.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker, for the opportunity to address this House on this important Motion.

At the Memorial Plague at the American Embassy, the first name is Bonita Achola. She was a young college girl from Busia County and a stepdaughter to my sister. The day before the bomb blast, I had visited their home. She cooked and served me ugali, fried eggs and sukumawiki. The next day in the evening, she did not come back home.

They went looking for her and they found her in a pulverized condition. She had gone to visit a friend in the Ufundi SACCO Building, the one that collapsed. It was neighboring the Embassy.

This is a tragedy that for me rings close to home. On the eventful day, a teacher from my village had asked me to follow up on his case with the Teachers Service Commission (TSC).

I went to the bus station, picked a letter and went to that Bell Bottom House on the first floor to deliver that letter. They were having a cup of tea and I left. They offered me tea, but I did not take the tea. I was hurrying back to my office at the NSSF Building.

As I was walking just past the Ex-Telecom Building, I found myself in the midst of total anarchy; total confusion. I did not know what was happening. I fell down, woke up and ran away. I went up the stairs, going to the post office. That was when I looked back and saw there was darkness and a lot of dust.

I remember running back to that place and there was complete chaos. The water had broken, the electricity was flashing all over and I had the presence of mind to run

down into the basement to look for the main switch to turn off the power, only to find that the switch was secured with a metal cage and it was not possible to get to the switch.

I ran to Uchumi Supermarket, they were closing down; I bought two torches, I bought a panga and I ran back down to cut that cable, which I did.

When I was going in, I ran into an American Marine who was running around and he snatched me one of the torches that I had bought. Then we began evacuating people; a photographer captured me. Somebody later came to me with photographs of the event.

So, 7th August 1998 was a day that is very close to my heart and I always tell myself, had I stopped to take that tea, I would not be here today. This is because, when we were trying to evacuate people, I went back to the Bell Bottom House and all those people that I had seen in that room were dead. I never got to the American Embassy.

So, this is something that is long overdue. These were victims of a terrorist attack. They were not victims of their own doing. I have a friend called Mr. Sidialo. He was driving past and he went blind and there are very many victims who were there, who died on that day.

So, for me, this Motion is long overdue, but I want to approach this question as one that has got legal foundations. There is something called the duty of care. The Americans knew very well that they were a high target and yet they came and located their embassy here in the heart of the city. Did they exercise the duty of care towards the Kenyan public?

If I am walking past a place and I am attacked by a swarm of bees, I run into my friend, Sen. (Dr.) Khalwale, I pass and leave him with a swarm of bees; did I have a duty of care towards him? Should I have run towards him or should I have run away from him?

So, the duty of care, for me, is what we should address also in this Motion, that Americans were well aware that their Embassy was a target but they never secured it. It was porous. It was in the heart of Nairobi and so they bear responsibility for what happened. On the other part, the Kenyan State which allowed that to happen, knowing very well that the Americans were a high-risk target---

We saw what the Israelis have been doing with their Embassy on Bishops Road when they were still there. They have now moved out and the road is now open but you could see the kind of security that they had around there. They know that they are targets. They are in an international war. So, they did not just come and plant themselves out there and let it be. So, we cannot talk of collateral damage. These people were being used as some cover or something, but the Americans have a responsibility to compensate them.

In America, they came up with the Embassy Employee Compensation Act to take care of the victims of the bombings in Dar es Salaam and Nairobi and that Act has helped them. It is run along the same lines whereby they compensate people who suffer from terrorist attacks in aircrafts or wherever.

They compensate for physical harm, economic losses and non-economic losses such as physical and emotional harm, loss of life, loss of enjoyment of life; anything that you can imagine they compensate for.

The standards that they maintain in that Act are the standards that they apply when there is a terrorist attack anywhere in the world and their citizens are involved.

The time has come when the Kenyan State needs to take action and demand that the victims have got a right to be compensated. This one has to be done consciously because this is not the first time such a thing is happening. Our great grandfathers - and for those of us who are older, our grandfathers - fought in the First World War and the Second World War. Some were killed, some were maimed, some came back without injury, but they had lost their youthful time serving the empire. They were not compensated. They were given meaningless medals to hang on their lapels. This helped some of them to get wives because some people were attracted to the medals. But beyond that, there were no personal benefits to these people and most have died in abject poverty.

We saw recently in the United Kingdom, these soldiers from Nepal who fought for the British Empire. Sen. (Dr.) Khalwale could inform me of their name if he knows. They were also having a problem until they confronted the British State.

So, this idea of being taken as collateral or things that do not matter is not acceptable. We should not allow what happened to our forefathers who fought for the empire and who were victims of a war that they knew nothing about; wars of white men whom they knew nothing about, and they came back with nothing, and yet those people they fought with and died with were compensated, buried in good graves and they are commemorated.

So, beyond this Motion, it should try to lead us towards creating a compensation programme administered by the Attorney General.

The other day we were discussing in the Committee where we are, the Victims of Crime Act which has been on the shelf ever since. Maybe we need to look at this. Now that terrorism has become part of our lives, we need to look at a way of coming up with a compensation programme that can be used to compensate beyond the bomb blast victims to also compensate people who are being killed by terrorists.

Just the other day, policemen were blown up and they were driving a "light-skin" vehicle. You ask yourself: What happens to the families of the soldiers who are killed? They died serving this country; what happens to their families? They are being killed in Boni Forest on the border by al-Shabaab.

So, the time has come for us to come up with a compensation programme, preferably administered by the Attorney General to ensure that victims of people who die serving this country do not lose it all. They lose their lives, but we give something small to their families, at least, to ensure that their children go to school and that their widows or widowers continue having a good life and we have a way of saying thank you for what happened.

So, I support this Motion by my friend, Senator Kavindu Muthama, and I beg that we need to pass it.

I beg that when it passes, some action be taken to ensure that the victims of the bomb blast, including the little girl who was called Bonita Achola, her father is now retired and an old man, get compensated at least in good time before they get too old to recognize what the compensation is all about.

With those few remarks, Madam Temporary Speaker, I support the Motion. I thank you.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, like everybody who has spoken before me, I am indebted to Sen. Kavindu Muthama because of this Motion. I rise

to support it for all the good and deserved reasons, but amongst them, I support it because of my brother who was called Moses Mwani.

Moses Mwani from Shinyalu was working with the Teachers Service Commission (TSC). On that fateful day, he was a victim and we buried him home in Kakamega. I also support it because of Juma Kwayera from Malava Constituency. He is a renowned journalist in this country whose face was damaged by the scrap nails from the bomb blast.

So that Sen. Kavindu Muthama knows the seriousness and the import of her good industry, I have a message from Juma Kwayera on my phone, which he dropped last night. He asked me to thank you and rise in support of this Motion, just to remember that his face was damaged during the incident.

Madam Temporary Speaker, I also want to use this opportunity to express my oral tribute to two groups of people. The first one is the team that was led by my lecturer of medicine at the University of Nairobi, Prof. David Ndetei, who went a step further to do a study on all the women who were within the vicinity of the disaster while pregnant.

They came up with what has stood out in medical journals over the years as a masterpiece. They were able to establish a correlation between mothers who were pregnant at that time and children who at that time were in intrauterine. When they were born, it was established that they had negative experience.

Therefore, because doctors rarely have this kind of treatise, allow me to read the names of the team:

- | | |
|-----------------------|---------------------|
| 1. Prof. David Ndetei | 6. Margaret Isakwa |
| 2. Ruth E. Rono | 7. Judy Mwangi |
| 3. Susan Mwangi | 8. Anthony Kamau |
| 4. Benson Ototo | 9. Caleb Othieno |
| 5. Jael Alaro | 10. Victoria Mutiso |

I celebrate them. The work of medicine is now in the Annals of the World Journal of Psychiatry.

The next challenge, Sen. Kavindu Muthama, will be for you to receive the names of *bona fide* victims. Do not rely on just appearances. Use the robust secretariat of the Senate that we have to go and extract genuine information. All these women are documented in the study.

Madam Temporary Speaker, the second group I want to pass my oral tribute to is the Israel Defence Forces (IDF). The Army flew all the way from Tel Aviv to Nairobi, something that no other army of the world did and they were able to help.

We all know that Kenya is the big brother in the East African Community (EAC). I therefore urge Sen. Kavindu Muthama, thanks to the East African Legislative Assembly (EALA), through EALA, go and take the names of the victims in Dar es Salaam because it was a twin bomb blasts that took place the same day and the same hour, separated by only a few minutes. They are just as aggrieved.

When you appear before the US Government, be the big brother that we are in East Africa. You will be a bigger voice speaking on behalf of the people of Kenya and also the people of Tanzania.

Like those who have spoken before me, we must admit it. Kenya enjoys robust diplomatic relationships with the US. This Motion is going to succeed because I have some background information that suggests that somebody is waiting for this initiative.

This Motion is actually an indictment to the foreign policy of successive Governments of the Republic of Kenya. What did the Minister for Foreign Affairs do for the four years that Moi was President *post-facto*? What did the Ministers of Foreign Affairs of President Mwai Kibaki do for 10 years? They did nothing. The Cabinet Secretaries of Foreign Affairs during the time of President Uhuru Kenyatta also did nothing.

This is a shameful indictment to the foreign policy of this country. This is an opportunity for us to urge not just ourselves, but also the Executive to step up their game, so that at the international level, where laws are not always congruent, citizens can be protected.

Madam Temporary Speaker, just like Sen. Okiya Omtatah said, we have had experiences in the past which nobody has bothered about. I know, like in his case, we have heroes, including in your own village in Bushiangala, who went to the First and Second World War. They have died in abject poverty. My own family being one of them.

My father's eldest brother, Daudi Shikoli Shikondimoja Wakhayati Ikhunyalu, was a world war hero. He died and his family is there. They could still receive compensation due to their father.

My neighbour from Bukusi, Mzee Lukhalo was a world war hero. Lukhalo Anduku still has his son in the village. He is called Munandi, my good neighbour. They could still receive his compensation, if only the Government took its rightful lead role.

Going slightly further north, we have our heroes at Webuye who fought in the Chetambe Hills Wars of Liberation.

Nobody has ever talked or thought of these people. As Sen. Okiya Omtatah said, we need a compensation policy as a leadership so that we carry along the heroism together with the sacrifices that those who came before us demonstrated.

As I conclude, Sen. Kavindu Muthama, I hope you are listening to Members and some can add value. We do not necessarily have to be members of the Committee but we are Members of this House. We are ready and willing to make contribution on areas we know, so that we succeed. We do not want you to do 90 percent of the work. We would like to do it so that 100 percent of the people who are deserving can get what they are entitled to.

I thank you. Congratulations for this Motion. I do support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Okenyuri

Sen. Okenyuri: Thank you, Madam Temporary Speaker for this opportunity. First, I would like to congratulate the Senator of Machakos, Sen. Kavindu Muthama, for taking it upon herself to think of coming up with such a Motion which we are having this evening.

This is not the first time we are having this kind of engagement. In 2013, the then Nairobi City County Woman Representative, hon. Rachel Shebesh, came up with a Petition that was allocated to the Committee on Justice and Legal Affairs in the National Assembly under the then Speaker hon. Justin Muturi.

The petitioners were seeking to have the then Attorney General, Prof. Githu Muigai, and the officials of the American Embassy here in Nairobi City County sit down and be compelled to come up with a way of compensating the 1998 Bomb Blast victims.

There have been so many other attempts to get compensation for these victims. Sen. Tobiko is right in saying that I was a toddler then but I would overhear

conversations from my parents who would say that something had happened in Nairobi City County.

From the look on their faces I could tell that it was not something impressive. The United States of America (USA) has already compensated American citizens. If they have not, then they are in that process. Three years after the incident, they came up with a proposal Bill that later became law. They now have ways of compensating victims of various attacks.

So many other comparative analyses have been done on how different countries are compensating their victims while Kenya is slowly getting on its feet. We need to appreciate and recognize the fact that Nairobi City County was a target because it is one of the largest cities in the continent and the world and we are a very strategic partner to the US government.

We are making this plea and complaints because people died because we were strategic partners to the US Government. The page to page accounts and narrations of some of the survivors of the attack are really sad to read. In some instances, I noted that the Kenyans who died were preserved in a warehouse before being taken to the City Mortuary, while the American citizens who died were taken to the Lee Funeral home. You can see the disparity existing.

I know of one Mrs. Hellen Oriero now deceased. The family is languishing in poverty.

I also know of Mr. Bosire Chelion who is surviving but is among the ones who are looking forward to receiving the compensation.

Madam Temporary Speaker, this Motion brings to account so many sad scenarios which we encounter as a country including the famous Garissa University Attack. Most of the students who died were from Kisii County – where I come from, while others were from Western Kenya. I am not saying we did not have losses in other regions but I speak passionately of those regions because those are the regions I hail from.

About 25 years down the line, we should not be begging for compensation. As my senior, Sen. (Dr.) Khalwale, said, this has a diplomatic implication. Earlier when President Dr. William Ruto ascended to office, we saw the first spouse of the United States of America (USA), Dr. Jill Biden, jet into the country. Like many other Kenyans, as much as I did not have a relative in that attack, my hopes were renewed that we could now have compensation for these victims.

I do not know if Kenyans are children of a lesser God. Why should we be pleading several years down the line? As I stated, a Petition went to the National Assembly. We now have a Motion here that we want to pronounce ourselves on. I see the Members of the *Ad Hoc* Committee are well able with the capacity we are looking up to. However, do we have to be on our knees for our own citizens who had no hand in whatever was happening to beg for compensation?

Madam Temporary Speaker, what example are we setting to young people in these setups, who might actually be caught in any of these issues we are talking about? Most of the young people now whose parents were affected in this attack, those who lost their parents are completely not in a position to help themselves. Maybe others got on their feet, but they are those who have not.

So, as a country, the Committee is going to do their bit. How I pray that the William Ruto administration is going to deliver compensation to the 1998 Bomb Blast

Victims. I hope the other House that will not be engaging on the same issue. That way, we prove that Kenyans are not children of a lesser God and we did not lose our people because of any other reason. Our country is very strategic with many other engagements with countries overseas, not just in our continent.

As I wind up, we do not only need to look at the 1998 American Bomb Blast. We also need to look at internal cases affecting us, as a country. We even had freedom fighters who have been fighting for compensation. Although I do not have very many details, I will be coming up with a Statement on the same.

In my region, we had the famous *Murangit* who up to date, I am not sure she has been recognised for her contribution in the struggle. People who commit their lives to the service of this country need recognition. Even when they lose their lives, their families need to be at least compensated because whoever came before them put their life on the line for them to benefit from whatever little they did.

As this House pronounces itself on this matter, let it not go the way the Petition went. I hope this Motion is finally going to give the long-awaited compensation and that the William Ruto-led administration is going to give a solution after 25 years of waiting.

Finally, Sen. Kavindu Muthama, this was very timely. I like the way you are thinking about your people. The other day, you were following up on the issue of Drumvale Farmers which is a cooperative with the very elderly senior citizens.

You have really been fighting for them to get back their land. Today, you have come up with the issue of compensation. This shows your work goes beyond pushing for them as a legislator and that you are also doing it on humane grounds.

Congratulations on this bold move. We are slowly learning from your footsteps as young legislators in this House.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, Madam Temporary Speaker. I also rise to support the Motion on the establishment of the *Ad hoc* Committee---

(Technical hitch)

I think it is my fellow Senator here trying to sabotage me.

(Laughter)

Madam Temporary Speaker, I rise to support and congratulate the Senator for the wonderful idea and the composition of the team that is well able. The idea of compensation of the victim of the bomb blast, like several other issues, has been bothering Kenyans. They have seen governments come and go without addressing their plight.

As a Member of the Kenya Kwanza Government, it is my prayer that this will be the Government that will see the fulfillment, even if to appease the souls of the departed, conclude this matter and bring it to a close. Indeed, the way we value life as a country at times leaves a lot to be desired.

America is one of our development partners. Strategically, we have always placed ourselves in the line of fire, more so when it came to protecting the interests of

Americans and Kenyans because of our long dating relationship. It is also good to hold the hand of your younger brother when something befalls him. What we are saying without wanting to be headlined as begging, is for the Americans to realise that in this region at that time when not many people stood with them, Kenyans did. We have always stood with them.

Madam Temporary Speaker, it is high time we brought this matter to a close by ensuring those who passed on and the survivors who got maimed and injured, can at least feel somebody cares for them.

As we address the victims of the bomb blast, there are several other issues and losses of lives through wildlife. I sit in the Committee on Lands, Environment and Natural Resources. I know that there are several people who have lost their lives through human-wildlife conflict and it still remains a non-issue. If I am not wrong, we need over Kshs8 billion to compensate those who have been injured, killed or maimed by wildlife.

Madam Temporary Speaker, in a country that cares for its citizens, it is important that we put the right policy in place. Most importantly, without wanting to be seen like we are rewriting the book of Lamentations, we must admit that we have a moral obligation to those fellow citizens who cannot come to this House to speak for themselves.

I am encouraged by the words spoken by Sen. Mungatana and Sen. (Dr.) Khalwale. It is high time we brought this to a close because it is painful. It is 24 years down the line and we are still discussing something that ought to have closed long time ago.

It would also be very unfair not to mention that we have seen how Kenya unite in a big way whenever such a thing as bomb blast and Westgate terrorist attacks happen.

We have seen Kenyans come together to pull aside the rubble to try and save their brothers and sisters. I only ask myself: What happens to Kenyans when it comes to the political arena?

I do think that we, as the fourth Senate, we should rise to the occasion and say that whatever we are doing in this House, we will go beyond the lines of political parties, ideological differences and stand up and say we are in this House debating issues, Motions and passing Bills because they are good for posterity.

Madam Temporary Speaker, I would want to be described in the annals of history as such: When Sen. Wamatinga was in the Senate, he was able to stand up regardless of the political affiliation and press for issues because they matter for the Kenyans. This is one of those issues.

It is not Kenyans from the minority or the majority who were affected, it affected Kenyans. When everything is said and done, we are still Kenyans. This is something that maybe collectively, we can pool together our efforts so that we can make the leadership that comes and goes, address issues that are real and that affect Kenyans.

This will ensure that it will not be as it is today, that an issue like this still remains unaddressed, 24 years down with different governments coming in and going out with all kinds of promises. However, the voiceless people down there must feel that they have somebody who can speak for them.

I want to stand up and be counted, like the Senators here that, yes, we can be the voice of our people. That is why today I am proud to support this Motion and say that we

must, as a House, ensure that we bring this to a logical conclusion which is nothing less of compensation of these victims.

Madam Temporary Speaker, the American Government does invest heavily in the Kenyan Economy. It invests in other things including budgetary support to the country. What we are looking at might not even be as much as what they do but this is the action will actually give the right signals, send the right kind of message that, yes indeed, they are our caring bigger brothers and therefore come to conclude this matter jointly.

As I sit down, I would want to say, as we discuss this Motion, let us also ask ourselves a question: What happens to those victims who lose their lives, property or get maimed in the course of their duty, that includes the police service, military and the wildlife services? It is important that we come up with a policy to ensure that there is a structure that will address that without them being reduced to beggars.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Murango.

Sen. (Dr.) Murango: Asante sana, Bi Spika wa Muda. Nimesimama hapa siku ya leo kuunga mkono Hoja hii ambao umeletwa na Sen. Kavindu Muthama kwa sababu janga lilotukumba mwaka 1998 ni janga ambalo kila Mkenya anasikia uchungu.

Mnamo tarehe 7 Agosti, 1998, Mohammed Rashed alifikishwa kortini kule Marekani na akashtakiwa kwa kuwaumiza watu 12. Hao watu 12 walikuwa wananchi wa America ambao walikuwa wameumia. Hawakutaja kwamba Wakenya 224 walikuwa pia wameumia.

Waliohukumiwa baaadaye ndio walikuja sasa kubadilisha ile nambari ya watu waliokuwa wameumia. Mnamo tarehe 5 Agosti 2020, America ilisema kwamba kuna pesa ya ridhaa ambayo ilikuwa inafaa kulipwa watu walioumia ambayo ilikuwa takriban US\$10.2 bilioni.

Mnamo tarehe 31 Machi, 2021, aliyekuwa *Secretary of State*, Antony Blinken, alipokea kitita cha USD335 milioni kutoka nchi ya Sudan, ambayo ilikuwa imepatikana na makosa ya kuwaficha magaidi ambao walishambulia Kenya mwaka wa 1998. Walikuja na *Omnibus Bill* ambayo ilisema kwamba watu ambao wangepidiwa ni raia wa Marekani pekee. Endapo uliumia na hukuwa raia na ukaenda Marekani, basi ungepewa pesa kidogo kushinda waliokuwa kule.

Huwa najiuliza swali. Hakuna uhai mkubwa kushinda mwingine. Wakati pesa ilipokuwa inagawanywa, ilifaa kuangalia maslahi ya Wakenya walioumia katika mlipuko wa huo wa bomu.

Wakenya walioumia kwa sababu walikuwa wamehifadhi raia wa Marekani katika jumba hilo. Hiyo ndio sababu magaidi hawakuenda katika KICC ama *Central Bank of Kenya (CBK)*. Walienda moja kwa moja katika jumba lile.

Naunga mkono kuundwa kwa Kamati hii. Wanakamati wana jukumu la kuhakikisha kwamba walioumia wanapata haki. Si haki peke yake bali pia fidia kwa sababu wameteseka kwa muda mrefu.

Naona Sen. Kavindu Muthama ananiashiria nikomee hapo. Ningependa kukueleza kwamba Spika wa Muda yupo na anajua kuwa lazima tumalize leo.

Bi. Spika wa Muda, kwa vile Sen. Kavindu Muthama ananiashiria nimalize, nitamalizia hapo.

The Temporary Speaker (Sen. Mumma): I now call upon the Mover to reply.

Sen. Kavindu Muthama: Madam Temporary Speaker, I wish to apologise to Sen. (Dr.) Murango before I reply. It is because I want to reply and also allow Sen. Crystal Asige time to do something.

Madam Temporary Speaker, I am grateful to this House today for showing solidarity. I know all of us support this Motion, so that our people can be compensated after waiting for long.

I wish to thank Sen. Osotsi for seconding this Motion. I also thank Sen. Chute, Sen. Madzayo who is the Senate Minority Leader, Sen. Maanzo, Sen. Munyi Mundigi, Sen. Sifuna, Sen. Thang'wa, Sen. Wafula, Sen. Mungatana, Sen. Tobiko, Sen. Cherarkey, Sen. Okiya Omtatah, Sen. (Dr.) Khalwale, Sen. Okenyuri, Sen. Wamatinga and Sen. (Dr.) Murango for their contributions.

I thank you so much for approving Members of the *Ad Hoc* Committee. I promise that we will not leave any stone unturned. Please come whenever we call upon you to give your contribution because most of you are knowledgeable. We are also asking the Government and the Senate to give us the support that we need, so that we can ensure people are compensated.

Madam Temporary Speaker, I beg to reply.

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

(Question put and agreed to)

Next Order.

BILL

Second Reading

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

Sen. Crystal Asige: Madam Temporary Speaker, I apologise. I get a bit disoriented when I am interrupted as I am trying to orient myself.

In any case, I beg to move-

THAT the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) now be read a Second Time.

The Temporary Speaker (Sen. Mumma): Sen. Crystal Asige will have a balance of 59 minutes when we resume.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate therefore stands adjourned until Tuesday, 18th July, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.