

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 6th December, 2023****Afternoon Sitting**

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

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

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

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

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

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

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

(Loud consultations)

Order, hon. Senators. We now have quorum. Kindly settle down.

Clerk, you may proceed to call the first Order.

PETITIONS

The Speaker (Hon. Kingi): Proceed, Chairperson, Standing Committee on Education. You have a Petition to lay.

Where is the Chairperson, Standing Committee on Education? That Petition is deferred.

PAYMENT OF SALARY ARREARS FOR P1 TEACHERS
WITH 'A' LEVEL ACADEMIC QUALIFICATION

(Petition deferred)

Next Order.

PAPERS LAID

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers at the Table of the Senate, today, 6th December, 2023 –

REPORT OF 13TH PLENARY MEETING OF ICGLR

The 13th plenary assembly meeting of the Forum of Parliamentarians of the Member States of the International Conference on the Great Lakes Region.

REPORT ON KIPKELION SUB-COUNTY LEVEL 4
HOSPITAL FOR FY 2022

The Report of the Auditor-General on the Kipkelion Sub-County Level 4 Hospital for the year ended 30th June, 2022, County Government of Kericho.

STATE OF JUDICIARY AND ADMINISTRATION OF JUSTICE ANNUAL
REPORT AND BLUEPRINT FOR SOCIAL TRANSFORMATION

The state of the Judiciary and the Administration of Justice Annual Report for the Financial Year 2022/2023 and the Blueprint for Social Transformation through access to justice for 2023 to 2033.

ANNUAL COUNTY GOVERNMENTS BUDGET IMPLEMENTATION
REVIEW REPORT FOR FY 2022/2023

The Annual County Government Budget Implementation Review Report for Financial Year 2022/2023.

REPORT OF 63RD OACPS PARLIAMENTARY ASSEMBLY

The 63rd Session of the OACPS Parliamentary Assembly.

REPORT OF 43RD ACPEU JOINT PARLIAMENTARY
ASSEMBLY MEETINGS

The 43rd session of the ACPEU Joint Parliamentary Assembly meetings in Brussels, Belgium.

(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

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

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

Sen. Cherarkey: Mr. Speaker, Sir, I rise on Standing Order No.58 which says-
“During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated.”

As you are aware, yesterday, we unfortunately adjourned unceremoniously because remember tomorrow is the last day of this Session. As we speak, our offices are paralysed. Office operations have not been paid and our landlords are closing offices across the 47 counties---

The Speaker (Hon. Kingi): Sen. Cherarkey, are you proceeding to make a Statement under Standing Order No.58?

Sen. Cherarkey: Yes.

The Speaker (Hon. Kingi): I have not indulged you.

Sen. Cherarkey: Okay. Let me sit then you indulge me.

The Speaker (Hon. Kingi): You will make your personal statement immediately after the notice is given.

NOTICE OF MOTION

ALTERATION OF HOURS OF MEETING ON
THURSDAY, 7TH DECEMBER, 2023

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to give Notice of the following Motion -

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023, pursuant to Standing Order No.32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session, and pursuant to Standing Order No. 34 (4) (b), the Senate resolves to alter its hours of meeting on Thursday, 7th December, 2023, to hold a morning sitting commencing from 9.30 am and ending at 1.00 pm instead of the afternoon sitting.

The Speaker (Hon. Kingi): Sen. Cherarkey, I have looked at this particular Standing Order, the one you are invoking. Apparently, it talks of matters of personal nature. The Statement you are about to make, if your opening statement is anything to go by, is not personal. It touches on the operations of yourself and your colleagues. It is more official.

Therefore, I would advise you, during today's proceedings, you can rise on a point of order, but not under Standing Order No.58 because it restricts you to matters of a personal nature. I do not think paying your workers at the county office is a matter of a personal nature. It is more official. It touches on your mandate.

I will allow we proceed on. At some point, you can rise on a point of order to put it across then I will allow your colleagues also some time to contribute to that point of order.

Hon. Senators, allow me to reorganise the sequence of today's Order Paper. Instead of going to Order No.7, which is Questions and Statements, we will move to Order No.8 on the Motion of alteration of hours of the meeting on Thursday, that is, tomorrow. We dispense with that Motion then we can go back to the Floor as contained in today's Order Paper.

Clerk, kindly proceed to call the Order.

MOTION

ALTERATION OF HOURS OF MEETING ON THURSDAY, 7TH DECEMBER, 2023

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to move Motion No.8, being the alteration of the hours of meeting on Thursday 7th December, 2023.

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023, pursuant to Standing Order No. 32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session and pursuant to Standing Order No. 34 (4) (b), the Senate resolves to alter its hours of meeting on Thursday, 7th December, 2023 so as to hold a morning sitting commencing from 9.30 a.m. and ending at 1.00 pm, instead of the usual afternoon sitting.

This is a procedural request to meet important engagements of this Senate outside this country, in Rwanda, so that Members can be afforded an opportunity to travel to Rwanda and represent the country in this very important event.

It is gratifying to note that since the appointment of Hon. Ababu Namwamba as the Minister of Youth Affairs, Creative Economy and Sports, the country is on an upward trajectory in the performance of sports. It is only yesterday when the under 18 team qualified for the finals in Bukhungu Stadium in Kakamega County and Kenyatta International Stadium in Kisumu County.

I, therefore, have no doubt that if we allow Members of this House to go to the East African Legislative Assembly (EALA) games, the same spirit will continue.

The only negative side, which I must make in this House is that, it has not been too clear how delegations are traveling; so much so that what we witnessed last year is not obtaining this year.

My office is up in arms that they are not being afforded an opportunity to travel and yet staff in another office fairly near to me are traveling. If we do not manage this properly, it can send the message that to participate in parliamentary functions, one has to do something else.

(Laughter)

I know why Sen. Sifuna is laughing. It is something else that some of us do not know. Going forward, let these things be clear, so that they are done above board.

Little complaints from people who work in our offices does not sit very well with us. Similarly, when you see a certain group of offices going for the function and not the other offices, you wonder what the selection criteria was.

Mr. Speaker, Sir, I, therefore, appeal to Members that we all stand behind this Motion, support it and let our members represent us in Rwanda. I will not be traveling, but I would have loved it for officers from my office to travel. Next year will also come. God is there.

I move and request the Senate Minority Whip to second.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I rise to second the Motion by Sen. (Dr.) Khalwale. As a member of the Senate Business Committee (SBC), this is a matter that I am aware of.

We discussed before the Committee that to accommodate those of our colleagues who have been lucky enough to represent our Parliament in the East Africa Legislative Assembly (EALA) games, we move tomorrow's afternoon sitting to the morning, so that we can complete some of the matters that are on the Order Paper.

It is always a concern for us at the SBC when we see certain matters taking too long on the Order Paper, especially those that affect legislative business. There are some Bills that are due for Division after the Second Reading and some for the Committee of the Whole House. In consideration of the fact that we are proceeding for the long recess starting Friday, it is quite urgent that we can find the opportunity to process this business before our colleagues travel.

Therefore, I will be appealing to all the Senators who might be traveling tomorrow, please avail yourselves for the morning session. The SBC was also kind enough to make sure that the session tomorrow and even today is hybrid. There is no reason for not logging in from wherever you are. Unless you have traveled only in sports attire that will not allow you to participate in the sessions here.

Mr. Speaker, Sir, I strongly second and hope that tomorrow and today, we can make some progress so that we ease the Order Paper before we proceed to the long recess.

(Sen. Cherarkey stood up in his place)

The Speaker (Hon. Kingi): Thank you. Sen. Cherarkey, kindly take your seat. Hon. Senators, I will now proceed to propose the Question.

(Question proposed)

Hon. Senators, of course, you have the right to contribute to this Motion. However, it does not require us to spend a lot of time debating. If agreeable, you will allow the Chair to put the Question. Very well. I will proceed to put the Question.

(Question put and agreed to)

POINT OF ORDERFACILITATION OF SENATORS TO ENABLE THEM
EXECUTE THEIR MANDATE

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Order No.96 and also with your indulgence under Standing Order No.1. As we talk and are happy that the session is coming to an end, we are not sitting pretty with our staff because they have not been paid for office operations.

The Parliamentary Service Commission (PSC) has found it not unwise--- It is disappointing that the Commissioners are not here. Salaries for our workers have not been paid. Landlords are closing our county offices across the 47 counties. There is no money and so the service providers want to auction the Senate furniture that has been put in most of our offices.

As we talk, our cars might be clamped and auctioned when we travel to our counties. We might be making phone calls to your office or your personal number to try and intervene.

(Laughter)

Mr. Speaker, Sir, you saw yesterday when the National Assembly boycotted yesterday's sitting. They have been assured within the close of business today, their money will be in their National Government-Constituencies Development Fund (NG-CDF) account. Why does the National Treasury discriminate against the Senate?

We shall not even come for tomorrow morning's sitting. Even today as we speak, we are going to walk out because we cannot proceed until we resolve this issue.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators.

Sen. Cherarkey: We are going to crumble the whole business because if there is no money, what business do we have? How can one survive with the harsh economic times? When driving us while hungry, they can drive us off roads and cause accidents. Our secretaries and personal assistants have not also been paid.

Mr. Speaker, Sir, can you lead us and listen to our plight? This Senate has ever come under attack in the year 2018/2019 and it is you who led us to Milimani High Court when we filed a case against the non-concurrence of 24 legislations by the National Assembly.

I would have expected the National Assembly to also boycott and be in solidarity with us the way we were in solidarity with them yesterday. However, it looks like the 'small brother', the 'Lower House' will never be in solidarity with the Senate.

I request colleagues that this sitting be suspended for now for you, Mr. Speaker, to make a phone call to the National Treasury and also PSC. Let us suspend the session for 30 minutes for you to get a commitment, then we can go into a recess for another 30

minutes for us to agree on how we are going to proceed, then resume the sitting as normal.

(Applause)

Mr. Speaker, Sir, you need to provide leadership on this one. I do not think you will be sitting pretty. I can tell you that you will have to switch off your phone because we will call incessantly. We will also give your number to our staff, so that they call and explain the situation because *vitu kwa ground ni* different.

(Laughter)

As we talk, we have been using our own money to fuel and support most of our workers. Some of them have school fees, medical bills and rent to pay. You can imagine walking into your office and your staff have not been paid. With the harsh economic times, we must be serious. Going into the future, I call upon PSC to realise that no House is lesser than the other.

When the National Assembly speaks, they listen, however, when Senate speaks, *ni kama kupigia mbuzi* guitar. We must take collective responsibility. This Senate has come under attack since 2013 that we have always been resurgent. They should not underestimate us. We may look like a dormant volcano, but we are going to erupt like it has never been seen before.

Mr. Speaker, Sir, I expect Members like Sen. Chute to be on the forefront defending us. Yesterday Sen. Sifuna led us in a Kamkunji and we made a resolution that we shall not sit until we get our dues. It is our right. How can we work? With all due respect, I request that you suspend this sitting until we come to an agreement.

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

Sen. Osotsi: Mr. Speaker, Sir, I would like to support the request by Sen. Cherarkey that this is a serious matter. Just like any other worker, we cannot work if our hearts are troubled. As Sen. Cherarkey has said, our staff have not been paid, our offices are being locked and we are not able to pay our bills on the ground because of lack of operation money.

We must take serious action because this is more than just the money. It is the disrespect by the Executive to Parliament. Yesterday, I was surprised that a Principal Secretary---

(Loud Consultations)

The Speaker (Hon. Kingi): Order, hon. Senators! May the Senator be heard in silence.

Sen. Osotsi: Mr. Speaker, Sir, this is disrespect to the institution of Parliament by the Executive. They want to give us the Exchequer when they feel like. They want to punish us. If we are not facilitated, we will not be able to do our legislative work well.

The Constitution is clear that Parliament shall be facilitated. I agree with Sen. Cherarkey that we suspend this sitting, so that you can make phone calls - I know that the

Speaker of the National Assembly did the same - and we have answers before we continue transacting.

This is disrespect to the Senate and to you, Mr. Speaker, because you are the leader of the third arm of Government. You must be respected. Yesterday I was surprised when I saw a junior Principal Secretary trying to undermine your office.

The Speaker has a right to meet any diplomat. Parliament all over the world represents the diplomacy of that country. In fact, this Senate needs an apology from the Principal Secretary for Foreign Affairs who made some very serious comments about our Speaker. Our Speaker has every right to meet any dignitary in this world because he is representing an arm of Government.

This is a further confirmation of disrespect to this Parliament by the Executive. I fully agree that we need to suspend this sitting the way we did yesterday until our matter is addressed or forever if the matter is not addressed.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I would like to reiterate that the Senate is being disrespected yet again. We are the 'Upper House'. Every time I tell people that I sit in the 'Upper House', I expect that the 'Upper House' is respected equally, as the National Assembly.

Many people do not know that nominated Senators do not have an operational fund, yet we have employees. Twenty minutes ago, I checked and my staff have not been paid. I want to call upon the Parliamentary Service Commission (PSC) to come and give us a report and tell us before we start blaming the Executive. The PSC should be able to tell us if they have received money from the Exchequer and if they have not or what the position is.

It is very sad today that I do not see any Commissioners in the House. We are always complaining about our welfare. Personally, I have been complaining about my office, the welfare and the work environment. However, the Commissioners are never here to hear our complaints.

The PSC should come and tell us why our staff have not been paid. I also call upon the Commissioners to take this House seriously. Some of us can do a better job as Commissioners, but because it is our first term, we understand that we have to learn how things work before we get the job.

Mr. Speaker, Sir, we are always complaining in the House about our welfare, yet the Commissioners are not in the House. They are always travelling. There is something wrong there.

We are about to close and I do not think it would be fair for our staff to go for Christmas without their salaries. When we tell our staff that we do not have money, they cannot even imagine how we do not have money. However, the truth of the matter is that Senators are broke. We do not have money. Some of us are owed money in arrears.

Those of us who travel are being told to use their money and they will be refunded in time. We call for transparency on the Senate budget. Some of us who do not have an operational fund would like to know, for instance, that Sen. Sifuna receives a certain amount of money for the operation of the office so that we are able to track and oversight ourselves.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I would like to assure Sen. Orwoba, that I do not receive any preferential treatment from the Exchequer. In fact, the amount of

money that is assigned for office operations is the same for all the Members of this House. If she is not getting money, I can assure her that I am also not getting money.

Today, I would like to speak as a taxpayer. As Members of Parliament, we are some of the highest taxpayers in this country as employed people. If the statistics are right that it is only one per cent of Kenyans who earn salaries above Kshs100,000, then we pay on average in taxes, PAYE alone, higher than 99 per cent of the rest of the country.

Whenever there are changes to our taxation, it is implemented immediately. We are already paying for the taxes that were imposed just a few months ago. Then, the very least we expect is that we will be facilitated in our jobs.

I want to make it clear to the country that Senators are not asking for salary increment. You will hear some people saying that Senators are crying for money. No, these is operations funds that have already been assigned and allocated to the Senate for purposes of facilitating the offices of the Senators.

For some reason, the person responsible for disbursing money at the Exchequer, at the point at which money has come in and deciding which department gets money and which one does not, or which one is not a priority, never prioritizes the Senate.

In fact, Members will remember that our system in here is due for an upgrade. In last year's budget we were given Kshs200 million to upgrade this system that never works, including during important debates and divisions. However, the Senate cannot implement this. We have been told it will be transferred to the next financial year because they are not giving us that money.

Mr. Speaker, Sir, the reputation out there is that Senators are a bit more reasonable people; that we are not going to do *Maandamano* like the one we saw yesterday at the National Assembly. However, I would like to inform you leaders here that *Maandamano* is not such a bad thing. There is a Luhya saying that, it is only the children who cry that actually get fed by their mothers. If you do not cry, your mother assumes that you are okay.

There is a very serious trend. Actually, I would like to share this experience with the House as the Secretary-General of ODM party. We have seen systematic reduction in allocation to political parties. For instance – and not to delve into the matter – every year, we have been frustrated as leaders of political parties by reduction on the allocation to Political Parties Fund. We have now been forced to go to court.

Maybe even the Senate needs to now take this matter to the courts, so that the country can know that there is a problem here. I do not know how much success we will have there because I am aware that the Judiciary is also crying about their budgetary allocations not being released to them. However, somehow one arm of Government is not complaining.

When Sen. Osotsi was talking about the Executive, he was not referring to a political party, but an arm of Government. Somehow, members of the Executive are living large. Just today, I saw a Cabinet Secretary wearing a Kshs4 million watch on his wrist. I wondered to myself how it is possible in this economy.

If, indeed, the Exchequer is going to be fair in releasing money to the three arms of Government, we need transparency in that office. Not in my office, Sen. Gloria. The transparency needs to be in the office of the person who resources on behalf of all the arms of Government and decides that this Ministry is a priority, but the Senate is not.

Mr. Speaker, Sir, you do not need to convince me. As you know me, Mr. *Maandamano*, I can bring a *sufuria* here if I am allowed, so that we can shine the light on this issue so that the country knows that the Senate is being mistreated.

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

Sen. Chute: Asante, Bw. Spika, kwa nafasi hii ili nijiunge na wenzangu kuzungumza juu ya shida za Bunge la Seneti. Mimi natoka Kaunti ya Marsabit. Juzi tulimsikia Sen. Lomenen wa Kaunti ya Turkana akisema tukienda kipindi cha mapumziko wakati huu, sisi ambao tunawakilisha kaunti hizo hatuna mapumziko. Tunasikia milio ya bunduki ikipigwa kila mahali.

Kaunti ya Marsabit imefurika maji hata watu wameshindwa kufika katika vituo vya chakula. Kwa sasa, tunasaidiwa na helikopta kusambaza chakula. Hata hivyo, Serikali haina helikopta za kutosha. Tuko na shida. Watu ambao wanafanya kazi katika ofisi zetu, hawapati chakula kwa sababu wengi wao wanaishi sehemu ambayo helikopta haiwezi kufika. Wale ambao wanaishi vijijini hawawezi kufika katika vituo vya chakula. Mpaka sasa, wafanya kazi katika ofisi zetu hatujapata pesa za kusimamia shughuli za ofisi hizo.

Safari ya kutoka Nairobi hadi Marsabit ni mbali na gharama ya kusafirisha vitu ni kubwa sana. Watu wetu wana shida ni nyingi sana. Masomo ni duni na kupata chakula ni shida. Ukisikia mtu katika Kaunti ya Nairobi akisema anaumia mara 10, basi sisi tunaumia mara 100 kwa sababu ya shida za usafiri na milio ya risasi. Kiangazi kikija, kinakithiri. Pia mvua ikinyesha, inakithiri, mafuriko yanakuja na milio ya bunduki ni kila mahali.

Kwa hivyo, tukienda mapumziko kesho, mimi sijui kama nitaenda Marsabit. Kama watu hao wangepata hizo pesa, wangenunulia familia zao chakula. Watu wetu hawana chakula na wanaendele kuteseka.

Sisi tuna shida nyingi sana ingawa tuko katika Serikali moja. Hata ukiwa upande wa Upinzani au Serikali, sisi sote tunahudumia nchi moja, wananchi wetu na familia zetu.

Jana Wabunge wa Bunge la Kitaifa walisusia kazi lakini leo wamerudi kwa sababu watalipwa marupurupu yao ya National Government Constituencies Development Fund (NG-CDF). Mimi naona kama hili Bunge la Seneti tunaonyeshwa kwamba halina maana katika nchi hii. Ni mara ngapi Mawaziri wamekataa kuja hapa wakisema wanaugua, mara wako safarini na kadhalika? Lakini wakihitajika kufika mbele ya Bunge la Kitaifa, wanafika.

Yamkini siku ya Jumanne, tulihitaji Mwenyekiti wa Tume ya Utumishi ya Umma kufika mbele ya Kamati ya Uwiano wa Kitaifa ya Seneti, lakini alikosa kuhudhuria. Alisema alikuwa amefika mbele ya Bunge la Kitaifa. Tulipofuatilia, hakuwa ameenda mbele ya Bunge la Kitaifa. Wengine walisema alikuwa Marekani lakini hakuwa huko. Hayo yote ni kuonyesha hawana kazi sana na hili Bunge la Seneti.

Jana niliona maajabu sana katika mtandao wa *Twitter* na nilishangaa sana. Kuna wageni kutoka Somaliland ambao walikuja kwa Ofisi ya Spika wa Seneti. Mhe. Spika aliwakaribisha na mimi pia nilikuwa hapo. Msimamizi wa Somaliland alisema kuna takriban Wakenya 30,000 wanafanya kazi Hargeisa huko Somaliland. Akaongezea kusema kuna wanakandarasi wa Kenya ambao wamejaa huko. Alieleza kwamba hawana mayai wala kuku huko Somaliland. Mayai na kuku ambao wanakula wanatoka Uropa.

Akasema pia majani chai ambayo yangetoka Kenya yaende moja kwa moja hadi Somaliland, yanaenda Uropa na Uturuki ndio irudishwe Somaliland. Hayo majani chai ni

ya wakulima wetu ambayo yanapelekwa huko Uropa na Uturuki kisha yanauzwa katika Somaliland. Huyu msimamizi aliiomba Serikali ya Kenya ianzishe huduma za usafiri wa ndege kutoka Nairobi hadi Hargeisa, Somaliland. Hiyo safari itarahisisha maisha ya watu wanaosafiri kikazi kutoka Kenya hadi Somaliland. Wale wanaoishi Somaliland, pia wakaomba huduma ya ndege kati ya Hargeisa na Nairobi.

Alizidi kusema ya kwamba imechukua miezi 18 na mpaka sasa, hawajapata huduma za usafiri wa ndege kwenda mpaka Hargeisa. Nakumbuka alisema wanaenda Hargeisa kupitia Djibouti ama Ethiopia na gharama yake ni takriban Dola 1,800.

Hiyo biashara ingekuwa ya manufaa kubwa kwa Kenya kuliko Somaliland. Nilishangaa sana kuona Katibu wa Kudumu wa Wizara ya Mambo ya Nje, akijibu kupitia kwa *Twitter* badala ya kuchukua simu na kusema wamepata hilo ombi na watahughulikia. Alijibu kwa *Twitter* huku akidhalalisha Bunge la Seneti, akauliza Seneti iko na kazi gani na Spika wa Seneti anaingiliaje haya mambo?

Kwa hivyo, tutakaporejelea vikao vya Bunge, nitaleta swali nikitafuta kujua kwa nini hiyo safari ya ndege ya kwenda Hargeisa imechelewa kuanzishwa. Kama wamelalia kazi, waachane na hiyo kazi. Kama wanaweza kufanya hiyo kazi, waifanye na waache Seneti ifanye kazi yake.

Kwa hayo machache, Bw. Spika, nashukuru.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. Yesterday was a very sad day in this country. It was sad because as a House, we had to take extraordinary measures to send a message to this country, that the Senate of the Republic of Kenya is under siege. It is under siege from the Executive in relation to the disbursement of funds that are owed to Members and this House.

We have to make it clear that Senators are not asking for an additional penny to what they are entitled to. Hon. Senators and Parliament is not seeking salary increment for Members or staff. We have offices that we run in our counties. We run those offices for the sake of the people that have elected us to represent them in this House.

In the running of those offices, there would be operational expenses which are supposed to be met by disbursements from the Exchequer. This is the third month since any office of any Senator received a penny for operations. Moreover, as is expected of us, we have made binding contracts with service providers for basic things like transport and water for the office. These people have kept their side of the bargain, but we are unable to pay them.

Mr. Speaker, Sir, all we are saying is that enough is enough. We will not mince our words. The Executive is operating. The Members of the Executive are going about their constitutional business funded by the Exchequer. However, these arms of Government called the Parliament and the Judiciary are suffering. We will not suffer any more.

To add injury to insult, I saw a Principal Secretary (PS) posturing as though he is senior to the Speaker of the Senate and pretending that he could lecture the Speaker of the Senate on matters of diplomacy.

Mr. Speaker, Sir, I want to call upon the Senate Standing Committee responsible for matters to do with Foreign Affairs, chaired by Sen. Cheptumo, not to go and hide in a meeting with that PS, but to bring him to the Floor of this House, so that we may question him and put him where he belongs.

(Applause)

As the Committee prepares to do so, I want to join my colleagues in saying shame on him.

If the Speaker of the Senate cannot receive a delegation from a foreign country, then what is the business of this House? Some things can hurt leaders. The leader of Somaliland, on record, says that he wants to tighten the relationship between his country and our country. He goes on record and says that they are consuming a lot of farm produce from our country.

For the information of the PS, agriculture is a devolved function and there is no other place that any foreign dignitary can address matters agriculture better than in the Senate.

(Applause)

Instead of the PS; this junior officer coming to the Senate to learn a thing or two about diplomacy, he thinks that he can talk to us about diplomacy from a position of information. Once again, I say, shame on him.

Lastly, we are not going to step down in demanding for what is our right. I would want to call upon my colleagues as a leader in this House. There is a saying that goes and it should not be taken literally, “that if you settled to kill the king, the king must die.”

Mr. Speaker, Sir, we have already demonstrated that we are not happy with the way the disbursements to this Senate are being done. We cannot and we should not lower the bar. What you need to do is to up the bar in that demand. We must hold those people responsible. We must hold their legs on fire until something gives.

(Applause)

I will conclude by saying, that going forward, I wish, as Senators, we can demonstrate to this country this level of bipartisanship, not just on matters that affect us, but especially on matters that affect our people.

(Applause)

This country and the Executive have taken people for granted for far too long. Enough is enough.

I thank you.

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

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. I want to join my colleagues in demanding that the Senate be accorded the resources that are due to it, for it to be able to conduct its operations and make sure we can perform our functions.

Mr. Speaker, Sir, there is a very serious problem in the National Treasury of this country. The National Treasury of this country behaves as if it is the Treasury of the Executive of this country.

(Applause)

It is time we come up with an independent institution that disburses funds to the three Arms of Government and the two levels of Government. So that, this monopolistic tendency of the National Treasury to determine who to allocate resources as and when it pleases them, comes to an end.

This Senate performs a very critical function. There is no way over Kshs374 billion will be disbursed to county governments and they fail to disburse funds that will oversee the utilisation of those resources.

(Applause)

We, therefore, demand that without further delay, the National Treasury releases the funds that are due for operations of the Senate Liaison Offices and for the salaries of our staff.

Mr. Speaker, Sir, on the matter of the PS Foreign Affairs, it is disappointing. We, as a continent, as the African Union (AU), are fighting to make sure that we have no borders to increase the volume of trade and enable us as Africans to exploit the natural resources we have. However, we are here castigating a delegation who are already in Parliament.

Mr. Speaker, Sir, where was the PS for Foreign Affairs when those people travelled from Somaliland and landed at Jomo Kenyatta International Airport (JKIA)?

They were already walking around in the City of Nairobi and they only found it necessary as a matter of loyalty to increase trade within Africa and African countries. This was to make sure that the resources that are available in Kenya and the benefits that they can derive cannot be lost to Europe. It is time we have a conversation on how we want to make trade easy for African countries.

I agree with the Senator of Vihiga, the Senator of Kitui, Sen. Wambua, and the rest of the Senators, that the Committee for Defence and Foreign Affairs, should summon that PS. He should not only appear before it, but he must appear in the Committee of the Whole of the House. Since we have other issues we would also like to find out how that Ministry is being run.

I submit.

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

Sen. Oketch Gicheru: Mr. Speaker, Sir, this House must learn to be angry enough. We have been elected to represent the people of Kenya directly. It is in this House that the voices of millions of Kenyans are heard. The Senators and the Members of the National Assembly are people who have sacrificed their ambitions in business to serve the people of Kenya. We have sacrificed our ambitions in the civil society where sometimes, the remuneration is 10 times more than the money that Members of Parliament (MPs) get. For example, the best performing bank in Kenya pays its Chief Executive Officer (CEO) Kshs10 million or more, per month. The spirit of sacrifice that these Senators are putting in this nation is the same spirit of sacrifice that goes into the staffers that serve in their respective offices.

It is indeed sad that the National Treasury can choose to hold on to the pay cheque of the staffers of MPs for over three months yet the Executive is balling in money. I do

not agree with the notion that there is no money in this country. I hold the notion that the money in this country is wasted by people in the Executive who are swimming in money. Ladies and gentlemen, I will demonstrate that to you.

Today, the allocation for MPs to compensate their staffers is Kshs811,000 and Ksh400,000 on average for the nominated Members. We have 416 MPs in this country. If you do the math, the National Assembly and the Senate only needs about Kshs337 million per month to take care of their staff. The Senate is even better because, it only needs Kshs46 million to take care of their staffers. For now, two months going, we need about Kshs674 million in the National Assembly and just about Kshs80 million for the Senate.

Mr. Speaker, Sir, last month, our staffers went without pay. The Executive gave the entire country a holiday and allocated money to plant 150 million trees. This is not me saying, but the Government spokesman. The 150 million trees were procured at Kshs50 per seedling. If you do the math, you get that on that day alone, the Executive spent Kshs7.5 billion on trees and our staffers do not have money.

(Loud consultations)

The other day, we saw the Executive sending a battalion of climate change experts who did not even plant trees to Dubai. We sent over 700 people to Dubai. Out of the 700 people, 400 of them were---

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

Sen. Oketch Gicheru: I am on a point of order.

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

Sen. Oketch Gicheru: I am on a point of order.

The Speaker (Hon. Kingi): The Senator is on a point of order and certainly, you cannot also rise on a point of order.

Sen. Oketch Gicheru: Mr. Speaker, Sir, you can crunch your numbers. Fellow Senators, let me tell you---

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

Sen. Methu, if you wish to inform the hon. Senator with the correct information, then certainly. Sen. Oketch Gicheru, Sen. Methu would wish to inform you.

Sen. Oketch Gicheru: He will advise me during his time.

The Speaker (Hon. Kingi): Okay, conclude then.

Sen. Oketch Gicheru: Mr. Speaker, Sir, my thought process was interfered with. However, I just wanted to give you a context that, anytime a member of the Executive leaves this country for Dubai, the standard per diem they are given is USD877. If you do the math, it is Kshs131,000 per day using the exchange rate of Kshs151 that we are currently using. That means that, if 400 members of this Government went to Dubai, for those 10 days alone in Dubai, the Government spent Kshs526 million.

(Loud consultations)

If we spent Kshs526 million---

The Speaker (Hon. Kingi): Order, Senators. Sen. Oketch Gicheru, kindly proceed to conclude your contribution.

(Loud consultations)

Order, hon. Senators.

Sen. Oketch Gicheru: Mr. Speaker Sir, you must protect me. I advise fellow Senators, you cannot---

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators.

Sen. Oketch Gicheru: Senators, you will not say that your money is stuck with the Executive and at the same time, you do not want to face the Executive. This is what is killing Parliament.

(Sen. Orwoba stood up in her place)

The Speaker (Hon. Kingi): Sen. Orwoba, have your seat.

Sen. Oketch Gicheru: You cannot eat your cake and have it.

The Speaker (Hon. Kingi): Sen. Cherarkey, have your seat.

Sen. Oketch Gicheru: Senators from the Kenya Kwanza side, I am not attacking you. You will not have your cake and eat it at the same time.

(Loud consultations)

The Speaker (Hon. Kingi): Sen. Miraj, can we have order.

Sen. Oketch Gicheru: You will not have your cake and eat it. These are the facts.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, Order! Take your seat.

(Loud consultations)

Order, hon. Senators. Order! Order! Senators.

Sen. Cherarkey, take your seat. Order, Sen. Oketch Gicheru.

(Loud consultations)

Order, hon Senators. Order, Sen. Methu!

I am beginning to see and understand why the Senate, you can never hold together to gain anything. If there is a moment I expected this Senate to speak with one voice, it is now. If this is the way you are going to be transacting your business, you can forget it. You are so disjointed and divided. You do not come together to push for any common agenda.

(Loud consultations)

Therefore, hon. Senators, I have given you enough time to ventilate on this matter. You have lamented enough and I have heard you. I have heard the two divergent

views because it is not one view. Clearly, on this matter, you do not have a common position. Therefore, we have noted this---

(Loud consultations)

Order, hon. Senators. That point of order has already been concluded. We will take it up administratively. I am aware that the disbursement for October to date has not been done. I am also aware that the Senate Oversight Fund has been processed, but it is lying at the National Treasury. Hon. Senators, let us proceed with the business of the day.

(Loud consultations)

I will take it up as your Speaker to make sure that these disbursements---

(Loud consultations)

Order, hon. Senators. Order.

(Loud consultations)

(Several Senators walked out of the Chamber)

Order, hon. Senators.

(Several Senators consulted with the Chair)

The Speaker (Hon. Kingi): Clerk, proceed to call the next Order. Sen.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Sen. Methu?

TERMINATION OF CONTRACTS OF COMMUNITY SCOUTS BY KWS

Sen. Methu: 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 termination of contracts of community scouts by the Kenya Wildlife Service (KWS).

In the Statement, the Committee should-

(1) State the reason for the termination of contracts for community scouts by KWS;

(2) Explain whether due process was followed in the termination of their contracts, stating the compensation provided to the dismissed community scouts; and,

(3) Elaborate the measures taken by KWS to fill the gap created by the disengagement of community scouts in order to ensure wildlife conservation is not impacted by the dismissal of scouts.

I thank you, Mr. Speaker, Sir.

SAFETY, SECURITY AND WELLBEING OF
POLICE OFFICERS ON DUTY

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda, SC? That Statement is dropped.

(Statement dropped)

Next Statement by Sen. Betty Montet.

RENOVATION OF STADIA HOSTING AFCON 2027

Sen. Betty Montet: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing regarding renovation of stadiums identified to host the 2027 African Cup of Nations (AFCON) tournament.

In the Statement, the Committee should-

(1) Provide a list of all the stadiums currently undergoing renovations by the national Government in preparation of the games, indicating the scope of works for each stadium and the anticipated completion dates;

(2) Give details of the contractors engaged to renovate the stadiums, stating the specific details of the contracts entered between the Government and the contractors, including the contract sum for each stadium; and,

(3) State which Government entity is overseeing the renovations and provide clarification on the reported involvement of the Kenya Defence Forces (KDF) in the renovation works, elaborating on the extent of their participation.

Thank you, Mr. Speaker, Sir.

DELIVERY OF CENTRALLY PROCURED LEARNING
MATERIALS TO SCHOOLS

Sen. Munyi Mundigi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education regarding the last mile delivery to schools' premises of textbooks and other tuition materials that are centrally procured by the Ministry of Education under the Free Primary Education and Free Secondary School Programme---

QUORUM

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

The Speaker (Hon. Kingi): Order, Sen. Mundigi.

What is your point of order, Sen. Cherarkey? Your microphone is not on.

Sen. Cherarkey: Mr. Speaker, Sir, looking at the Standing Orders, we are not properly constituted. I therefore request you to check.

The Speaker (Hon. Kingi): Clerk, kindly ascertain the quorum. Serjeant-at-Arms, kindly ring the quorum bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, kindly, take your seats.

(Several Senators resumed their seats)

Let us be upstanding.

ADJOURNMENT

The Speaker (Hon. Kingi): Hon. Senators, having failed to attain quorum, at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a) until tomorrow, Thursday, 7th December, 2023 at 9:30 a.m. I repeat, 9.30 a.m.

The Senate rose at 3:55 p.m.