

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 5<sup>th</sup> April, 2022

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

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

### PRAYER

### MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE MENTAL HEALTH (AMENDMENT)  
BILL (SENATE BILLS NO. 28 OF 2020)

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, I wish to report to the House that pursuant to Standing Order 41(3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020). Pursuant to the said Standing Order, I now report the Message.

Pursuant to the provision of Standing Orders 41(1) and 142 of the National Assembly Standing Orders I hereby convey the following Message from the National Assembly.

Whereas the Mental Health Amendment Bill (Senate Bills No. 28 of 2020) was passed by the Senate on Wednesday, 15<sup>th</sup> September 2021 with amendments, and referred to the National Assembly for consideration, and whereas the National Assembly passed the said Bill on Thursday, 24<sup>th</sup> March 2022 with further amendments to Clauses 3, 4, 5, 7 and 35 as attached herewith.

Now therefore in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144(c) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Article 112(1b) of the Constitution provides that if one House passes an Ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for consideration.

Hon. Senators, consequently, I direct the Standing Committee on Health to deliberate on the National Assembly amendments and report to the Senate as soon as practically possible to facilitate the Senate to process the remaining stages of the Bill taking cognizant that time is of essence.

Thank you.

**PAPERS LAID**

## REGULATIONS ON PHYSICAL AND LAND USE PLANNING

**Sen. Dullo:** Madam Temporary Speaker, I beg to lay the following Papers on the table of the Senate today, 5<sup>th</sup> April 2022 -

Physical and Land Use Planning (Institutions) Regulations, 2021 (Legal Notice No. 238 of 2021)

Physical and Land Use Planning (Building) Regulations, 2021 (Legal Notice No. 239 of 2021)

Physical and Land Use Planning (County Physical and Land Use Development Plan) Regulations, 2021 (Legal Notice No. 240 of 2021)

Physical and Land Use Planning (National Physical and Land Use Development Plan) Regulations, 2021 (Legal Notice No. 241 of 2021)

Physical and Land Use (Advertisement) Regulations, 2021 (Legal Notice No. 242 of 2021)

Physical and Land Use Planning (Planning Fees) Regulations, 2021 (Legal Notice No. 243 of 2021).

Physical and Land Use Planning (Inter-County Physical and Land Use Development Plan) Regulations, 2021 (Legal Notice No. 244 of 2021);

Physical and Land Use Planning (Development Control for Inter-County Projects) Regulations, 2021 (Legal Notice No. 245 of 2021);

Physical and Land Use Planning (Development Control for Strategic National Projects) Regulations, 2021 (Legal Notice No. 246 of 2021);

Physical and Land Use Planning (Development Control Around Strategic Installations) Regulations, 2021 (Legal Notice No. 247 of 2021);

Physical and Land Use Planning (Local and Physical Development Plan) Regulations, 2021 (Legal Notice No. 248 of 2021);

Physical and Land Use Planning (Special Planning Area) Regulations, 2021 (Legal Notice No. 249 of 2021);

Physical and Land Use Planning (Liaison Committees) Regulations, 2021 (Legal Notice No. 250 of 2021);

Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021 (Legal Notice No. 251 of 2021);

Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021 (Legal Notice No. 252 of 2021); and,

Report of the Auditor General on the financial statement of Nakuru County Emergency Fund for the Fourteen (14) Months period ended 30<sup>th</sup> June, 2019.

REPORTS ON FINANCIAL STATEMENTS OF  
VARIOUS COUNTY FUNDS

Report of the Auditor General on the financial statement of County Assembly of Nakuru Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;

Report of the Auditor General on the financial statement of Nakuru County Persons with Disability Fund for the year ended 30<sup>th</sup> June, 2020;

Report of the Auditor General on the financial statement of Baringo County Lake Bogoria Community Grant for the year ended 30<sup>th</sup> June, 2016;

Report of the Auditor General on the financial statement of Baringo County Lake Bogoria Community Grant for the year ended 30<sup>th</sup> June, 2017;

Report of the Auditor General on the financial statement of Baringo County Emergency Fund for the year ended 30<sup>th</sup> June, 2017;

Report of the Auditor General on the financial statement of Baringo County Emergency Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor General on the financial statement of Baringo County Community Conservation Fund for the year ended 30<sup>th</sup> June, 2016;

Report of the Auditor General on the financial statement of Baringo County Community Conservation Fund for the year ended 30<sup>th</sup> June, 2017;

Report of the Auditor General on the financial statement of Baringo County Community Conservation Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2016;

Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2017;

Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the financial statement of Ol Kalou Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the financial statement of Bomet County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the financial statement of Bomet County Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the financial statement of Marsabit County State Officers and Other Public Officers Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020; and,

Report of the Auditor General on the financial statement of Samburu County Youth and Women Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2020.

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

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

**The Temporary Speaker** (Sen. Nyamunga): The next set of Papers are to be presented by the Legal Committee. Is the Chairperson, Deputy or any Member of legal Committee present? If they are not in, you can step in Senate Majority Leader.

REPORT ON THE POLITICAL PARTY PRIMARIES  
BILL (SENATE BILLS NO.35 OF 2020)

**Sen. Dullo:** Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate, today 5<sup>th</sup> April 2022-

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Political Party Primaries Bill (Senate Bills No. 35 of 2020).

REPORT ON THE LIFESTYLE AUDIT BILL  
(SENATE BILLS NO. 36 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Lifestyle Audit Bill (Senate Bills No. 36 of 2021).

REPORT ON THE ELECTION CAMPAIGN FINANCING  
(AMENDMENT) BILL (SENATE BILLS NO. 43 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Election Campaign Financing (Amendment) Bill (Senate Bills No. 51 of 2021).

REPORT ON THE CONSTITUTION OF KENYA (AMENDMENT)  
BILL (SENATE BILLS NO. 46 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Constitution of Kenya (Amendment) Bill (Senate Bills No. 46 of 2021);

REPORT ON THE ALTERNATIVE DISPUTE RESOLUTION  
BILL (SENATE BILLS NO. 34 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Alternative Dispute Resolution Bill (Senate Bills No. 34 of 2021);

REPORT ON THE ELECTIONS (AMENDMENT)  
(NO. 2) BILL (SENATE BILLS NO. 43 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) (No.2) Bill (Senate Bills No. 43 of 2021).

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

**NOTICE OF MOTION OF ADJOURNMENT  
UNDER STANDING ORDER NO. 34**

FUEL SHORTAGE CRISIS IN THE  
REPUBLIC OF KENYA

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. (Dr.) Kang'ata.

**Sen. (Dr.) Kang'ata:** Madam Temporary Speaker, I seek leave to move Pursuant to Standing Order No. 34-

THAT the Senate do adjourn to discuss a definite matter of urgent national importance; namely, fuel shortage crisis in the Republic of Kenya.

*(Several hon. Senators rose in their places)*

**The Temporary Speaker** (Sen. Nyamunga): Yes. You have the number required. Therefore, the request is accepted.

Hon. Senators, we would like to bring to your attention that looking at the way things are, we are going to come back to the Motion immediately after Statements.

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

Sen. (Dr.) Kang'ata, you can go ahead.

**MOTION OF ADJOURNMENT UNDER  
STANDING ORDER NO. 34**

FUEL SHORTAGE CRISIS IN THE  
REPUBLIC OF KENYA

**Sen. (Dr.) Kang'ata:** Thank you, Madam Temporary Speaker. I beg to move-

THAT the House do now adjourn to discuss the fuel shortage crisis in the Republic of Kenya.

Madam Temporary Speaker, Kenya for the last one week has experienced acute fuel shortage.

We have watched on television, read and seen photographs on mainstream newspapers showing hundreds of Kenyans queuing in various petrol stations. At one moment, many thought that this has something to do with the current war between Russia and Ukraine. However, we now know that it is a crisis that only afflicts Kenya. No wonder, people of Busia and other border towns are going to seek fuel in neighbouring countries, especially Uganda.

Kenya is a net importer of fuel. We have made efforts to invest in oil rigs in Turkana, but we continue to import fuel. Based on that fact, we wonder why the Government of Kenya failed to ensure we have enough products in the country to avoid this shortage.

My attention has been drawn to an official statement from the relevant governmental authority. To the extent, they are admitting that we have enough fuel.

Therefore, the long lines of Kenyans queuing in various petrol stations should not occur. As per various reports published in various media stations, the fuel shortage has been occasioned by the Government's failure to pay subsidy to the oil marketers. I am aware of a Government subsidy programme---

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

**The Temporary Speaker** (Sen. Nyamunga): What is your point of order, Sen. Dullo?

**Sen. Dullo:** Madam Temporary Speaker, I seek clarification. I thought Sen. Kang'ata is giving a notice of Motion.

**The Temporary Speaker** (Sen. Nyamunga): He has already issued the notice and it was granted.

**Sen. Dullo:** Is he now moving the Motion?

**The Temporary Speaker** (Sen. Nyamunga): Yes. He is now moving the Motion.

**Sen. (Dr.) Kang'ata:** Madam Temporary Speaker, we all know there is a Government programme which sets aside amounts of money to pay oil marketers to ensure that Kenyans do not pay huge sums for the various products.

For the last one or two weeks, the marketers have been complaining that they have not been paid accruing subsidy money.

As a result, the oil marketers are unable to sell petroleum products at the current rates which have been set by the Energy and Petroleum Regulatory Authority (EPRA). As a result, the oil is not enough to supply to Kenyans who are now suffering.

The *bodaboda* riders, *matatu* drivers and owners of private vehicles are suffering. There is a situation where teachers who are supposed to mark national exams are unable to travel and sick people are unable to go to hospital because transportation has been disrupted by the crisis. Farmers' products cannot be transported across the county because of fuel disruptions.

As an owner of a motor vehicle, when you go to a petrol station, you are told you can only fuel Kshs1,000 notwithstanding the fact that you want to make a journey of 600 kilometres.

The Kenyan economy will contract as a result of this fuel crisis. What about the millions of Kenyans who use paraffin as fuel? We have poor Kenyans who cannot buy gas and instead, use paraffin. However, they are not able to buy it because it is not in the market.

There is a situation where petrol stations are being closed. I come from Murang'a County. In the entire Kangema, Mathioya and Kiharu constituencies, it is only MTN Petrol Station that had fuel. It is unfair that there is no enough fuel in places like Kenol, Gatanga, Kandara, Kigumo and entire Maragwa Constituency. It is only one or two petrol stations that have fuel.

I am enquiring where the fuel subsidy sum went to. Some people suspect that the fuel subsidy programme was used for the Building Bridges Initiative (BBI). We want the relevant Government entities to clarify and confirm to Kenyans that the fuel subsidy money, which is in billions of shillings was not used for BBI purposes. Maybe after the collapse of BBI, they are unable to retrieve the money back. Without that explanation, Kenyans have to blame this Government and it must be taken to account by this Parliament.

We want to be given a reason by the concerned Cabinet Secretary (CS), who should have resigned as of today for causing Kenyans untold suffering. If Kenya was a fully functioning democratic society, the concerned CS should have resigned. If this Government was worth its salt, when they see millions of Kenyans lining up in various petrol stations, it should have quit or resigned. What is happening in Kenya is a major tragedy.

The fuel that goes to Uganda and South Sudan, passes through the Port of Mombasa and Nairobi. The fuel in the Democratic Republic of Congo (DRC) also passes through the Port of Mombasa. How come we do not have a crisis in Uganda, South Sudan and DRC? It is because of the mismanagement of this economy by the current Government; that is why we are in the current crisis. I urge---

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

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, one minute.

Sen. Ngugi, what is your point of intervention?

**Sen. Ngugi:** Thank you, Madam Temporary Speaker. Is the distinguished Senator for Murang'a County in order to mislead the nation that whatever is happening in Kenya is an isolated case yet, the President of Tanzania, Her Excellency Samia Suluhu Hassan, in her statement last week, wanted the politicians to be forthright with the truth that in Tanzania they are facing the same crisis? Therefore, the hon. Senator should stop misleading the nation and politicizing this matter. It is true that this issue has affected all of us, including myself. However, this matter should not be politicized.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Kang'ata, kindly stick to the Motion.

**Sen. (Dr.) Kang'ata:** Thank you, Madam Temporary Speaker. I stand guided. However, I am looking for the soul of the Government. If indeed it is a Government with a soul, it should feel pity for the millions of Kenyans who are suffering because of its management of the energy sector.

I would be glad if evidence can be tendered before this hon. House to show that there is a fuel crisis in Tanzania and Uganda. To the best of my knowledge and I stand guided, in the entire East African (EA) region, Kenya is the only country that has this problem.

If, indeed, it is a regional problem, that does not mean two wrongs make it right. To the best of my knowledge, it is this Government that has been unable to ensure that we do not have queues of thousands of Kenyans piling up in various fuel stations.

Madam Temporary Speaker, a good government should have done the following. Firstly, it should have made sure we have strategic reserves so that during fluctuations, it uses reserves and releases oil to the market to ensure that they stabilise oil prices.

Secondly, the subsidy programme which to the best of my knowledge, was allocated billions of Kenya shillings should be utilised during this period. However, the Government has admitted that it has failed to utilise or give money to various oil marketers.

That explains why we have a major oil deficit in this Republic of Kenya. That is enough reason for the concerned CS to resign. It is enough reason for this Government to tell Kenyans that it is sorry because of the fuel crisis.

For those reasons, Madam Temporary Speaker, allow me to call distinguished Sen. Wetangula to second me.

I thank you.

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. Wetangula.

**Sen. Wetangula:** Madam Temporary Speaker, I would like to salute the distinguished Senator for Murang'a for bringing this Motion at this timely period. It does not matter which side of the political divide you stand or sit today; the country is hurting badly because the price of fuel has skyrocketed to unprecedented levels.

Last week, I left Nairobi on Wednesday and fuelled a car at Kshs123 per litre. After two days, I fuelled the same car in Kisumu at Kshs152 per litre. Madam Temporary Speaker, Kisumu is your county. It is not because of the traders, but because of the irresponsible manner in which this uncaring Government is handling public affairs.

This is a critical moment in this country. The rains are setting in and so the breadbasket of this country, these are the counties stretching from Nakuru all the way to the Uganda border, which includes your county, are preparing for planting season for the main staple food crop of this country which is maize.

There is no diesel and so farmers cannot plough their farms. Those who use large scale equipment or planting machines cannot do so because there is no diesel. Those with last year's harvest cannot ferry the crop to the market because there is no fuel. That creates a crisis that hits everybody, more so particularly persons living in urban centres with no farms and who rely on buying food.

Kenyans travel to and from work because of our attachment to our rural homes. Every weekend, Kenyans travel to their rural homes from where they work. Nairobi is virtually half empty during weekends. People travel to Kiambu, Murang'a, Nakuru, and all the way to Western Kenya. Now they cannot travel because at the moment the price of fuel has skyrocketed. Because there is no fuel, everybody wants to take advantage of the other.

Fuel is a critical component of every production sector. Whether you are talking of flour milling, you need fuel. When you talk of baking bread, you need fuel. To generate electricity from thermal plants, you need fuel. We need fuel in each and every life production line in this country.

What is shocking is that this uncaring Government has remained mute. They have maintained a conspiracy of silence because they are not talking. I just hope the distinguished young nominated Senator is not the Government's spokesman on the Floor of this House, telling us that there is a shortage of fuel in Tanzania, which is not true. Assuming it was, what has it got to do with Kenya?

Madam Temporary Speaker, we have even been told untruths that the Ukraine war is affecting Kenya's fuel supply---

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

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, just one minute, let us take care of that interruption.

Sen. Ngugi, what is your point of intervention?

**Sen. Ngugi:** Madam Temporary Speaker, Sen. Wetangula is my senior. I actually refer to him as my dad. However, is he in order to mislead the nation that this Government is so uncaring, yet we know that 23 hours ago, the President of the Republic of Kenya signed the Supplementary Budget and a total of Kshs34,444,813,000 has been allocated by the Government to stabilize the cost of fuel in this Republic? It is completely



wrong to assume that the Government is uncaring because yesterday the President signed the Supplementary Budget.

**Sen. Wetangula:** Madam Temporary Speaker, I do not want to believe that the newly nominated Senator is the Government Spokesman on the Floor of this House. Under our Standing Orders, he has even not cited the authority he is reading. He is reading on something that looks like a phone and pretending to be giving me information or standing on a point of order.

Madam Temporary Speaker, I would like to say this. Please give me more time because I have much more to say. Since we are few, I should have that latitude.

The Government engaged oil marketeers and undertook to give them a subsidy. The amount of money owed to oil marketeers in this country is in excess of Kshs34 billion.

What exactly happened to bring this cumulation to Kshs34 billion? I am tempted to believe what the Senator for Murang'a is questioning. Is this the money that was used on a misadventure called the BBI? Is this the money that is being used to fund politically correct activities in the country, or is this the money that has been outrightly stolen?

The President himself is on record saying that in this country, his Government loses to theft Kshs2 billion everyday. That is a statement of fact from the President himself. It is not me saying it---

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

**The Temporary Speaker** (sen. Nyamunga): Yes, Sen. Dullo.

**Sen. Dullo:** Madam Temporary Speaker, is my senior and friend, Sen. Wetangula, in order to allege that the Kshs34 billion is owed as a result of the BBI or political campaigns? Let him provide evidence to that effect because this is a House of record. It is not guesswork. Kindly provide evidence to that effect.

**Sen. Wetangula:** Madam Temporary Speaker, the distinguished Senator for Isiolo, who is my dear good friend and learned junior, was not listening. I did not make a statement of fact; I asked questions.

If this is happening, I said I am tempted to think that what the Senator for Murang'a said is true that this maybe the case. That is not a statement of fact; it is a debating supposition. If you have contrary issues, you can bring them to the Floor.

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

**Sen. Wetangula:** Madam Temporary Speaker, can I proceed?

**The Temporary Speaker** (Sen. Nyamunga): Sen. Dullo, I hope we are not getting into a back and forth argument.

**Sen. Dullo:** No, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Okay, let us hear your point of order.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Temporary Speaker, and my point of order too.

**Sen. Dullo:** Through Madam Temporary Speaker. Sen. Wetangula, you are saying that it is not a point of fact. You are misleading many Kenyans by saying that. There are so many Kenyans who are ignorant out there. The conclusion from your statement right now could be that what you are saying is right.

This is a House of record. If you are giving us a false statement and you are saying “maybe” can you provide evidence and then we can believe you that the money was actually taken to campaign for BBI. Do not mislead Kenyans, Sen. Wetangula.

**The Temporary Speaker** (Sen. Nyamunga): Sen. (Dr.) Ochillo-Ayacko, proceed.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. I am rising on a point of order because the issue here is that Sen. Wetangula is insinuating. It may not be that he is asserting. He is insinuating that the money that has not been available to be used to subsidise the fuel issues, is likely to have been used in the BBI matter. He is saying that he is tempted to believe.

Would I be in order to seek clarity from you, Madam Temporary Speaker, that it would be in order to make insinuations in this House? I am sure if that is allowed, we could also make some very serious insinuations and we could degenerate into a disorderly House.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Wetangula, it is important that--

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**Sen. Wetangula:** Madam Temporary Speaker, if I can respond?

**The Temporary Speaker** (Sen. Nyamunga): No, let me say something before you continue. It is important that you know we are at a very critical time in the politics of this country. At the same time, the fuel problem is a very serious problem. It would be very nice for us to say things that do not inflame but help the situation.

**Sen. Wetangula:** Thank you, Madam Temporary Speaker. Those who purport to speak for the Government on the Floor of this House, must tell the country where the subsidy money went. Why is it resurfacing now in a Supplementary Budget? This is money that ought to have been there. Why were oil dealers not paid the subsidy that was already there and budgeted for? We are now coming to a supplementary to generate money to pay the oil companies.

A further question, in a crisis of this nature, why has H.E. the President not come up to address the nation and calm passions and anxiety? Why has he kept silent? We are seeing statements being released from junior officers in Government. A crisis of this nature requires the President to come and address the nation and tell us where his Government took the money, why they did not pay the oil companies and why he has plunged the country into a crisis. We are in a crisis.

Yesterday, I passed through Kisumu to Bungoma County. At Luanda Market – which you know – there were near riots in a small petrol station. I could see over a thousand *bodaboda* riders struggling to get fuel. We went through Mumias and Bungoma and we saw the same thing. This morning as I was coming, at 6.00 a.m., every petrol station was jammed with anxious *bodaboda* riders and *matatu* drivers in long queues.

This is not the Kenya we want to have or should have. The Government that can reduce this country to this level of irresponsible leadership, must be called to order and to account. I want to hear from my distinguished colleagues who are jumping up to defend an indefensible Government, to tell this country where the money went. Why are we in a---

*(The red timer was switched on)*

Madam Temporary Speaker, I beg for some more five minutes.

**The Temporary Speaker** (Sen. Nyamunga): I think we are okay. We can do five more minutes.

**Sen. Wetangula:** Thank you, Madam Temporary Speaker. Why are we in a crisis? The most dangerous thing is not the lack of fuel but, eventually, the lack of food, if farmers cannot be enabled to produce food. You can imagine what hungry and angry Kenyans can turn to.

We want Kenyans, including me, to be told if there is a problem. We can understand. We live in this country and we defend and protect it. However, nobody is going to protect a Government that is acting in such an irresponsible manner. That, even when people are going to near riots, everybody is dipping their heads in sand like ostriches. People are suffering.

I have asked questions on the Floor of this House before; the Democratic Republic of Congo (DRC), Burundi, Rwanda and Uganda import fuel through Kenya from Mombasa. They incur the cost of transportation and all the hazards of getting the product to their country. Today, fuel is cheaper in Goma in DRC than in Kenya. You want to say that this is a Government that cares for this country? It does not.

We are now told that something incredibly false, that the war in Ukraine is affecting Kenya's economy. How? Kenya gets its fuel from the United Arab Emirate (UAE), Saudi Arabia and at times from Qatar. We have no record of importing fuel from Ukraine. Ukraine is not even a major fuel producer and exporter. So, do not tell us that the effects of the Ukraine- Russia war, is the reason for these fuel problems. How do countries like South Sudan, Uganda, Rwanda and Burundi not have the same fuel problems yet we have it here in Kenya? It is just because of greed.

I repeat; it is now the duty of those who speak for the Government, like my distinguished colleague from Isiolo County, to tell us. In law – and you are a lawyer – we say, *res ipsa loquitur*, where things speak for themselves. Where did the money go? If the money is not there, the irresistible conclusion is that either it has been misapplied, misappropriated or stolen. That is the history of this country.

Like I said, the President himself is on record that we lose Kshs2 billion daily to theft. I do not know who can stand up and defend or even dispute that in this House. My colleagues on the other side of the Floor know these things only too well.

I would want to see my brother, Sen. Dr. Ochillo-Ayacko – my very distinguished close friend – go to Migori County and tell his people, whom he wants to elect him as a governor, that these fuel shortages are alright in a country like Kenya. That, queues in petrol station are alright because it is normal. I wish you well my brother. I want you to be elected the governor. I will tell those whom I know in your County to elect you but maintain your sobriety.

When we see something wrong, we must be able to tell the king that he is naked, instead of praising his suit when he has no suit. This is a naked Government. This Government, if anything, we should pray quickly that 9<sup>th</sup> August is brought forward, so that we can vote them to go home and show them how to run the country. We, as Kenya Kwanza, are coming to save this country from this morose, irresponsibility, greed, theft and uncaring behavior that does not know that Kenyans are suffering.

Sen. Dullo, you can tell this House how many patients are dying in ambulances because there is no fuel? Do we want to defend that? How many Kenyans---

*(The red timer was switched on)*

**An hon. Senator:** Your time is up.

**Sen. Wetangula:** Madam Temporary Speaker, I am told my time is up. If this was a caring and democratic Government, President Uhuru and his Government should tender their resignation and leave leadership to those who can lead the country. That is where we are.

*(Question proposed)*

**The Temporary Speaker** (Sen. Nyamunga): Sen. (Dr.) Ochillo-Ayacko, proceed.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Temporary Speaker, for the opportunity to make my remarks. For the record, my good friend, Sen. Wetangula, told me to sober up. I do not drink anymore. I stopped that three years ago because my health could not take it anymore. You know, he drinks but he is always sober. So for the records I do not drink; I am always sober. I want to thank my colleague for his best wishes to me that I should get elected and I would equally want to give him best wishes.

Madam Temporary Speaker, it is true that the President said that a lot of money is stolen every day, about Kshs2 billion. He went further and attributed that theft to the coalition that Sen. Wetangula belongs to. He said that those who are in that coalition are the thieves. Therefore, if we are to quote the President, as having said that money is lost every day, we should quote him fully, that the thieves belong to that coalition that he attributed that theft to.

If his statement is that of fact, then it is also a fact that those thieves are the ones who want him to resign at this very critical time when we want an orderly transition. We want everybody stationed where they are supposed to be. We want all of us to campaign soberly and then elect the person we think will take us through the crisis. We do not want any resignation including you, Madam Temporary Speaker. We do not want you to resign. If you resign, I do not know what will happen to us in this House.

The fuel shortage is a serious crisis. Two days ago I left my house for a meeting. I did not know that I did not have fuel in my vehicle and my car stalled somewhere. I had to go back to my house on a *boda boda* to pick another vehicle. I found that it did not have fuel and a third one also did not have fuel. I nearly thought of walking to my meeting. I was late for that meeting by an hour. I am just glad or fortunate that it was a meeting and not something life threatening. Many Kenyans who are caught up in such serious crisis must be suffering indeed.

This is not a matter to be politicized. All of us in this House and in the National Assembly are responsible for the high fuel cost. We passed the Bill which became law that raised the fuel cost. We were persuaded that the passage of such a Bill was because we needed to raise more revenue. We have done that and we must take responsibility.

The leader of Kenya Kwanza said that it was a good move and he must equally take that responsibility. We cannot come up at the very end of our tenure to attribute blame to a faction or a section of our society. We must take that blame and approach this fuel crisis together. We know that provision for subsidies has always been made in the budget including many things but do we get exchequer releases on time?

I sit as the chairperson of County Public Accounts and Investments Committee (CPAIC). All the counties never receive their monies in time. I do not know what

happened in this one, but it would be important for this matter to be referred to the rightful committee to investigate it further and tell us the cause of this crisis and how we need to resolve it, rather than trying to double-speak because it is political time, and we want to sensationalize important issues. We should take this matter seriously and know that this is not a matter to blame others about. It is a matter that we all must approach soberly.

We know that even in the USA, President Joe Biden is having a crisis and has had to order more production of petroleum products so that prices are stabilized and America is attributing that to the Ukraine. So we must not cleverly and selectively cite information when it suits us.

Let us be honest about this thing. It is a very serious crisis. When you see queues out there, there are also queues in Uganda, Tanzania and everywhere. However, as a Nation we must not spend time passing the buck and giving excuses. We need to encourage and put the Government to task to try and fix it but we do not need to politicize it and say it is BBI.

That is a question that the Auditor-General will find out. If it was BBI or somebody else who diverted money, it will come out in an audit report. Therefore, to use the parliamentary privileges and platform to confuse people and to lay blame is a cheap shot.

Thank you, Madam Temporary Speaker

**Sen. Dullo:** Madam Temporary Speaker, I want to thank Sen. Kang'ata for having brought this Statement, although he is in slumber land right now, dreaming in the middle of somewhere.

The issue of fuel crisis is a very serious crisis in the country and we all feel it. All the challenges that have been mentioned here by our colleagues are true. It is however really wrong for people to stand here and accuse individuals.

It would be important also for this Statement to go to a relevant committee for investigation because when you have proper evidence, you can come and speak on the Floor of the House accusing the Government of allocating the money for BBI and also for campaign. Instead of all that, this matter should have been referred to the committee so that we have proper facts and evidence as far as the crisis is concerned.

You cannot just wake up and say that so-and-so should resign. We must have evidence or justification of why individuals should resign. There are individuals in this country who are trying to get mileage out of small crises that we have in this country thinking they are not part of the Government when they are actually on at the helm of this Government earning salaries and enjoying privileges.

Those who are waiting for President Kenyatta to resign, he will not resign. Secondly, he is not a small boy to be running around issuing statements whenever there are crises. There are Cabinet Secretaries and Principal Secretaries who should provide all that evidence and also give facts.

Finally, it is wrong for people to criminalize or accuse this Government in order to get a platform to be elected. You will wait and wait, but you will not be elected as a result of confusing Kenyans in this country. Facts will come out; people will know who is right and who is wrong. Give Kenyans facts and come up with solutions then we can be able to solve the problem as a country.

I thank you.

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

**The Temporary Speaker** (Sen. Nyamunga): What is your point of order, Sen. Wetangula?

**Sen. Wetangula:** Madam Temporary Speaker, I would expect even the House to call the Deputy Leader of Majority to order. The Majority Leader is not in the House. One would expect that the Deputy Majority Leader, who is the *de jure* deputy leader of government business, to make a Statement on behalf of the Government on the issue of fuel crisis in the country.

What we have heard is very gibberish talk that does not amount to the Government either giving an explanation or defending its position or convincing Kenyans that the genesis of this crisis is this, this is where we are and these are the steps we are taking to resolve it.

Apart from acknowledging that there is a crisis, the Leader of Government in the House has absolutely said nothing about this crisis. If the leadership of government can treat this House like this, then, this country is in a serious crisis.

Secondly, the Leader of Government Business in the House, cannot question your ability and your rationality to approve a Motion of Adjournment because this Motion is approved from your Chair. So, she cannot then come and tell you that you should have sent this Motion to a committee to investigate. You saw that there was a crisis, looked at the Motion and the Standing Order under which it came and saw it fit that leaders in this House as representatives of the people who are suffering out there have a duty and must be given an opportunity to ventilate.

The Government may resign or may not, it is up to them. They will wrestle with their conscience but the country expects responses that are rational, reasonable, and factual which will help Kenyans including my brother, the Mover of the Motion, understand why we have this crisis and for how long it will persist.

Madam Temporary Speaker, no such thing has come from the Leader of Government business. This is a very sorry state of affairs. In a House of reason, wise people and one that is different from the other House---

**The Temporary Speaker** (Sen. Nyamunga): Sen. Dullo, has a Point of Order.

**Sen. Dullo:** On a point of order, Madam Temporary Speaker. I gave that Statement in response to Sen. Wetangula. He is the one who has politicized the issue of fuel crisis. There is a very senior Government official who has already given a Statement as far as fuel crisis is concerned.

I gave an opinion that the House can investigate this matter and provide proper evidence to the issues raised. Sen. Wetangula cannot stand here and say that whatever I am saying is gibberish. I have a right to speak. I am also a politician and I can defend my position. If he politicizes the fuel issue, I will also politicize it. It does not mean that the Government cannot also politicize the Statements that are brought on the Floor of the House, pointing fingers at individuals. I thank you.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Wetangula, when Sen. Dullo said that the statement should be referred to a committee, she meant that after this discussion, it can be referred to a committee to look into it for further information. That is what I understood. I do not know if that is what Sen. Dullo meant. However, let us continue.

Proceed Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, I thank you for giving me this opportunity to add my thoughts to this Motion. The issue of fuel prices is of great concern to everyone in this country especially now as things have come to a halt. Everything is going slow in terms of trade and business.

There is need to investigate what is happening. We are told that traders and petroleum marketers hoard petroleum simply because they are taking advantage of the opportunity. They are even flouting the Energy Petroleum Regulatory Authority (EPRA) Act of 2019 which states that price beyond what is stipulated attracts a fine. At the moment business people are taking advantage of the situation.

However, I am grateful to the Government for the intervention it has made by injecting Kshs8.2 Billion. Things are starting to sober up. I thank the President for that intervention. I hope that by the end of the week, things will have normalized. Such a crisis in fuel should not happen again because petroleum acts as a catalyst in very many things.

Madam Temporary Speaker, I also want to comment on the issue of colleagues who are trying to politicize this issue of petroleum. The Building Bridges Initiative (BBI) has nothing to do with petroleum. This is a House of reason where we look at issues in a logical and sober manner. The issue of politics should not be brought in here. I hope that the committee responsible will looking into this issue critically. The Auditor-General also has a Constitutional role to come on board to investigate why there is crisis so that if there is any issue that needs to be averted it is in good time.

Those are my noble thoughts. I thank you.

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. Farhiya.

**Sen. Farhiya:** Madam Temporary Speaker, I thank you for giving me this opportunity. We all sympathize with Kenyans who are experiencing the fuel crisis. However, the shortage has also brought another dimension. There were people who were using platforms claiming that the fuel and food prices are brought about by the Government. From their own words, it is now very clear that if the Government was not subsidizing Kenyans then food prices and other commodities would have gone higher. As we are aware food prices and others things in any economy are impacted by fuel.

This country is dependent on fuel for transport, farming and everything that goes on. In the last one year, the price of fuel has gone up from 64\$ per barrel to 107\$. The rise in fuel prices is an external influence. There are people who were perpetuating lies that the fuel and food prices have gone up because the Government doing nothing. From their own Statement yesterday, they have admitted that the increase in fuel prices are because the Government has delayed in giving subsidy. I want Kenyans to know that the situation would have been worse if the Government had not subsidized the fuel prices. That has come out clearly.

People need to take a stand; it is either this or that. You cannot be lying to Kenyans today and change the following day because it is convenient for you. Let us be convenient for heavens' sake. Kenyans are not foolish; they can see through lies.

I also want to bring to fore that we are aware that there is conflict in the world---

**The Temporary Speaker** (Sen. Nyamunga): Sen. Wetangula has an intervention.

**Sen. Farhiya:** Keep my time.

**The Temporary Speaker** (Sen. Nyamunga): Yes, you will get your time.

**Sen. Wetangula:** On a point of order, Madam Temporary Speaker, is it in order for the distinguished Senate Majority Whip to continue using un-parliamentary language and talking about lying. That is not parliamentary language.

Secondly, subsidies are not a Government gift. It is budgeted for, and when it is not put to proper use we have the right to question where the monies for subsidies have gone. This money is missing either because it has been misapplied, misappropriated or stolen.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Farhiya you can wind up.

**Sen. Farhiya:** Madam Temporary Speaker, I have a problem with the people who are saying that the fuel crisis and the hike in fuel prices are brought about by the Government but refuse to acknowledge that it is a global crisis to do with the Ukraine-Russia crisis. That is what is causing the prices of fuel to hike.

The Government is trying to help by providing subsidy. The subsidy was not forthcoming because there was not enough allocation. The prices have gone higher. It is for Parliament to pass those increments in terms of subsidy. That is the reason why there was a delay. After the President signed the supplementary budget that is meant to increase the subsidy, some petrol stations have fuel now.

My concern is that we do not trust the leaders in this country. The people who are accusing the Government cannot say that the increase in fuel prices has been occasioned by the Government when we know very well that the fuel, oil and gas prices have gone up because of the problems between Ukraine and Russia.

Let us be consistent even when we lie. I am not talking about statements in this House, I am talking about statements outside of this House as well.

My problem is people talking untruthfully about issues while we should be addressing the truth, facts and nothing but facts. Not telling us one thing then telling us 'Government was helping but the help delayed.' Yet the other time you were saying it was the fault of the Government that the prices are going up every other day.

So, at least Kenyans have seen through people to know who is lying and who is telling the truth.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Madzayo, please proceed.

**Sen. Madzayo:** Asante Bi. Spika wa Muda. Pia mimi nataka kumpa kongole Sen. (Dr.) Kang'ata, Senator mchapa kazi kutoka Kaunti ya Murang'a kwa kuleta Hoja hii hapa. Sen. (Dr.) Kang'ata saa ingine hucheka tu hata jambo sio la kuchekesha. Sijui ni binadamu wa aina gani lakini nafikiria kwa sababu hiyo, watu wa Kaunti ya Murang'a wakampenda sana.

Bi. Spika wa Muda, swali hili la kwa nini Kenya haina petroli si swala la kulaumu mtu mmoja. Sen. (Dr.) Kang'ata katika uwezo wake amekuwa akiongea hapa ndani ya Seneti hususan akimlaumu Rais zaidi na serikali yake. Mimi nashangaa sana siku hizi amekuwa kama kinyonga. Kinyonga hugeuka rangi. Yeye wakati ule alikuwa anapiga siasa hapa, hatujaona mtu aliyekuwa akisifu Rais ndani ya sii Seneti kushinda Sen. (Dr.) Kang'ata.

Leo amepinduka amekuwa kinyonga sasa amekuwa katika rangi ya kumtukana na kumpinga Rais kwa maneno ambayo hayafai. Lazima afanye heshima kwa sababu hata kule kwao nyumbani anakotoka, ukiwa umezidi mtu na umri, hata kama mmekosana, unaweza kusema mambo utakayosema lakini lazima uweke mpaka kama heshima wa



jamhuri ya Kenya. Ndio sababu kule wako na jina wanaita *mutongoria*. Kama yeye hawezi kuheshimu *mutongoria* kutoka kwao, je watu wengine katika Kenya watafanyaje?

Bi. Spika wa Muda, ni ukweli kabisa kwamba Kenya sasa petroli haipatikani. Hii imesababishwa na ufisadi. Ufisadi lazima uangaliwe vizuri kwa sababu kama ni ugonjwa umeingia, kama ni COVID-19, kila mtu hapa anajikinga. Hivi ni vita dhidi ya ufisadi. Ndani ya serikali, kuna watu ambao wametufikisha katika hii *level* ambayo sisi hatuwezi kukubali tena.

Ikiwa wewe ni mwizi au mtu ambaye anafanya vitu ambavyo havifai na kila mtu katika Kenya anavikemea wewe umetuleta mpaka tumefika *tulipo*. Pia mimi nasema, hata ikiwa sisi tuko hapa kama Wakenya, sote tukiwa tunaumia na baa la njaa, tunaumia na ugonjwa wa aina flani na maradhi haya yameletwa na ufisadi, basi afadhali.

Kule nyumbani tunasema mganga anayetibu jipu wakati akiwa anakutibu, unaumia, lakini wakati hilo jipu limepoa, ametoa ule moyo, unaona ya kwamba kila mtu anastarehe na anashukuru kwa sababu mganga amefanya kazi yake.

Bi. Spika wa Muda, ni sababu hii nasema ya kwamba ni lazima Rais achukue kiboko sasa. Kama kuna Waziri na Katibu Mkuu ambaye ameweza kuleta hii Serikali ama nchi kwa hali ambayo tuko sasa, ni lazima hatua ichukuliwe. Nataka kuona Rais akichukua kiboko akichapa wale wote wanahusikana na mambo ya ufisadi.

Bi. Spika wa Muda, tunajua katika utengezaji chakula, kama mtatengeza mafuta, wale wapandaji mahindi ambao ni wakulima wnatumia jenereta katika maeneo ambayo hayana umeme. Vile vile kama ni upande wa usafiri, watu wanapokwenda kazini au katika hospitali, kuna hospitali ambazo ziko katika maeneo ambayo hayana stima na zinatumia jenereta ambayo inatumia dizeli.

Kuna wagonjwa kule ambao wanategemea hewa ya oksijeni kupitishwa kutoka kwa ile ambayo itatumika katika jenereta ili kusambazwa na watu waendeleo kuwa na maisha mema.

Sasa wakulima hawawezi kuenda shambani na matingatinga yao. Watu hospitalini watakufa kwa sababu katika zile hospitali ambazo jenereta haifanyi kazi kwa sababu hakuna petroli. Watu wanaofanya kazi mbali hawawezi kutoka asubuhi kwa sababu hakuna Matatu. Wataenda namna gani kazini? Mtu akichelewa atafutwa kazi; asipoenda ndio balaa zaidi.

Hii ni janga. Lazima Rais aangelie na achukue hatua. Mambo ya kulaumiana kwamba Rais hafanyi hivi, Rais hafanyi vile tungeweka nyuma kwanza. Tuangalie hili janga kwanza mpaka liweze kupita tuliweke nyuma.

Bi. Spika wa Muda, nataka kukubaliana sababu zote ambazo zimetolewa. Kwa sababu hakuna petroli ndani ya nchi hii, kama ni mtihani, ningesema Rais Uhuru Kenyatta ameanguka mtihani. Haya ni kwa kuwa sababu alizotupatia sisi kwa nini hakuna petroli hazifui dafu hata kidogo.

Kwa hivyo, tunasema ya kwamba ni ukweli anakumbwa ama amezungukwa na watu ambao ni wezi na watu ambao hawafai katika yale mamlaka. Ni lazima achukue hatua.

Bi. Spika wa Muda, la mwisho. Kiongozi wa Walio Wengi umempatia dakika tano. Naomba nipate dakika tatu tu.

**The Temporary Speaker** (Sen. Nyamunga): I can give you two minutes. Please let us be sensitive because there is a lot of interest on this matter.

**Sen. Madzayo:** Bi. Spika wa Muda, asante. Jana nilikuwa katika safari yangu ya kutoka mashinani nikija huku. Ni ukweli kabisa alichosema ndugu yangu Sen. Wetangula. Katika kila kituo ambapowanauza petroli, wananchi wenye *Boda boda* wamejaa. Kwanza, wamejaa na majonzi kwamba hakuna petrol.

Pili, wamejaa kwa sababu wale *Boda boda* wanakula kila siku kulingana na ile pikipiki. Wenye pikipiki wanasema ya kwamba hawataki kuchukua kitu kidogo kuliko kile wanachukua kila siku. Ukiwa umekodisha pikipiki kufanyia kazi, ni umpatie ule mtu ile pesa ambayo inatafikana kwa ile pikipiki kwa siku moja.

Saa hizi, utapata *Boda boda* wenyewe hata kupeleka watu haiwezekani. Umaskini umekithiri ndani ya nyumba za watu kama *Boda boda*, mama mboga na kila sehemu za sekta ambazo ni za uchumi.

Sisi tunasema ya kwamba, katika ile hali ambayo iko hivi sasa, ni bora tufike katika kikomo. Tunasema ya kwamba Rais hivi sasa, si lazima ya kwamba sote tupige kelele ya kwamba ajiondoe katika mamlaka. Tunasema kitu kimoja, Rais ni lazima achukue hatua mwafaka ambayo itakuwa suluhisho na onyo kwa wale ambao wana tabia zile wanafanya katika ofisi mpaka wamefikisha milioni arubaini ya Wakenya pale tulipo hivi sasa.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Halake, please proceed.

**Sen. Halake:** Thank you. Madam Temporary Speaker for giving me this opportunity to add my voice onto the debate or is it the blame game of fuel shortage. As I sat here and listened, I wondered what happened to the mentality of getting solutions as opposed to the mentality of pointing fingers and becoming a hero for the moment.

I have heard the Government being blamed; Kenyans being blamed for panic buying; hoarders of oil marketing companies being blamed and the media. Everybody has been blamed but who in this House, as a leader, has looked at the solution? Who in this House has cared to look for the solution? In the meantime, people are bleeding. The prices of essential goods and services have escalated but here, we are trying to get airtime. We are blaming, pointing fingers, politicizing and campaigning. No one is ready to identify and solve the problem so that today a child in Isiolo can eat something or move to a better hospital. Who is thinking of that?

So, as I sit here, I am appalled and saddened that we have not identified the problem and how, as a House, we will hold people accountable. We have all jumped into blame game, finger pointing and complaining on the blood of the children and playing politics with the future of this country.

I know it is the political season and eve of the 2022 General Elections. However, that does not excuse us, as leaders, to play politics at every opportunity without even a care as to where the problem is or giving a single solution.

I have sat here thinking that I am listening to seasoned leaders who are sons and daughters of this country that are leading bleeding children and economy.

Everyone blamed, shamed and sat down. Shame on us and all people that have spoken. This is because no single person offered to get to the bottom of this issue and help our country out of this quagmire.

We, politicians, take the biggest blame and responsibility for the mess in this country. The corruption that causes these queues, the lack of oversight that causes these things and the budgeted corruption that ends up not giving the right money in the right places is to blame for these things.

We preside over these things as politicians. So, shame on us. If, today, we use this privilege to campaign and say the right things for the people that we are going to ask for favors, be it our political leaders or whoever it is, shame on us.

I hope that the electorate can see through that nonsense and send home all these kinds of people that do not care about children of this country and play politics at every juncture to just get cheap political mileage out of these things.

I will not say who it is because I also do not know. In my language they say, asking what the problem is, is solving the problem. However, nobody has asked what the problem is. Everyone has jumped to blame the President, the Kenyans and whoever else that is to be blamed.

So, the solution is sending home all these cheap talkers so that we look and bring in people who have a mindset of problem solving and not a mindset of playing politics with the future of our children.

**Sen. Were:** Thank you, Madam Temporary Speaker. I also rise to contribute to this Motion by Sen. Kang'ata on the fuel crisis.

I do not know what we will do in this House in the coming months because we are really focused on the campaign agenda. So, everything we will say in this House, we will most definitely switch to politics because it is the season we are in.

It will be difficult to differentiate because we are in campaign mode and mood. Since we cannot break the House and we must come here and discuss these issues, we will have to bear with each other, without calling each other names. We debate---

*(Hon. Senators consulted loudly)*

**The Temporary Speaker** (Sen. Nyamunga): Order, Senators! Sen. Kang'ata, this is of interest to you. However, you are not taking any keen attention.

Proceed, Sen. Were.

**Sen. Were:** Thank you, Madam Temporary Speaker, for your protection. So, we need to debate soberly and really focus on the issues.

It is important that as we discuss this, we know where the buck stops. The fuel crisis is similar to the Covid-19 crisis. It is global just like Covid-19 was. However, the President of Kenya takes the final responsibility. So, when the rest of us bring this issue that the President should take responsibility, we are saying that because we know that the buck stops with him.

When he told us that there is corruption and that we lose Kshs2 billion per day, we needed him to tell us what he is doing as the President, with all the constitutional powers, to deal with his Cabinet and everybody else on the issue of losing Kshs2 billion a day. We have never received an answer to date.

Madam Temporary Speaker, as I have said, Covid-19 was global but governments responded differently to cushion their people. We want to know what this Government is doing with this issue of fuel crisis to cushion the people.

The President finally issued subsidies of Kshs34 billion to cushion people. However, the people had already suffered. Why was this not done earlier? I am sure in his power or constitutional powers, there are areas he would have touched without waiting for a parliamentary law that he would have used to make sure that Kenyans are cushioned from this crisis.

We are looking at his legacy as well. He has four months in the office. Does he want Kenyans to remember him for lining up for fuel and pushing each other? The other day, there was a clip where people were celebrating a fuel truck that entered a petrol station carrying fuel. It means that people had suffered for so long.

Madam Temporary Speaker, to blame the Ukraine-Russian war as the Deputy Majority Leader did is an escapist route and a manifestation of an incompetent Government.

As Sen. Wetangula said, we need a Government that listens to the people. To try and blame the Ukraine-Russian war is running away from reality.

I want to bring in the issue of fertilizer because they cannot be separated from issues of fuel. This is because fuel is also used for planting and harrowing especially in the large-scale farms. For example, the Government has said that it will subsidize fertilizer and that registered farmers are allowed only 20 bags.

Only eligible farmers will get this subsidy yet a majority of Kenyans are subsistence farmers. Is the Government really in touch with the ordinary Kenyans which is where the majority of people are? It is the bottom that we are seeking to bring up in Kenya Kwanza. We have seen now that the Government does not have feelings for the ordinary Kenyans. This is because it will only deal with registered farmers who supply to the National Cereals and Produce Board (NCPB). We need the fertilizer for many other things other than the grains that NCPB calls for.

Still on the fuel crisis, the Kenya Pipeline Company (KPC) released a statement saying that their deposits are full of fuel. At that point, we would have expected the CS to call a meeting and issue some orders to the marketers or to the people who deal with the fuel at the pump.

If there is fuel at the depot, there is an issue with distribution. So, who takes charge and responsibility? Those are the reactions we expected. We cannot say that the solution to the fuel crisis lies elsewhere. It lies with the Government. That is the buying, the distribution and the cartels that it talks about in this sector.

The Committee on Energy has been dealing with this issue. Therefore, they need to come out and tell us what the problem is in the fuel sector. If it is the cartels, who were responsible---

It is sad that there are people who are saying they want to *fuata nyayo* as the *Swahili* people would say. They want to follow the footsteps of this Government to come back and ruin us.

So, I am sad that there are people who think that we are doing well and they want us to continue the way we are.

I condemn this issue and hope that the Government has learnt or taken some lessons and that this crisis will not repeat itself.

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. Omogeni.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker, for giving me a chance to make my contribution to this Motion.

First, I want to be on record that I empathize with many Kenyans who have faced a lot of difficulties in the past three days because of the shortage of fuel in our pump stations. As lawmakers, we are here to remind the Government that we need a timely solution to this crisis.

The problem that this country is facing is having people in the Government who want to behave like they are in the opposition. This afternoon, I saw an update of a press release, where our loving Deputy President, Hon. (Dr.) William Ruto, was issuing a statement as the Chairperson of the Intergovernmental Budget and Economic Council (IBEC) and there were some governors.

They are discussing on how to find solutions to a number of problems facing governors like disbursement of money. That is a good thing but the problem I have is that tomorrow, you will find Hon. (Dr.) William Ruto, our Deputy President, in Murang'a shouting in a political campaign rally, that he does not know how the Government is going to solve the fuel crisis. It is a shame!

Today, he is in Karen as the Deputy President chairing the IBEC meeting. Tomorrow, you will find him in a rally saying he is a member of the opposition and blaming the Government. We cannot solve problems that way.

I am actually scared. What will happen if tomorrow Hon. William Ruto becomes the president of this country? Is he going to start demonstrating with *wananchi* when we have problems? We expect the Deputy President to be part of the solution.

Madam Temporary Speaker, you have heard someone talk about fertilizer subsidy. The other day I heard the Deputy President talking about the plight of farmers. Today, he should be speaking as the Government and say he has met governors and fertilizer has been taken to the National Cereals and Produce Board (NCPB) headquarters in Nyamira.

I expect Hon. William Ruto, our Deputy President, to discuss with governors as part of the Government and tell them that they should provide transport, so that fertilizer can be supplied close to the farmers. However, I was shocked to see him stand up and say he is sorry because we are not getting fertilizer solutions for farmers.

How can you behave that way from within the Government? How can you become Mr. Blame game yet you are the Deputy President of the Republic of Kenya? How can you be a deputy president whose business is to cry from morning to evening? It is a shame!

At times, if you get a job that you think is so heavy for you, and if you think you cannot be a deputy to the President of the Republic as provided for in Article 147 of our Constitution, you should resign. If you want to start practicing early how you will be a member of the opposition, you need to tell us.

We want a solution, the way the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives, Hon. Munya, has worked his way out and come up with a subsidy to help our farmers by reducing the price of fertilizer to Kshs2,600. Such are the solutions we want from our Deputy President and not just shouting because it is bad.

Madam Temporary Speaker, I hope that those in the Government, where we have the President, Deputy President and Cabinet Secretaries, will meet and discuss the logistical challenges that we are facing as a country, so that money owed to marketeers can be paid quickly. That is Kshs30 billion.

We should do a mop-up of money from various areas. We should get money and pay those people, so that we can have enough supply of fuel to our petrol stations.

Madam Temporary Speaker, we also need to find a solution of dealing with the unscrupulous business people who are hoarding fuel in the hope that prices will keep going up, so that they make a kill. This idea of saying that we are a liberal market does

not mean that we should behave in a manner that only puts our profit interest at heart and not the concerns of the poor *mwananchi*.

I thank Sen. Kang'ata for doing this. I like Sen. Kang'ata because he is a bright person. Somebody else would have gone to issue a statement from his residence but he has come to the Floor of the House, so that we discuss this issue and get a solution.

Even if you issue many statements from your official residence somewhere, you will never get a solution. However, when you bring an issue to the Floor, we discuss it, as elected representatives of the people, and propose solutions to the Government.

I congratulate Sen. Kang'ata, the incoming Governor of Murang'a County. If you get some other friends, whisper to them how they should do things in a tidy manner.

Madam Temporary Speaker, I support.

**The Temporary Speaker** (Sen. Nyamunga): Let us have Sen. Wario.

**Sen. Wario:** Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii. Wakenya wamekumbwa na majanga mengi, likiwemo janga la korona na ukame. Leo hii kuna uhaba wa mafuta nchini.

Nilisafiri juzi. Nilikuwa miongoni mwa watu waliopanga foleni ndefu kusubiri mafuta. Kule nitokako, wale wanaoathirika zaidi ni watu wanaondesha boda boda.

Bi. Spika wa Muda, kwa kweli, Hoja hii imefika wakati mwafaka. Sen. Kang'ata ameleta Hoja hii wakati unaofaa kwa sababu hili ni janga ambalo limetukumba.

Endapo ulipata muda wa kutembea katika sehemu za Nairobi, katika vituo vya kuuza mafuta, mtu alikuwa anawekewa mafuta ya *Ksh1,000* pekee ili watu wengine waweze kupata mafuta.

Hakuna haja ya kumlaumu Rais wa nchi hii. Rais anajua kuwa lawama zote zinaelekezwa kwake. Siwezi kusita kusema kwamba Rais amezingirwa na watu ambao wanamvuta nyuma. Ni lazima tuseme hayo katika Seneti kwa sababu kama wezi wamekuzingira, basi wamekuzingira.

Anafaa kujua kuwa lawama zote zinaelekezwa kwake. La muhimu ni kufanya kazi ili kuepukana na balaa. Ni vyema kutafuta suluhu ili kuwakikishia kuwa shida kama tuliyonayo hairudi tena. Rais alitia sahihi Mswada juu ya bajeti ya ziada inayopendekeza kutenga *Ksh34 billion* ili tuweze kupata mafuta kwa urahisi.

Sehemu ambazo sisi tunatoka hazijaendelea. Katika maeneo mengi, watu wanatumia jenereta ambazo huhitaji mafuta. Kama hospitali inatumia jenereta na mafuta ikosekane, kunaweza kutokea janga kubwa kwa sababu operesheni haiwezi kufanyika kwa sababu ya ukosefu wa mafuta.

Katika sehemu zingine ambazo baadhi yetu tunatoka, baadhi ya watu hutumia mafuta kuzalisha umeme. Hii imechangia hali kudorora na kuathiri maisha ya Wakenya katika sehemu hizo.

Bi. Spika wa Muda, namuunga mkono Sen. Kang'ata. Vile vile, nampa kongole kwa kuleta Hoja hii kwa wakati unaofaa.

Asante kwa kunipa nafasi.

**The Temporary Speaker** (Sen. Nyamunga): Let us have the Senate Minority Leader, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, thank you for giving me this chance. I was not here when this Motion was being moved. This is a Motion to discuss a matter of urgent national importance.

I have had the privilege to listen to one or two speeches, including the speech of Sen. Halake on my way here.

Madam Temporary Speaker, everybody knows there is a fuel crisis in the country. Nobody can deny that. The sooner we get a solution, the better. There are signs that the Government has taken certain measures where it can, to try and resolve the issue.

My contribution is on the basis that I would have suggested to Sen. Kang'ata; that instead of bringing this matter under a Motion as a matter of urgent national importance, probably, he should have directed---

*(Sen. (Dr.) Kang'ata consulted loudly)*

**The Temporary Speaker** (Sen. Nyamunga): Sen. Kang'ata, are you listening to what the Senate Minority Leader is saying?

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, I am giving him a good suggestion. While I agree with him that this matter is urgent and of national importance, I would have suggested that he requests the Speaker to bring it as a Statement.

With a Statement, Government agencies would come here before the Senate or the relevant Committee. If it is a matter of urgency in which a solution is required, the Speaker could direct the relevant Committee and the House to deliberate on the matter in terms of making decisions.

I have always talked about how we tend to lament in the Senate. We are a House of lamentations and not solutions. When you bring a Motion of this nature where we just talk and go away, it is just lamentations. We are not better than somebody holding Bunge la Mwananchi. They are everywhere in the Republic. Whenever there is public participation in this House, you will find members of Bunge la Mwananchi. All over, even in my own county and ward, there is a Bunge la Mwananchi and I respect what they say. Yesterday I had such a session.

If the relevant Government agencies would have come before the House, we would then be able to make actionable resolutions. At the end of the day, you are like a lawyer who has lost a case in court. Sen. Kang'ata has been in court many times. You have been paid a fat fee and your client has been convicted. When he asks you what to do, you say you shall appeal. I think we are in this kind of a situation.

The thing that must be said before this House without fear, is that elements within Government who are now preaching to Government, should go back and watch out how to do their job properly. I heard what the Senator for Nyamira County said.

Madam Temporary Speaker, you cannot have a country in which the Deputy President in the Republic of Kenya, with that high Office and executive powers--- There are powers allocated to that office, that are outside the powers of the President. That Office has powers in the Intergovernmental Budget and Economic Council (IBEC). He is the only person under the law that is required to chair that Institution.

However, for four years, you have just been talking about yourself. In fact, he is not even talking about how to make Kenya great. He is just supporting himself through out and how he needs to be President. It is like somebody talking about going to heaven without going to church. This should change.

Madam Temporary Speaker, I am glad that the signs are there, written on the wall that, that particular individual will never be the President of the Republic of Kenya.

*(Applause)*

It is written now. There was a time when I had doubts but now, I have no doubts at all. I have made many predictions before which have come right. On this one, I am sure as the sun rises in the morning, that he shall never be the President of the Republic of Kenya.

This is because those who serve the country must offer solutions. I chose not to be part of the Government. If you have chosen to be part of Government and be the Deputy President, you are required to be---

*(The red timer was switched on)*

Madam Temporary Speaker, give me two minutes only. I think I deserve.

**The Temporary Speaker** (Sen. Nyamunga): Yes, those two minutes are granted.

**The Senate Minority Leader** (Sen. Orenge): Madam Temporary Speaker, somebody has taken an oath. I have never taken an oath. There is no constitutional problem if I criticize President Uhuru.

However, here is somebody who has taken an oath under the Constitution to be the principal assistant to the President of the Republic of Kenya. Nobody else has those powers under the Constitution. Then he sends poor Sen. Kang'ata here, who otherwise should be campaigning to be Governor, to make this Statement which has no end or beginning.

*(Laughter)*

**Sen. Kang'ata:** On a point of order, Madam Temporary Speaker!

**The Temporary Speaker** (Sen. Nyamunga): Sen. Kang'ata, you should seek intervention and not shout.

*(Sen. Kang'ata walked to the Dispatch Box)*

I have not given you the opportunity. Go back and sit down. There is a button for seeking intervention.

*(Sen. Kang'ata spoke off the record)*

Do you not have a card?

**Sen. Kang'ata:** No, Madam Temporary Speaker,

*(Laughter)*

**The Temporary Speaker** (Sen. Nyamunga): Okay. This is granted.

**Sen. Kang'ata:** Madam Temporary Speaker, is the Senate Minority Leader in order to insinuate that I have been sent by somebody to come and bring this Motion? This seems to suggest that he is not caring for the poor *boda boda* in Ugenya, Kisumu County and millions of Kenyans.



*(Loud consultations)*

**The Temporary Speaker** (Sen. Nyamunga): Senator, please, take your seat.

**Sen. Kang'ata:** Madam Temporary Speaker, the Senate Minority Leader should be telling us where they took BBI money. The BBI money wasted the subsidy money.

*(Sen. Madzayo stood)*

**The Temporary Speaker** (Sen. Nyamunga): Sen. Kang'ata and Sen. Madzayo, please, take your seats. Sen. Kang'ata, your point has been taken. That was not a point of order.

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, I trained Sen. Kang'ata but he lost the path along the way.

**The Temporary Speaker** (Sen. Nyamunga): I am sorry to interrupt you once again.

Sen. Omogeni, proceed.

**Sen. Omogeni:** On a point of order, Madam Temporary Speaker! You have heard the Senator for Muranga County making very serious allegations against the Senate Minority Leader.

I have heard Sen. Kang'ata, who is a lawyer and a former teacher of Moi University law students, challenging the Senate Minority Leader to explain where he took the BBI money. Can he substantiate on the Floor which money he is talking about and what he means when he says that the Senate Minority Leader took some BBI money and he wants him to explain where he took the money? If he cannot, can he withdraw those remarks?

**The Temporary Speaker** (Sen. Nyamunga): Sen. Kang'ata, proceed.

**Sen. Kang'ata:** Madam Temporary Speaker, I rose on a point of order and to the best of my knowledge, another point of order cannot be raised against another point of order.

So, allow me to restrict my issues to the Senate Minority Leader. He needs to give me an explanation where he seems to suggest I have been sent by someone. I have not been sent by another Government official to bring this Motion. It has been motivated by the millions of Kenyans who are suffering as a result of this fuel crisis.

**The Temporary Speaker** (Sen. Nyamunga): That is much better.

Senate Minority Leader, proceed.

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, I take that as an answer from an Hon. Member, that he was not sent. However, I am looking at it in the context that he was at one time the Chief Whip of the Majority Side. Certainly, by his conduct at that time, my conclusion is that he was sent that time and has been sent again this time.

Having said that, the serious point is that when institutions within Government work--- Part of the dysfunction now in Government is because of the conduct of the Deputy President. He is the principal assistant. He can raise that matter in the Cabinet where we do not sit. He can raise it in those council meetings.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Were, do you have a point of order?

**Sen. Were:** On a point of order, Madam Temporary Speaker. Since we are talking too much about the Deputy President, let those who are opposed to him bring a substantive Motion here so that we discuss him. It appears like every person is rising up just to talk about the Deputy President.

**The Temporary Speaker** (Sen. Nyamunga): No! That is not allowed. Senate Minority Leader, please, continue.

**The Senate Minority Leader** (Sen. Orenge): Let me conclude by saying that we know what the Standing Orders state regarding a Member of the House. The Deputy President is not a Member of the House and he is not the President. The Standing Orders are very clear.

What agitated me to say what I am saying is the contribution by somebody I really respect, Sen. Wetangula and in addition to that, a comment by the Senator for Murang'a, that they were calling for the President's resignation.

Sen. Wetangula - and I say this with a lot of respect - when he was sitting with the President - Hon. Kalonzo Musyoka and Hon. Raila Odinga - when there was a possibility that he may be the candidate, to him all was well with the Government. However, now that that is not happening, he is taking the advantage to hit back at the Government and that is not right. There is a way of doing things and a Statement to the relevant committee would resolve this issue.

Let it not be doubted that all of us in this House speak for the people. I am sure, the Senate Majority Leader together with the general - do not ask me who the general is - are going to sit down and bring an appropriate instrument before the House to discuss this matter of the fuel crisis with finality.

I thank you

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute on the Motion brought by Sen. Kang'ata. Kenya like any other country in the world greatly depends on fuel and it all depends on the supply or demand of the fuel that is needed in the country.

This Statement is timely because there is a fuel crisis in the country. I want to congratulate Sen. Kang'ata because he did not handle this matter by writing a letter to the President wanting to find out what is going on. Instead, he brought it to this House so that legislators like us can discuss it and find a lasting solution for Kenyans when it comes to this particular challenge that Kenya is facing now.

Such a challenge is similar to the COVID-19 pandemic and it is usually accompanied by dramatic effects. The fuel crisis has had a dramatic effect on the Government and the citizens of Kenya.

I was coming from my rural area to Nairobi and saw people queuing at the petrol station. This shows clearly that we have a problem and this problem needs to be solved by us. We should not play the blame game in this House because we shall not be bringing any solution for anybody.

If I have been affected because I cannot fuel my vehicles, what about any other Kenyan who is depending on other means of transport to move from one place to another? This goes a long way, affecting the *boda boda* sector, which carries majority of the informal employees of the Kenyan population. The fuel shortage is so bad that

currently it has greatly impacted negatively on this sector and many others have been affected. The livelihoods of Kenyans have been affected.

We should not make political mileage out of the current fuel shortage of fuel. In fact, when we talk about the Deputy President, he is the Deputy Principal of the President and we should not point a finger only at the President. As a Deputy President he should be part and parcel of the solution to what is affecting Kenyans right now unless he declared his position vacant. We need to come collectively and work on the best solution for Kenyans when it comes to fuel shortage.

The Deputy President - and I am sorry to discuss an individual, but he is the Deputy President of Kenya - was in office when we discovered oil in Tullow and the oil in Turkana, and he is still in office. He should have come up with strategies on how we can utilize our fuel unlike what we are experiencing now. He should have informed the Government on what else can be done to prevent this shortage.

It is high time Kenyans knew that people campaigning right now need not take advantage of the fuel shortage in Kenya and point a finger at the President as if they do not belong to this country.

It is wise thinking for any leader who stands on the pulpit to give a solution to Kenyans. Kenyans are suffering; my brothers in the *boda boda* sector are suffering. We need to discuss solutions and not blame each other, especially during this time of fuel shortage.

This fuel shortage is also affecting the farmers. This is a planting season and farmers are having a problem. Fuel shortage is actually affecting any commodity that requires transportation. I want to urge the Members of this House that we should look for solutions that will heal Kenyans instead of pointing fingers at one individual; that he is the one who has done all this.

We have Cabinet secretaries, Principal Secretaries and sectors that handle the issue of fuel. Let them come up with solutions for Kenyans and not wait for Kenyans to cry and die poor while they are enjoying the use of Government vehicles. They are driving in Government vehicles that are fueled by Kenyans' taxes and we are suffering here making legislations that cannot even help. I want to urge that we should discuss soberly. Let us grow Kenya and not bring Kenyans to a dead end.

Madam Temporary Speaker, I support the Motion. Let us look for solutions and not blame.

I thank you.

**Sen. (Dr.) Ali:** Thank you, Madam Temporary Speaker. This Motion is timely and Sen. Kang'ata has done the right thing because this problem of fuel has affected many people, and they are really suffering.

Yesterday, I had to queue for more than two hours to get fuel. You cannot even move around town because there are vehicles everywhere waiting to get fuel from petrol stations, and yet, we are coming here to blame the Deputy President. The Deputy President is in the Opposition. Why are you blaming him? Let us talk about the Government, which is part of us who are in the Government and the Opposition who have joined us.

We need to ask ourselves where things went wrong. For a long time now, the Deputy President has just been earning his salary, but he is in the Opposition. Therefore,

let us forget about him and ask those who are concerned with these things and where things have gone wrong.

Those of us who are in Government should do the right thing instead of playing the blame game and bringing political issues here. If there are people who have caused this problem, then the Government of the day should take action. If there are cartels, then action should be taken against those cartels, and we should be told why this is happening. If it the Government Ministry that has failed to perform its duties, then we should ask them what really happened and where things went wrong.

In this country, we should not always look at the political aspect of things. This is a very serious issue. Kenyans are suffering and we have a responsibility to the citizens of this country. We need to defend our people when things go wrong and should not try to cover up when things have gone wrong.

As far as I am concerned, the individuals concerned, whether it is the Ministry of Petroleum and Mining, other Government agencies, individuals who have misused the powers they were given including the petroleum companies or the people who are hoarding fuel to benefit from this should not go unpunished. If the crisis was international, I can understand because any war creates problems internationally.

The fuel prices might go up, but Kenyans do not have to suffer because of the interest of certain individuals who want to benefit from this issue. There are problems all over the world. This is the first time that I have seen Kenyans lining up all over for fuel. I cannot remember ever witnessing such a situation. This is not something to be taken lightly. If Sen. Kang'ata thought there is going to be political mileage here, I want to tell him that there is none.

Something has to be done about this situation. We must make sure that whichever Government is in power now or in the future, this should not be repeated. In areas where some of us come from, vehicles for transportation are very few. As a result of this fuel crisis, the vehicles are doubling the fare. People are suffering and this is an issue that the Government should take seriously. Action should be taken against those who are concerned.

Thank you, Madam Temporary Speaker.

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I take this opportunity to sincerely thank Sen. Kang'ata for bringing this Motion to the Floor of this House. On this, it matters not whether you are pushing forward an agenda perceived to be left, right or the center; this is a crisis that the country is facing.

The crisis affects everyone across the political divide. My contribution will be based on the principle that we have a responsibility and duty of care to make sure that Kenyans are better served. There are many arguments around why we find ourselves where we are today in terms of the fuel crisis. Some people are blaming cartels; others are blaming the Government, while others are blaming the war in Ukraine. There a lot of excuses around where we find ourselves today.

In countries that profess democracy and where leaders truly care about the well-being of their citizens, what should have happened by now, the Minister responsible for petroleum should have resigned and gone home or provided Kenyans with a solution to this crisis. This matter is not getting any easier by the day; the crisis is deepening.

Yesterday, I listened to the Principal Secretary (PS) in the Ministry of Petroleum and Mining saying that he would be holding a meeting with the fuel marketers on

Wednesday. That is a leader who is completely out of touch with the reality on the ground. How can you say on a Monday that you will be having a meeting with marketers on Wednesday to understand the crisis and see what you can do?

In real and true democracies, this is the time that everything stops and we mop up money available in other sectors of the economy to stabilize the fuel crisis in this country. Last week, I brought a Statement to the Floor of this House. The import of my Statement was to be given an update on the status of the stabilization fund for petroleum in the National Treasury. I hope that the Committee that was given this responsibility is working on the Statement, so that we can know which way to go.

If my time runs out, I will request for a minute. We must call out leaders. We should also be called out when we are on the wrong. It is not politically hygienic for the Deputy President (DP) of the Republic of Kenya to go to the press and blame the Government for this crisis. It has been said, and I want to add my voice to it, that there is only one President in this country and there is only one principal assistant to the President.

On a matter like this, both the President and his principal assistant are our fathers. When the DP cries about a crisis in the petroleum sector, what are the consumers and the ordinary citizens supposed to do? I call upon all of us, because we are all leaders, to do what we have to do to ensure that we stabilize petroleum prices, so that we stabilize the prices of other commodities. Of great importance and urgency is to ensure that we have fuel running in those pumps as early as this evening.

Thank you Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. Kavindu.

**Sen. Kavindu Muthama:** Madam Temporary Speaker, I thank you for giving me this opportunity to make my contributions on this Motion by Sen. Kang'ata.

This crisis is here with us, just like the COVID-19 crisis was here with us. I ask the leaders of this country to look for a permanent solution that will bring this petroleum crisis to an end, instead of pointing fingers because the transportation sector is suffering. People cannot travel comfortably and on time when they need due to lack of fuel, especially the *boda boda* operators. The people in the *boda boda* transportation sector depend on it for their income. They are not making enough income right now, hence, cannot put food on the table for their families.

I request the Ministry of Petroleum and Mining to look for ways and means of storing fuel in plenty to cover such crisis. This was a crisis of a day or two and the whole country is crying. We should have ways and means of storing petroleum in large quantities that in a crisis or break out of war, we will have enough to sustain us for a while before people start crying, pointing fingers and calling names.

I join the rest in saying that the President is not the cause of this crisis. The whole leadership of the nation should come together and look for ways and means of resolving the crisis. It is surprising that the DP can point a finger at the President alone. The Deputy President is part and parcel of this problem. They should look for ways of amicably solving this problem together.

This is a good a Motion, but ways of solving the situation permanently must be looked for.

**The Temporary Speaker** (Sen. Nyamunga): Finally, Sen. Olekina Ledama.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I rise to support this Motion which is quite timely on the current crisis that we have in this country. I was listening earlier to the Senate Minority Leader equating this House to *Bunge Mtaani*, where people sit down and lament. I feel that, that is exactly what we are doing. We have a crisis in this country, and earlier on, the Principal Secretary (PS) in charge of Petroleum and Mining equated this to a run on the bank, where when the financial institution sends out an alert that they are running out of cash, all customers run to be able to withdraw money.

Yes, we have a problem and it is not just in fuel sector. It is also affecting the cement industry. Right now, a bag of cement is retailing at almost Kshs900 here in Nairobi. In places like Narok it is retailing at almost Kshs1,000 because we have a big problem when it comes to the issue of the clinker and the importation. These are things that the Government ought to sit down and try to put in order.

We have a problem with Oil Marketing Companies (OMCs), where they say that their subsidies have not been paid to them. They then send out an alert, and then, Kenyans out of panic, rush out to the petrol stations to buy all the fuel they can. If that continues, of course, we will not be able to control this.

I call upon the Ministry in charge of Petroleum and Mining to take a soberer approach in trying to figure out how to deal with this. I am beginning to wonder what sort of management training most officers in this country go through. We have the same problems in county governments where once people deduct the statutory deductions, they do not remit them where they are supposed to remit them. You ask yourself why you are deducting in the first place if you do not pay Kenya Revenue Authority (KRA), National Social Security Fund (NSSF) and National Health Insurance Fund (NHIF).

Instead of the KRA solving the problem of the importation of the clinker at the Port, Kenyans are suffering. In this country, we are hit with a crisis on an annual basis. We talk about the issue of Covid-19 destroying many businesses. We talk about the problem of construction when we are talking about building the industries in this country or investing in the manufacturing sector. Now, cement manufacturers are paying through the noses to import the clinker, which ordinarily, they would get cheaper and pass through the port of entry without any problem.

Madam Temporary Speaker, I would request you add me two more minutes.

**The Temporary Speaker** (Sen. Nyamunga): You still have that two minutes.

**Sen. Olekina:** I was in Turkana yesterday and when we were flying over, we would see people queuing. You would ask yourself what ripple effects this would have on the economy; where people are queuing for over two hours to buy fuel for them to transport people from one place to another. Suppose that was a sick person who needed to go to the hospital, that person would not only die or have their chances of living reduced.

What that poor Kenyan would take home on that particular day would be reduced to only ferrying one customer. Maybe when you ferry one customer, you would have spent the whole day queuing to pay Kshs50, yet the Ministry is now equating it on a run on a bank, where it is panic buying.

We need to pull up our socks when it comes to issues of management. It is quite sad that we are lamenting, but I hope someone out there will listen and do something. Those capable of doing it should solve the problem. We have a Committee on Energy,

but there is nothing much we do. I am sorry that I am a Member of that Committee, but sometimes everything depends on the actions that you intend to get once you call upon people to move. We not only have a crisis in the fuel sector; it is about to even get worse.

I felt like crying yesterday when I was going round Turkana. I even regretted somewhat as to why I fight so hard for a lot of money to go to counties when I know there is over Kshs14 billion that goes to Turkana, yet people continue to suffer. You would find that there are only two petrol stations and everyone would be in those two gas stations waiting to get petrol. Why would people not even find the need to move in and invest in that county when the county itself is not doing what they are supposed to do?

This is not pointing a finger at one particular person, but the entire Ministry. We know that the Cabinet Secretary resigned but the accounting officer, the Principal Secretary (PS), can work. If you are importing fuel and have an agreement with the oil marketers--- We know that there is a role played by the Kenya Pipeline Corporation.

Why not bring all these three people together on a quarterly basis, particularly the Energy Regulatory Commission? Why not sit down and say that we have an X amount of money that belongs to the oil marketers, and we shall release it quarterly.

The problem is not Kenyans, as the PS was trying to imply, but the Ministry itself. The President cannot do all those things; he delegates. There is a person who has been given the responsibility to ensure that all oil marketers who are importing do so, meet their quarters and we supply it across the country.

Finally, let me remind Kenyans that even though we are facing fuel shortage in this country, we are way much ahead of so many countries. If you watch Cable News Network (CNN) and see what is happening in Sri- Lanka, you will cry. This is all because of the leadership issue.

I hope that we will take lessons. We do not want to go to that extent where people will get upset and pack their vehicles on the main road and walk because they are not able to take them anywhere. However, we are still better off than those we call developed nations where cows are dying because they can no longer milk them. There is no diesel to take the milk to the shops. We have to be careful not to hit that level in this country.

We know the Senate will continue being empty. When I look around, it is only the two of us here. It will continue being empty because all these distinguished Senators will go out there and seek re-election. Kenyans out there should pay attention and see who is out there, who is not doing his job, who is supposed to be fighting for me to get relief. Kenyans expect a lot from us, but if we do not give them what they expect, we will all be failing.

I support this Motion, and hope that it will result into something. I hope the Ministry of Petroleum and Mining, maybe, being moved by the Committee of Energy in the National Assembly and also this House, can ensure that there are proper management steps to ensure we do not have this issue, which others are saying is similar to a run on the bank.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, the Senate already adjourned by dint of the Motion under Standing Order No.34, which has now been concluded. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 6<sup>th</sup> April, 2022, at 2.30 p.m.

The Senate rose at 4.49 p.m.