

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday 30th May, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for further 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, kindly stop ringing the Quorum Bell. I am informed we do have quorum.

Clerk, proceed to call the first Order.

COMMUNATION FROM THE CHAIR

VISITING DELEGATION FROM EMBAKASI GIRLS HIGH SCHOOL, NAIROBI CITY COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the Public Gallery this afternoon, we have 91 students accompanied by five teachers from Embakasi Girls High School in Nairobi City County who are in the Senate on an education tour.

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

(Applause)

I will allow the Senate Majority Leader to make welcoming remarks briefly.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I welcome the visiting students from Embakasi Girls High School. The school is located in Embakasi Central Constituency and I welcome them to this institution.

Young students always get an opportunity to visit us on many afternoons. They learn about the deliberations and how this House transacts its business. It is a few minutes past 2.30 p.m. This House is usually fuller slightly latter in the afternoon. They should not leave with the impression that Senate is normally empty.

Our colleagues from the Minority side had a parliamentary group meeting which they are yet to conclude. You may understand the kind of challenges that the Minority side is facing.

(Sen. Dullo spoke off record)

Sen. Dullo, you belong to the Majority side. You are no longer part of the Minority side.

Mr. Speaker, Sir, as I welcome the students, I hope they will get full understanding of how Parliament works. For those of you who aspire to one day be Members of Parliament (MPs) or leaders in various industries, this is the place to begin. Take your time and learn.

I wish you well in your studies. Be diligent, disciplined and above all dream big and never limit your dreams.

The Speaker (Hon. Kingi): I will allow Sen. Orwoba just one minute to make brief welcoming remarks.

Sen. Orwoba: Mr. Speaker, Sir, I welcome to the Senate these youthful leaders of tomorrow.

As you are in school and focusing on academics, I urge you not to shy away from drama, public speaking and all the co-curriculum activities that can help you to express yourselves. I am telling you this because as you can see here in the Senate, it is a matter of expressing yourself. As much as you are focusing on academic, also focus on the co-curricular. Most of these leaders here have been built by the co-curricular.

Welcome to the Senate.

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

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 30th May, 2023:

Report of the Auditor-General on the Financial Statements of Busia County Assembly Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Busia County Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Busia Water and Sewerage Services Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Busia County Co-operative Enterprise Development Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Bungoma County Assembly Employee Car Loan and Scheme for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Receiver of Revenue – Revenue Statements for County Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Revenue Fund – Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of the Nzoia Water Services Water Services Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Bungoma County Disaster Management and Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Kapenguria Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Municipality of Kapenguria for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on West Pokot County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Executive of Kiambu for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Assembly of Kiambu for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Thika Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Kajiado County Youth and Women Enterprise Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Olkejuado Water and Sewerage Company for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Assembly of Nakuru (Members) Car Loan, Grants and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Nakuru County Government (Staff) Car Loan Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Naivasha Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Executive of Nairobi City for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Assembly of Nairobi City for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Nairobi City County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Revenue Fund – County Government of Nairobi City for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Receiver of Revenue County Government of Machakos for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Kathiani Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Mwala Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements Mbooni Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Kibwezi Makindu Water and Sanitation Company Limited for the year ended 30th June, 2022.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Clerk, next Order.
Proceed, Majority Leader.

NOTICE OF MOTION

APPROVAL OF SITTINGS OF THE SENATE
TO BE HELD IN TURKANA COUNTY

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker Sir, I rise to give notice of the following Motion -

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the national and county levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui counties in September, 2018 and in September, 2019, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Turkana County, from 25th to 29th September, 2023.

QUESTIONS AND STATEMENTS

STATEMENTS

The speaker (Hon. Kingi): Statements pursuant to Standing Order No.53(1) by Hon. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I do not know whether I should read the three Statements concurrently and then Members can contribute.

The speaker (Hon. Kingi): Just read the three requests.

Sen. Cherarkey: Okay, Mr. Speaker, Sir. I stand guided.

(Sen. Kinyua stood up in his place)

The Speaker (Hon. Kingi): Sen. Kinyua, there is a difference between the Floor here and the lounge out there. Kindly, I am reminding you.

(Laughter)

Sen. Cherarkey: Mr. Speaker, Sir, you know he is our employer. It is good that you are the one reprimanding him.

PRIVATE EMPLOYMENT AGENCIES IN KENYA

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding private employment agencies in Kenya.

In the Statement, the Committee should-

(1) Outline the requirements that a private employment agency must fulfill before it is officially registered and granted approval to operate in Kenya.

(2) Provide a list of private employment agencies currently operating in the country, stating the registration status of each company.

(3) Shed light on claims by the National Employment Authority Integrated Management System (NEAIMS), that a number of private employment agencies are operating with expired licenses.

(4) Disclose the total number of Kenyans who have secured employment abroad through private employment agencies, indicating the agencies involved in these placements.

(5) Articulate any measures that the National Employment Authority has undertaken to combat the rising cases of Kenyans being exploited by private employment agencies in securing jobs overseas.

PLANS BY CAK TO INSTALL DEVICE MANAGEMENT SYSTEMS

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology, on plans by the Communications Authority of Kenya (CAK) to install Device Management Systems (DMS), a spyware, on our phones.

Mr. Speaker, Sir, in the Statement, the Committee should-

(1) Explain the rationale for the installation of DMS on phones noting that it is likely to compromise the security of phone users' data, and to infringe on people's privacy.

(2) State why CAK could not engage telecommunications companies to create an Equipment Identification Register (EIR) on mobile gadgets instead of installing the DMS, since all required phone users' data is available.

(3) Indicate the measures to put in place to curb the misuse of DMS, owing to its ability to access private data including calls records, messages, location and mobile financial transactions.

(4) State the role of Anti-Counterfeit Authority in complementing the Communications Authority fight against cloning of International Mobile Equipment Identification (IMEI).

RELAUNCH OF STRATEGIC FOOD RESERVE

Mr. Speaker, Sir, my final Statement is on the planned relaunch of Strategic Food Reserve (SFR).

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the planned relaunch of SFR, three years after it closed its operations.

In the Statement, the Committee should-

(1) Provide the timeline for the operationalization of SFR, stating when the National Treasury will release Kshs15 billion needed to revive the programme and further state the types of food commodities to be included in this programme.

(2) Provide a list of all SFR stores to be reopened indicating the plans in place, if any, to have the stores close to farmers for easy accessibility and address congestion in the said stores as was the case in the past.

(3) Clarify whether the SFR will import food commodities for their reserves or if there are measures in place to help Kenyan farmers to produce sufficient food locally to stock our stores and ensure there is food security.

I thank you.

Sen. Kinyua: Asante. Bw. Spika. Ninaunga mkono Kauli ambayo imeletwa na Sen. Cherarkey kuhusu mashirika ambayo yanajihusisha na kuajiri wananchi.

Mashirika haya yanapaswa yapigwe msasa na yaangaliwe kwa undani. Mashirika mengine yamekuwa yakijihusisha uporaji, kuwaibia na kuwalaghai wananchi wa Kenya. Kwa hivyo, Serikali inapaswa ishughulikie jambo hili kwa sababu wananchi wengi wamekuwa wakigandamizwa na mashirika haya.

Katika nchi yetu ya Kenya, watu wengi wanatafuta ajira. Mashirika haya yanachukua jukumu hilo kwa sababu wanajua watu wengi wanatafuta ajira. Mashirika haya wanawaitisha hongo na pesa watu wanaotaka kuajiriwa. Jambo la kuvunja moyo zaidi ni kwamba mashirika haya hayawatafutii Wakenya kazi baada ya wao kujitolea mhangana kuwapa pesa zao. Wanabaki kuwalaghai watu wetu.

Ni vizuri mashirika haya ambayo yanajihusisha na hayo mambo, yakuwe yameangaziwa ndiposa Wakenya waweze kuwa na imani na hayo mashirika.

Bw. Spika, tumeona wananchi wa Kenya wakipata tabu, maafa, kuchapwa na hata wengine wanajisiwa kwa sababu wamechukuliwa na mashirika haya na kupelekwa katika nchi za kigeni. Utapata kuwa wanabaki katika mikono ya wakora hawa. Kwa hivyo, Serikali iangazie jambo hili.

Ninataka kumpongeza Sen. Cherarkey kwa kuwa mstari wa mbele kushughulikia haya mambo. Ninajua yeye ni mwanaharakati wa chama cha United Democratic Alliance (UDA) na anazingatia watu walio chini. Ninashukuru na ninasema asante kwa Sen. Cherarkey.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to contribute to a Statement on SFR that has been raised by Sen. Cherarkey.

Sen. Cherarkey would benefit from this if he cared to listen.

The matter of SFR is a basic, but very important matter for this country and for any nation. Lack of food to a big population of any country is in itself a threat to national security.

I have taken note of the contents of the Statement, especially in reference to the closure of the reserve few years ago. A country cannot operate without a food reserve because that is almost inviting anarchy into a country.

On the last point of his Statement, I want to ask the Committee to which the Statement would be referred to, to push forward the agenda of empowering local farmers to produce enough for local consumption, have a surplus for the reserve and even more for export.

Mr. Speaker, Sir, once that Statement reaches the Committee where I sit, we shall do justice to it. I can see my able Chair smiling because he knows that we will do justice to it.

I thank you.

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

Sen. Abass: Thank you, Mr. Speaker, Sir. I beg to support the Statement by the Senator for Nandi. I know that is where there is a lot of maize. Therefore, he is also arguing for his farmers.

This country has been experiencing food shortage and drought. Therefore, we need to have a serious food reserve. In other countries like Europe and the United States of America (USA) and all those places, ice covers the whole land with ice, but they have never gone hungry.

Unfortunately, three or four months of drought in Kenya, Kenyans go hungry. Every time, you will see in the media that areas like Turkana and most part of Northern Kenya, people dying because of hunger.

This is a very important Statement and I wish to support it.

Besides that, with regard to the Statement on domestic workers from Kenya who go to other places, especially the Arab world; their cases are mishandled.

Our people seeking domestic work in other parts of the world, especially in the Middle East are experiencing a lot of problems. There is a lot of uncoordinated movement of people moving from place to place.

Most of the people who normally take the domestic workers to the Middle East are not registered. We have lost many Kenyan domestic workers. Therefore, a very strict measure should be put in place.

Mr. Speaker, Sir, I request the Committee on Labour and Social Welfare to take serious action so that we can curtail this business of taking people like slaves into other countries like the Middle East.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Statement by Sen. Cherarkey about the agents that take our people outside the country.

Mr. Speaker, Sir, this is a very timely Statement. I pray that the Committee that will take up this Statement will go further and check on how these girls are taken from here. If they can also be trained on how to go and stay there.

When most of them arrive there, their passports and mobile phones are confiscated. So, they have no connection with anyone. Nonetheless, when they find that the terms and conditions of the work is not as they had been told, there is nothing they can do about it. They cannot come back because they have no communication and passports.

Mr. Speaker, Sir, I thank you and support this Statement by Sen. Cherarkey.

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

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the one and only Senator for Nandi on labour migration.

Kenya has a lot of potential to make a lot of money from exporting labour. However, since the sector is not well regularized, we have all the problems that arise when our young people go out there.

It is worth noting that a country like Philippines gets remittances of about US\$13.4 billion. Kenya can do better.

Mr. Speaker, Sir, I rise in support of this Statement. When it comes to our Committee, we are going to do justice to it so that we create opportunities for our young people.

Thank you.

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

Sen. Madzayo: Asante, Bw. Spika. Kwanza, nampatia kongole ndugu yangu kwa kuleta hii Taarifa wakati huu ambao unafaa. Tunaelewa kwamba watoto wetu wengi wanaenda kutafuta mapato katika nchi za ughaibuni. Mara nyingi wakiondoka hapa, huwa tunajua anwani zao na namba za simu zao za mkono. Hata hivyo, mara tu wanapofika kule, huwa ni shida sana kuwafikia. Tumekuwa na vifo katika utendakazi wao na kupoteza maisha.

Senator wa Kaunti ya Nandi; mchapa kazi, amefanya jambo jema sana kwa kuandika Taarifa yake ya kwamba ni lazima zile kampuni ambazo ziko hapa na zinachukua watoto wetu na kuwapeleka kule kwenda kufanya kazi ziajibike. Inafaa wanajue kule watu wetu wanaenda. Wakati wowote shida ikitokea, tunaweza kuwauliza swali hili. “Watoto wetu mliwachukuwa mkawapeleka pahali fulani, sasa wamesema ya kwamba kuna shida, wanatakikana warudi.”

Bw. Spika, kuna upungufu. Hatuna njia ya kujua watoto wetu wanaotoka hapa na kwenda nchi za uarabuni kufanya kazi, wakifika kule watafanya kazi wapi. Hata hivi, juzi nikiwa nyumbani wiki hii, kuna mtoto aliondoka kwenda kufanya kazi huko. Tangu alipoondoka, ni karibu miezi minane sasa na hajapiga simu nyumbani na ni mtoto wa kike. Hatujui kama yuko sawa kule aliko enda ama hayuko sawa.

Bw. Spika, ni muhimu kwa hii Kamati yetu, mimi nikiwa mmoja wa wanakamati, kuangazia suala hili. Namuona Mwenyekiti wangu yuko pale. Naomba kwamba suala hili liwajibikiwe kisawasawa. Ikiwezekana, mpatie ruhusa Kamati hii iweze kuambatana na hata aliyeleta

Hii *Statement* hapa ili kuangalia masuala haya kwa kina. Tunataka kujua kwa nini watoto wetu wakienda nchi za Uarabuni wanapata tabu kuliko nchi za ughaibuni.

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

Sen. Kisang: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Cherarkey. On the issue of SFR, I know that since 1970s until recently when they suspended SFR, the number of bags of maize that they used to store was about two million a year. As soon as the Committee does its job and SFR is revived, they need to increase the number of bags in the SFR. This is because if they maintain the two million bags that they used to store in the 1970s and 1980s, it will not be sufficient. Our population has risen from 14 million to 50 million.

Mr. Speaker, Sir, secondly, they should put these stores across the country, especially in regions where maize is not grown. As it has been stated in the Statement, we also need to add other types of food such as maize, beans, green grams and others. This is

so that our people can access food easily when there is shortage. You know there is a lot of clamor that the cost of life has risen because we did not put enough bags of maize across the country. There was a time when we had a lot of harvest and there is likely to be a good harvest this year. They need to move with speed so that our people do not have to starve and the prices of food does not have to go up because we are not strategic in storing our food.

In the Bible days; you remember the days of Joseph in Israel, they stored food for seven years. We, as a country, need to be strategic. I am not saying that we should store food for seven years because it can go bad. We could store the food for three years. Every year, we put in the same number of bags maybe 5 or 6 million. As soon as it reaches four years, we sell what is in excess in case the country is stable in terms of food security

Mr. Speaker, Sir, on the issue of private employment agencies, we know our people have suffered, especially those who have gone to the Arabian countries. There is need to vet these people. They need to register with both the Ministry of Labour and Social Protection and also the Ministry of Foreign Affairs and Diaspora Affairs. We should give those contacts so that we monitor them regularly.

Our embassies and missions abroad need to have database of our people just in case there are issues. They should even be going for celebrations such as the Madaraka Day that we have on Thursday. Our missions abroad should be having contacts of our people and even celebrate with them so that we know they are in good health and position.

I support these two statements.

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

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to the statements of Sen. Cherarkey; one on the Private Employment Agencies and the one on the SFR.

On the issue of SFR, this was established in good faith. It is an issue, which Parliament should insist that the Executive delivers. Before we can have a food reserve to speak off as a nation, we need to begin from the basics.

Where is the food to be reserved? Do we want that food to come from out or can it come from Kenya? We need to go back to the basics and discuss how best we can support our farmers to produce enough food for us to have for our current needs, the needs of tomorrow as well as the needs of other countries where we can make some monies out of. It is unclear how many acreages of land in Kenya is covered with maize, which is a staple food. It is time they told us, "This year, we have planted so many hectares of maize, potatoes and beans." This means that we will have adequate food or not and we plan for it.

Mr. Speaker, Sir, we also have a lot of idle land. As we determine whether we have adequate food or not, we should plan on how we can utilise the resource of idle land to support our farmers to get more food. Even as the relevant Committee looks into this issue, we need to guide that we get our country to be directed to work inwardly first. Let us give support to our own farmers before they give support to farmers outside. Let us reorganize our agricultural sector in order to create jobs and achieve what Sen. Cherarkey is talking about.

Mr. Speaker, Sir, on the other agenda of Private Employment Agencies, I think it is an issue of keeping within our standards. The Executive and the Ministry of Labour

and Social Protection needs to put in place effective measures of monitoring those who are licensed to carry out such jobs as recruiting privately.

We should also ensure that the National Industrial Training Authority (NITA) has what it takes to train all those who are going to work outside of this country. They should understand not just the job they are going to do, but also the culture of the people that they are going to work within.

Mr. Speaker, Sir, if you remove a young girl from Kiambu without giving her any cultural training around the Islamic way of life, take them to Saudi Arabia and expect that she should gel in because it is a job, we are actually setting them up for failure.

The Ministry and those in charge of employment need to do their job. They are sleeping on their job and that is why we are sending out people who are unprepared and having them come back in coffins because they were not prepared for life in those countries.

We have many unemployed young people and any employment opportunity should be nurtured. We should not be blocking employment opportunities, but we should be scrutinizing that space to ensure we have a transition that enables us to send as many of our young people to whichever country where they can actually earn some living and support their families.

This is about strengthening our investigative and standards departments to ensure that those standards are applied without fear or favour and no agency is able to get away with sub-standard ways of implementing the Constitution and the laws that apply on employment.

Thank you.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Cherarkey in regards to the issue of employment agents.

Mr. Speaker, Sir, I want to state that personally, I had also written to the National Industrial Training Authority (NITA) requiring the curriculum that these agencies offer. I am happy that Sen. Cherarkey has been able to pick out that the institutions' licenses have expired and, therefore, these people should not be in operation.

I confirm that the NITA Director did appear last week and had tabled a report of all these agencies. This further raises an eyebrow with regards to how an institution would table before this Senate, agencies whose licenses have expired, raising more eyebrows on how these institutions are working.

It further touches on Kenyans in the diaspora. Knowing the income in terms of the dollar value they bring to the country, this is a matter that should be looked at. We either have cartels in the name of agents, whose licenses have expired yet the body meant to oversight them that is NITA has decided to assume that.

This Committee needs an in-depth report. We need at this time to look at the closure on the issue of labourers out there. I am looking forward towards bringing the Immigrants Bill, which is at the drafting level. This House will be able to conclusively and in a focused and futuristic manner, be able to sort out the issue of our brothers and sisters out there in the diaspora trying to make ends meet. This is because institutions meant to protect them do not take the necessary measures deserved by Kenyans.

I ask and urge the Committee that will be assigned to discuss this matter, especially on the issue of agents, to give us a quick feedback on the cartels in this country that continue to endanger the lives of our Kenyans or what really are they? Let NITA

know, and I want this to go on record, when we summon the Director General to appear, he should not send his subordinates to appear. He should appear in person.

Thank you.

The Speaker (Hon. Kingi): Next Order.

Hon. Senators, I shall proceed to re-arrange the sequence of today's Order Paper pursuant to Standing Order No. 45(2). We will move to prosecute Order No.12 in today's Order Paper. Thereafter, I will guide you accordingly.

Clerk, kindly proceed to call Order No.12.

Senate Majority Leader, proceed.

MOTION

APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN TURKANA COUNTY

Sen. (Dr.) Khalwale: Thank you. Mr. Speaker, Sir, I rise to move the following Motion-

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and that its main role as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the national and county levels of Government, and the need to enhance the interaction between the Senate and county Governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to-

- 1) Promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) Highlight existing and new opportunities for engagement in the legislative process;
- 3) Develop and strengthen partnerships at the county level of Government; and
- 4) Provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary staff;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Turkana County, from 25th to 29th September, 2023.

Mr. Speaker, Sir, as I move this Motion, as read, it justifies all that I would have said. The only thing I would want to add is that once upon a time there was a place in the United States of America (USA) called the Wild West. It was the semi-arid and arid part of the USA that had what was thought to be of no value.

The majority of the settlers when they came to the USA, they settled in the lower parts of America on the eastern coastline for good reasons. The climate was right, the vegetation was good, it was beautiful and littered with a number of lakes. You know the beauty of the USA. However, somebody went to California and discovered gold and then there was a gold rush to California.

Today, the State of California is the fifth largest economy in the world. Why? It is because of that discovery. I would love that Senate goes to Turkana County.

God was not a fool to make the people of Turkana County live for so many years under so much suffering, but still be there and then subsequently, open our eyes that 'wait a minute, there is some gold here called oil.'

I believe despite the challenges the Tullow Oil Company is going through, one day, that oil will become economically viable. I can assure all the doctors who I see scrambling in Nairobi City County that they will all be practising medicine in Turkana County because all the Kenyans who are in the bracket of 'who is who' will be living in Turkana County to enjoy part of that wealth.

Mr. Speaker, Sir, let us as leaders of this country not wait until Turkana County has been made rich because of the oil before we go there. Let us go there to carry the imagination of the country with us.

With those few remarks, I move.

I request the nominated Senator for Nairobi City County, born in Ukambani, lives in Nairobi City County, married in Embu, mother of my beloved little girl who calls me uncle and husband to--- Sen. Tabitha Mutinda.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you are not in the village. This is the Plenary. You are on the Floor of the most honourable place you can imagine. Those introductions are supposed to be done when you are introducing her to your clan.

(Laughter)

Not when introducing her for purposes of seconding your Motion. Kindly proceed, Sen. Tabitha Mutinda. I caution you, Sen. (Dr.) Khalwale.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I rise to support the Motion by the Senate Majority Whip. I do second.

It would have been my wish in this House that our colleague, non-other than Sen. Lomenen would have been in this House. From where I sit, it is a very big privilege to have an opportunity to visit Turkana County.

Mr. Speaker, Sir, as I support and second this Motion, allow me to state that we, as leaders, felt that it is high time we do it differently by coming out of the city and going to *mashinani* to interact with the people of Turkana County and see the resources that are

in place. It is through this that we embrace devolution and the county issues that we keep embracing each other and every time.

With those few remarks, I do second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Members, the Floor is now open. Whoever is willing to make his contribution kindly key in so that I can pick your name from my dashboard.

I am seeing Members who are not in the House yet their names are appearing here. I thought we discussed this.

Sen. Madzayo, please proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, ni hoja nzuri sana kwa sababu sijawahifika Kaunti ya Turkana. Kwa hivyo, nitapata nafasi ya kuweza kuonana na ndugu zetu Waturkana. Itakuwa jambo nzuri zaidi kuwa hili Bunge letu la Seneti litakuwa na kikao huko Kaunti ya Turkana.

Tukiangalia katika miaka karibu 50, nchi inayoitwa Dubai ilikuwa ni jangwa; hakukuwa na rasilimali yoyote kule. Ilikuwa haijawahi kuonekana. Miaka 50 iliyopita, ukifika kule hivi sasa, siyo jangwa tena.

Vilevile, katika nchi yetu hii ya Kenya, Kaunti ya Turkana, ni mahali ambapo kampuni ya Tullow Oil Company imeweza kuona ya kwamba kunayo mafuta ya maana sana katika ulimwengu. Wengine tutakuwa hatuko huko. Ninaona katika hii Seneti, watakaobaki ni akina--- ndugu yangu mdogo. Pengine wakati huo watakuwa wamefika miaka ya kuhesabu. Kenya itabadilika wakati sisi tutaanza kuchimba hayo mafuta, kuyauza na kupata pesa.

Bw. Spika, pia ni jambo nzuri kuona ya kwamba sisi tutaongeza uhusiano zaidi. Nina hakika kuna watu wengine ambao wameishi Kaunti ya Turkana mpaka hivi sasa hawajawahi kukutana na Maseneta wengine kutoka kaunti zingine.

Itakuwa nafasi nzuri kuwa na uhusiano mwema na watu wa kaunit hiyo. Tutaweza kukaa nao, kuongea na wao waweze kuona vile taratibu za Seneti hufanyika na kujifundisha mengi kutoka kwetu.

Hata wakimchagua Seneta wao, ndugu yangu, Sen. Lomenen. Hayuko leo lakini akiwa, yeye kama Seneta wa Kaunti ya Turkana, tunajua ni shupavu na watu wake walimchagua aje hapa ili aweze kutetea haki zao.

Watu wa Kaunti ya Turkana wataweza kujua maana ya kuwa ndani ya Seneti, Seneta anavyofanya kazi na uwezo wake uko namna gani wakati tukiwa kule. Tutaweza kupata nafasi nzuri pia ya kuweza kuwaeleza hususan kazi za Seneti ni nini ili waweze kuelewa.

Bw. Spika, nashukuru kwa kunipa muda huu.

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

Sen. Cherarkey: Mr. Speaker, Sir, this is a straightforward Motion. I laud the decision of the Senate Business Committee (SBC) and this House that we need to support devolution. The Senate is the epitome of devolution. The essence of devolution and its creation and functionality was to ensure that people understand the role of the Senate.

There is a lot of misinformation about what the Senate should do, whether it should have money for development and what Article 96 is all about. That will be an

opportunity for the great people of Turkana to interact with the Senate. We went to Uasin Gishu in the previous Parliament.

I request the SBC to try and tailor-make a biased agenda on what affects the people of Turkana. For example, we can talk about the blue economy, challenges of food and drought and issues that affect the great people of Turkana other than discussing about what affects people in Nairobi.

I do not expect the Senate to go and discuss about traffic jams in Turkana. We should discuss issues like accessibility to water and other challenges. I do not expect us to go and discuss about club noises or disco *matanga*. We should biasedly talk about issues affecting the blue economy among others.

Article 126 of the Constitution of Kenya talks about location of sittings of Parliament. For the benefit of Kenyans across 47 county governments and the great people of Turkana who are watching, Article 126(1) states as follows-

“A sitting of either House may be held at any place within Kenya and may commence at any time that the House appoints.”

These are some of the fruits of this Constitution. We can sit in Turkana, Kilifi or Homa Bay. We can even sit during times of war.

Mr. Speaker, Sir, the other day, I was shocked when a committee which I will not mention, went to another county. Someone from the National Intelligence Service (NIS) called the Chairperson of that committee and told them that the town was not safe. Parliament can even sit in times of war. Why would officers of the NIS and some security apparatus warn a parliamentary committee?

There was a time when a parliamentary committee of the United States (US) House of Congress visited Iraq when bombings and war was going on. We have seen Heads of States and Parliaments visiting Ukraine whilst there is the Ukraine-Russian war. It behoves all of us.

I would have wished Sen. Lomenen to be in the House, so that we get to learn and practice greetings of the people of Turkana. We should go and also learn their culture.

Mr. Speaker, Sir, sometimes we look down upon or refrain from other people's behaviour, but that could be how they are brought up or what they believe in. Some people have biasness towards others. We need to work on that. We also hope to have as many committees as possible sitting there. I hope all Members will be available.

The Senate Minority Leader has never been in Turkana, but I hope he has sampled other things, including food from Turkana County, which I will not mention on the Floor of the House because he is my personal friend.

(Sen. (Dr.) Khalwale spoke off record)

I do not know why Sen. (Dr.) Khalwale is laughing yet he is not a friend of the Senate Minority Leader.

Mr. Speaker, Sir, with those remarks, we are going to Turkana and we say *maata*.

Sen. Omogeni: Mr. Speaker, Sir, I want to be on record as fully and wholeheartedly supporting the Motion on the Floor that recommends that the sittings of the Senate be held in the County of Turkana. I hope that while in Turkana, we will tell the people of Turkana how much the Senate loves them.

Sen. Cherarkey will confirm that in the last Session, during the revenue sharing discussions, Turkana County was meant to lose over Kshs1 billion. If it was not for the intervention and the fact that the Senate stood firm, they would have lost over Kshs1 billion. Therefore, it is a county that is dear to the Senators. If you want to see the fruits of devolution, the place to go is Turkana.

Secondly, it is good that we chose Turkana County because it is a strategic county for our country. Where I come from in Nyamira, we have no land to give to investors to build big industries, but Turkana has got land.

It has the largest underground fresh water in Kenya. Look at that potential. It also has oil, which Nyamira does not have. We only have tea and bananas. Turkana people have resources that can transform the economy of the country. Therefore, I must commend SBC for picking this strategic county and I hope we will have an exciting experience.

I agree with Sen. Cherarkey that should also give us an opportunity to do an audit of the money that we sent to the counties to support devolution. Let us go and see if the money we have been sending to Turkana County has given water to the people of Turkana. Let us go and find out if there are boreholes.

We have been receiving reports indicating that boreholes have been sunk for the people of Turkana County. That will be a golden opportunity for us to go to the ground to see whether what is on paper is really the position on the ground.

Let us tour hospitals in Turkana because health is a devolved function. There is a big debate now on whether health functions should remain under the counties or be reverted back to the national Government. Let us go and see what devolution has done in terms of giving the people of Turkana access to healthcare.

We need to debate the issue of healthcare seriously. Senior citizens of this country who have served us diligently and have retired are still being forced to pay for the National Health Insurance Fund (NHIF). In other countries, it is people like Sen. (Dr.) Khalwale, who are working and still energetic, who pay for senior citizens for them to access healthcare. They should get free health cards.

I want to be treated that way when I retire from this House. I want to serve this country with comfort knowing that when I retire, I will not trouble myself on where to get money for high blood pressure or diabetes.

As leaders here, we have an opportunity to take care of our aging parents and grandparents. When we visit counties like Turkana, let us hear what plans they have to take care of the health of the people who reside in those counties.

Mr. Speaker, Sir, I do not want to take a lot of time. I fully support this Motion. I hope I will hear something about tapping into the livestock business.

There are many cows in Turkana. Why can Turkana not export beef to the Middle East? We need to know the vision of the County of Turkana in terms of tapping into the opportunity of livestock business.

The landmass is big. I am told it is not a big deal to have more than 200 heads of cattle in Turkana. We want them to tap that opportunity and export their livestock to the Middle East and other countries, so that we can transform the lives of our people.

Mr. Speaker, Sir, it should not be business as usual that we still have Kenyans living on less than two dollars. That should trouble us. As leaders, we need to put interventions in place.

With those few remarks, Mr. Speaker, Sir, I support and thank you.

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

Sen. Mandago: Mr. Speaker, Sir, I rise in support of the Motion to have the Senate sittings held in Turkana County. Having benefitted from the Senate Mashinani sittings, I would say that it is a very important session for the Senate. The Senate Mashinani has built capacity in our counties, particularly on devolved functions.

On the aspect of accountability, it affords the Senate Public Accounts Committee (PAC) the opportunity to interrogate the books of accounts and also put the Governor to task. It also gives a chance to the Committee to meet the relevant heads of departments who are involved in the day-to-day running of the county. They are also involved in the preparation of responses to audit queries.

Mr. Speaker, Sir, clarifications sought will be much clearer and the officers will then learn that responsibility does not just lie with the Governor in terms of accounting for the county's public resources; but entirely on its county government. I would wish many counties get an opportunity to host the Senate Mashinani and benefit from the experience.

Turkana is a special county. It is the cradle of mankind. As we are aware, the county holds an annual festival known as Tobong'u Lore. I hope it shall coincide with the Senate Mashinani so that we can also explore the tourism potential of those counties. It will be an opportunity for the Senate to publicise Turkana County as one that is ready for investment.

Turkana County hosts Lake Turkana, one of the biggest fresh water lakes in the world. The Lake also has the largest shoreline of over 70 kilometres with white sandy beaches.

I know Sen. Chimera and the Senator for Kwale County, Sen. Boy, would be worried that the number of tourists flocking to Diani might reduce if they discover there is a similar facility in Turkana County. However, this is how Kenyans and others can get opportunity to discover what is in their country.

Mr. Speaker, Sir I support this Motion that the Senate Mashinani be held in Turkana County. I hope that it shall be made at least two sessions in a year, so that as many counties as possible will get the opportunity to host the Senate Mashinani.

I beg to support.

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

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity to support this Motion. First, it is important that the presence of the Senate is felt. Kenyans should know what the Senate does and the Senate Mashinani is one of the ways we can come closer to the people in order for them to understand what we do.

Turkana County is very important. I used to work in the Ministry of State for Planning, National Development and Vision, before I became a Member of Parliament (MP). In my position, I was in charge of a programme in Turkana County funded by the Norwegian Government. They were doing almost what the Government is supposed to do, which is provision of health care, water, agriculture, fisheries and so on.

This county has been marginalised since colonial times. Those counties used to be classified as Northern Frontier Districts (NFD). People were not supposed to go out unless they were given permission by the District Commissioners. They were supposed

to be preserved. I do not know for what purpose. They were to be treated strictly as not part of Kenya.

After Independence, the marginalisation continued because the Government then adopted Sessional Paper No.10, which talked of investing in only productive areas. These were areas which were giving quick returns in terms of agricultural development. Areas like Turkana were completely ignored in terms of infrastructure and provision of many services. It was thought that the areas were not productive because the return per investment of the shilling was much higher than in the more productive areas.

Mr. Speaker, Sir, it has now been discovered that these areas are very rich in resources. This is something that we will realise when we go there as the Senate. Turkana County has plenty of water. I understand there is an underground lake. They also have Lake Turkana which can be exploited.

They also have many animals. There is no reason why these animals cannot be turned into an economic activity, instead of leaving them there to overgraze on fragile land. The land is very fertile and it can be used to grow crops through irrigation. We used to do irrigation in Katilu Irrigation Scheme and it was very productive.

If the water in Turkana County can be utilised on land for agricultural production, Turkana County can feed Kenya. They can also have abattoirs and sell meat in the Middle East, just as my colleague, Sen. Omogeni, was saying.

The Government – that was not a Handshake Government, but maybe it was between Uhuru and Ruto in 2013 – had adopted a policy of using leather and textile as a way of creating employment in the country. I went with the then Cabinet Secretary for the relevant Ministry around the world and found that leather employs millions of people. There is no reason why the animals in North Eastern – and Turkana County particularly – cannot be used in the leather industry for production of items such as handbags and shoes.

Those industries can be established right there in Turkana County and the North Eastern region. Therefore, these regions need not to be marginalised.

When we go there, we shall see what is happening and it shall be a very good experience for those who have not been there before such as my Party Leader. I can tell you the people are very friendly and they have nice, tender meat. The goat meat is very sweet. My Party Leader, you will eat nice goat meat. They are generous people who have a rich culture.

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

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

Sen. Cherarkey: Mr. Speaker, Sir, I had to interrupt our senior youth, Sen. (Dr.) Oburu under Standing Order No.105 on accuracy of facts. He says a party leader shall be visiting. He is referring to a party leader in this House. I do not think I have seen Sen. Ali Roba. I do not know whether there is any other party leader. I know he is from a Parliamentary Group meeting and I understand the party leader was there. Could he clarify?

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Oburu to mention this party leader who will accompany you.

Sen. (Dr.) Oburu: Mr. Speaker, Sir, I was referring to the Senate Minority Leader in the House. If Sen. Cherarkey does not think that the Senate Minority Leader is

our party leader in the Senate, then I will teach him on why that is the case. However, let my thoughts not be disrupted.

I conclude my speech by supporting the Senate to hold its sitting in Turkana County because we shall learn a lot. Turkana County has oil which is yet to be exploited. Also, it has water resources. The Government needs to invest more to develop the infrastructure so that our country can benefit from those amass resources.

The investment should not only be in Turkana County, but also in areas where people think are poor. These areas are rich, but lack investments due to marginalization.

The other day we discussed the Equalization Fund. I was unhappy to see those areas which do not need the Equalization Fund were also benefiting from it, when areas which were marginalized like Turkana County are getting a portion of it.

We need to direct the Equalization Fund to these areas so that we can bring them up to speed. This is because these areas have been neglected right from the colonial times. Our independent Governments did not give them the due consideration that they needed.

Now it is time for counties like Turkana to be brought up so that we exploit the mass resources that they have. We also need to bring up the people up to speed and learn about their rich culture which should not be left to die. This culture must be built and improved. We must encourage the Turkana people to continue on the trajectory of development.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I support the Motion to hold the Senate sittings in different counties with priority being given to Turkana County.

This is an opportunity for young people who are aspiring to be Senators or beyond to learn from the best and have a one-on-one interaction with various Senators who will be in those sittings. These young people will be lucky. People like us never had such opportunities.

I wish the sitting would be held in Kisii County, my county of origin so that Senators can see the economic activities people engage in like the soapstone carvings and many others.

This will also be an opportunity for the locals to see us engage on issues that are affecting them. Also, it will be an opportunity to boost the various businesses of the people.

I know Senators will promote people who will offer different services in Turkana County. From the previous challenges that the Senate incurred when it visited some of those areas, we need to relook at the challenges that the locals complained about. This time, they should be captured so that people can feel devolution fully.

This will also be a chance for us to know issues directly. I hope the sittings will be configured in such a way that we will accommodate issues that concern the people of Turkana. They will hear fruitful discussions on the issues and what the Senate can commit to handle.

This is a good and timely move several years after we got devolution. I am one of the people who believe that devolution is good.

I visited Ahero Subcounty Hospital Mortuary. I saw that in as much as the hospital does not have refrigerators to preserve the dead bodies, whatever preservation techniques they were using ensured that the bodies were in good condition.

Several years back, this county would have had bodies decompose. However, as a result of the initiatives that have been put in place by the county governments, the people in Ahero receive attention any time they have issues. Those are some of the good bits of devolution that, as a House, we should support and help county governments achieve.

I am looking forward to visiting Turkana County for the first time since I was born. Also, inspire the several young people who follow me from Turkana; that they can be more than a Senator as I am. All their dreams are valid and Kenya is a country of all possibilities.

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

Sen. Dullo: Thank you, Mr. Speaker, Sir. I would like to support this Motion that the Senate Mashinani be held in Turkana County. I am happy that this is going to be one of the counties in Northern Kenya.

There is a lot we can learn from Turkana County that will benefit this House and the country at large. Majorly, for the northern counties, people sit in Nairobi and make decisions for them without understanding the challenges they go through. Turkana is one of those counties because people rarely visit those areas.

Turkana is one of the counties where development has not taken place despite devolution. I know there is a lot of money they get as a result of devolution. However, the situation is still the same. I hope this House will look at that and see why there is no major impact, especially as far as the budgetary allocation is concerned.

I know there is insecurity in Turkana County where people are killed every day because of cattle rustling in the neighbouring counties and countries. When we visit those areas, we will understand the reason why issues of cattle rustling are still happening in Turkana and other northern counties.

I hope some Motions or Statements that will come on the Floor of the House that day will address certain issues affecting that area.

Unfortunately, the Senator for the area is not here. Nonetheless, issues of insecurity have affected Turkana County, which in turn, affect development. This has been a challenge to them.

There are tourist attraction sites in Turkana County, especially the cultural bit where Turkana County mothers' make beads, which they should sell to tourists.

The culture in the county is rich. Arrangements can be made, especially when the sitting is taking place, so that we benefit from the traditional dances that Turkana County can provide. If tourism was flourishing in that part of the country, Turkana County would make money.

There is so much expectation from petroleum, but unfortunately, up to now, the communities have not seen the benefit that is accruing from it. Many Senators who have stood here and said that Turkana County has many animals. It was true then, but unfortunately, many of the animals from Northern Kenya were swept by the drought. Consequently, the majority of people are poor today. It is a high time we knew how to mitigate drought in those parts of the country.

You have seen situations where people turn to traditional fruits to feed their children and families. In the 21st Century, that is a very sad situation. As a country, we should look at it and address the causes and find a solution for it.

Turkana has a lot of underground water. However, much intervention and exploration of the same water has not been done because Turkana has lot of lands. However, if the country and the county are serious, irrigation should take place where people can plant food crops and trees so that they can mitigate the drought situation in those parts of the country.

Having been in this House for quite some time, I know that there are issues of misappropriation and misuse of budgetary allocation. I hope that when the relevant committees go on the ground, they will look at their books and see why the budget allocation has not been utilized properly. The Committee should also look into why those who are behind misappropriation of funds have not been brought to book.

Mr. Speaker, Sir, I support this Motion. I hope that Members will travel that week to sit in Turkana and see how they can support the communities that they will visit.

I thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): Proceed, Sen. Wafula

Sen. Wafula: Bw. Spika, asante kwa nafasi hii. Kwanza ni kushukuru waliohusika kuchagua Turkana kama eneo lililoteuliwa kwa Seneti kufika na kufanya mkutano huko. Kihistoria, eneo la Turkana limekuwa eneo ambalo limetelekezwa. Ni eneo ambalo Wakenya walikuwa wanasikia tu kuhusiana na maisha ama vita dhidi ya wanaoishi katika maeneo hayo.

Kwa sasa, kutokana na uamuzi wa Seneti, tutakwenda kule mashinani kukutana na wananchi. Vile wenzangu wamesema, itakuwa wakati mzuri kupiga msasa hatua za ugatuzi kwa miaka kumi fedha ambazo tumekuwa tukipitisha kwenye Bunge la Seneti ziwe zinakwenda mashinani. Pesa hizi zitaweza kuonekana. Kama ni maji yalichimbwa na kuna vidimbwi vya maji. Iwapo ni barabara, je ilijengwa? Pesa zilitengwa kwa ukulima na mifugo, tutajionea kwa macho iwapo hizo pesa zimeafiki malengo ya ugatuzi kule Turkana ama kuna wachache ambao wamekuwa wakizigatua kibinafsi na kufanya miradi ya maendeleo kule Turkana.

Vilevile yale ambayo yamekuwa yakiibuka kama vile vita dhidi ya jamii husika kule Turkana na majirani zake, tutaweza kufika na kujionea kwa macho. Tutaweza kuwasikiza wenyeji ili tunaporudi katika mipangilio na ratiba ya Seneti, tusimame kidete na ugatuzi na kuhakikisha kwamba watu wa Turkana na majirani wao wanaishi kwa umoja na upendo. Hivyo basi, Kenya itasonga mbele.

Jambo lingine ambalo lazima tutaweza kuangazia ni mipaka yetu na nchi yetu jirani ambayo Turkana inapakana nao. Kwa muda mrefu jinsi tumeona kwa vyombo vya habari, Mhe. Rais wa nchi jirani ametoa amri kwamba wale waliohusika kwa vifo vya Waganda kule Uganda, wasalimishwe katika vyenzo vya sheria nchini humo ama Waturkana wafurushwe wote warudi Kenya.

Seneti itakuwa na nafasi ya kuwa kiunganishi ama kipatanishi kati ya idara na nchi mbalimbali kuhakikisha kwamba Wakenya ambao wanaishi kule Uganda hawaumii kwa sababu ya makosa ya watu wachache.

Sen. (Dkt) Oburu amesema, sisi kama Serikali ya Kenya Kwanza, tulikuwa na mkataba na wananchi. Tulifanya vikao katika kaunti zote. Tulipokuwa kule Turkana,

tuliahidi Wakenya kwamba unyunyiziaji wa mashamba utaweza kuimarishwa ili wawe na mbinu mbadala ya kupata chakula bila kutegemea mahindi peke yake.

Kamati yetu ya Kilimo, Mifugo na Uvuvi, ingependa kujua Serikali imefanya yapi kuhusiana na mpangilio wetu wa kuimarisha ukulima kule Turkana na ufugaji wa mifugo ili kuimarisha kipato cha mifugo ili watu wa Turkana watambuliwe kwamba wako Kenya.

Napendekeza kwamba katika maeneo mengine tutakayozuru, kwa mfano, juzi tulikuwa na Waziri wa Nishati na Mafuta hapa. Ndugu yetu kutoka Turkana aliuliza maswali ambayo yalikuwa yamemkera na Waziri alipoondoka, bado ndugu yetu Seneta hakuwa ameridhika.

Tutakapozuru maeneo mengine, tutakuwa tunawaalika wale Mawaziri ambao Wizara zao zinaafiki malengo hasa ya kaunti tunayozuru ili wenyeji wa kaunti hizo wasikize Mawaziri hao kutoka mashinani. Iwapo hawaleti majibu yanayostahili, wananchi vile vile wasitusulubishe sisi Maseneta na viongozi lakini waweze kujua ni nani ambaye hafanyi kazi ambayo alitumwa ama aliyopewa na Serikali.

Ninaunga mkono hatua zetu za kwenda kule. Na nikimalizia, kumekuwa na donda sugu la walimu kutoka maeneo mbalimbali kufunza maeneo tofauti. Tutakapokuwa kule, tutataka kujua walimu ambao walihama kwenda maeneo mengine na wale walioko wanaafiki idadi ya wanafunzi na changamoto au kuna dosari ya elimu kule Turkana. Kwa sababu tukiweka kwenye ramani na mchakato wa manufaa ya elimu, naamini kwamba Turkana inajizatiti lakini bado haijafika kiwango ambacho kinastahili.

Naunga mkono hatua hii na kuomba Wakenya kule Turkana wajitokeze, watazame kwenye vyombo vya habari wale ambao watapata nafasi ya mtagusano na sisi tuweze kupata mwelekeo unaostahili kutokana na nafasi zetu.

Mwisho, wengi kama vile Kiongozi wa Walio Wachache Seneti, Sen. Madzayo, alivyosema, kuna vigogo kihistoria na kisiasa lakini bado hawajatembea Kenya ili waelewe Wakenya wanaumia namna gani.

Hii ni nafasi Wakenya wajue viongozi hawa ambao wanavuma wakiwa baharini, huku mashinani wanajulikana ama hawajulikani ama wana hoja ama hawana hoja, ama wanaelewa Kenya ama hawaielewi. Wengi tumekita mizizi tu kupiga siasa za hekaya ya Abunuwasi lakini maisha ya Mkenya yanayomkera kule mashinani bado hawajui.

Nashukuru Seneti na Spika haswa kwa kuwapeleka watu mashinani ili wajue kwamba ijapo tuko Nairobi, kila kitu kinatoka kijijini.

Asante, Bw. Spika.

The Speaker (Sen. Kingi): Proceed, Sen. Lemaltian

Sen. Lemaltian: Thank you, Mr. Speaker, Sir. I rise to support the Motion by the Bullfighter, Sen. (Dr) Khalwale.

I strongly support that it is about time we move our oversight role from the city or from the tarmac to the actual ground which is the people.

I beg to reiterate that Turkana County is in the north of Kenya. I would like to welcome all of you to the north so that you have a one-on-one outlook and view on why the equalization fund is very necessary. I remember a few days ago, I was defending it in this House.

(Sen. Madzayo, Sen. Faki and Sen. Boy consulted loudly)

The Speaker (Hon. Kingi): Sen. Madzayo, Sen. Faki and Sen. Boy, may the Senator be heard in silence, please.

Sen. Lemaletian: Mr. Speaker, Sir, as you know, there has been a bone of contention between Turkana County and Marsabit County on which one is truly the cradle of mankind. It is unfortunate because both of my colleagues from the north are not here today. However, I bet that would have been a long-standing discussion.

Mr. Speaker, Sir, we know that there has been a lot of conflict between Samburu and Turkana counties. Nonetheless, that will not make me fail to recognize that Turkana County, being my neighbour county, is one of the most outstanding tourist destinations.

Most importantly, there have been about three discoveries of evolution. These discoveries have even been filmed in several films like the discovery of *Paranthropus Boisei* in 1969; in 1995, there was a discovery of *Australopithecus Anamensis* and paleoanthropological discoveries dating up to 1.9 million years.

These are things that we need to highlight as a country because they attract people to our counties given that there is not much that we can offer right now because our current national Government is playing a deaf ear on the north despite the north being very rich and having vast land for activities like agriculture. This time when we are discussing about the poor economic state of our country, lack of food and food reserves. It is very shameful. As we said, Turkana, Samburu and Marsabit counties have the potential to grow crops because these are semi-arid and not arid areas.

Mr. Speaker, Sir, Turkana County borders three countries; that is Uganda, Ethiopia and South Sudan. Given that this is a county that is bordering three different nations, then there is a lot of potential in opening up the county for cross-border trading and ensuring that there is peace for proper relations to be accomplished among these countries.

Mr. Speaker, Sir, I have also heard that there was discovery of underground water in Turkana, but unfortunately, that water is seven times more saline than the recommendation by the World Health Organization (WHO). I believe the recommendation was that it would cost about Kshs50 million per month to get this water desalinated. Why would we not spend Kshs50 million as a country on electricity if at all we are already raising and taxing everything, including the same electricity cost, which has blown out of imagination?

Mr. Speaker, Sir, we know Lake Turkana, the majestic lake of the north, which was formally called Lake Rudolf or the Jade Sea has so many national parks around it. We have the Sibiloi National Park. I know many of you might not have known that it is in Turkana. We also have the South Island National Park and the Central Island in Turkana.

This is a county with three national parks. How comes we are not promoting it for tourism, to shift focus from being too much in the coast to at least up north? I believe people, like me who can barely swim, can swim and float in that lake because it is a salty lake.

Mr. Speaker, Sir, we also have some unique species of animals in Lake Turkana which my colleagues do not know. Lake Turkana is a breeding ground for the migrant waterfall. We also have several species of snakes in Koobi Fora. It is also a breeding ground for the Nile crocodiles. The Nile crocodile breeds in Lake Turkana and not the Nile River.

Mr. Speaker, Sir, I will be very proud to take part in these plenary sessions in Turkana. I would also like to request that these plenary sessions be held in counties that are marginalized, are far away from the city are counties that consider themselves as “*sisi sio Kenya*.” We can pick a few counties in the coast and several others in the north.

Thank you, Mr. Speaker, Sir.

Sen. Kinyua: Asante, Bw. Spika. Kwanza, naunga mkono Hoja hii. Ibara ya 96 ya Katiba ya Kenya inasema kwamba kazi kuu ya Seneti ni kulinda na kutetea gatuji zetu. Itakuwa jambo la kuvunja moyo ikiwa tutasema ya kwamba tunatetea gatuji zetu na hatuzifahamu na hata hatujui pahali ziko.

Kwa hivyo, tutakuwa tukifanya jambo la muhimu kuitembelea Turkana. Nilisikia Kiongozi wa Wachache akisema hajatembea sehemu hiyo. Si yeye pekee bali wako wengi. Itakuwa ni jambo nzuri sisi kutembelea gatuji zetu ili tuweze kujua masaiibu na changamoto wale wanaoishi pale wanapitia ama vile vile mambo ya manufaa wanayoyatenda ambayo sisi tunaweza tukaiga katika kaunti zetu.

Bw. Spika, ningeomba Kamati zetu ziweze kuwa na vikao pale. Kwa mfano, jambo la usalama ndilo swala ambalo limekuwa likisumbua ndugu zetu wa kutoka Turkana. Kwa hivyo, Kamati yetu ya usalama ikiwa pale itaweza kulivalia njuga suala hili na pengine wakiwa pale, waweze kuona jinsi watatua jambo lilo.

Bw. Spika, katika Kamati ya Elimu, tumeambiwa kwamba Gavana Nanok alijenga shule nyingi za chekechea. Itakuwa ni fursa nzuri kwa Mwenyekiti wangu ambaye ni Sen. Joe Nyutu kutoka Murang’a, kutembea na kuona kama zile hela ambazo walipewa zilitumika kwa njia inayofaa na tuweze pia kuiga mambo yaliyofanyika pale na tuyapeleke katika gatuji zetu. Hilo ndilo jambo ambalo litasaidia sana. Ikiwa tutakuwa tunatembea tu bila kujifunza jambo lolote ambalo tunaweza kupeleka katika gatuji zetu, basi haitakuwa na haja.

Bw. Spika, jambo lingine la muhimu ni kwamba, wengi wa wale ambao wako katika gatuji zetu hawafahamu kazi ya Seneti. Unapata unapotentembea mashinani unaambiwa kwamba tumeona gavana ametengeneza barabara, Mbunge ametengeneza shule ya msingi lakini hatujaona Seneta akifanya jambo lolote. Kwa hivyo, tukitembea katika gatuji zetu, hao wananchi wataweza kufahamu kwa sababu tutashirikiana nao, wataona tukijadili na wataweza kufahamu kwa kindani kazi ya Seneta.

Bw. Spika, nakumbuka tulitembelea gatuji ya Uasin Gishu. Tuliweza kuangazia mambo ya kilimo. Kamati yetu ya Kilimo ilianguzia shida za mambo ya mahindi zilizokuwepo wakati ule. Wakenya waliweza kujieleza kinagaubaga na tukaweza kutatua shida walizokuwa nazo wakati ule.

Bw. Spika, siyo kilimo peke yake. Kamati ya Afya iliweza kutembelea Moi Teaching and Referral Hospital na tukaweza kutatua shida zilizokuwepo hapo kwa sababu tulikuwa na wakati mwingi; sio kutembea tu na kurudi Nairobi. Tulikuwa na wiki nzima katika mji ule.

Bw. Spika, nina uhakika tukitembea Turkana, Kamati zote zitakuwa katika Kaunti ya Turkana. Kwa hivyo, nina uhakika tutaweza kutatua changamoto, masaiibu na shida zote walizonazo kwa sababu tutakuwa katika gatuji hilo.

Bw. Spika, ijapokuwa ninasema tutaenda katika Kaunti ya Turkana, taarifa niliyonayo ambayo siwezi nikaisema kwa undani ni kwamba Laikipia ndiyo iliyokuwa imepewa kipaombe. Sijui ni lipi lilifanyika ikasemekana kwamba tuende Turkana, lakini nakubali na naunga mkono.

Pengine, ifikapo mwaka ujao, ningepomba tutembe Laikipia kwa sababu ikiwa ni mambo ya ukame, ufugaji na usalama ndiyo ilikuwa inaangaziwa, basi Laikipia pia kuna ukame, ufugaji na usalama.

Bw. Spika, kwa hivyo, ningepomba tukitoka Turkana tutembe Laikipia, ndio wananchi wa Laikipia waweze kuwaona viongozi wao waliobobea kama vile Sen. Ali Roba, Sen. Mandago, Sen. Cherarkey, Sen. Joe Nyutu, the bull fighter, Sen. Wamatinga, Sen. Chesang, Sen. Maanzo kutoka Makueni, Sen. Sifuna wa hapa Nairobi na Sen. Faki kutoka Mombasa.

Kwa hivyo, ninashukuru kwa sababu tutaenda Turkana. Nina uhakika tutaenda Laikipia hata ijapokuwa wanasema chelewa chelewa utapata mwana si wako. Mimi nitangoja.

Ninashukuru.

The Speaker (Hon. Kingi): Proceed, Sen. Shakila Abdalla.

Sen. Shakila Abdalla: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Mr. Speaker, Sir, I rise to support the Motion by Sen (Dr.) Khalwale for visiting Turkana which is one of the most disadvantaged and marginalized counties. It is a good step by this Senate to take.

This should not only be limited to Turkana. An opportunity and advantage should be given to most of these marginalized counties to see what devolution has done at the grassroots. The intention of devolution is to ensure that marginalized and the most disadvantaged counties grow to the level of the developed ones.

By holding Senate Mashinani, it will give the Senate the opportunity to see by itself how devolution is working. This is the best opportunity for the Senate of playing its roles of oversight at the grassroots. Also, by visiting this county, it will give the Senate the opportunity to see most of these areas whereby there are big developments taking place. An example is the Tullow Oil.

Maybe when we get the opportunity to visit Lamu, which I believe we will one time, there is Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPPSET) project which is coming up. Those are the things which we need to see whether they are benefiting the communities in the areas, which these developments are happening. The Senate Mashinani is a good opportunity for the Senate to know how the communities are benefiting from these big developments.

Mr. Speaker, Sir, by visiting Turkana, we will also be having the opportunity to see whether the pastoralists are having any other means of empowerment. We know there are many opportunities that Turkana County has. So, it is again very important to know and see whether these opportunities are benefiting the people of Turkana.

There is also a Turkana University College which is in Lodwar Town. We need to make sure that Turkana University College also gets many other students from different counties. This will promote the university and Turkana as a whole.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you very much, Mr. Speaker, Sir. I also rise to support the Motion of enhancing devolution by having the Turkana County Assembly or the County Government of Turkana host this House in the next session.

Mr. Speaker, Sir, one of the major roles of this House is to support devolution. Doing so is among the other ways of what we have decided by placing before us this Motion.

We have been given the history of Turkana County; the features that we will celebrate when we are there and the kind of economic activities that are also in that particular county will be an experience that is equal to no other.

Mr. Speaker, Sir, I am aware that there were other counties that equally had the interest of hosting the Senate. Turkana County has emerged to get to this level. I challenge and give the rest of the counties who would in the near future be looking to host this event, prepare their ground for the same.

I am aware the county where Sen. Kinyua, the Commissioner, is representing also had expressed interest. I am very sure that very many factors will or have been put in place in order to make the County of Turkana be the place for us to have our next sitting. We will be showing the people of Turkana and Kenya at large that the Senate role in protecting devolution can actually be seen by our presence in the County of Turkana.

I look forward to an opportunity where whatever discussions that will take place during the time that we will be in Turkana, will also be of close interest and particularly affecting the people of Turkana. This includes matters on discussion about marginalized areas, the allocation of resources and the impact of resources which in most cases like in this case the Equalization Fund.

I am informed that Turkana County is one of the counties that is going to benefit largely from the equalization fund. As a number of Senators have said, this is one of the ways within which we will also encourage Kenyans to appreciate the work of this House. It will support this House and above all to make sure that the resources we allocate to our counties bring benefit.

I have seen the County Assembly of Turkana and I am encouraged that it is sufficiently equipped to facilitate the sittings of this House. How I look forward to also my County of Bomet playing a role of hosting such an event because we are doing a state-of-the-art chamber. In the fullness of time, Senate Mashinani will go out there to also celebrate the beauty of other counties.

Additionally, to take Senate Mashinani to all areas relevant to the people of Kenya; to encourage them, support and to push the work of the Senate to the lowest level of the society.

I support this Motion. I look forward to visiting Turkan County and celebrating the work of the Senate there.

I thank you.

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

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii kuchangia Hoja ya kupeleka vikao vya Bunge la Seneti katika Kaunti ya Turkana.

Bw. Spika, mji mkuu wa Turkana ni Lodwar ambao uko takriban kilomita 748 kutoka jiji la Nairobi. Safari ya Turkana ni ya siku mbili. Inabidi upumzike Kitale kama unakwenda kwa gari kama walalahoi au “mahustlers” wengi. Baaadaye, siku ya pili uendelee na safari mpaka Lodwar.

Bw. Spika, hii itatoa fursa kubwa kwa Bunge la Seneti kusoma maeneo ya Turkana na maeneo jirani. Vile vile, itatoa fursa kwa watu wa Turkana kusoma Bunge lao linafanya kazi namna gani.

Itakuwa ni fursa ya Bunge la Kaunti ya Turkana kupata fursa ya kuona vikao vya Seneti na vile kamati tofauti tofauti za Seneti zinavyofanya kazi. Kamati hizi ama mabunge haya ya kaunti, mara nyingi huwa yamelema kikazi kwa sababu ya kutopata nafasi ya kusoma kutokana na vile kazi zinavyotendwa katika mabunge mengine.

Bw. Spika, hii itatoa fursa kubwa kwa bunge la Kaunti la Turkana kusoma vile kamati zetu zinafanya nini na kuhakisha kwamba zile taratibu za mabunge yote zinafuatwa kama inavyotakikana.

Ningependa kuomba wakati wa ziara hii, Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu izuru mahakama na gereza ya Turkana ili kuona vipi wafungwa kule wanaangaliwa kulingana na sheria.

Mara nyingi zile mahakama na gereza ambazo ziko nje ya miji mikubwa, kuna dhuluma nyingi sana za haki za binadamu ambazo hazipatikani kuelezwa ama kutambuliwa ilihali Kenya ina Katiba moja na sheria moja ambayo inawalinda wafungwa popote pale walipo.

Ningeomba kwamba kuwe na ziara katika gereza hilo ambalo liko Turkana na pia mahakama ya Turkana ili tuone kwamba wananchi wanahudumiwa kisheria kama inavyopaswa katika nchi yetu ya Kenya.

Bw. Spika, mwisho tutapata fursa ya kujua mbinu za kutumia ili kusaidia Kaunti ya Turkana kuweza kuongeza *own source* revenue sababu pesa ambazo zinatoka katika Serikali ya Kitaifa hazitoshi. Ijapokuwa zinaongezeka, ukizingatia huduma ambazo zinatajikana kutolewa na kaunti, pesa ambazo zinapelekwa huko hazitoshi ikilinganishwa na wakati ugutuzi ulipoanza.

Tutapata fursa ya kuona jinsi huduma za afya zimeweza kuboreshwa nchini Kenya kulingana ugutuzi.

Bw. Spika, vikao hivyo vitakuwa muhimu sana, sio tu kwa Seneti peke yake, bali kwa watu wa Turkana na nchi nzima kwa jumla. Tutapata fursa ya kutembelea na kuona hali ya Wakenya wenzetu katika Kaunit ya Turkana.

Asante sana.

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

Sen. Kisang: Mr. Speaker, Sir, I rise to support this Motion to have Senate Mashinani in Turkana County.

Since the advent of devolution, Turkana County has received over Kshs100 billion because the average is around Kshs9 billion. Up to date, it is over Kshs100 billion. Recently, we approved another Kshs1 billion as Equalization Fund.

That will be a good opportunity for Senators to go and see what the resources have done for close to 11 years. It will also be an opportunity for Senators to see the status of health facilities, which include the county referral hospital, sub county hospitals, dispensaries and health centres.

Resources are being sent to the counties, but you will be surprised that there is not much on the ground. The problem was in Financial Year 2020/2021 where the Senate did not go to any county because of COVID-19. That will be a good opportunity for us to see whether we are getting value for money at the counties. It will also be good for all the committees to have meetings within the county at that time.

We will require an interpreter, so that the local people of Turkana can follow the proceedings or even for the witnesses that may be called, so that they value the visit to

the county. I hope we will have a Turkana interpreter in the Assembly Chamber so that the people of Turkana can follow.

Turkana County is vast. It will also be a good opportunity for this House to see why we need the Oversight Fund for Senators. I do not think the Senator for Turkana can do oversight using his own resources because it is vast. If it is 748 kilometres from here to Lodwar, how about Turkana County itself yet the roads are not good?

When we come back from there, if the Oversight Fund will not have been approved, it will be a reason why, as a House, we need to push to have it approved. We need resources so that we can effectively oversight resources that we send to the counties.

The last time I was there was when we visited as the Committee of Energy of the National Assembly. We went to Lokichar when they were doing oil exploration. While there, I also hope that Members of the Committee on Energy will have an opportunity to see, interrogate, talk to the people and explain to them why they were not able to get any resources from the 414,000 barrels of oil that were exported by the Government in the past two years or so.

Mr. Speaker, Sir, the last three or four counties that get the least resources, which Elgeyo-Marakwet is part of, should be given an opportunity to host Senate Mashinani, so that Senators can figure out how some counties such as Lamu, Elgeyo-Marakwet and Vihiga counties can continue paying salaries even for two years yet there is nothing on the ground. This is because what remains from the resources they get is not enough.

Maybe they employ 10 County Executive Committee Members (CECMs), 12 Chief Officers (COs) and the same number of nurses and teachers. Therefore, the money that remains for development is not enough. We should push to change the formula by having additional factors like terrain. As people push for one vote, one shilling, we can also say; one vote, one shilling, one tree and some terrain. The nature of the terrain should be a factor in determining revenue allocation to counties, so that Elgeyo-Marakwet County can benefit.

Mr. Speaker, Sir, I am requesting in advance that in the Financial Year 2024/2025, we take Senate Mashinani to Elgeyo-Marakwet, so that you can see the beautiful landscape and the need for additional resources to that particular county.

I thank you.

Sen. Okiya Omtatah: Mr. Speaker, Sir, thank you for the opportunity to contribute to this important Motion by the Majority Whip.

I stand to support this Motion on many fronts. Before I do that, I want to congratulate the team that settled on Turkana as the county where we should start a tour of the country by the Thirteenth Parliament.

Other than the international fame about its prehistoric relevance to the history of mankind, Turkana County made headlines in the USA when none other Ben Carson claimed that his ancestors came from Turkana. It shows how important this part of the world is. Therefore, we should give it the recognition it deserves.

As the Senator for Busia, Busia County has got a special relationship with Turkana County. There is a part of Busia whereby if a Turkana speaks in Kiturkana and a Teso speaks in Ateso. They do not need a translator. They understand each other the way a Luhya of Busia understands a Luhya of Kakamega. So, there is that close relation.

It is recorded that the Turkana are part of what is called the Ateker Nation which includes the Karamoja, the Iteso, the Toposa and many other groups in that region. It is a big pastoralist economy that needs a lot of support from the state.

Turkana County epitomizes one thing that I hold dear to my heart in terms of political philosophy. As a believer in the primacy of political action over the market in a political entity, Turkana is one area whereby if market forces are left to determine what happens, they will never get out of the challenges they face.

It is only the state that can bring that water to the surface, clean it and then tell the market to do what it wants to do with that water. That is the primacy of political action. I am happy that we have made a political decision to go to Turkana because it underscores that this state must consciously intervene and give people the capacity to realise their potential.

Another connection between Busia and Turkana is that both counties produce a lot of fish.

Mr. Speaker, Sir, the Congolese are addicted to Tilapia from Lake Turkana. Every day, tonnes and tonnes of fish flow through Busia into the Congo. Unfortunately, there is no infrastructure for benefiting Turkana County from the fish. There is no infrastructure for the people of Busia County to benefit from hosting the point at which the fish is then traded with the traders from the Congo.

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

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

We might want to come up with a mechanism whereby Turkana County is empowered to make profit out of its resources. When I was a young man I was invited by Bishop Mahon. Those who come from Turkana County know that at one time, he was more powerful than the State. Even the District Commissioner (DC) would ask him to convene a meeting before he could go to address it.

Bishop Mahon was a Catholic Bishop of Lodwar Diocese. I did a bit of pastoral work in Katilu in 1985 and 1986. I came across a very rich culture of the Turkana People; be it in music, culinary arts, medicine and even spirituality. Other than the Acholi in South Sudan, it is in Turkana County where I went to church and during the sermon when the congregation was coming in, almost everybody had a musical instrument. When the service began, it was just like an orchestra. That is a very rich culture. There was no choir. There was nothing. Everything was a choir. This is a very rich culture, which we need to invest in and protect.

Mr. Temporary Speaker, Sir, I would like to support and expand the view made by Sen. Faki that when we go to Turkana County, committees should get active. Not just the Committee on Justice, Human Rights and Legal Affairs; all the committees should be active and try to engage and do their oversight role with the local people in Turkana County.

As I conclude, all said and done, going to counties is a sacrosanct action of this House. We are not a Nairobi City County House. We are a House of the counties. If we go to Turkana County and debate in their Chamber, we will influence and inspire many things. If we conduct our committees there and invite the mirror committees in that

county to sit together with us and see how we do things, they will learn a lot from us. This is especially given the superior resourcing that the Senate has compared to counties in terms of the civil service support.

Over and above, those Senators who come from more privileged places than Turkana County, should take the opportunity to encounter reality. That way, next time we deal with the equalization fund, they will not stand in the way of it going where it is supposed to. It is supposed to equalise us. It is not a fund to be divided so that everybody has a share. Let it remain an equalization fund so that the likes of Turkana, Marsabit, Wajir and Isiolo counties are given a chance to catch up with the rest of Kenya; which was privileged by proximity to Nairobi City and such like things. These counties are heavily challenged by natural resources, hostile environment and historical factors.

Mr. Temporary Speaker, Sir, with those few remarks, thank you for the opportunity. I thank the Majority Whip and this team for coming up with this very noble and timely idea.

I support that Senate Mashinani goes to Turkana County.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Okiya Omtatah. Proceed, Sen. Gataya Mo Fire.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion.

This is the best way that we can demystify the Senate, a young entity that has been around for the last 12 years. There is a lot of misunderstanding about the Senate. Taking the Senate Mashinani to the counties is one way to reach the locals, so that they can get to know exactly what the Senate does.

Many times, I have been confronted by my constituents on why I am not issuing bursaries, doing roads or providing water. Some of these things are not the preserve of the Senate. This time around, once we are at Senate Mashinani, the locals will understand the role of the Senate. They will be able to demystify the whole idea that it is not an implementing House. We will spell our roles and responsibilities as a House.

I hope in the future, this move is going to spread across the country because I would expect that once we are done with Turkana, the next stop will be Tharaka Nithi County, the stronghold. We are also going to see a number of things in the county because this is the only way we can easily identify ourselves and make the Senate grow and get understood.

It is also an opportunity to expose our legislators. We are going to expose our senior, Sen. (Dr.) Khalwale, who is a seasoned politician in this country. He has been known for decades. The people of Turkana County will see the famous bullfighter and interact with the famous Sen. Nyamu. She has been a celebrity across the country. They are many others, including Sen. Montet. It is an opportunity and idea that should be supported with all the resolve.

Next time, once we are done with Turkana County, as I have just said---

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

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

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, I would not want to interrupt, my colleague. However, it is a question of Standing Order No.105 that speaks to the accuracy of what a Member states.

Celebrities are known by their art. Could he substantiate the art of Sen. Nyamu?

(Laughter)

The country is waiting. Many of us agree with him that she is a celebrity, but we do not know the art.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Sen. Gataya Mo Fire.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker. I have never known the bullfighter can speak on behalf of Sen. Nyamu because she is not disputing whether she is a celebrity. I think celebrity is a broad spectrum. You can be a celebrity in so many aspects. Sen. Nyamu is not complaining that she is a celebrity. It is in the public domain that she is a youth representative, who has captured the social forums in many positive aspects, for that matter.

In this regard, it is a good idea that we expose ourselves. We are a young House of 12 years, compared to the National Assembly which has been existence for the last 60 years. This is the only way that we can hit the ground and make sure that people understand our role. I have been facing a lot of problems with my constituents on why I am not issuing bursaries, doing roads and providing water.

With this kind of exposure, I expect and know that our role will be understood and that way, the Senate will grow. I support and the next stop will be Tharaka Nithi County.

I support.

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

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also contribute in support of the decision of the SBC that we take a one week sitting session in Turkana County in September.

Mr. Temporary Speaker, Sir, the Senate is the House that exists to protect counties and their governments. In fact, this move should not be about one week in one year. I wish to challenge the SBC to broaden this decision so we can sit for five weeks in five counties in a year. If we do that, at the end of this session, we will be able to visit at least 15 counties instead of just four.

As others have said, the role of the Senate is misunderstood. There is a lot of ignorance around this House. I am suggesting that even as we plan to go, we model our oversight, representation and legislative roles. I suggest that we can also model how Article 189 of the Constitution on intergovernmental relations is supposed to work.

I suggest that we prepare to engage with county assemblies particularly on the role of oversight so that we use the opportunity to build capacity and clarify what the role of county assemblies and the Senate is.

When one of the county Justice, Legal Affairs and Human Rights Committee (JLAHRC) visited recently - I will not mention which one - I was a bit embarrassed at their understanding of what the committee role was.

They thought that they have a role in setting up courts in counties. So, they felt they had not been operationalized for a very long time because the Judiciary has not been devolved. I was embarrassed. In fact, we were embarrassed as a Committee when we heard that.

We can use this opportunity to meet with the various committees at the counties to provide part of their capacity building or technical support that can enable them to do their job as legislators at the county.

Mr. Temporary Speaker, Sir, even as we go, I suggest we engage on the issue of getting financial autonomy for county assemblies so that we discuss it. We can even start discussing with some of the counties. Before any substantive legislation is done, we need to start persuading county executives to allow county assemblies to operate as independent entities. However, for as long as they are not independent entities, county assemblies will be held at ransom by county executives.

I am suggesting that any pending audit report for Turkana County be prepared. Maybe the Committees dealing with this issue should fast track so that when we go down, we engage with the public on representation. The Senator for Turkana County will talk about matters of Turkana that the House has gone through, the key findings and engage with the executive to guide them on how they can work better.

The House Committees should engage with the other House Committees so that in the morning sessions, we carry out trainings.

I suggest that Kenya Women Senators Association (KEWOSA) also prepare to provide capacity to nominated Members of the County Assembly (MCAs) within the county. That way, by the time we leave Turkana County, we leave behind a record that makes them better legislators, executive and so on.

Mr. Temporary Speaker, Sir, I urge Members to fish out the County Integrated Development Plan (CIDP) for Turkana County and read it. We should even look at the annual report so that when we go there, we are able to engage with them in such a way that every county that we will go to, know the Senate is not just coming here for holiday, but to hold us accountable in terms of devolution.

If we plan this properly, this may very well be one of the tools that we will use to sell the function of the Senate and keep the Senate relevant.

At this time, the Senate is unpopular because we did not protect counties when it came to the Division of Revenue Bill. We need to confirm to the country that was one incident. We are now remorseful, ready to work and carry out our task as the Senate. We will protect and provide capacity on devolution and leave this country in a much better place.

We need to prepare on the equalization fund. This is an opportunity to find out how the equalization fund portion for Turkana County will be deployed. This provides a great opportunity for us to do quite a lot in one week. I beg that the secretariat help us to prepare properly for this visit.

I see everybody bidding wanting the next trip to be in their county. It is possible for us to do more of these sessions. I believe the SBC needs to think out of the box and enable us to do so.

Mr. Temporary Speaker, Sir, I support.

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

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. I believe this Motion is moving to the right direction. As you are aware, this Senate represents the entire nation; the 47 counties.

Having Senate in the mashinani and starting it from Turkana County is a very good move. Instead of having one Senate mashinani per year, I request the SBC or those

who are concerned, to give opportunity to at least two counties every year so that at least by the end of time, we are able to visit eight counties and that represents the eight regions. I believe that will be a better symbol than having only four for the entire period the Senate will be operating until 2027.

Mr. Temporary Speaker, Sir, Kenya is a land of contrast. It is a beautiful country that is endowed with a lot of resources and features, but most of us are not exposed.

Hon. Senators are exposed to their counties and Nairobi City County where they come to debate. I believe going to Turkana County will give Members a chance to see the better parts of Kenya. I will request the team to travel by road so that we at least experience the difficulties being faced by the rest of Kenyans, especially in the farfetched areas.

If you see infrastructure, then each of us will agree to give Turkana and other areas in Northern Kenya like Wajir, Marsabit and Mandera more money than what they are getting now. Some Senators feel like we give a lot of money to those areas, yet they were neglected for many years.

Mr. Temporary Speaker, Sir, Sessional Paper No.10 of 1965 discriminated and separated this country. The Northern Frontier was condemned with all the capacity it had and all resources available. We have gases, oil, animals, gold and everything, but unfortunately, that has not been exploited. This country will only develop when we exploit the north, which is endowed with a lot of resources.

I know some Members say we look at one-man, one-shilling and one-vote. However, these areas have been getting development from pre-colonial time to date. The issue of giving the equalization fund to other counties that are already developed was not a fair deal, because areas like Turkana are under-developed. We still need to give them more money and develop them further. This exposure will make people to realize that Turkana and other parts like Marsabit, Wajir, Mandera and Garissa need more money for development.

Mr. Temporary Speaker, Sir, this will give us a comparative study. People will get exposed. Twenty years ago, a place like Dubai was just a desert, but, today, everyone wants to go and see how developed Dubai is and its economy. Equally, Mandera, Marsabit and Wajir can have that kind of an opportunity to develop. Wajir, Marsabit and Turkana are not deserts, but arid areas. They are marginalized areas, which can be developed.

Food can be produced there and livestock keeping can be improved. We can have good economic activities in those areas now that land in Kenya is shrinking by the day, especially in Mt. Kenya and Kakamega, where the 'bullfighter' comes from.

We need to exploit and have more land now. We need to move out of this place to areas like Turkana, Wajir and Mandera, which can become the breadbasket of this country. The Senate should have more exposure. We need to also see how life has changed out there. Before we had the counties under the 2010 Constitution, whenever people from those areas were coming to Nairobi, they would say that they were coming to Kenya. However, today, they have seen some developments in those areas like tarmac, good houses and hospitals being built. They now appreciate that they are part of Kenya.

Mr. Temporary Speaker, Sir, if they now see the Senate, they will say that the Senate is a serious House that is getting exposure. They will also want to know the people visiting them. We will need to see the amount of work that has been done and

what is remaining, so that by the time we are giving budget appropriation, we will have at the back of our mind that Turkana requires a certain amount of money for development, staff, food and other things.

I also request that we have two counties per year, so that at least every region can have a Sitting of the Senate in order for every region to appreciate that the Senate means business and that it works for devolution to see that devolution becomes successful. This exposure will enable us inspect and visit the development that has taken place in the last 15 years. That can give us a better picture of what this country is. This will make us appreciate the need to give more money to those areas.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support the Motion.

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

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir. I also rise to support the Senate Mashinani. It is a good and great initiative. We shall explore Turkana. We know that it is a dry area that does not have hotels, so we will sleep in *manyattas*. Therefore, it will be a good experience.

It will be also an opportunity for us to drink blood and eat raw meat.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kibwana, did you say there are no hotels in Turkana?

Sen. Kibwana: Mr. Temporary Speaker, Sir, that is what I thought. It will be a good opportunity to explore. I had thought we would be in *manyattas* and it would be a good opportunity to explore there. It would be good though to sleep in *manyattas*.

I urge the KEWOSA team to prepare themselves to visit many areas like the prison in order to take some goodies like beddings and sanitary pads. It will also be an opportunity for us to visit the maternal healthcare centres. This will also be an opportunity to mentor young girls, discuss about the Female Genital Mutilation (FGM) and the stigma around fistula.

Mr. Temporary Speaker, Sir, Fistula has become an issue and now we have hospitals offering surgeries. This will be an opportunity to enlighten the women in Turkana. In mentoring the girls, they will get to understand their issues and support them in different areas.

A county like Turkana requires a lot of support, especially mentally. I am providing mental health support to police officers. I take time to discuss with them and understand them as well. We know what the people of Turkana have been going through, like cattle rustling and other stuff. I will follow up on the mental health support I had done before for post-partum depression.

Mr. Temporary Speaker, Sir, I urge counties to have separate wings for post-partum mothers going through mental depression. This will be an opportunity to oversee the counties on gender parity in order to understand gender composition in their counties.

We shall explore a lot. We would want to visit the black gold - oil - in order to understand that area. We are rich in such and minerals as well. It is just we do not do a lot of exploration in Kenya. Let us get to understand their area of needs before we travel there. I am sure many hospitals lack beds, equipment and items. How do we support that? I urge the Senate and the KEWOSA to understand what they really require and support them. Water is scarce and is an issue. Is it possible for us to dig a well in Turkana? There

was a time Isiolo required water and my family did a well. We only spent about around Kshs700,000. Right now, they have water.

Is it the same for Turkana County? How will we support the women? How do we also support the men because they also have issues? We will have all the time, we have one week. I am imagining one week in Turkana. We need to gear ourselves. I am sure it will be a good opportunity for us to even understand the culture itself.

As I said, looking at the culture we always see things on the television and many others. There is a saying that goes "*kwa ground vitu ni different*". We actually want to understand what is on the ground.

For that and many other reasons, I do support the journey of the Senate Mashinani to Turkana County.

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

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. Allow me to thank Sen. (Dr.) Khalwale for bringing this Motion to the House. I must thank the SBC for working it out and making sure that Turkana County is given priority in terms of Senate Mashinani.

I have really waited for this time and listened to a number of colleagues who have talked on the same. I believe this will not be business as usual of going to the ground and pleasing the locals. It is a time we have to look into a number of issues affecting these counties. Devolution has gone full cycle. We should bear in mind that the Governor of that particular county has been a Member of Parliament and was there during the revenue allocations.

I also wish to point out that the Senator for Turkana County has also been a MP and, right now, he is a Senator. We also have a number of previous Governors and Members of County Assembly (MCAs). The reason I am bringing this up is that despite the fact that we are alleging as the Senate that we need to see what the finances given to the counties have done; the Governors have been going through a number of challenges ranging from the Exchequer and delays caused by the national Government and the National Treasury.

It would be prudent for this House to plan itself well for this important discussion that will take place in that particular county. This is one of the counties where we call upon donors to assist when drought and other natural calamities strike. I have listened to a number of colleagues who have touched on issues of resources that lie unutilized. The Senate and also MCAs always encourage counties to generate their own revenue despite the challenge of late remittance of revenue.

We have petroleum, a product that has enabled a number of countries to develop one of them being the United Arab Emirates. This was one of the products that was identified in that county. I believe it is the only product that can change the lives of the people of Turkana if it is done in the right way. There have been a number of challenges that have led to the misuse of funds and misunderstandings between the Government and the residents of that county.

It is high time that the Committee on Energy looked into these issues. I believe the residents of the county will ask about these issues and they would want to get some correct answers. I was lucky to attend a function through an initiative done by the Kenya Kwanza Government, the "*Inua Mama Initiative*" which moved across the country. I was lucky to be one of them. I got an opportunity to go to this particular county.

I can tell the suffering, frustration and challenges that this county is undergoing despite having the monies devolved. As the Senate which is in between the national and county governments; the main responsibility is to see the counties prosper.

This House still has enough time to really look at the devolved functions and come up with a conclusive report where we shall not just debate for the sake of it, but we shall debate on issues touching the lives of these people directly.

There is an agenda that has been started by the Government. I know that a number of us, especially colleagues from the other divide, are not in concurrence with us on housing. Sometimes we give resources to the counties, but because of their vastness, it becomes difficult to provide basic needs. I believe that if this housing programme begins from these counties such that every local from this county or others having the same problem are given basic needs, this nation will move forward.

The challenge we have in this country is a lot of politics and corruption. As a result, the locals do not trust the Government. Recently, I watched *TikTok* and there was a young girl who was speaking to the Government and throwing a lot of insults to it. She was very courageous. This shows the frustration and pain that they are undergoing to the extent that they do not see why the Government is in place.

I thank this Government. Yesterday, I was in Nakuru County with His Excellency the Deputy President trying to handle the drugs and alcohol issue in this country, which has become a menace to a number of youths. If the Senate takes an initiative of going to these counties, I know that the Governors and the county assemblies shall up their game and do their work right. Without much further ado, I support this Motion.

Let this not be a way to just go to the counties; let it be productive. Let us see work being done on issues petroleum, housing and water. There have been a lot of cries from that county. I was looking into a document, where there were some serious investors who decided to do research on a number of issues affecting Turkana County. We found a lot of water, yet the residents cannot access it.

It is high time we try to bring the issues of urbanization in some of these areas. They can even choose to have two homes; one within the town and another in the village, so that they can be given the basic needs and get services like every other Kenyan.

I support the issue of having five sittings in year, which was raised by Sen. Mumma. Five weeks within a year is not much. It can assist us to move to these regions. We can divide among the regions we have in this country such that, at the end of the term, we can visit at least 20 counties.

I support the Motion and congratulate the Mover. We are moving in the right direction. Nonetheless, let us sit down and fine-tune on the best practice that we are going to do once we go to these counties.

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

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to support this Motion by the Senate Majority Whip.

From the onset, I want to appreciate the Senate for this innovative idea of taking the Senate to the grassroots. The Senate is one of the Houses of Parliament, which is not well understood by the people in the grassroots.

Representation is key. However, most people on the ground relate representation with development. Given that the Senate does not have a fund, many people think that the National Assembly works more than us.

The idea of taking our sessions to the counties will help in engaging the public and making them understand the role of the Senate in devolution and legislative processes in this country. This is an important idea.

As we plan for this event, we need to expand it to include Committees, so that they also engage in the regions. When we are in Turkana County, we should not just do the Plenary. Some of our Committees can hold their sittings in that county.

Some of the Committees that would do a good job in engaging the grassroots are accountability Committees, that is the County Public Accounts Committee (CPAC) and County Investments and Special Funds Committee (CPISC). People can then get involved with the Senate on matters of accountability and usage of resources. As we improve on this concept, we need to think about how we can devolve our Committee sittings, not just visits to the grassroots.

Turkana County is unique because it has mineral resources such as oil and huge energy opportunities. Other examples include solar energy and hydro energy such as Turkwel Hydroelectric Power Station, where energy can be produced to ensure we have it adequately across the country.

Several Members have talked about water, which is important. A study done in 2013 by United Nations Educational, Scientific and Cultural Organization (UNESCO) found out that there are huge water reserves in Turkana.

It is ironical that last week my Committee of CPISC had issues with Turkana County Government in terms of management of water resources. The company that manages water in that county – Lodwar Water and Sewerage Company - is dead and does not understand what accountability is. You can imagine a public company where private individuals are shareholders.

This is a matter that is being handled by my Committee. This tells how governance is still an important issue in this country. We are sitting on water reserves, but cannot exploit those opportunities because of mismanagement. When we get an opportunity to go to Turkana, these are some of the things that the Senate will engage the public on.

Turkana is one of the counties that receive highest shareable revenue. However, there is very little to show for it on the ground, largely because of issues of corruption and misuse of funds. This is an opportunity for us to understand the situation on the ground as far as the utilization of the funds that we appropriate to these counties is concerned.

Turkana is a strategic county in terms of regional integration. It borders Uganda and you have seen recently the President of Uganda having cross-border issues with people from Turkana. We also have regional issues with Ethiopia and Southern Sudan. It will be important for Committees involved in matters of regional integration and cohesion to get an opportunity to understand these issues when they engage the public.

The Senate will also have to demonstrate to the people on its role in this country. In terms of oversight, resource allocation and its space in the Constitution. This is an exciting moment to rebrand the Senate and understand issues affecting our people in unique counties like Turkana, which are vast in terms of land size.

These counties also have huge natural resources that are not being exploited and have huge historical values. As you know, they say a lot about ancient civilization. Some aspects of ancient civilisation started in Turkana.

This is a good choice. I commend the SBC for deciding that the next place we need to go to is Turkana County. When we make such sound decisions, as a House, they make us appear unique and more serious.

There is also the issue of equalisation fund. It will be an opportunity for us to engage the public on the place of equalisation fund in this country and how well it should be managed and utilized. Equalisation fund was meant for those regions that are economically behind to catch up with the rest of the country.

The engagement with the County of Turkana will improve the capacities of the County Assembly of Turkana. It will be for them to understand how legislative processes are run, the best practices in Parliament and their role as people who play primary oversight in the counties.

I support the idea of the Senate going mashinani. We need to have a clear programme and adequate preparation.

Mr. Temporary Speaker, Sir, we can propose that for every session, we have one week where we sit outside Nairobi. Also, we should know the counties in advance, so that early preparations can be made. We can have more meaningful engagements when we go to those regions.

With those many remarks, I support the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, time for debate on this Motion has since been consumed. However, looking at my screen, I still have got a huge list of Members who are seeking to speak to this Motion.

I will allow one Member from either side, then call upon the Mover to reply because we have limited time. We should spare the next five minutes to conclude, so that we move to the next Order on the Order Paper.

Sen. Nyamu, proceed.

Sen. Nyamu: Mr. Temporary Speaker, Sir, it will be an opportunity for me to visit Northern Kenya. Before, there is nothing you could do to convince me to visit Turkana County.

The residents of Turkana used to say they were visiting Kenya because they were cut off from the rest of the country. That affected service delivery. We used to see depressing images of hunger and crazy levels of poverty.

Rumour has it that errant civil servants would be transferred to Turkana as a disciplinary measure because of the kind of hardship that was there before devolution. The onset of devolution was like a second independence for the county.

To me, having Senate Mashinani in Turkana is not only timely, but also significant. It will be like a celebration for us, Senators, who are charged with the responsibility to oversight devolution in our country. It will also be an opportunity to take stock of how far devolution has come.

Because of devolution, businesses are thriving in Lodwar and the population has increased. We are looking forward to seeing the people of Turkana benefiting from the housing plan of this Government. Lodwar is dotted with skyscrapers and the tourism sector is growing among others.

Mr. Temporary Speaker, Sir, I look forward to having that week in Turkana as we take stock of our progress.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Montet Betty, proceed.

Sen. Montet Betty: Mr. Temporary Speaker, Sir, I also join my colleagues in supporting this Motion. I thank the SBC and the Majority Whip for bringing such an important Motion to the House.

Senate Mashinani is one of the most important issues that the Senate should take seriously. When the Senate held its sittings in Eldoret, it was not only interesting, but also historic. Members of the public felt that the Senate had gone there to listen to them. Therefore, they expressed themselves and brought out the issues in that area. Most of the issues that were brought up by the community there have become history.

I also support that Senate Mashinani should not be once a year. It will be encouraging to the public to know the role of the Senate and what exactly is expected of us. For that matter, we should have more visits. As my colleagues suggested, if we make them four or five in a year, that will do some justice to our role of oversight of the counties.

Supporting county governments is crucial. Since I know the Office of the Speaker is capable of organizing for visits, I suggest that proper research is done, so that by the time we go to a county, we know the problems they are facing and what the different committees can deal with.

For example, in the case of Turkana, we can have the committees concerned with security, cohesion and agriculture. Those committees should be prepared properly and adequately to deal with the issues that could come from members of the public.

Mr. Temporary Speaker, Sir, as I support, I urge the SBC to plan for more sittings in other counties, so that more counties benefit from having Senate sittings in their counties and dealing with their problems directly.

Having said that, Mr. Temporary Speaker, Sir, I support all my colleagues who supported this Motion.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I had directed that I will grant two Members opportunity to speak. I want to exercise my discretion to allow one Member from each side who expressed interest and is still in the House to speak to this Motion, before I call upon the Mover to reply.

I will, therefore, allow Sen. Joe Nyutu, and thereafter, Sen. Sifuna to contribute.

Sen. Joe Nyutu: Mr. Temporary Speaker, Sir, I appreciate this opportunity to also support this Motion. Turkana is a county not well known to most of us. It will be quite an experience for Senators to visit and interact with the community.

Like most of those who have spoken before me have said, that is a county with a lot of resources. There is oil and volumes of water according to reports that have been widely publicized. It is a county where the Senate would want to visit and see what has been achieved, especially through the equalization fund that the county, alongside others, has enjoyed for over 10 years.

We must see what Governors do with the cash that we give them through the Division of Revenue Bill. We should know, for example, why Turkana and other counties continue to suffer from the effects of drought, yet we do not have ways and mechanisms of harvesting water 11 years after.

We should also make members of that community feel that Kenya in general recognizes them. We always hear that when you go to Turkana, the people there ask you

how Kenya is because they believe that Turkana is not in Kenya. It is time we acted to show those brothers and sisters of ours that they indeed belong to Kenya.

It is high time we acted to show these brothers and sisters of ours that they belong to us and we belong to them; and that they are Kenyans. What would be better than the Senate holding its sittings there and interacting with these people?

This is a well-thought-out Motion that anybody who cares about nationhood and minds about statesmanship should encourage. Since time is gone and the Mover has to do his businesses, I beg to support this particular Motion with all my strength, so that we may be able to get the feel of things in the so-called marginalised counties.

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

Sen. Sifuna: Mr. Temporary Speaker, Sir, thank you for allowing me time to also contribute to this Motion. I am a Member of the SBC and a champion of the idea that we need to return this House to the grassroots in order to maintain contact with the people.

Mr. Temporary Speaker, Sir, first of all, as a new Member of this House, I have felt the insulation that you get when you walk into this Chamber. As you are aware, apart from me and maybe my brothers from Kiambu, Machakos and Kajiado counties, the Senator for Turkana comes from very far. Sometimes, that distance, coupled with the security arrangements that we have in this particular place, can make you feel extremely insulated from what the people are actually telling us.

I am a firm believer that there has to be constant contact between representatives of the people and the people themselves, especially in controversial times such as the ones we live in. I would have loved to see more engagements in more counties. In fact, I agree with my colleagues here who have proposed that we need to increase the sort of sittings that we have in a year, so that we can cover more of these counties. Let us not fear the people.

In fact, it would be extremely interesting if the history of this Senate Mashinani is anything to go by; that we should be able to go back and do the business that we transact in this House in close proximity with the people. I believe that the closer you are to the fire, the faster you cook.

Some of our colleagues here have taken decisions that we strongly disagree with. I would love to see those decisions being made in the presence of the people. Sometimes, I can come here and claim that I speak for the people of Nairobi City County, when I know for a fact that I would be lynched if I went to Ofafa Jericho tomorrow and say that, yes, I support the demolition of Ofafa Jericho, so that new houses can be constructed. I will not even be able to leave that estate because the people of Ofafa Jericho have given express instructions that as far as they are concerned, they do not want their estate to be demolished.

I would love to see a situation where critical votes on critical issues that affect *wananchi* are actually done in their presence. If we are able to allow the public, for instance, from all the 290 constituencies, to come into this Gallery during the vote on the Division of Revenue Bill, I can assure you that it would be a very interesting vote. I would love to see it when the National Assembly votes on the Finance Bill. How I wish the National Assembly followed the example of the Senate and actually hold their sittings in the constituencies during the vote on the Finance Bill.

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

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, my good friend, Sen. Sifuna, is a very serious legal practitioner in this country. Under Standing Order No.105 and our Constitution, the sovereignty of people is either exercised directly or indirectly.

The great people of Nairobi City County have elected Sen. Sifuna to represent them in the Senate. Does he then want to again abdicate that authority and go ahead and call the great people of Nairobi City County to come and vote on their own behalf?

Is it in order for him to mislead the public that by voting, we are exercising our own authority on our own behalf, yet he knows that all of us were elected to indirectly represent the interests as provided by the Constitution?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, take note of the comments under that Standing Order as stated by Sen. Cherarkey.

Sen. Sifuna: Mr. Speaker, Sir, with the greatest respect to my younger colleague in the profession, the Senator for Nandi County, I believe that I understand the Constitution of Kenya quite well. There is a reason the framers expressed the delegated authority as exercisable directly or indirectly. All I was saying is on critical matters affecting mwananchi.

I think he was not here when I was talking about the sort of insulation from the people that I feel when I am in this Chamber because of the layers of security and distance from home. Sometimes you feel that you can say things here and by the time you travel to your constituency, you will have sent people to convince people not to heckle you.

Mr. Temporary Speaker, Sir, all I am saying is that as a representative of the people, I would want nothing more than the people to know what I do in this House. We have the Parliamentary Broadcasting Services (PBS), so that the people can see if it is true that the things you are saying on the Floor are not your own, but things that the people sent you.

I gave an example of Ofafa Jericho because in Nairobi City County, we are in the process of developing old City Council estates. I was in Ofafa Jericho. They told me that for them, they view this redevelopment different from, for instance, the people in Woodley or Bahati. All I am saying is that the mood on that critical day when a decision is being taken, will be very different. I am sure and I know this because I am also a politician.

I gave an example of the Senate Mashinani of 2018 in Uasin Gishu County, at the height of our problem with the maize farmers. I was not a Senator then. However, I watched with great respect the people of Uasin Gishu County telling their Senator to his face that, that is not the position they sent him to take.

Mr. Temporary Speaker, Sir, I suggested that the National Assembly should follow the example that has been set by the Senate and on this particular Bill, the Finance Bill. I would wish that it be voted for while the Assembly is not here in Nairobi City behind this fence, but mashinani kwa ground. When you tell us that you are voting for the people of Kipkelion Constituency and support the Finance Bill, which has the punitive tax measures, the people can be there to tell you: "No, we want to do this ourselves."

Mr. Temporary Speaker, Sir, I am a firm supporter. In fact, I am happy that you chose the North Rift. As you know, Turkana County has an Orange Democratic

Movement (ODM) Government. I would want to be personally there to see some of the things that my Governor is doing.

I have argued in other quarters that if some of these national institutions were permanently taken to some of the North Rift areas that are troubled with insecurity, and with the sort of security I see my brother, the Senator for Nandi County moving around with being replicated to all the 67 Senators, then there will be enough security in the North Rift to deal with the problem of banditry. I have even proposed that we should move these Houses.

If the Cabinet meets in Kapenguria and the Senate does its proceedings from Kapedo, then I can assure you that since they need to fortify and protect you as the representative of the people, those bandits would be sorted out in a matter of months.

Mr. Temporary Speaker, Sir, I support the move. Let us see, as the SBC, how we can accommodate some of the views that have been given by our Members, that we try and increase the number of appearances on the ground, so that we can have more contact with the people.

I am pleased to go to Turkana County as a Member of the Senate's Committee on Energy. There is a live dispute under the Senate's Committee on Energy involving the Lake Turkana Wind Power Project, where a court decision has just been rendered for the land, where the project sits on, to be returned to the people of Turkana. It is a dispute that the Senate cannot avoid or ignore because, as you know, public land is land entrusted to our counties. It would be interesting for us to hear from the people themselves.

Mr. Temporary Speaker, Sir, these people make Petitions to us here in Bunge. As I have said, we are so far removed and enclosed in this cocoon. Sometimes, we cannot understand what the people are saying. You need to be there to see it.

After the construction of that project, the people of Turkana are still off the grid. We, in the Committee of Energy, have engaged with this issue quite robustly. They do not enjoy the electricity that is generated in their own areas. I want to support this. We should do this in more counties. I wish we could go to Meru to see how our governor is going on after the decision that was made in this Senate.

There are problems also in the South Rift, where the Speaker comes from - in Bomet, Nandi and Kericho - with the tea harvesting machines and the conflict with the people there. I wish that we could go there, so that we can also deal with those issues there on the ground.

Lastly, I know that the Senate sits in Nairobi. However, this time around, do not leave us out of Senate Mashinani, the way that you did with the equalization fund. This is because Nairobi is not just here in the Central Business District (CBD).

Mr. Temporary Speaker, Sir, there was a team that came from Mukuru Kwa Njenga to petition the Senate Committee on Energy about the lack of supply of electricity in that area. Therefore, next time, allow Nairobi to host Senate Mashinani. We do not just sit here, but go to the *vijiji*. Let us go to Ofafa Jeriko to see the issue of redevelopment of the city of estates. Let us go to Mukuru, and Mihango, so that the people of Nairobi do not suffer because we are your gracious hosts.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Sifuna from Nairobi. For your information, you referred to Sen. Cherarkey as representing the people

of Kipkelion. I would like to inform you that Kipkelion is in Kericho County represented by the Senate Majority Leader.

Hon. Members, there being no other Senator who wishes to speak to this particular Motion, I now call upon the Mover to reply.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. It is a great joy to sit in this House the whole afternoon and listen to Members. I used to think the work of the Speaker is very boring. However, having listened, Members say very useful things.

(Applause)

Sen. Kisang and Sen. Sifuna are the only two Senators, while supporting this Motion, who have requested that sittings be held in their counties. The rest of the Senators preferred that we go far and beyond, so that we can be ferried across the Republic. I thank all of you.

I also want to thank Sen. Mumma. She has been very innovative. She said that we can do 15 counties in one term by us doing five in every year, for that matter. It is actually doable. It means we just set aside five weeks out of 54 weeks in a year and we can do those five counties. That way, many people will not think that they will have to wait for a lifetime before Senate reaches them.

Since it is doable and it is her brainchild, I urge her, so that I do not look like I am plagiarizing by taking her idea, to go ahead and prepare this Motion. When the Parliamentary Service Commission (PSC) will be doing its budget for the next financial year, which is just around the corner, they can provide funds for this very innovative and important suggestion.

I also want to thank Members because I have heard them. They have shown that Turkana can be a tourist destination. Sen. Sifuna has told us that we can make Turkana the centre for production of electricity. Members have said that we do not have to shy away from desalination of water in Turkana. It is quite possible. We can spend Kshs50 million to do that process. They are saying, if we can do it on electricity, why not on water?

That reminds me that in today's print media, there was a photograph of a young woman in North Horr. She had collected dirty water in a container and she was carrying her about two-year-old son on her back, and was giving him that water. When I think about these things, I do not feel nice. Maybe some of you are too young to love a child.

With the kind of wealth that we have in this country, that a woman in North Horr can collect dirty water in a container and give the child and we are Government. We should not allow that. I hope the Governor of Marsabit County, from where this woman comes from, captured this footage. That county must make water a priority.

Mr. Temporary Speaker, Sir, it is sad that when you hear the Governors from the Arid and Semi-Arid Areas (ASAL) speak about water; I have heard them, they have even made pleas; it is about water pans. They are more concerned about giving water to their animals than they are concerned about giving water to the populace. The thing that we are speaking to was the very intention of devolution.

Mr. Temporary Speaker, Sir, you have heard the conversations where some people, including some Senators, are suggesting that the health docket be taken to the

national Government. If you do that, then let us wind up devolution. To take healthcare closer to the people, it must be domiciled in the county governments.

The real problem why health is not functioning is because we are holding money meant to run the programmes in the counties at Afya House. In the Third World all over the Globe, it is donor support that drives the health sector. The global donor funds for Human Immunodeficiency Virus (HIV), National AIDS and STI's Control Programme (NASCOP), Malaria Fund, Tuberculosis (TB), infectious diseases and others are domiciled at Afya House. If this donor money could directly go to governors and then, we, as Senators, are empowered with an oversight fund, we pin these governors down, we will have delivery of very good health services to our people.

Finally, you will be going to Turkana County. I heard somebody say this; you will see why Sen. Lomenen can never be an effective Senator for Turkana County. Where will he get the facility to move over 800 kilometres from one end of the county to the other. His oversight role is completely ineffective. That is why despite Turkana County getting over Kshs200 billion in the last 10 years, they have not made serious strides.

I thank you and beg to reply.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, pursuant to Standing Order No. 84(1), I make a determination that the matter does not affect counties.

I now put the question.

(Question put and agreed to)

Hon. Members, I would like to go back to the Order Paper and defer Order Nos. 8, 9, 10 and 11. This is because of quorum. These are Bills that ought to be before the Committee of the Whole.

Those Bills stand to be deferred to the next Sitting.

BILLS

Second Reading

THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)

(Bill deferred)

Second Reading

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

(Bill deferred)

COMMITTEE OF THE WHOLE

THE EQUALIZATION FUND APPROPRIATION
BILL (SENATE BILLS NO. 3 OF 2023)

(Committee of the whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY VOCATIONAL EDUCATION AND TRAINING
BILL (SENATE BILLS NO. 3 OF 2022)

(Committee of the whole deferred)

Order Nos. 13, 14 and 15 are deferred.

BILLS

Second Reading

THE COUNTY ALLOCATION OF REVENUE
BILL (SENATE BILLS NO. 16 OF 2023)

(Bill deferred)

Second Reading

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO. 1 OF 2023)

(Bill deferred)

Second Reading

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 6 OF 2023)

(Bill deferred)

I re-arrange the Order Paper to have Order No.16 called upon.
Next Order.
Proceed, Sen. Cherarkey.

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

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I rise to move the Employment (Amendment) Bill (Senate Bills No.11 of 2022).

This is the famous Bill. This Bill has been covered by many international media houses. I have received calls. This is the moment and I want to---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, just go ahead and properly move the Bill as it appears in the Order Paper.

Sen. Cherarkey: Mr. Speaker, Sir, I rise to move that the Employment (Amendment) Bill (Senate Bills No. 11 of 2022), be now read a Second Time.

Mr. Temporary Speaker, Sir, I want from the onset, to say that at some point there has been a lot of misinformation regarding this Bill in the media and many other places. This is the Bill called the right to disconnect. Many people did not know the value of remote working or working from home until COVID-19 came into place.

At that time, the famous words, “kindly work from home,” came into effect. They were discouraging people from coming to offices to avoid the spread of COVID-19 by not crowding in offices. This Bill is essentially about the right to disconnect.

I put it from the onset that Kenya is not the only country that is pushing the right to disconnect.

Mr. Temporary Speaker, Sir, the rights of employees continue to grow by the day. Article 41 in our progressive Constitution 2010 talks about the rights of employees. One of the basic rights we know is the right to fair remuneration, good working conditions and employment.

This Bill is coming at the right time because we are talking about the rights of employees, even the famous conversation about the Housing Levy Fund. Section 31 of the Employment Act says that every employer must provide a living quarter for their employees in a convenient working place.

Mr. Temporary Speaker, Sir, we are just expanding and enriching the working environment of our employees. This Bill talks about the central right to disconnect. With the remote working environment, we need to protect right to privacy; right to family time. A research that was done in the USA shows younger management send the work of emails, text messages and *WhatsApp* assignments to employees beyond 5 p.m.

This Bill on the Right to Disconnect will ensure that no worker or employee is forced to work outside working hours without having a structured engagement. There are countries such as France, in 2016, before the onset of COVID-19 remote working, they had passed such a law. Others are Belgium and Portugal. USA is having a discussion. I am happy that Kenya will become one of the first countries in Africa to enrich work by passing such a law.

Mr. Temporary Speaker, Sir, Thursday is a holiday. Many young people have misinterpreted my Bill to mean *ni kwenda kupiga sherehe*. On a light note, Sen. Sifuna used to say, during campaigns, that he was the chairman of *kupiga sherehe*. On a lighter note, the reason Kenyans did not give them the votes is that they imagined *wataenda kupiga sherehe kila siku*.

When many young people saw this Bill, they thought *ni kupiga sherehe* because from Friday to Monday, your employer is not supposed to call you. I saw many funny things on social media about this Bill. However, critical care services such as doctors, nurses and many others are on call. It is very important to be aware of such.

We need to agree that this Bill will have a structure. I have seen the Federation of Kenya and Central Organisational Trade Union employers have been fighting my Bill. We respect Mr. Atwoli very much; he is an elder in this country and, therefore---

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

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

QUORUM

Sen. Joe Nyutu: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No. 41 about quorum. I bring to your attention that we do not have enough numbers in the House to raise a quorum. I beg that you look into that matter.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, kindly confirm the quorum of the House.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order No.41(2)(a), and there being no quorum, the Senate stands adjourned until tomorrow, 31st May, 2023, at 9.30 a.m.

The Senate rose at 6.25 p.m.