

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 3<sup>rd</sup> May 2023

### Morning Sitting

*The House met at the Senate Chamber,  
Parliament Buildings, at 9.30 a.m.*

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

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

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

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

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

*(The Quorum Bell was rung)*

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

**The Speaker** (Hon. Kingi): Hon. Senators, now that we have quorum, we can proceed with the business of the day.

Clerk, kindly proceed to call the first Order.

### QUESTIONS AND STATEMENTS

**The Speaker** (Hon. Kingi): Hon. Senators, the first question is by Sen. Mungatana. I want to believe that the Cabinet Secretary (CS) is present.

Clerk, kindly usher him.

Meanwhile, Hon. Senators, we need to distinguish between supplementary questions and primary questions. If you noticed, last week during such a session, quite a number of us were asking totally unrelated questions. Therefore, most of the CSs said they need time to respond. This is because the supplementary question asked was not

related to the primary question. I hope it was a learning session and that we will do better today when it comes to asking supplementary questions.

Whenever you are asking a supplementary question, kindly avoid making a speech before asking it. Just rise on your feet and ask your question in less than a minute. If we do so, we will cover a lot of ground and give everybody an opportunity to ask a question.

I am informed that the CS is now present.

On behalf of the Senate, Hon. CS, I take this opportunity to welcome you back. You know this place better than I do, having served in this Senate for a considerable period of time. I welcome you back.

You are very familiar with the rules. So, I will not take time to educate you on that. Therefore, I will allow Sen. Mungatana to proceed to ask the question.

*Question No.002*

DISTANCE IN KILOMETRES OF TARMAC  
ROADS CONSTRUCTED SINCE INDEPENDENCE

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. I rise to ask Question No.002.

(a) Could the Cabinet Secretary (CS) state the distance in kilometres of tarmac roads that the National Government has constructed in Tana River County since Independence?

(b) Could the Cabinet Secretary provide a list of roads in Tana River County that have been upgraded to bitumen standard?

(c) Why has Tana River County been marginalised in the National Government's Development Agenda and what steps is the Government taking to rectify the situation?

This is in particular to the road sector.

**The Speaker** (Hon. Kingi): Hon. CS, kindly proceed to respond.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Thank you, Mr. Speaker, Sir, for according me this opportunity to appear before this august House.

For me, it is to come back home, albeit sitting in a very unfamiliar territory in this House, but also very historical. A lot of decisions were made in this corner and another room behind here. So, it gives me a very great pleasure to be here. It is very emotional for me to come back home. I thank the Senator of Tana River County, who is also my senior colleague in the profession.

For this question, I will go straight to the answer, which is that:

The National Government has constructed 21,556 kilometres of tarmac roads since Independence. The following roads totalling 442 kilometres under Tana River County have over the years been upgraded into bitumen standards.

Garsen-Witu-Lamu which is A7 30 kilometres in Tana River County, Garsen-Hola, which is B89, 95 kilometres, Ukasi-Bangale A3 which includes Ukasi to Tana River Bridge is 120 kilometres. Madogo Junction to Hola A3 is 120 kilometres. Kongoni to Garsen is 55 kilometres. Junction B8 to Bonji which is 8 kilometres, River Tana

Bridge and Majengo towards Msalani which is 4 kilometres and Hola Town roads, totaling 10 kilometres.

Further, the Ministry under its implementing agencies, Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA), as I have said, annually maintains these roads starting with approximately 442 kilometres of the tarmac roads and 727 kilometres of unpaved roads as indicated in a schedule I have attached and will be seeking to table in this House. I am sure it was shared to the House before, but in the end, I will also table the schedule.

Mr. Speaker, Sir, looking at it comparatively, 2 per cent of paved roads are located in Tana River County. If you were to distribute paving of the 21,556 kilometres fairly to every county for the 47 counties, you would need to give around 458 Kilometres to every county while Tana River has 442 kilometres. So, it is within the range of a fair distribution of the roads across the country.

Mr. Speaker, Sir, if you look at it critically, Nairobi City County might get a fair share of its tarmac roads, but it is a smaller county compared to Tana River County. So, if the principle of equity is applied, then you come to the conclusion that Tana River County, West Pokot, Turkana, Wajir, Mandera and Marsabit fall within rightly so as identified by the Commission of Revenue Allocation (CRA) within the 14 counties that are identified as marginalised in terms of infrastructure development.

The Government has however made efforts in addressing this marginalisation by constructing this 442 kilometres of roads, but this is not enough.

Mr. Speaker, Sir, Tana River County is also a recipient of Equalisation Fund. The fund whenever was disbursed by the Equalisation Fund Advisory Board (EFAB) was used to maintain roads identified by the stakeholders.

Again, in the equalization fund, Tana River County was allocated around Kshs126 million to maintain the roads identified by stakeholders in the county through a process managed by the EFAB.

Mr. Speaker, Sir, when the equalization fund was disbursed in 2018 for the first time, the county governments were unhappy with the disbursement through national Government and they felt that it should be given to counties so that the counties can manage.

This matter was taken to court. At that point in time, a sum of Kshs3.6 billion had been budgeted for equalization fund. The matter went to court and the court finally determined that equalization fund is a national Government fund and, therefore, should be administered by the Treasury from the national level.

As a result, the roads that were being implemented stalled. There are two counties; Isiolo and Turkana counties, whose amount has not been explained properly. Isiolo County still has a pending amount of almost Kshs256 million to implement a bridge and a road that had been identified by the stakeholders. I am just giving a broad perspective of what is happening with the Equalization Fund and the same about Turkana County, with a bridge and a road.

In line with the scarce resources available, the Ministry will continue giving emphasis on improvement of roadworks and other infrastructure in Tana River and marginalised counties and country as a whole in order to bring the much-needed development for the betterment of the country.

Mr. Speaker, Sir, a small part of the Lamu-Garissa Road, which is not paved is passing through Tana River County, we have plans to ensure that this road is also paved, so that the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor can be used.

Mr. Speaker, Sir, my question was that brief even though I have tried to make it elastic. That is the further I can go for purposes of addressing also the concerns of the other marginalised counties.

**The Speaker** (Hon. Kingi): Thank you, Hon. CS. Sen. Mungatana, you have two supplementary questions to ask. You may decide to ask both of them at ago or can ask one and reserve the other one for later during this session.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, first, I will ask one and then I will take last one. I would like to thank the Cabinet Secretary for the answer that he has given us. In his own words, there is much more that can be done for Tana River County than they have done.

However, what is critical, and I would like him to clarify this one question, is he aware that as a national Government we gave undertakings during the campaigns - and I was in every one of those three constituencies - to bring to bitumen standards the following one road in each of these constituencies.

Mr. Speaker, Sir, maybe you can protect the Cabinet Secretary from his own officers, so that he can pay attention.

Is he aware that during the outgoing campaign, we took undertakings from the three constituencies specific roads? The first one is in Garsen Constituency. Is he aware that the Malindi-Karasaa-Ngao Road, where there is a very big Sub-District Hospital, was given that it would be raised to bitumen standards?

Secondly, is he aware that Boji Road, the one that he has mentioned here, that he has undertaken to Galole Constituency to finish the small portion of tarmac, which makes it impossible for mango farmers to deliver their mangoes during the rainy season, is just 10 kilometres?

Is he aware that in Bura Constituency, the road from the junction to Bura Town was given? These three roads in each of the three constituencies, one road each, are less than 10 kilometres. Why is the CS telling us there is scarcity of resources?

My learned friend, you know the place, you have been there, you know how it is and what farmers go through. What is so difficult? I have done the math. I have been told those 10 kilometres in each of those constituencies will cost less than Kshs500 million.

Mr. Speaker, Sir, can the CS tell us, on this first question, when he is going to make these roads in this Ruto administration? At least, these roads. Do not tell us about all these because these were passing by. One was going to Lamu County, one to Garissa County. These were old roads.

In this Ruto administration, can he give us an undertaking that each of these constituencies, just these 10 or 15 kilometres from each of these constituencies will be done? Then please come. Do not keep visiting these constituencies around here, which have roads. I want him to come where there are no roads. When will you also come and see us?

**The Speaker** (Hon. Kingi): Hon. CS, please proceed.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, first of all, let me thank my Senator and colleague - in the league of profession - for raising that very important issue.

When I was appointed to this office, I said that one of the responsibilities was to address marginalisation. As I have said, if you apply the principle of equality, then Tana River County has equal number of paved roads as would have been expected in the 47 counties. However, I have said, for example, Tana River County is not the same size as Nairobi City County or Nakuru County. Therefore, the principle of equity demands that the counties in the north require affirmative action.

Be that as it may, we cannot accept this argument all the time when these questions come. When you ask the people of Nakuru County, it is a beneficiary of about 170 kilometres of highway between Nairobi City County and somewhere past Salgaa to Makutano.

However, every time you have a conversation with leaders and you tell them we are maintaining the road from Nairobi City County to Salgaa to Makutano. They tell you, 'no, do not tell us about this highway. Can you tell us about roads in Nakuru County?'

In the absence of that highway, there is no Nakuru County. The business of Nakuru County is determined by that infrastructure. What roads do is that they bring people to do business along them. Therefore, you never have Naivasha, Nakuru or Mai Mahiu Town.

The same way Tana River County cannot deny the highways in their county. These highways are being maintained by the Ministry and the Government of Kenya. We must make them motorable.

If you go to these highways, that is where business is doing well. That is why the hon. Senator is asking us to also go to unpaved roads to create other new highways and roads that can spur business. Tomorrow, when we tarmac these roads, if we are not careful, leaders will come back and say 'forget about these highways, tell us about the other inland roads.'

First of all, let us own up that we have 442 kilometres of paved roads in Tana River County then ask ourselves what we are capable of doing. I will answer this question this way. It has not come in this very Session, but it is important for this august House to appreciate that we have a very serious challenge of pending bills. We have up to Kshs150 billion of work already done, certificates that have been issued ready to be paid. We have another commitment of Kshs600 billion of roads committed to be done.

Mr. Speaker, Sir, I will be a liar to say here that we will do new roads start from zero and confirm to Members here that we will do it. My Ministry is doing everything humanly possible to do away with these pending bills and committed amount. For the last one week, I was in China to have a conversation with the Chinese Exim Bank and Ministry of Commerce, Transport and Foreign Affairs to discuss ways of partnering with them, to see if they can help us shoulder this burden of pending bills.

This is because most of our contractors are Chinese and they have a portfolio of about Kshs400 billion of these roads that are pending. However, I have an answer to the hon. Senator.

It is possible for us to do these roads if in the next financial year, we take the equalisation fund amount that is coming to your county. Hopefully, it will be around Kshs200 million, we sit down together and say we can construct these roads that you have said are worth about Kshsh500 million in three years, commence with the Kshs200 million which will be given as seed money and because the contract is for three years, we can do those roads.

Mr. Speaker, Sir, alternatively, we can sit down and see how we can work around money that was for maintenance of roads and see if we can safeguard it to pave the roads that we think we can.

Lastly, I extend an invitation to Tana River County. First of all, we have been holding meetings with various counties and discussing holistically the roads with all leaders; the Governor, the Senator, the Women Representatives and the elected Members of Parliament (MPs).

This engagement has been extremely useful for the counties whose Senators are here. We have been able to hold such meeting in my office with the Senator, Nyandarua County. I see the Senator of Nyandarua County is here as an example. I urge hon. Senators to be attending such meetings.

We can agree on the date in this month of May or June. We can have all the lists of Tana River County and discuss all the roads holistically, then eventually, we see what we can do.

I have found a monumental problem, but we are not here to write another book of lamentations. Our job is to solve problems. If we must solve problems, we must become creative in doing so. I need the support of all the leadership of this country and the leaders in various counties.

We sat with leaders from Migori, Nakuru and Turkana counties. Every time we sit together, we find solutions on which roads we are supposed to prioritise and pave.

So, I agree with Hon. Senator. I just do not want to come and give fake promises in Tana River County. Once we sit down, agree and budget, we can now go together to the ground and see what can be done and what is the standard of what has been done. I am more than committed.

As a former Chairperson of Committee on Devolution and Inter-Governmental Relations, at that time, I made a deliberate decision to go to all the marginalised counties. Sen. Dullo who was a Member of that Committee is seated here. She knows that my passion for correcting historical injustices for marginalised counties is there.

I want to see that all the marginalised counties are brought to the level that they can feel that they are part of this country. We will do so, hon. Senator.

**The Speaker** (Hon. Kingi): Sen. Mungatana, MGH, your second final question.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, let me just ask my second question. I have changed my mind. The reason is that if I am sick and suffering from malaria, you as a doctor or as a hospital cannot argue that you have huge pending bills with people who have heart attacks and such. You need to solve my problem.

I urge the Minister to look at us differently. As a county, do not tell us you have Kshs150 billion or Kshs600 billion. They may be important---

**The Speaker** (Hon. Kingi): Sen. Mungatana, MGH, what is the question?

**Sen. Mungatana, MGH:** The question is, even the roads that are there, I am speaking specifically of the Garsen-Hola-Madogo Road, that main junction that he has talked about--- Is he aware that the contractors that he has given contract for maintenance are failing to do the work?

We have experienced light rains and there are potholes everywhere between Garsen and Hola and between Hola and Madogo. Who are these contractors? Why are they not maintaining the roads as per standards? What are you going to do about them because it seems that they are connected people? Information reaching me is that it is the

same person contracted all the time for maintenance and they give us the same bad results every year, especially when the rainy season comes. Who are these contractors and what are you going to do about disciplining them or giving these contracts to other people who are more deserving?

I thank you.

**The Speaker** (Hon. Kingi): Hon. CS, you may respond to that question.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, I thank Sen. Mungatana. First, as a doctor, when you have a problem before you, if you a very experienced doctor, you may want to deal with a heart attack because that may kill immediately and then you ask your assistant to help you deal with the malaria under your supervision. It is a choice you have to make in the situation that you are dealing with.

However, I can tell you for sure that part of the problems we have in the country in the pending bills, is the one that is inhibiting us from starting new roads in these areas. As I told you, we are speaking to our development partners to see how they can help us.

First, you saw the situation of the pending bills. Our China Government friends were gracious enough to tell us to come to the table to have the conversation. If we are able to make progressive conversations, it will help us to elevate the situation that we are in. If we do so, then we can use the money that we are going to get to deal with the issue of new roads in places like Tana River County.

Secondly, I cannot remember all contractors of the head. If this question had come early, definitely we would have made sure that we come with the name of the contractor.

However, what I can assure you is that, the road from Garsen-Hola has been divided into three lots, which is, Garsen-Hola has ongoing contracts for the next 36 months. I can share their names of the new contractors that have been put in place, but they just started the work this January. They were awarded the tender on 25<sup>th</sup> January, 2023.

If the work is substandard, I am willing as I said when we have this conversation with the Senator and the Members of the National Assembly; I am willing to visit the site with them and make sure that the contractor is held to account.

Remember, this a very old road that was done by National Youth Service (NYS) many years ago. The standards then were not similar to the current KeNHA standards. What we are doing now is actually not maintaining; we are rehabilitating, almost reconstructing the roads in some sections using the Road Maintenance Levy Fund (RMLF). The Ministry is aware of those potholes that the hon. Senator is talking about. We are going to work and ensure that those roles are addressed.

I invite you, Sen. Mungatana, to my office. When you come, we will have that conversation, particularly as to the role of the contractors and the quality of the contractors that we have. I always tell hon. Senators and elected leaders that these meetings that we have in my office are not in vain. They actually help us do our job because it is part of accountability. The leaders come there and say, you see, look, and you know all the representatives of road agencies are sitting there. The director generals of KeNHA, KURA, and KeRRA. When you come to such meetings, you get an opportunity to ask them questions directly. There are cases where we have agreed on the need to terminate certain contracts because some contractors are unresponsive.

Mr. Speaker, Sir, we are ready to work together with Hon. Sen. Mungatana MGH, and the rest of the elected leaders of that issue. I thank you.

**The Speaker** (Hon. Kingi): Sen. Dullo, you have the Floor.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir, and *Waziri*. I have a question relating to my county.

I am sure the CS is aware of what is happening in most parts of the country, but more specifically, Isiolo being one of the marginalized counties, the only tarmac road that we have---

Hon. CS, I hope you are listening to me because I can see you are looking down. Kindly, just listen to me.

We have only one tarmac road in Isiolo County since Independence. It is 71 kilometre, Kenna-Garbatular Road that was done in 2015. Seven years down the line, that road is still not complete and the work done there is substandard. I am requesting Hon CS, Hon. Murkomen who I know is passionate about marginalized counties, to kindly look into that road and see that it has been finalized.

Secondly, we have few roads---

**The Speaker** (Hon. Kingi): Sen. Dullo---

**Sen. Dullo:** Mr. Speaker, Sir, a final one. I am kindly---

**The Speaker** (Hon. Kingi): No, you are making requests. You are supposed to ask question one; question only.

The request, maybe you will make it if you visit. The Hon. CS has been very kind. He has invited all of you with issues to sit down with him. Those requests can be made when you visit him. For now, ask the CS a question. You are allowed to ask him only one single question.

**Sen. Dullo:** Mr. Speaker, Sir, the question to the CS is, what is he doing about the roads that are not complete and that have taken many years to be completed? There are so many of them, specifically in Isiolo County Central and that particular one that I have mentioned.

I thank you.

**The Speaker** (Hon. Kingi): Hon. CS, you may respond.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, I agree with the Hon. Sen. Dullo, my former Deputy, on this very important issue of marginalization.

As I said earlier, if you look at the current Equalization Fund, Isiolo County has two projects that are still pending; the Kubby - Tullo Bridge. They have not yet constructed or utilized that money. In your account, you have Kshs247 million that is going towards that bridge. You must have seen KeRRA, has currently advertised for that road.

We have also Kipsing'-Oldin Bridge, which has been allocated Kshs120 million from the equalization fund. Once it is awarded, we will construct those two bridges. Those are under equalization funds that I discussed earlier.

Isiolo and Turkana are the two counties that are here to utilize their equalization fund among the 14 counties identified as part of the equalization fund.

The good news is that we have a very ambitious programme in the North, under the Horn of Africa Projects that are supported by the World Bank and Africa



Development Bank, and Isiolo, Mandera, and Marsabit, are great beneficiaries of those roads.

The Isiolo-Modogashe Road was awarded and it is about to start. With assured funding, I think, in your county, Hon. Senator, we have about 150 kilometres.

We are also doing the road from Garissa to Isiolo through Garbatula. I cannot remember the number of kilometres, but it is way over 100 kilometres. Initially, that road was supposed to be murram road, but when we came to the office, we decided that both the LAPSSET road from Lamu to Garissa and from Garissa to Isiolo, it will not make sense if we leave them murram.

It will not open the road be for the purpose that it was intended to make a new corridor for taking our goods to both South Sudan and Southern Ethiopia with a combined population of over 70 million. Our objective is to make sure that the road is done.

When it comes to infrastructure, in another five years, the question of Isiolo and all other marginalized counties will have been fairly addressed through these Horn of Africa projects. The only remaining part is how to connect Isiolo to Turkana through the Kerio Valley region, so that we can access South Sudan. We are working on it.

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

**Sen. Chute:** Thank you, CS for honouring our invitation. We are also going to come to your office.

Mr. Speaker, Sir, the calculation the CS has given is misleading. When Sen. Mungatana, MGH, asked about his county, what the CS should have done and that is my question---

He talked about 21,556 kilometres of tarmac road. Out of this, 442 kilometres were done in the Tana River. I want to ask the CS, how many kilometres of road are supposed to be tarmacked in Tana River out of the 442 kilometres that were tarmacked? The narrative he is giving is the tarmacked roads.

I come from Marsabit County, which is big and we have roads that have not been tarmacked. We have only 50 kilometres of tarmacked road. If he tell us about what has been tarmacked, it means that the roads in Marsabit County that are supposed to be tarmacked will not be tarmacked because he talked of 458 kilometres of tarmacked roads per county.

Mr. Speaker, Sir, I would like the CS to tell us how many kilometres of road are supposed to be tarmacked in Tana River out of the 442 kilometres.

I thank you.

**The Speaker** (Hon. Kingi): Hon. CS, proceed.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, if my friend Sen. Chute had applied himself to the question, he would understand that I was answering a question: Could the Cabinet Secretary state the distance in kilometres of tarmacked roads the national Government has constructed and then list the ones in Tana River? Had I not done so, I would not have responded to the question. If he followed my response, he would have appreciated.

You cannot say 442 kilometres, even if equally distributed, would have been assumed to be a share of Tana River is a fair distribution. I have said that the principle of equity demands that you treat every area differently. The northern part of the country must be treated as per the distance.

Mr. Speaker, Sir, I sat in this House for months, weeks and days discussing about the County Allocation of Revenue Formula. We had a passionate debate. Some were saying that you do not discuss the distance of counties when you are allocating resources. However, when you do not discuss the distance, then those counties will never get roads. It means that since the population is small, from one position to another, let those two or three people walk as others use tarmac road.

I believed it then and I believe it more now that the only way we can unlock the potential of a country like ours and for regions like the north with enormous resources and potential in terms of development, infrastructure is the only answer. There is nothing that can answer the problem of the north, except infrastructure. If we construct good roads across the northern part of the country, all the population that we are bragging about that we are many in other parts of the country will move to the north and establish businesses there.

You need to go to other parts of the world like Dubai, which is a desert for all intent and purposes. However, the people of that country and the leadership decided to develop the area to be what it is. If we decide to develop Isiolo County by making sure that the airport is working well and the roads are connected, all the people saying that we are many will move there and suddenly we will have greater development in that area.

Sen. Chute, my job for now as the CS for Roads, Transport and Public Works is to make sure that I unlock the potential that exists in your county and others in the north, so that the rest of the country can benefit from the potential of those areas. That way, we will correct the history of the Sessional Paper No.10 of 1965 that stated that high potential areas were only areas that were in particular regions and not in others.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Veronica Maina, you may proceed.

**Sen. Veronica Maina:** Hon. CS, I welcome you back to the Senate albeit in a different capacity. We hope that you are burning the midnight oil to ensure that all counties are well-serviced and resourced in terms of infrastructure.

My question relates to the Mau Mau Road, which cuts across Kiambu, Murang'a, Nyeri and a big portion of the Central Region. Before I go there, I do not want to condense this question with another one. However, I sense the need for your Ministry to work closely with the Ministry of Agriculture and Livestock Development in ensuring that the food basket counties have sufficient road network to ensure that their farm produce can be transported during the years of plenty, so that Kenyans stop having years of scarcity.

That said, I am wondering how long it will take for the Ministry to complete the Mau Mau Road, which cuts across several counties within the central region, and why it has taken so long to complete it.

Sen. Mungatana, MGH, has helped us in asking questions by saying that treatment for malaria must be treated separately from treatment for heart attacks. Each will need to be sufficiently addressed, so that the needs of the Kenyan people can be met. Hon. CS, when should we expect this road network to be complete?

You will remember that when we were in Kandara Constituency just the other day for the by-election, one of the promises we gave to the people of Kandara and Kigumo was about the completion of the road network.

**The Speaker** (Hon. Kingi): Hon. CS, you may respond.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, I thank my friend Sen. Veronica Maina for this question. It speaks to the core issue of pending bills and roads that are pending. I do not know if she was insinuating that in Sen. Mungatana's analogy, the Kandara-Mau Mau Road was malaria and the one for Tana River is heart attack.

I want to correct an impression that might be easily created about the roads that have not been constructed. Most of those roads, including the Mau Mau Road, have been pending for over two years. Mau Mau Road was started like three years ago and barely 10 per cent of the works was done. Machines were taken there, but nothing was done. So, these roads have been pending way before the election of the Kenya Kwanza Administration.

Those roads have historical problems of neglect. Sometimes you ask yourself whether procurement rules were followed. The procurement law requires that before you tender for a road or any project, you must have a budget for the entire resources.

Perhaps there was a budget, but it was diverted to other things. I do not want to be political here. However, a lot of it was diverted for the past two or three years to do things that were not the core mandate of the Government as per its own budget.

I can tell Sen. Veronica Maina, that some of the roads have been pending from as far as the Financial Year 2015/2016. For example, if you go to Tharaka-Nithi, there is a road called Chakarika/Marimanti, which has been pending from Financial Year 2015/2016. You saw another road in Nyandarua County. We were there the other day and people were asking why we were relaunching a road that was launched in 2016/2017. It is because it was launched and then left. No money was given. So, a number of those roads have absolutely nothing.

I have seen some politicians who want to ride on these things and say that this Government is not doing our roads. They should first go back to history and ask themselves since when have these roads been pending? They have been there for about six years. On average, all pending roads are about five to six years old. Some extremes are about eight to nine years.

As I said, it is not for me to write another book of lamentations. It is for us to resolve the problem. We promised as a Government, both in our manifesto and in utterances that we are going to make sure that all the pending roads are completed. We will not start new roads until we complete the pending roads.

In addition, if we have to start new roads, it will be the ones we have discussed with our development partners, where they will give us concessional support to build them. That is why my meetings with leaders always helps us to identify key critical counties that were never considered for the construction of roads so that when we get concessional funding and support from development partners, we can channel them to the ones that are absolutely new.

The other day, I was in Gatundu South, Kiambu County. The contractor who is there has been there forever. Although it is a special case, the contractor is incompetent because we do not have a pending certificate from him.

We are working on a road-by-road basis. However, I can assure you that our dream is that in the next three years, we should complete all the pending roads.

Nonetheless, let me also warn us here, that the Government as a whole has found itself with a challenge of debt. There was unregulated borrowing that went on in the last

two to three years which has left a huge pending bill. The present Government made a decision that if you find yourself in a hole, you do not keep on digging. First of all, we pause and look for ingenious ways of resolving these problems.

As I said, we are speaking to our development partners and friends. We want to see if we can get more concessional support other than borrowing from markets at market rates. It is not going to be sustainable nor will it be supported by our debt ceiling now. However, be rest assured that we will complete all the pending roads.

I ask for patience and for you to help us by telling your constituents that there is no point of planting bananas on those roads. We appreciate food security is very important. However, let us plant bananas where they are supposed to be planted. We will construct the roads as soon as we have the resources.

The unfortunate situation is that we cannot put the same Kenyans in a problem just to solve another one. We want to be responsible citizens by building the roads progressively while we solve the question of national debt and the economy.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Kamar.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir. I join my colleagues in welcoming our former Senator to the Senate. He is doing very well in the roads sector.

Mr. Speaker, Sir, I would like to ask him a question since he has talked of pending roads. How about the audit of roads that were done? There is a problem of not putting culverts on our roads. One of them is his pet project, the Iten-Nyaru Road, which he fought for over time. It is not done.

Mr. Speaker, Sir, I say this because I am his neighbour at home and I use that road. The sad part is that I constructed a culvert for myself to go home and everybody is asking why I was the only one given a culvert. There are no culverts in the whole stretch of 36 kilometres.

I also want to hear from the CS, on what happened to the compensation of people who lived along those roads? In Uasin Gishu, for example, we have a road that started from Kaptagat and goes all the way to connect to Elgeyo/Marakwet, but people have not been fully compensated. I know the National Land Commission (NLC) is supposed to be doing so---

**The Speaker** (Hon. Kingi): Sen. (Prof.) Kamar, you are only allowed one supplementary question.

Therefore, CS, proceed to respond to the first one.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Mr. Speaker, Sir, it is true my neighbour Sen. (Prof.) Kamar has captured a problem that has affected the Nyaru-Iten Road. I have had this conversation with the leaders of Elgeyo/Marakwet County because this road really abandoned the issue of access. There is the problem of access. In some places, there is pending compensation like the hon. Senator has said about the neighboring Kaptagat that links Kaptarakwa to the Uasin Gishu side.

Mr. Speaker, Sir, first, the contractor is still owed a huge amount of money from that road. We have had a conversation with the contractor and agreed that as soon as he gets a share of payment from the pending bills, once we get the resources, he must make sure that he does it and complete its access.

At the moment, if you go to Iten-Nyaru Road, most of the citizens along that road are happy because we constructed the road. However, the problem is where they park their vehicles. Everybody leaves their vehicles along the road and walks for a distance to get home because of lack of access. We have had that conversation with the contractor. We believe that as soon as we give him a small share of his resources, he will do it.

There is also connecting roads at a place called Chelingwa as you enter to Kimoning area. There are roads that are incomplete, including the ones that our former President had promised then, the road you are talking about from Kaptarakwa to Kaptagat. We shall make sure that those roads are completed. The challenge is that the contractor is suffering.

I am happy that you have asked this question because I come from Marakwet, for everybody to appreciate that it is everywhere, including my own county that is still waiting for payment of pending bills, so that contractors can complete the work that they do.

The other thing about Nyaru/Iten Road is that a number of sections of it were not paved to the expected standards. We agreed with KeNHA that it was either done as a low-volume seal road, but as we can see, the volume of vehicles in that road has already increased all the way from Cheptongei to Kamatira. It has now become a busy highway.

In the next phase of maintenance of that road, just the way we have done in Ravine-Kamwosor-Eldoret Road, we will make sure the maintenance now compensates for the level of standards that was required for the road, to accommodate the higher volume of vehicles that are using that road.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Thank you. Hon. Senators, we have now done an hour on this question. Remember, in my very first Communication, we had agreed to use a maximum of 20 minutes per Question. However, because of the interest this question generated, I allowed us to overstretch. We have done over 50 minutes on this particular question. Therefore, we will leave it at that. For those who still want to ask questions, you know exactly what to do.

You can bring your question as a main Question so that the CS can come back to us and respond to these questions. Otherwise, at this juncture, I will release the CS for Roads and Transport.

Hon. CS, thank you very much for coming. I believe you will be a regular visitor here, going by the kind of interest that Members have expressed in this Ministry. Thank you so much for coming. You stand released.

**The Cabinet Secretary for Roads, Transport and Public Works** (Hon. Murkomen): Thank you very much. *Asante*.

**The Speaker** (Hon. Kingi): The next Question is by Sen. Veronica Maina to the CS for Tourism, Wildlife and Heritage. Kindly usher in the CS.

Hon. CS, welcome to the Senate. Sen. Veronica Maina, proceed to ask the question.

*Question No.007*

## MARKETING KENYA AS A CRUISE TOURIST DESTINATION

**Sen. Veronica Maina:** Hon. Cabinet Secretary, welcome to the Senate. I have a question, which is broken down to three.

(a) Could the CS state the number of cruise ships that have docked in Kenya since January, 2022 and also state the number of those scheduled to dock by June 2023?

(b) Could the CS provide a schedule of cruise ships that were scheduled to dock in Kenya between January, 2022 and June, 2023; but cancelled their voyage or changed their destination from Kenya, stating the reasons for the cancellation or change?

(c) What measures have been put in place to market Kenya as a cruise tourist destination and to address the cancellation of voyages or the change of destinations from Kenya by cruise ships?

Thank you.

**The Speaker** (Hon. Kingi): Now, before you respond, Hon. CS, I have looked at your response. It is pretty lengthy. In fact, if I am to allow you to read this response, you will take more than half-an-hour.

If you look at the questions posed by the Senator, these are questions that you can actually respond to in less than three minutes. For (a), you just give figures. The second question is the same as (a) and then you give the reasons. The last question needs you to give the measures you have put in place.

So, as you look at your response, kindly paraphrase and answer the specific questions that have been asked. If you do that, you will take less than five minutes.

Proceed, Hon. CS.

**The Cabinet Secretary for Tourism, Wildlife and Cultural Heritage** (Hon. Malonza): Thank you, Mr. Speaker, Sir and hon. Senators. Before I go to the question, allow me to thank you for this invitation. Indeed, it is an honour for me to be in this House to elaborate on the matters that the Hon. Senator has asked.

I beg to reply.

(a) Since January, 2022 to date, four cruise ships have docked in the Port of Mombasa, bringing a total of 3,667 tourists into this country. Two cruise ships namely M World Odyssey and MV Nautica docked at the Port of Mombasa on 27<sup>th</sup> November and 25<sup>th</sup> December, 2022 respectively.

It is important to note the MV World Odyssey was the first cruise to dock at the new cruise terminal in Mombasa County. It is among the six state of art multi-storeyed passenger cruise ship. It brought 800 passengers out of which five were students from different nationalities and 300 staff in the ship crew.

The second cruise ship to land in Mombasa was MV Nautica. This is a luxurious cruise ship. It is classified in the royal class and it is operated by Oceania Cruises. It brought 572 tourists. They disembarked for a maximum of 10 days and 10 hours and took excursions in various tourist attraction sites within Mombasa County and its environments.

Mr. Speaker, Sir, the third cruise ship to dock in our Port came on 26<sup>th</sup> January, 2023 and it was another fleet of MV World Odyssey. It had 795 passengers, out of which 620 were students and 175 were crew members.

It is important to let the House know that this was a return ship within a period of two months. This is an indication of confidence in Kenya as an attractive destination for cruise travellers.

**The Speaker** (Hon. Kingi): Hon. CS, just hold on. You are doing very well. Just respond to the questions as asked. With all the information that you have, maybe if supplementary questions come, you can use that information to respond to the supplementary questions. Just restrict yourself to the question. For example, how many cruise ships have docked in Kenya since January 2022? We only need the numbers. How many cruise ships are scheduled to dock by June, 2023? Just give us the numbers and then you go to the next question.

In case of supplementary questions, that is the information that will help but your first response should be directly to the question.

Proceed.

**The Cabinet Secretary for Tourism, Wildlife and Cultural Heritage** (Hon. (Malonza): Thank you, Mr. Speaker, Sir. On concluding the first question, we had four cruise ships that docked in the Port of Mombasa.

(b) One cruise ship was scheduled to dock in Mombasa Port in April.

There was one cruise ship that was to dock at Mombasa Port in March, 2023 for four to five days. This ship cancelled because of the demonstrations that were happening in the country.

(c) My statement will respond to the measures put in place to market Kenya as a cruise tourist destination and the measures to address the challenges of cancellation.

Therefore, the measures that we put in place are-

(1) Diversification of tour packages for the best Kenya experience for cruise tourists. We are working in conjunction and collaboration with the Kenya Ports Authority (KPA) to brand the new berth of Mombasa.

(2) Continuous collaboration between the Ministry and the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works, Tourism Board, Ministry of Interior and National Administration, Mining, Blue Economy and Maritime Affairs, Kenya Ports Authority (KPA), and other Government agencies in undertaking aggressive marketing of the new cruise terminal at the Port of Mombasa.

(3) Joint aggressive marketing campaigns in leading global conventions on sea and maritime affairs and enhanced security to increase the number of international visitors arriving by sea.

(4) Lobbying for infrastructure improvement such as upgrading of Moi International Airport, Ukunda Airstrip, Dongo Kundu Bypass, among others.

(5) Repositioning Magical Kenya as a premier brand to attract international tourists from diverse source markets and segments.

(6) Advocating for good publicity and timely lifting of negative travel advisories on the country.

(7) Develop a carefully assessed and selected tourism products for niche markets such as birding, game viewing of rare and unique wildlife such as dugongs, dolphins, white rhinos, mountain climbing and running with the marathoners.

(8) Continuous research on tourism sector priority issues for timely remittal policy interventions.

Mr. Speaker, Sir, in addition, our hospitality college, Utalii College did a Memorandum of Understanding (MoU) with the cruise ship to train seafarers. The college has also had a session with the Chief Executive Officer (CEO) of Atlantic Cruise Ship so that he can also send seafarers.

We are in the process of operationalizing tourism protection services in collaboration with the National Police Service (NPS). In Executive Order No.2023, we saw the tourism protection service put under the docket of the Ministry of Tourism Wildlife and Cultural Heritage.

Finally, we are remarketing of Kenya as a destination for cruise ships through the coming royal tour. We are planning for a cruise ship owners conference in Mombasa in the course of this year in collaboration with Maritime East Africa and KPA.

Thank you very much, Mr. Speaker, Sir,

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

**Sen. Veronica Maina:** Mr. Speaker, Sir, I have one question for the CS. Are you able to tell the House the kind of loss the nation went through due to the cancellation of the cruise ship that was scheduled to dock at Mombasa due to the demonstrations that were happening? Your Ministry is well placed to translate foreign domestic earnings for Kenya. How much loss could we have suffered as a nation?

**The Speaker** (Hon. Kingi): Hon. CS, you may respond.

**The Cabinet Secretary for Tourism, Wildlife and Cultural Heritage** (Hon. Malonza): Thank you, Mr. Speaker, Sir, for that supplementary Question by the Senator.

On the cruise ship that was canceled in March 2023 due to the demonstrations that we were happening in the country, my Ministry suffered a great loss. This was a medium-sized cruise ship with an average of below 1000 tourists.

As you have heard me narrate in portions, once these tourists land in the country, they have excursions where they visit national parks and historical sites. This is one of the opportunities where the Ministry earns revenue and foreign exchange for this country. Therefore, we lost almost 1000 tourists.

Mr. Speaker, Sir, if 1000 tourists were to visit our national parks, this country would have earned not less than USD600. Besides the loss on the foreign exchange, it is the other business that are connected---

**The Speaker** (Hon. Kingi): Hon. CS, for clarification, did you say the loss occasioned by that cancellation is USD600?

**The Cabinet Secretary for Tourism, Wildlife and Cultural Heritage** (Hon. Malonza): Mr. Speaker, Sir, allow me to correct that it is USD6000. However---

**Hon. Senators:** Point of order!

**The Speaker** (Hon. Kingi): Hon. Senators, you cannot raise a point of order on the CS. CS, you need to be very clear. The Hon. Senator's supplementary Question was: What kind of loss was occasioned by the cancellation of that particular cruise ship?

**The Cabinet Secretary for Tourism, Wildlife and Cultural Heritage** (Hon. Malonza): Thank you, Mr. Speaker, Sir. Allow me to restate that we lost revenue because the tourists would have visited our parks, historical sites and supported other individual businesses, for example, curio shops that are adjacent to our national parks. Thank you.

**The Speaker** (Hon. Kingi): Sen. Cheptumo, you may proceed.

**Sen. Cheptumo:** Thank you, Mr. Speaker. Sir, I appreciate the CS for answering the questions. Mine is a bit different.



CS, you visited Baringo County three months ago to assess the status of the Geopark Programme, which is being established in Baringo. It is one of the ways of marketing our country. This is because Baringo is rich with a lot of historical sites, including the Tugenensis; the oldest man in the world and so on. If we approve Baringo County, Kenya will be the third country in Africa and it will market Kenya very strongly.

Hon. CS, what is your Ministry's policy on this particular issue of Geopark because you did the assessment? You were supposed to further that process so that, at least, we have one of the Geoparks in the region as a way to market Kenya.

**The Speaker** (Hon. Kingi): Hon. CS, you may respond.

**The Cabinet Secretary for Tourism, Wildlife and Heritage** (Hon. Malonza): Indeed, I visited Baringo on the launch of a conference that was happening for Geo Park. Baringo will be the third if approved by United Nations Educational Scientific and Cultural Organization (UNESCO). As I answer this question, I want to say that we have already placed our registration for this Geo Park in Baringo and we are waiting upon UNESCO to approve so that we can start it. This will also see the opening of other counties coming on board in Geo Park mapping. This is one area that is going to open this country greatly for tourists.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Okenyuri proceed.

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I also want to ask the Cabinet Secretary (CS) the following question.

In January 2021, we saw a British model being appointed as an ambassador to Kenya's tourism sector, something which angered most Kenyans, not only online but all over. I am talking about this majorly regarding the young people. I would want to understand what measures the Ministry has put in place to incorporate young people, especially in the Tourism Fund that we are talking about, to promote domestic tourism, because these are the people who are engaging in most of these activities that are putting our name as Kenya on the map and on different counties.

Thank you, Mr. Speaker, Sir.

**The Cabinet Secretary for Tourism, Wildlife and Heritage** (Hon. Malonza): Thank you very much, Mr. Speaker, Sir. On this question, I want to state that it is indeed true that in January 2021, a British model was appointed as an ambassador.

The measures I am putting across to ensure that young people in this country market our country, is that in February this year, we had the Youth Summit happening in Kenya at the KICC where I partnered with youths from within the country; 50 of them became ambassadors of tourism in this country.

Majority of them have been going to the media and talking about the tourist sites that they have in their counties. I want to also state that in my tenure as a CS, we have a plan and a strategy whereby we will have local people to be influencers in my Ministry. By appointing the British model did not mean that we do not have a model in Kenya.

You have seen in the media that I reached out to Lupita Nyong'o. We already have Eliud Kipchoge who is our influencer already marketing this country. Last month, I also reached out to Edwin the film artiste from Murang'a who is in the USA and we have had a discussion of him marketing Kenya in the USA as he works there. I am reaching out to influencers in this country so that they can market this country because Kenya can understand the language of Kenyans when they speak to them.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Lelegwe Ltumbesi? He is not in. Sen. Mandago kindly proceed.

**Sen. Mandago:** Thank you very much, Mr. Speaker, Sir. I would like to add a supplementary question to what Sen. Veronica Maina has asked.

I would like to know from the Cabinet Secretary in terms of quantifiable costs and revenues that the country lost by cancellation of those cruise ships. It is not just about the ones that were cancelled, but also the ones that were scheduled to come but probably those countries could have issued travel advisories in view of what is happening in the country.

As a nation, it is important that Kenyans are made to understand the amount of loss we experience, particularly when people engage in *maandamano* and the effects that would have in their countries. I would have loved that when the hon. CS is responding to this question, the Senator for Mombasa County and actually a majority of the Senators from coast region, who depend on tourism, would have been here so that they are able to advise their leaders on the losses they are occasioning to their region and the economic sabotage that is happening to their countries.

Finally, Mr. Speaker, as a supplementary question---

**The Speaker** (Hon. Kingi): What is your question?

**Sen. Mandago:** My question is: How much did we lose as a country in these cancellations that we experienced?

**The Speaker** (Hon. Kingi): Very well, Senator.

**Sen. Mandago:** Mr. Speaker, allow me one more---

**The Speaker** (Hon. Kingi): You are only allowed one supplementary question.

**Sen. Mandago:** Thank you, Mr. Speaker.

**The Speaker** (Hon. Kingi): Hon. CS, what is the loss suffered by the country?

**The Cabinet Secretary for Tourism, Wildlife and Heritage** (Hon. Malonza): Thank you very much, Mr. Speaker, Sir. As I had already stated on the loss of the number of visitations in our national parks and historical sites; allow me to correct that the loss that we incurred regarding this one cruise ship was Kshs80 million, if they were to visit.

Allow me to state how one tourism supports this country. One tourist supports six jobs in this country. If a tourist lands in Kenya today, they are supported by the seafarers and the hotel that they will spend. When they get out of that ship, they take a flight to Amboseli. When they reach Amboseli or any national park, there is a tour guide who is paid. When they are in Amboseli, they take lunch or dinner. Quantifying is not directly on the gate fee alone.

Am I audible?

**The Speaker** (Hon. Kingi): Yes, proceed and conclude on your response.

**The Cabinet Secretary for Tourism, Wildlife and Heritage** (Hon. Malonza): Mr. Speaker, Sir, I also want to say the country suffered because of travel advisories.

*(Sen. Cheruiyot consulted the Speaker)*

The country also suffered a loss because of the travel advisories that were issued that Kenya was not a safe destination. Even though today I may not have the figures on the number of cruise ships that were scheduled to come because it is on the other end and

it is under the Ministry of Mining, Blue Economy and Maritime Affairs, I must say that this country suffered a huge loss.

Thank you.

**Sen. Miraj:** Asante, Bw. Spika. Swali langu nitarudi tena kwa Waziri kwa sababu sisi watu wa Pwani, haswa Mombasa, tunategemea uchumi wa utalii.

Ingekuwa vyema kama Waziri angefahamisha Bunge hili kiwango cha fedha ambazo Kenya imepoteza. Hivi sasa kila mahali wenzetu wanazungumza kuwa uchumi na dola imepanda juu zaidi ya shilingi. Haya yote ni kwa sababu ya vile vitendo vya ukosefu wa nidhamu vinavyoendelea kutoka kwa upande ule mwingine wa Bunge hili.

Tumeona Maseneta wakizunguka jana na hayo ndiyo maswala uliyoyazungumzia. Tafadhali ningependa unukuu zile pesa ambazo uchumi wa Kenya umekosa kwa sababu ya maandamano katika taifa letu.

Sisi watu wa Mombasa tunaumia sana kwa sababu hatuna vitega uchumi vingine zaidi ya utalii. Ningependa urekebishe hizo idadi za pesa ambazo tumezikosa kama Serikali ya taifa ya Kenya kwa sababu ya maandamano.

Asante.

**The Speaker** (Hon. Kingi): CS, if you do not have the right figures with you, it is always good to say so that you do not have them. So, proceed and respond.

**The Cabinet Secretary for Tourism, Wildlife and Heritage** (Hon. Malonza):

Asante, Bw. Spika. Nitajibu hilo swali kwa kusema, nitakaa chini na niangalie kila sekta kwa maana si mbuga ya wanyama inapoteza lakini biashara nyingi katika sekta ya utalii zinapoteza pia.

Kwa hivyo, nitakapohitajika kwa kikao kingine tena, nitakuwa tayari kunukuu na kusema ilikuwa ngapi.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I have a question to the Cabinet Secretary (CS), but I am now further guided by the answer she has just given and that is in order. Given that this question arose out of a supplementary question, it is not expected that we will get the answers to the questions we are asking for.

Therefore, we need to establish a mechanism through which CSs can furnish the House with those additional answers, just as what Senators are doing this morning, seeking for additional information from a CS appearing here. Listening to the questions by colleague Senators, it is possible to quantify what they are asking for.

Mr. Speaker, Sir, for example, the CS has just cited one of the indicators we can use to establish the loss in revenue to the country due to these on-going demonstrations; by firstly, the cruise ships that cancelled on account of political instability in the country occasioned by the Azimio protests.

These protests unfortunately include Senators from the Coast region who do not understand or have chosen to ignore the plight and difficult challenges that the exercise they are involved in here in Nairobi is causing to their people.

Mr. Speaker, Sir, will I be in order to request that the CS further furnishes this House with the response to establish that because the data is there? It is possible to mirror year by year the data that the Kenya Tourism Board (KTB) collects on a particular period. The month between March, April and May falls towards the end of the peak of

the high season and that can be compared with just the last year. How many tourists came to the country and how many have come this year? That is another indication we can use.

Secondly and most importantly, is to get data. There is an alliance or an association of hoteliers from the Coast who can furnish the Ministry with the number of cancellations they have received so far. That information needs to be provided to this House.

The same can be got from the airlines because there are around six airlines that fly to the coastal city of Mombasa and Malindi and how many have experienced cancellations as well.

Mr. Speaker, Sir, if the CS can give the commitment and assure the House that she will furnish that subsequent information to us, then we can rest the matter. That is my request and thank you for indulging me.

**The Speaker** (Hon. Kingi): Hon. CS, now that you are not in a position to give the exact details as requested and asked for by the honourable Senators, we will be going for recess at the rise of the House today and we are going to resume the next session on the 23<sup>rd</sup> of May, 2023.

Hon. CS, at the time this House will be resuming on the 23<sup>rd</sup> of May, you will need to furnish us with all the information that has been requested by the hon. Senators, the extent of loss that this country has suffered and not just the cancellation of the cruise ships but the entire tourism spectrum. That information should reach the Senate on or before 23<sup>rd</sup> May, 2023.

Hon. Senators, we can leave this question at that and move to the third question. Before I release the CS, Sen. Dullo and Sen. (Prof.) Kamar, one thing I have noticed is that every question being posed tends to not really draw from the main primary question.

Therefore, if you need to get detailed answers that can respond to these questions, I encourage you to not pose those questions as supplementary questions but as main questions. Then the CS will have time to sit with her technical people and prepare a detailed response to your question. Otherwise, you can see.

It is not just the CS for Tourism, Wildlife and Heritage who is having this problem. In the last session, we saw the CSs who appeared and gave undertakings to furnish or general questions. In doing so, we are not getting exactly the kind of responses we would wish to get from these CSs.

In as much as I may end it here, it does not mean we have closed the road for the questions we have. You can still pose them as main questions. Before I release the CS, I will allow Sen. (Prof.) Kamar not to ask a question but seek a clarification.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir. My first clarification is what you have said. It would not be fair if our records do not show that the CS answered what was asked. It is not what she was asked, it is what the supplementary questions that are diverging away from the main answer she had. She did very well. You and I were in the Cabinet and we faced the same issues in supplementary questions.

What the Senate Leader of Majority is asking us is: Should we give her supplementary questions so that when she comes back, she will have adequate information on the supplementary questions arising from this? As we close, there are issues I would have wanted to know like if we lost through visa application because that was not in her list.

There has to be a way in which our supplementary questions come in because she has answered everything that she was asked but when supplementary questions diverge, we were not prepared for it and she was not prepared for it either. So, let us have a way

Mr. Speaker, Sir, I do not know what the Senate Leader of Majority was thinking about but we have supplementary questions and we can send them to her. She can then add to that when she comes back as you have ruled. Thank you.

**The Speaker** (Hon. Kingi): Hon. Senator, you know we are guided by our Standing Orders. There is no provision that we can send supplementary questions to the CS. The reason we are finding ourselves in this situation is we do not ask supplementary questions but totally, new questions. An example is the question on what the loss this country has suffered as a result of whatever is going on in this country.

That is the main fundamental question that ought not to flow as a supplementary question. However, it did and you saw the CS could not give us the exact figures. I have therefore, ruled that she files her response to that question on or before the 23<sup>rd</sup> May, 2023.

I believe if that had been posed as a main question, a lot of supplementary questions, including the aspect of visa, could have come in. However, it was posed as a supplementary question and therefore it denied you the opportunity to ride on it, on the issue of the visa.

Hon. Senators, going forward, let us differentiate between a supplementary question and a main one. The supplementary question must be related to the primary question. That way, we will not have this problem of having to send CSs back to prepare and file with us responses with regard to supplementary questions.

However, on that particular question, hon. CS, we expect you to file a detailed response on or before the 23<sup>rd</sup> May, 2023.

With that, I will proceed to release the Hon. Cabinet Secretary. Thank you for coming. As you prepare to leave, whenever you are responding to these Questions be direct and extremely brief. You can come with all manner of literature but that is to help you handle supplementary questions. As far as answering is concerned, be very brief and direct to the Question as posed by the Senator.

I thank you.

**The Cabinet Secretary for Tourism Wildlife and Heritage** (Hon. Malonza): I thank you.

**The Speaker** (Hon. Kingi): We now move to the third Question by Sen. Veronica Maina. This Question was asked to the Ministry of Education. The Ministry wrote to us indicating the matters surrounding Bandari College, have since been moved to the Ministry of Mining, Blue Economy and Maritime Affairs. Therefore, the secretariat shall redirect this Question to the Ministry. We hope it will be responded to when we resume from 23<sup>rd</sup> May, 2023 going forward.

We now move to the fourth Question by the Senator for Tharaka Nithi, Sen. Gataya Mo Fire. Is the CS in? Kindly usher the CS in.

*(The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru) was ushered into the House)*

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I---

**The Speaker** (Hon. Kingi): Sen. Gataya Mo Fire, before you pose your Question, let me make a comment.

Hon. CS, welcome back to the Senate. You were with us last week. I believe you are familiar and you learnt from the directive I gave the last time you appeared here. Whenever you are responding to Questions, it must be brief and direct to what has been asked, I believe you shall do much better today. You shall get better as you appear before the Senate.

Kindly proceed, Sen. Gataya Mo Fire.

*Question 009*

DELAY IN DEMARCATION, ADJUDICATION AND ISSUANCE OF  
TITLES TO RESIDENTS OF THARAKA NITHI COUNTY

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I have two questions, which are quite related. I have gotten some answers to one of the Questions where the CS is talking about disputed areas. However, I want to ask the Question first. I want the CS to explain to this House, the entire nation and Tharaka Nithi County in particular, what has caused the delay in demarcation, adjudication and issuing of title deeds to residents of Ntoroni, Thiiti, Mukothima and Turima Division, particularly parts of Ruung'u, Kibunga, Tombura, Mugwi, Tunya, Kathura and Kiagu areas, in Tharaka Nithi County?

Secondly, what measures have been put in place by the Government to expedite the demarcation and titling of the land in the affected areas?

Mr. Speaker, Sir, that was the first Question. I do not know whether I am supposed to ask the two because they are related.

**The Speaker** (Hon. Kingi): According to the Order Paper, that is the only Question that was scheduled to be asked. That is the only Question you are supposed to ask. I will now allow the CS to proceed to respond to it.

You have asked Question No.9 is it not?

**Sen. Gataya Mo Fire:** I have been guided by the secretariat that there is a Question I redesigned. I have been advised by the Clerk-at-the-Table that it has been captured in today's Business. There is a and b.

**The Speaker** (Hon. Kingi): Let the CS answer the Question you have raised. As he does I shall consult with the secretariat.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I am well guided.

**The Speaker** (Hon. Kingi): Proceed, Hon. CS.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Thank you, Mr. Speaker, Sir, for once again according me the opportunity in this august House. I thank and appreciate the Question from the Senator for Tharaka Nithi, Sen. Gataya Mo Fire. In order for me to effectively answer this Question, I want to give background information on the areas that the Hon. Senator had asked.

The areas stated in the Question lie along Meru and Tharaka Nithi counties. This boundary has been contested over years since the creation of Tharaka Nithi County from the larger then Meru District in 1992. The boundary is still disputed. The dispute has caused animosity between communities owning land in the area as evidence in the 1995

to 1997 communal clashes that took place. As a result of these communal disputes, the Government set up a task force led by Mr. Zachary Ogongo, the former Provincial Commissioner, to look into the issue and report on the same.

The report of the task force was published in 2007 with the following recommendations -

- (1) Government should give priority to peace and security in the area and protection of beacons from control points from vandalism. This was to be actioned by the Ministry of Interior and Coordination of national Government.
- (2) Enforcement of the rule of law and provision of impartial services to wananchi. This was to be done by the Judiciary and all the Ministries.
- (3) The Government to expedite land adjudication in Meru region through crash programs. This was to be done by the Ministry of Lands and Physical Planning.
- (4) Promotion of peace and reconciliation accompanied by increased socio-economic investment to improve local infrastructure and standards of living. All Ministries and multi-sectoral players were to be involved in this.
- (5) Government to urgently address the plight of squatters within the Meru region. The Ministry of Interior and Coordination of national Government and the Ministry of Lands and Physical Planning were the main actors.
- (6) Affirmative action in appointments and placement in training institutions and respect for ethnic minority rights. This was a multi-sectoral player's action.
- (7) Re-training of chiefs and their assistants to make them true grassroots Government representatives. The Ministry of Interior and Coordination of national Government was to action on that.
- (8) The former northern grazing area land should be managed transparently so that it does not become an area of conflict. The Ministry of Interior and Coordination of national Government was to oversee that.

Mr. Speaker, Sir, in response to the above Task Force Committee recommendation, the Ministry has taken the following steps-

(1) It has held consultative meetings with leaders of Meru and Tharaka Nithi counties to enhance a participatory approach in land adjudication. The last visit by officers from the Ministry and the Ministry of Interior and National Administration was in 2020. However, there has not been any way forward on the issue to date.

(2) Re-establish the boundaries between Isiolo and Meru counties in liaison with the Ministry of Interior and National Administration in 2015. However, the beacons were destroyed by the disputing parties before the completion of the exercise.

(3) Regularize the informal settlements at Majengo and Mjini villages in Meru Town in 2017. Following that, 96 titles were prepared and 46 were issued. The balance was not issued because of some issues to do with inheritance.

(4) Finalise land adjudication process in Lower East Magutuni, Ruiru, Rwarera, Amogenti B, C and E, Kirindini B and New Kiare.

(5) Lastly, operationalize the lands registry in Marimanti in Tharaka.

In response to the question asked by the hon. Senator, I would like to respond as follows-

Thiiti, Ntoroni and Turima are locations. Makururuni is within the Mwanyani Sub Location and Mukothima is a sublocation. Mukothima and Turima are already declared

as adjudication sections. However, the adjudication process has stalled due to ethnic animosity between the communities. Once consensus is reached, the land adjudication programme will restart.

Ntoroni, Makururuni, Gathura and Thiiti are yet to be declared as adjudication sections, including Machambeni which was not here, Njoguni, Kianda and Kianjogu areas. Ruungu, Kiangu and Kibunga are small villages within Nturima Division. Tombura and Mugwi will be covered under Gathura. Tunya has registered a complain that some titles were issued to people not on the ground.

We wish to respond to question B as follows.

The process of land adjudication entails continuous interaction with the communities. Activities such as demarcation, survey, hearing and determination of disputes cannot proceed where the affected communities are not in agreement. The Ministry will continue to engage the local leaders and residents to unlock the stalemate.

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

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

Moving to Question No.10 from the Senator of Tharaka Nithi, Sen. Gataya Mo Fire, the mandate of the Ministry of lands, Housing and Urban Development, through the State Department for Lands and Physical Planning is administration of land matters. The question being asked is about the safety of members of Machabeni Sub Location to return to their land which is not within our purview.

Given the mandate of the Ministry of Interior and National Administration to ensure peace and security for people and property, we have engaged them vide a letter dated 28<sup>th</sup> April, 2023, to adequately respond to the said question.

I submit.

**The Temporary Speaker** (Sen. Veronicah Maina): Thank you, Hon. CS. Sen. Gataya Mo Fire, proceed.

**Sen. Gataya Mo Fire:** Madam Temporary Speaker, I would like to be on record that none of those recommendations the CS read has been implemented. We have several issues in the areas mentioned.

I do not know why the CS has declared that the area is disputed. I do not know what is being disputed because all the administration structures are in place in Tharaka Nithi County. We have chiefs and assistant chiefs. I am the area Senator but I do not know what is disputed in those areas.

In a rejoinder, it is also important for the CS to tell this House and the entire nation the measures the Ministry has put in place to make sure the people who were evicted in parts of Kenyungo and Kianda in Tharaka Nithi County during the 1996/1997 clashes have their titles. I think the bone of contention is land ownership.

He has read quite a number of areas, including Tunya, Kibunga and other areas. I am not aware of a dispute in the zone the CS is claiming since there are structures in place.

We have chiefs, assistant chiefs, and Members of County Assembly (MCAs) who report to Tharaka Nithi County administration. I am the Senator for Tharaka Nithi. All



the polling stations in the area affected are in Tharaka Nithi County. I do not know what the dispute is about.

Madam Temporary Speaker, it is important for the CS to tell this House the disputing factions. We have the Independent Electoral and Boundaries Commission (IEBC) that demarcates boundaries and polling stations in Tharaka Nithi County. We have MCAs, assistant chiefs, chiefs and the Member of Parliament (MP) for Tharaka Constituency. So, I do not know who are disputing. It is important for the CS to make that clarification.

**The Temporary Speaker** (Sen. Veronicah Maina): Sen. Gataya Mo Fire, that then becomes a question, which the CS will respond to.

**The Cabinet Secretary Ministry of Lands, Housing and Urban Development** (Hon. Njeru): Thank you, Madam Temporary Speaker. When I was reading the recommendations, I said that when our team went on the ground and put up beacons, they were destroyed.

I would like to inform this House that I was one of the happiest CSs yesterday. I was in Narok West with His Excellency the Deputy President to issue over 5,000 titles to an area that had taken over 10 years for that community to get titles. However, when leaders talked to their people and engaged the Ministry, the process has taken less than 60 days.

So, I am pleading with the leadership of Tharaka Nithi and Meru counties to help the Ministry accelerate the process of title issuance by bringing people together and resolving the problems within.

As a Ministry, we want to do our work. The Ministry, through the State Department for Lands and Physical Planning, has the mandate of ensuring that matters to do with land administration are done fast and without problems.

My request is that the leaderships of the two counties sit together and engage the Ministry where they feel they can and this problem of titling will come to an end in that area. Our plea is for the leadership to call us after they have consulted and agreed on matters especially within Tigania East and Tharaka Nithi because that is where we have problems.

**The Temporary Speaker** (Veronica Maina): Sen. Gataya Mo Fire, do you have another question?

**Sen. Gataya Mo Fire:** What the CS is telling this House is what we have been told for the last 60 years. I do not believe I have any answer to take to my people down there in Tharaka Nithi County because we are putting in place all the commissions and we even have an *ad hoc* commission. We have put all the mechanisms to make sure that there are levels of peace and tranquillity in those areas. However, up to now, we have not seen any tangible response from the Ministry.

So, I believe the CS---

**The Temporary Speaker** (Veronica Maina): What is the question Sen. Gataya Mo Fire?

**Sen. Gataya Mo Fire:** The question is, can the CS give us a solution? He has given us a very huge narrative on the journey from the clashes up to now. What we are supposed to do as leaders in Meru and Tharaka Nithi Counties. What is very important is we as leaders from both Meru and Tharaka Nithi counties, have agreed to let people get

title deeds from wherever they are. We are not interested in boundaries, where one live or not.

Can the Ministry---

**The Temporary Speaker** (Veronica Maina): Senator, the question.

**Sen. Gataya Mo Fire:** Madam Temporary Speaker, could the Ministry now create a joint force where we are supposed to have those people that you say are disputing to come on board so that we can have those areas demarcated and adjudicated and maybe people can get their titles? Is it possible for the Ministry to initiate that process?

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): I am in total agreement with Hon. Senator that, as a Ministry, and also the Ministry of Interior and Coordination of National Government, we really need to come up with a joint workforce that will help us accelerate resolving the problems indicated and also fast-track the issuance of the titles.

I also want to assure the Senator that all is not lost. Last month, I was in Nyandarua County. We gave people title deeds that they have been waiting for since independence. So, I assure you that, as a Ministry, and a Government, we will come together, with your assistance as leaders from that area, and fast-track the issuance of title deeds to the people you represent.

**The Temporary Speaker** (Veronica Maina): Sen. Murang'o, please proceed.

**Sen. (Dr.) Murango:** Bw. CS, you have clearly said that you have already sorted a case that has been there since independence. I also ask whether there are any plans to issue title deeds to Kirinyaga County residents living in the following areas; the colonial villages in Kirinyaga County, South Ngariama Ranch, Mwea rice fields which residents have been living in since time immemorial without title deeds.

Bw. Cs, there are no disagreements or clashes in this area. So, please, can you tell us whether there are such plans and what are the timelines?

**The Temporary Speaker** (Veronica Maina): Hon. CS, please, proceed.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Madam Temporary Speaker, it is true and I agree with the Senator. We have 14 colonial villages that we are working on. Actually, we are slightly constrained with finances but within the next financial year, I can promise you that even though the problem is sorted out in Nyandarua County colonial villages, that process had started.

What we did, out of the many colonial villages that were there, we were able to sort out some and for the rest, we are working to make sure that those Kenyans who have lived in those colonial villages--- We want the term 'colonial' to be deleted in the history of Kenya because we have been independent for 60 years and we do not want to associate our people with that term.

Thank you very much. That, we will do.

**The Temporary Speaker** (Veronica Maina): Sen. Miraj, please, proceed.

**Sen. Miraj:** Asante, Bi. Spika wa Muda. Nimesimama ili niulize swali langu kwa Bw. Waziri. Tuko na ploti, Bububu Extension Settlement Scheme Plot No.246 kule Kaunti ya Mombasa, Likoni *Sub-county*. Ningependa kukujulisha kwamba, hiyo ardhi ilikuwa na kesi mwaka 2016---

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

**The Temporary Speaker** (Veronica Maina): Sen. Chute, there cannot be a point of order.

**Sen. Miraj:** Mwaka wa 2016, kesi iliisha na aliyekuwa Mwenyekiti wa *National Lands Commission (NLC)* aliamuru shamba hiyo ipimwe na wale wakaazi wa pale wapewe *title deeds* na zile ambazo zilikuwa na ukora zitupiliwe mbali. Ningependa kumwuliza Waziri, mbona mpaka sasa, hiyo ardhi haijapimwa na mpaka imefikia kiwango cha maofisa wa *navy* wakishirikiana na mabwenyenye wameweka alama ya X kwa nyumba ambazo zimejengwa hapo ili kuwavunjia wakaazi?. Mbona kama taasisi, kama *department*, tusiweze kupimia watu tukawapa ardhi zao? Kadri ardhi inavyochelewa kupimwa ndiyo *insecurities* nyingi zinaambatana na maswala ya ardhi.

Ningependelea kujibiwa kwa nini Bububu Settlement Scheme mpaka leo haijapimwa na kesi yake iliisha mwaka wa 2016 pale Likoni *sub county*?

**The Temporary Speaker** (Veronica Maina): Hon. CS, I know these questions are not exactly supplementary but I will give you a chance so that you can try and tackle them.

Hon. Senators, let us keep the supplementary question connected to the original Question that was asked by the Hon. Senator.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Ukweli ni kwamba, jambo hilo sikuwa nimelishughulikia lakini nakuhakikishia ya kwamba kama Wizara, tutalichunguza na pia tutahusisha NLC ili kama kuna shida hiyo, tuweze kuitatua kama Wizara ili watu wetu kule waweze kufaidika na kupata haki yao.

**The Temporary Speaker** (Veronica Maina): Sen. Chute, please proceed.

**Sen. Chute:** Madam Temporary Speaker, like you have said, we are losing the point here. We are going back to primary Questions. You can see the CS is having problems answering those questions.

Sen. Gataya Mo Fire asked three major issues. One is about demarcation, two, adjudication and three, issuance of title deeds. The CS's answers are like Moi's time ministerial answers. He is not being specific. He should be specific. Let him tell us when he is going to start demarcation and adjudication. The issue of the title deed can be sorted out.

He talked about problems among the communities. Adjudication does not need those things. Let him tell us how long demarcation will take. We are now in May. Let him tell us when he is going to finish demarcation and adjudication so that the issue of the title deed can be sorted out.

**The Temporary Speaker** (Veronica Maina): Hon. Njeru, please proceed.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Madam Temporary Speaker, as I had indicated earlier, as a Ministry, we are ready to do all those things, that is, demarcation and adjudication to all those areas that have been declared. Unfortunately, within those areas, we have had areas of dispute and clashes.

We will not want to subject our staff to areas where their lives are not safe of their lives, is not assured. That is why we have agreed to form a working team with the Ministry of Interior and National Administration. We will also involve the local leaders and the people they represent. With that, we will resolve that problem.

As I had mentioned, we had a case where for over 10 years in Narok County, an adjudication area had been declared, but the issuance of titles was a problem. When the leaders came together, we worked together and resolved that problem.

I assure Hon. Senators that with that team, we are going to resolve that problem. It will be a matter of urgency for us to form that team because we do not want that problem to continue coming up now and then. Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Seki, proceed.

**Sen. Seki:** Thank you, Madam Temporary Speaker. I also rise to ask a question with regard to Mailwa Group Ranch in Kajiado County, Kajiado Central. This ranch has been demarcated and titles have been issued. However, there are several titles that are yet to come out and there are a few issues within the same ranch.

There have been issues and there are ways that the Land Adjudication Officer is trying to resolve the problem, particularly from your office in Nairobi City. However, when we recommend for election of members, there is some interference within Kajiado Adjudication Office and the County Commissioner's Office.

We have been looking for solutions for the committee to be established, but we have been having those problems. I do not know if you are able to answer that question. There have been many communications between your office and the County Commissioner's office, but nothing has been resolved.

I wish to know when we will have elections of Mailwa Group Ranch, as requested by the members?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Seki, that is a very important question, but we are once again going in the opposite direction of how the questions should be taken.

We have agreed that supplementary questions should offshoot from the substantive question. For a specific question, the CS might require specific answers from the specific documentation that is in the office.

I do not know whether the Hon. CS is able to tackle that, but I almost assume what he is going to answer you. I would encourage you to bring up a substantive question so that the CS comes to this House with an answer that would be beneficial to you and to the members of that Group Ranch.

Hon. CS, you could give a comment?

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Thank you, Madam Temporary Speaker and thank you for the direction that you have given.

Mailwa Group Ranch was divided into four blocks. Three blocks have already been issued with title deeds and there is only one block that is remaining. I assure the Hon. Senator that I am informed that there are some issues with that one block, and we are going to work together.

I will look into the issues that you have raised concerning administration and staff from our office. I will make sure the process is done seamlessly the way it is supposed to be done.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, please, proceed.

**Sen. Cherarkey:** Madam Temporary Speaker, thank you for this opportunity.

I have a supplementary question just for your consumption in your office. However, Madam Temporary Speaker, in future when we ask a question that the CS does not have a specific answer, you should give direction on what happens to that question. Does it fall by the wayside, will we get a written response or will the CS will respond the next time he or she appears? This is just for your guidance and for the future.

We also have cases where we ask questions on a matter that is live and an immediate answer is needed. For example, about the flooding across the country. What happens?

Quickly into my supplementary question; how many counties have a problem with titling around their borders? For example, between Taita Taveta and Machakos counties and Tharaka Nithi and Meru counties.

Secondly, how many Kenyans across counties are waiting to get their title deeds and how many have been issued so far? Specifically, how many people from Nandi County are awaiting their title deeds?

It is the business of any CS to know what is happening in the country. That is their job. With all due respect, this issue of saying that the CS came here and might not be aware of what is happening, then why are you in charge of a ministry? Your ministry is like your house. You cannot tell me you are not aware of where your children or husband are and what they are doing. The CSs must be serious. There is no option.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, yes, it is good to keep the question so that he understands the question he is answering.

I believe CSs are serious people but they can defend themselves.

Hon. CS, please, respond to that.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Thank you, Madam Temporary Speaker. First, I assure the Hon. Senator that we really know our work and we are committed to making sure that we serve Kenyans to the best of our ability.

Sometimes on specific issues, we may not have answers to those nitty-gritties. A good example is on how many Kenyans need to have titles. That is something that I will need to engage with the State department so that I give a concrete answer. However, where we can, we try to answer. I request that most of these questions should be coming as primary ones, so that we prepare and give adequate answers and responses to Hon. Senators.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. CS, you can supply that information.

**An hon. Senator:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): There cannot be a point of order in the answering questions.

*(An hon. Senator spoke off record)*

Hon. CS, you will supply information in relation to any one of the supplementary questions that have been asked by Sen. Miraj and Sen. Cherarkey. Once again, hon. Members are encouraged to forward primary questions to the ministries so that those responses can come formally written and adequately resourced by the relevant ministries.

What is your take, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I have been following the proceedings of this ministerial session. Before I comment, allow me to laud the new CS. He has displayed a lot of professionalism and understanding of his Ministry.

Unless Members of this House want half-baked answers, they should be prepared to send substantive primary Questions. However, to ambush a CS when he has come to answer an issue on land in one county and expect him to demonstrate his control of the Ministry by responding to an issue in another county, is because you want a shallow answer.

I appeal to my colleagues and Members of Parliament (MPs) that there is a need for us, during this time, to get comprehensive responses on primary issues. We cannot push the CS to give us statistics. He has not walked with the whole Ministry into the House. It is upon us to get quality answers to quality Questions. That was my contribution.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, to assist in this process and make it more qualitative, once again, put in your primary Questions with the Clerk.

I will now invite Sen. Methu. Follow the rules of supplementary Question that is relevant to the original Question.

**Sen. Methu:** Thank you, Madam Temporary Speaker. This is my line Ministry. I am the Chairperson of the Standing Committee on Land, Environment and Natural Resources. I want to portray leadership and the right direction. You have heard the Cabinet Secretary (CS) refer to Nyandarua County, which I represent, in the issues of issuance of title deeds for the colonial villages.

I confirm that from where I sit, since this administration came into power, the people of Nyandarua are big beneficiaries of the good work that is being done by the Ministry of Lands, Public Works, Housing and Urban Development. Out of our 19 colonial villages, 17 are in the pipeline. Just the other day, on the 15<sup>th</sup> April, they gave title deeds to our village in Shamata.

I do not want to ask a Question. I agree with my brother, Sen. (Dr.) Khalwale, that we need to make things neater. We need to allow the Senator who asked that Question so that we do not delve into other matters and then the Question gets lost along the way. Let us stick to the primary Questions. Then deal with supplementary Questions.

Finally, I find it in bad taste that Questions and Statements that are already before a committee appear as supplementary Questions when the CS is here. It makes our work as Committees very difficult. This is because this is the same question that we shall ask the CS when he appears for our proceedings.

My final comment would be just as you said, it is not our work to defend CSs. However, as the Chairperson of the Committee on Lands, Environment and Natural Resources. I must commend the CS who is before the House. I deal with five CSs. Out of the five, he is very committed to our legislative work.

Every time we invite him, he avails himself and appears on time and he also gives us satisfactory answers. So, I ask him to continue with the same spirit. He is giving the Government of Kenya Kwanza, the kind of gesture that the people of Kenya would expect from a Government.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we will keep it to the Questions.

Sen. Mandago, proceed.

**Sen. Mandago:** Thank you, Madam Speaker. My Question to the CS as a supplementary to what---

*(Sen. Cherarkey spoke off record)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey has the Floor.

*(Sen. Cherarkey spoke off record)*

Sen. Cherarkey, you will allow Sen. Mandago to address the House.

*(Sen. Cherarkey consulted loudly)*

You are out of order, Sen. Cherarkey

*(Sen. Cherarkey consulted loudly)*

Sen. Cherarkey, I require you to cede the Floor to Sen. Mandago.

Sen. Mandago, proceed.

**Sen. Mandago:** Madam Temporary Speaker, my supplementary Question to what was asked by Sen. Gataya Mo Fire to the CS is how much time the CS requires to issue title deeds to the three sub-locations in Tharaka-Nithi County.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. CS---

*(Sen. Cherarkey stood in his place)*

Sen. Cherarkey, you will follow the directions of the Chair.

*(Sen. Cherarkey consulted loudly)*

No. Hon. CS, can you respond.

*(Sen. Cherarkey consulted loudly)*

Proceed, Hon. CS.

*(Sen. Cherarkey consulted loudly)*

No! Wait for CS. Sen. Cherarkey, please follow the directions of the Chair.

*(Sen. Cherarkey consulted loudly)*

Hon. CS, proceed.

*(Sen. Cherarkey consulted loudly)*

You are out of order, Sen. Cherarkey. You will not be heard until you comply with the directions of the Chair.

*(Sen. Cherarkey stood in his place)*

Resume your seat, Sen. Cherarkey. I will not give you a chance with that kind of attitude. You are out of order.

Hon. CS, proceed.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Thank you, Madam Temporary Speaker. On the issue as to when we are going to start that process that had been asked by the Senator for Tharaka-Nithi, I want to tell this House that in the next financial year, once funds are available, we are going to fast track---

*(Sen. Cherarkey consulted loudly)*

**The Temporary Speaker** (Sen. Veronica Maina): Hold on, CS. Sen. Cherarkey, I want to read for you Standing Order No.121 (1) (c) Gross Disorderly Conduct. It says-

“A Senator commits an act of gross disorderly conduct if the Senator interrupts proceedings or consults in a disruptive manner”.

What you are doing right now is trying to disrupt proceedings unnecessarily. I once again give you the first warning that you are acting in a disorderly manner. Any further warning will prompt action from the Speaker’s seat.

Hon. CS, proceed.

**The Cabinet Secretary for Lands, Public Works, Housing and Urban Development** (Hon. Njeru): Thank you, very much, Madam Temporary Speaker. I assure Sen. Mandago and Sen. Gataya Mo Fire that in the next financial year, we are going to have a crash programme for both Meru and Tharaka Nithi with the team that we have agreed that we are going to form and fast-track that process. That is our work.

I assure the Senator that we will resolve this problem and it will never come back again for discussion. With the team that we have agreed to form, we will fast-track in the next financial year once funds are available. This is because it also requires a lot of funding and facilitation.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. CS, all the Questions relating to you have now been asked. I thank you. You will prepare comprehensive responses to all those supplementary questions that you did not have answers to.

The Secretariat will assist to you with those supplementary questions, then you will be given a date by way of an invitation to come back and give additional responses.

Next question.

*(Clerk-at-the-Table consulted with the  
Temporary Speaker (Sen. Veronica Maina))*



I take this time now to release the Hon. CSs and to say, thank you, for the support you have given to the Question session during these proceedings.

The next Question was Question No. 11. This is a Question by the Senator for Laikipia County, Sen. Kinyua. He is not here. There is also a communication from the Cabinet Secretary (CS) for Interior and National Administration. He was not able to attend this Session. We are aware that he was here last week. He has cooperated with Senate proceedings on Question Time. Therefore, I am sure the Secretariat will reschedule him on a date he can appear when the Senator will be there. That Question will be deferred to the next Session when Questions will be taken up by the Cabinet Secretaries.

STATE OF SECURITY IN LAIKIPIA COUNTY AND  
THE WIDER NORTH RIFT REGION

*(Question deferred)*

**The Temporary Speaker** (Sen. Veronica Maina): We can proceed to the next Order.

**MOTION**

THE DOPING MENACE THREATENING KENYA'S  
IMPECCABLE GLOBAL REPUTATION IN ATHLETICS

AWARE that in 2018 Kenya was placed under Category A by the World Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti-Doping Agency of Kenya (ADAK) which has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti-Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti-Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports, and Arts-

- (a) Come up with modalities that can help achieve increased testing, intelligence gathering on athletes, and doping awareness programs;
- (b) In collaboration with Athletics Kenya (AK) and the National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers, and other athlete handlers;

- (c) Initiate investigations at Anti-Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;
- (d) In collaboration with the Directorate of Criminal Investigations (DCI) and the Anti-Corruption and Ethics Commission (EACC) finalizes pending investigations and recommends prosecution of individuals involved in giving this banned substance to athletes; and
- (e) In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

*(Sen. Cherarkey on 9.3.2023)*

*(Resumption of debate interrupted on 2.5.2023)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, you have five remaining minutes.

**Sen. Cherarkey:** Madam Temporary Speaker, I had wanted Sen. (Dr.) Khalwale to second. However, in my closing remarks, I am very disappointed today with the way we have handled the session on Question Time. We should be very careful and avoid doing public relation exercises on behalf of the Executive.

I will request through your office and that of the Clerk to get a copy of the HANSARD on my Questions so that I can do proper follow-up and to show the world and the House that I did not mislead the CS.

Madam Temporary Speaker, in conclusion, what I can say ---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, can you confine yourself to the Motion. The Question Time is over.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. It was just for purposes of record.

What we are saying is very simple: The issue of doping in the country continues to affect each and every person. Therefore, the anti-doping agencies must be held accountable, in fact, by the Auditor-General and the internal audit mechanisms within Anti-Doping Agency of Kenya (ADAK). The ADAK has been given billions of shillings to fight the doping menace among athletes, sportsmen and women and to ensure that we run a clean sport.

As you are aware, the Kip Keino Classic is coming up this weekend, where athletes are going to run.

It is very unfortunate that several athletes in this Republic have been disqualified based on the issue of doping. If we want to fight the doping menace in this country, we must approach it in a multifaceted way. I said yesterday on the Floor of the House during my closing remarks that after banning the athletes, we need to go after the person who gave the substance to the athletes, footballers, sports men and women or anybody.

The Directorate of Criminal Investigations (DCI) must do its job. Where are these athletes getting the drugs? The Kenya Pharmacy and Poisons Board must come out

and de-register the nurses and doctors who give out the drugs. The county governments must remove pharmacists that allow doping to happen in their premises.

The Ethics and Anti-Corruption Commission (EACC) and (DCI) and the Ministry of Sports, Culture and Heritage have failed this country. The federations in this country and even the Directorate of Immigration Services have failed. As I said yesterday, while you were on the Seat if I can recollect my memory, somebody jets in to this country using a tourist visa but you find him or her in Kaptagat, Nandi Hills, Meru, Kisii and other areas, training athletes and yet they are tourists. These are the people who mislead our athletes and sports men and women in the country.

Madam Temporary Speaker, if we do not address this doping menace, it will dent the image of Kenya. Kenya has been propelled by our sportsmen and women in athletics. Kenya is known in the world because of its prowess in athletics.

Therefore, it is not enough to ban sports men and women over doping. We need to go for the reforms in the ADAK. We need reforms in running of all the federations. You have heard of federations that have not conducted elections since Jesus Christ left this world for heaven. We need to relook and ensure that we sit and agree that the reforms should be done by the Ministry and anti-doping agencies.

We need anti-doping agencies that are proactive. We do not need ADAK to do postmortems. We need them to be proactive. We need them to prevent and not to be morticians. The ADAK has reduced itself to just giving us statistics, telling us that they have banned 10 or 20 athletes. What is ADAK doing to ensure that they fight this issue of doping within the sports fraternity in the Republic of Kenya? We do not want people not to trust that we won fair and square when we win in Boston or Chicago.

I cite the case of Russia. There was a time athletes in Russia colluded with the Government Ministries and later, when the International Association of Athletics Federation (IAAF) found out that this has been done, they went ahead and banned the entire country. We do not have to put our nation at risk. We should not risk our future.

Madam Temporary Speaker, with those many remarks, allow me to call upon Sen. Mungatana, MGH, to second my Motion on anti-doping.

Thank you for your indulgence.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I first take this opportunity to congratulate the hon. Sen. Cherarkey, the Senator for Nandi for bringing up this Motion before this House today. This Motion addresses an extremely important issue that deals with the nation's pride.

Madam Temporary Speaker, reports show that there are 45 Kenyan athletes facing sanctions because of suspicion of doping. Some have actually been confirmed and convicted.

There are important events that are going to take place next year in the Paris Olympics of 2024, in which Kenya, at least in the field of athletics, is expected to give sterling performance, given the history that we have had as a nation. Therefore, it behooves us and the bodies that are in athletics and control issues to do with welfare and in particular the doping checks that are in this country, to make sure that Kenya's image is impeccable as we go towards the 2024 Paris Olympics.

Madam Temporary Speaker, to demonstrate that this matter is very serious, the CS for Sports, Culture and Heritage, Hon. Ababu Namwamba, wrote a letter to Sebastian

Coe, who is the boss in the world athletics body, urging him not to take final measures against the athletes, who were suspected to be involved in doping.

The issue here is that some of these athletes are very innocent people who are just looking for a way to earn a living.

I have a personal experience with a young man who is an up coming athlete. This young man came to me and told me that he wanted me to invest in me. He does not even come from my county. However, he spoke to me because at the time, I was having a legal practice slightly outside Nairobi.

He came in as a client but as he was leaving, he told me that he is also in athletics. That is the first time that I got to know the world of athletics.

Athletics is a business that Kenya can thrive in. It brings a lot of money, but there has got to be serious investments in the athletes. One of those investments is to make sure that the athlete stays in a good reputable camp so that, he or she can train, put his body in good shape and participate in particular races, which are paid up.

There are races that these athletes target. They may not be Boston Marathon and New York Marathon, which have very high price monies but just normal marathons across the world.

They have a list of those marathons in which they invest in. They will tell you: "Pay for me to stay in the camp, help me to get a coach, these are the costs and so on."

Madam Temporary Speaker, I have invested in this kind of business, in upcoming athletics young men. These are very innocent people. Someone maybe a mechanic during the day but he realizes that he has actually a talent because maybe in school, he always used to do well in athletics.

These people are very innocent. Some of them have fallen victim because they joined camps, whereby, we have crooked trainers; people who have come to this country as my colleague Sen. Cherarkey has said without proper documentation. They have gone to pretend that they are trainers. Their target is to get into contracts with talented young people so that they can get the money.

Their motive is just the money. So, without the athlete knowing what is going on, they create programmes, foods and give them medication which according to the athletes, is part of the training programme.

However, they are not aware that these people are injecting things into the foods they eat. As a result, they inject and make them use substances which are abused so that, these people can win those races. Nonetheless, their target is to get money.

Madam Temporary Speaker, this Motion will help to let the world know that the Senate of Kenya is against these kinds of practises. The Senate of Kenya has pronounced itself in matters to do with athletics; that in this country, we want to keep athletics pure and do honest work.

If coaches come to this country, they must come to train honest, talented people. With this Motion, I am calling upon all Members of the Senate who will speak to this Motion, to support it.

I am calling upon the Members of this House to rise above partisan inclinations; to come and speak as a nation to support this Motion.

This Motion will help us send a message, not only to the Kenya Anti-Doping Agencies and the Kenya Athletic Agencies, but even the World Agencies. That, we in Kenya, cannot condone practises that are geared at cheating in International Athletics.

My colleague and learned friend has said that Russia was banned. Athletes from that country had to run away in order to try and get citizenship from other nations. This was so that they can utilise their talent and compete in their person capacities.

If a first world country such as Russia, they can afford to do that, what about here in Kenya? How many young people can actually afford to get out of Kenya and go to another country, be able to convince people that they have a talent and it is just that their country has been banned? Thereafter, those people to give you an immigration status or a citizenship of that country and allow you to compete in their country's name. It is impossible.

Most of our young people who have made money, name and fame in athletics come from very rural and humble backgrounds. Therefore, they cannot afford a bad reputation from this country.

It will be a loss for this nation if this thing is not controlled and the Anti-Doping Agency is not put under the microscope again. These people need to be in fact summoned even before the Committees of this House to explain what is happening in that Agency.

It allocated Government's money. It has Government facilities and yet they are not giving us the results that they are supposed to give to us. It is a shame that they have not even filed a report to either Houses of Parliament so that, people can see what it is that they are using our money for.

Madam Temporary Speaker, I want to use the Floor of this House to appeal to the Executive, particularly, the CS who is in charge of Sports, Culture and Heritage, hon. Ababu Namwamba. He has been a Member of this House. He knows that he carries the hopes and the aspirations of many young people. These are people who are trying to make a living through athletics and their talents.

I pray that they will take this Motion seriously. With those many remarks, I beg to second.

I thank you.

*(Applause)*

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): I now call upon Senators to make contributions to the Motion, beginning with Sen. Gataya Mo Fire

**Sen. Gataya Mo Fire:** Thank you, Madam Temporary Speaker. I rise to support this very important Motion from a very serious debater, Sen. Cherarkey.

As a country, we have enjoyed the pride of one of the best countries in this world that produces the best athletes. We have an historical pride on that arrangement. It is unfortunate that in recent times we have had issues where Kenya is being branded as one of the countries practicing what Sen. Cherarkey is terming as doping. It is an issue that is likely to strike off our pride.

I am happy that the Senator has come up with a very elaborate move, to make sure that we bring on board all the agencies that are supposed to make sure that we prevent that kind of retrogressive practice that is likely to degrade our international status especially where athletics is concerned. It is in this respect that as a House we are supposed to fast-track this Motion and make sure that we retain our dignity as a country.

Madam Temporary Speaker, Sir, if you happen to travel in any part of the world, and say that you come from Kenya, the immediate question asked by anybody even those that have never visited Kenya is: “Do you come from Kenya, the country of athletics”? That fame should be protected by all means.

I am happy that Sen. Cherarkey has come up with this Motion. The issue of doping is too negative. We are likely to lose our dignity as a country that the whole world has bestowed upon us for decades. It is in this respect that I strongly support the Motion. We need to bring on board all the agencies such as the Directorate for Criminal Investigations (DCI) and the National Intelligence Service (NIS). These people are supposed to come up with a verdict on how we are supposed to demystify these facts that Kenya is moving towards that doping route.

I strongly support.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we now call upon the Mover to respond seeing there are no other requests for debates.

**Sen. Cherarkey:** Madam Temporary Speaker, I do not know how many minutes I have to reply.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, you have 15 minutes.

**Sen. Cherarkey:** Okay, are we supposed to adjourn at 1.00 p.m.?

**The Temporary Speaker** (Sen. Veronica Maina): Yes.

**Sen. Cherarkey:** Madam Temporary Speaker, I thank my colleagues. The sports industry is lucrative and should be looked after. This Motion has been on the Order Paper for a while. I thank the Office of the Speaker, the Secretariat and the Senate Business Committee (SBC) for scheduling it.

I have seen a number of colleagues complaining that their Motions and Bills are not scheduled. They do not have the patience some of us have. You can see some of us have waited until the CSs have answered questions and then we have moved our Motion. My advice to my colleagues is that, they cannot complain that their Motions, Statements or Bill is not scheduled. They need to have patience.

Some of us have even stayed beyond 6.30 p.m. just waiting. We have been liaising with the Table Office. Sometimes, we walk into the Chamber at 2.30 p.m. and ask the Table Office whether our business is scheduled. We normally discuss with your officers, and they normally encourage us to be patient. I urge my colleagues that whenever they have a statement or any issue, they should be patient.

Madam Temporary Speaker, fortunately, or unfortunately, I can see colleagues who were yearning to contribute to this Motion but unfortunately, they will assist us in the next phase when I bring the amendments. Allow me to inform the House that I have drafted the amendments to the Sports Act. The purpose of the amendment is to alter the role of Anti-doping Agency and to also incriminate and force agencies like DCI, Ethics and Anti-Corruption Commission (EACC) and other state actors including professional bodies such as the Kenya Pharmacists Medical and Dentist Union among others to be part of the solution.

I thank my colleagues Sen. Mungatana, MGH and Sen. Gataya Mo Fire from Tharaka Nithi. By the way, the House should know that the money from diaspora has dropped by Kshs1 billion. This is because of the challenges. As a county, we need to diversify. We used to have traditional foreign exchange from coffee, tea and tourism.

Now, it is foreign income that is coming into the country more. Therefore, sports are lucrative.

For people who watch football, I do not know whether the next and the future Governor of Kajiado County, my good friend and sister Sen. Tobiko watches football. There is a person call Maguire from Manchester United.

*(Sen. Tobiko spoke off record)*

She watches football; it is exciting. Of course, it is without caution that from the way Sen. Thang'wa looks, he supports Chelsea Football Club (FC), which was beaten yesterday by Arsenal.

*(Sen. Thang'wa spoke off record)*

Which team do you support or is it Kiambu FC?

Madam Temporary Speaker, I am just using that example. The English Premier League is about the money. The chase is there and they are making money from all angles even to wear a T-shirt. That is why companies such as Etihad are fighting to sponsor.

We used to have SportPesa before the former regime. I happen to have been the Chairperson of the committee that investigated the issue of betting. We agreed that you could bet without getting addicted. In villages, you find young boys who are stealing eggs to sell then use the money to bet. That is why the industry of sports is so huge and lucrative.

I can bet that many millions of shillings in pounds go to London. We watch *DSTV* and pay for subscription to watch teams such as Arsenal and Chelsea. For the information of the House, I am a fan of Arsenal and you saw how we are thrashing the people. We are on top of the table, not the local table that our colleagues are talking about.

The Kenya Premier League, the English, Premier League, the Champions leagues and even in the Middle East where the likes of Michael Olunga are playing, Dubai and the Far East are now moving towards sports business.

That is why the owners of the famous football clubs are now leaving to go and do oil business, like the owner of Chelsea Football Club who was from Russia. He was an oil mogul.

The sports industry is huge and lucrative. We must guard it jealously. Why do we not use our athletes for branding? Why should we give money to Brand Kenya?

A few years ago, when Eliud Kipchoge took part in the Eneos Challenge, I am told six billion people were watching across the world. At that time, I was on an official trip of the Committee on Justice, Legal Affairs and Human Rights. We had visited Brumadinho on the issue of disaster preparedness in Brazil at that time. We had to watch Kipchoge run at 1.00 a.m. in Rio de Janeiro.

You can imagine if Eliud Kipchoge was wearing a T-shirt with words written: "Visit Kenya, *Hakuna Matata*", the way the President of Rwanda has done. He ensures that Arsenal Football Club players wear jerseys with words asking people to visit Rwanda. Why should we not invest in our athletes?

Whenever our athletes, footballers and other players come back, the only gift that the Ministry gives them are the Maasai *shukas*. We should ask Sen. Seki and Sen. Tobiko to supply those Maasai *shukas* free of charge and we will feel proud that we have given.

We award our gold and silver medal winners less than a million. In Uganda, President Museveni gifts them cars and houses. Someone told me he even gives them wives and husbands for those who are not married. You can imagine that! They only won two gold medals but they were given Head of State Commendation (HSC) recognition. Some of the athletes should be given diplomatic passports.

Sen. Mungatana, MGH, these are national treasures. Why should the athletes and sportsmen like Olunga and Omanyala be queuing like the rest of the people, yet they are our national treasure? They are our brand.

The sad thing is that when the Kipchoges, Omanyalas, Olungas and the Oliechs of this world land out there, they are given VIP treatment. However, when they win in Chicago and Boston, they are taxed in the United States of America (USA) and in Kenya. How will you encourage their growth? You go ahead and give exemptions of Kshs370 billion to some people who are stealing from us.

As a country, we must be serious in protecting our sportspersons. I dare tell you, if we protect sports, the issue of youth unemployment will be addressed.

Everywhere in my county, when you wake up at 4.00 a.m. and drive through Nandi, Kapsabet and Eldoret, we are not night runners, but you will find our young men and women running along the tarmac chasing medals, only to be misled to use banned substances.

We can increase and expand the opportunities for young people if we protect sports. We need to create sports academies.

I have seen the CS in charge of Youth Affairs, Sports and Arts, *Mhe.* Ababu Namwamba, creating time for content creators on *TikTok*. He finds time to be with '*TikTokers*' or content creators. They are good people but where is the place of traditional sports such as football, athletics and volleyball? Why is the Ministry concerned only about content creators on social media? It is simple to be a content creator. You can start cooking *mukimo*, get a camera and then share on *TikTok* and that is it. Those are content creators.

Madam Temporary Speaker, the CS must do what we call default setting. That is to sit and re-examine. Our sports are dying but somebody is busy hosting digital content creators or the so-called '*TikTokers*' who will not assist the country to move forward.

I thank the President for his commitment. When the time for the CS for Youth Affairs, Sports and Arts comes, we will ask him about the issue of stadia. I am aware that the Kirinyaga one is ready.

*(An hon. Member spoke off record)*

Is it ready or not? The President has promised that those stadia must be fixed. We need to create sports academies for the youth.

In this city, there is a disease called '*grabiosis*'. I fear for the children growing up in some of these cities because they know where they play. When you drive over the weekend, you will see that they are forced to play at the Southern Bypass interchanges, thus risking their lives. Public spaces, which have been fields where young people would



be training at, have now been taken because of a disease in this city called 'grabiosis'. How can we grow?

When you read the stories of famous footballers like Messi and the rest, they grew up through football academies. That is why they are the masterpieces in their games and that is why they are grandmasters and legends. We must invest at the lowest level.

When the CS in charge of Youth Affairs, Sports and Arts comes here, he must tell us what he is doing about sports academies. We need to agree as a country.

*(The amber light was switched on)*

Madam Temporary Speaker, I want to make my final point because I have seen the amber light is on. I thank my colleagues because the fact that they did not speak to the Motion, they have supported it through prayers, *mate ya baraka* and the Holy Spirit.

There is an animal called Sports Fund where money was withdrawn to support Azimio la Umoja-One Kenya Coalition Party campaigns. I am not afraid to say that. Money from the Sports Fund was being used to pay subsidy for fuel, when our sportsmen and women were stranded in hotels.

There is a time our sportsmen and women travelled to Brazil. They had to share rooms, yet Coronavirus Disease 2019 (COVID-19) was still around. We must address the issue of Sports Fund. We have an acting Chief Executive Officer (CEO) who has acted for the longest time possible.

I will bring an amendment to ring-fence the Sports Fund only for sports. I urge my colleagues who did not speak to ensure they speak to that. The previous administration used to take money from the Fund to do campaigns or use it for other things.

Sports Fund should be ring-fenced for only men and women who are in sports. Why would Sports Fund be used to pay fuel subsidy? We were told that here when we censured the CS for Energy and Petroleum.

It is good that Sen. Tobiko was an MP. We have argued, why would you run a Sports Fund using rules and regulations? How will we support sports academies if we are using Sports Fund to do political campaigns? I will bring an amendment to ring-fence the Sports Fund because the way it was designed, anybody can walk in, take the money and justify what they are doing.

Madam Temporary Speaker, you and I have been in this country for some time. You being a former secretary general of a ruling party and a Member of the Speaker's Panel, we have had cases where athletes and other men and women in sports have gotten stranded at the airports because of non-payment. We have also had cases where sportsmen and women have been stranded at their hotels and their air tickets not---

*(Sen. Cherarkey's microphone was switched off)*

**The Temporary Speaker** (Sen. Veronica Maina): Add him three minutes.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker, for being a champion of clean sports.

In conclusion, I believe all Senators here, including Sen. Miraj, have heard about men and women in sports being stranded somewhere because their hotel bills and air

tickets have not been paid. They get stranded at the airports because money has not been paid, yet we have Sports Fund.

In some news outlet, I heard the CS or Permanent Secretary (PS) say that they are demanding for Kshs60 billion of the Sports Fund which they cannot sustain but they have been giving money to the federation. Where will Kshs60 billion go to?

I want to challenge the Committee on Labour and Social Welfare. I am not a Member but they need to be proactive. We do not want committees that are morticians because a mortician only operates on a corpse and gives us a report. They need to be proactive.

I challenge the Committee on Labour and Social Welfare to tell us what is happening with the Sports Fund. The Ministry said they made a request of Kshs60 billion in this Financial Year from different Federations. We are tired.

Madam Temporary Speaker, will we run our sports through *harambees* like Kenyans-for-Kenyans campaign? Our athletes, football men and women and volleyballers get stranded. We fundraise through a pay-bill number. We say our athletes are stranded somewhere and we need to fundraise.

I may not look like a sportsman, but I was a serious footballer in my hey days. So, do not underestimate me. When I speak about sports, I speak it with a passion because sports is healthy.

In conclusion, I can bet Sen. Miraj, Sen. Mungatana, Sen. Tobiko and Sen. Thang'wa go to the gym every day. It just depends on the type of gym they go to. Every one of us here including the Table Office and yourself, Madam Temporary Speaker, finds time to exercise. Considering being healthy in body is being healthy in mind; a healthy nation is a wealthy nation.

Madam Temporary Speaker, sports are not only for recreation purposes or for money but are for the good health of some of us. That is why you will live longer if you continue to exercise. We must create places where we can do exercises.

I can go on and on because where I come from, 90 percent of young people are into the sports business. Madam Temporary Speaker, many businesses in the North Rift, in Eldoret, Kapsabet, Nandi Hills and Iten survive because of sports. I will invite you one day. If you kill sports, you will have killed us.

Thank you for your indulgence.

**The Temporary Speaker** (Sen. Veronica Maina): Pursuant to Standing Order No. 84(1), I hereby make a determination that the matter does not affect counties and the putting of the question is deferred to 2.30 p.m.

*(Putting of the Question on the Motion deferred)*

Next Order.

PROVISION OF FREE SANITARY TOWELS  
TO END PERIOD POVERTY

THAT, AWARE THAT period poverty refers to the common challenge plaguing women globally, wherein they are unable to attend schools or work as a cause of lack of funds for sanitary products, that is both a health risk and a signal of gender inequity.

FURTHER AWARE THAT in rural Kenya, two out of three pad users receive pads from sexual partners and 65 per cent of women and girls cannot afford sanitary pads, forcing them to use alternative materials like grass, cotton wool and cloth which lack adequate absorbent qualities resulting in frequent leakage and hygiene issues;

CONCERNED THAT period poverty also referred to as the “shadow pandemic” contributes to global and regional gender inequity, as women are forced to solicit help from men in order to satisfy a basic health need with 10 percent of 15-year-old girls having sex to pay for sanitary products;

FURTHER CONCERNED THAT, data from the Ministry of Education indicates that a girl that is absent from school for four days a month loses 13 learning days, equivalent to two weeks of learning in every school term. Translating to 39 learning days or six weeks of learning time in a term and up to 18 of 108 weeks in primary and 24 weeks of 144 weeks of learning in secondary school;

NOTING THAT, while the Government, through the State Department for Gender Affairs was charged with the responsibility of procuring and distributing sanitary towels for 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs470 million during the 2017/2018 Financial Year, which amount needs to be increased in order to fully address and mitigate the problem;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action in partnership with the Ministry of Education and the Council of Governors to-

(1) Facilitate provision of feminine hygiene products in all public schools.

(2) Ensure that all schools that do not have bathrooms that facilitate privacy, cleanliness or proper disposal of hygiene products are properly equipped.

(3) Create awareness and take advocacy measures on reproductive health issues related to period poverty.

(4) Include in the curriculum a dedicated lesson per week to teach girls on menstrual hygiene.

(5) Ensure that sanitary products will be obtainable, timely, consistently, and in a way that respects the dignity of concerned persons.

**The Temporary Speaker** (Sen. Veronica Maina): Is Sen. Gloria Orwoba not present? The Motion is dropped from the Order Paper.

*(Motion dropped)*

Next Order.

## ENHANCING HIGHWAY SAFETY AND CONVENIENCE

THAT, AWARE THAT 67 per cent of road crash fatalities and injuries in the country comprise of the economically productive age groups of between 15 and 64 years, and that the importance of good post-crash care reduces deaths and disability and the suffering for road crash survivors creates the urgent need for effective emergency medical care system, elements and processes on our highways;

FURTHER AWARE THAT lives and properties are lost or irreparably damaged daily on major highways in the country due to accidents, explosion of fuel tankers and the lack of accessible roadside amenities such as medical clinics, rescue centres, fire engines and ambulances hamper efforts to mitigate the carnage caused by the accidents, rescue lives and put out fires;

COGNIZANT THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

FURTHER COGNIZANT THAT provision of amenities such as ambulances, fire trucks and satellite medical clinics to provide emergency services to road accident victims would save lives lost daily on major roads;

ACKNOWLEDGING THAT governments across the world such as France and Germany have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that: -

i) The Kenya National Highway Authority, in collaboration with the Council of Governors to come up with a policy framework on the incorporation of road reserves for road-side amenities in all highway designs;

ii) The Ministries of Health, Roads, Transport and Public Works in conjunction with the Council of Governors to undertake a survey to ascertain the specific amenities required but not available on the existing highways such as satellite medical clinics, fire trucks and ambulances and identify the most convenient locations to develop them; and

iii) The Ministry of Roads and Transport in conjunction with the Council of Governors to develop Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities and the packaging of incentives to attract investors.

**The Temporary Speaker** (Sen. Veronica Maina): Is Sen. Faki not present? The Motion is dropped from the Order Paper.

*(Motion dropped)*

Next Order.

ARBITRARY ARRESTS OF KENYAN FISHERMEN  
BY UGANDAN AUTHORITIES

THAT AWARE THAT the communities around the lake rely on fishing as their main economic activity, their source of food and employment;

CONCERNED THAT the fishermen have reported harassment from the Ugandan security personnel, including arbitrary arrests and imposition of unreasonable fines;

FURTHER CONCERNED THAT in November, 2021 the Kenya International Boundaries office formed a Joint Committee with the Ugandan authorities that did not effectively delineate the boundaries that would have helped avoid conflict between the two Countries;

NOW THEREFORE the Senate resolves that-

a) The Ministry of Foreign and Diaspora Affairs in collaboration with the Ministry of East African Community (EAC), the ASALs and Regional Development engages the counterpart ministries in the Republic of Uganda to;

i) Fast-track the delineation of the Kenya-Uganda boundary;

ii) Develop measures to curb the arrests of Kenyan fishermen by Ugandan authorities;

iii) Institute a protocol for sustainable development of the Lake Victoria Basin on the sharing of resources between partner states; and

b) The Ministry of Interior and National Administration to deploy the Kenya Coast Guard in the territorial waters of Lake Victoria to enforce maritime security and safety.

**The Temporary Speaker** (Sen. Veronica Maina): Is Sen. (Dr.) Oburu Odinga not present? The Motion is dropped from the Order Paper.

*(Motion dropped)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, there being no other business in the Order Paper, the Senate stands adjourned until, today, Wednesday, 3<sup>rd</sup> May, 2023, at 2.30 p.m.

The Senate rose at 12.45 p.m.