

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 22nd February, 2023

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

[The Deputy Speaker (Sen. Kathuri) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we want to confirm whether we have quorum. Clerk, kindly advise.

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

Kindly ring the quorum Bell for five minutes.

(The Quorum Bell was rung)

Let us transact the business of the day.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM MAKUENI UNIVERSITY STUDENTS' ASSOCIATION

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Makueni University Students' Association (MUSA). The delegation comprises students who are in the Senate for a one-day visit.

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

I thank you.

I will allow a few comments to welcome our visitors. I will start with the Senator for Makueni, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, for giving me an opportunity to welcome the student leaders who lead close to 2,000 students in different universities in the Republic of Kenya.

They have been here since morning. They have been taken through the procedures of Parliament for them so that they can know what happens here. I also had a session with them so that I can role model in one or two political matters.

Part of these student leaders are also in a programme called Africa Youth Leadership Forum (AYLF). Under the tutorship of the National Prayer Breakfast, we mentor young university leaders into good leadership of the future. Most of them end up in attachments with governors. We have a programme whereby they can be mentored and attached. They can go into entrepreneurship for those who wish to work in companies or start their own companies.

We also take quite a number of them to National Prayer Breakfasts in different countries. Recently we went with some of them to the United States of America (USA). One or two who are here have travelled on a different programme to South Africa. We have exposed them to future leadership and good mentorship. We want them to be very good leaders in the future.

Let me finish on this one. I had an opportunity to hire---

(Technical hitch)

The Deputy Speaker (Sen. Kathuri): Hold on. Sen. Maanzo, I am not happy with the sound. Maybe, the technical team can kindly improve on the sound.

Sen. Maanzo: Mr. Deputy Speaker, Sir, I had an opportunity to mentor quite a few. One of them became my personal assistant. Later on, he was elected as a Member of the County Assembly (MCA) of Makueni.

We have Hon. John Kaguchia of Nyeri who was the Speaker for Nyeri County Assembly under this programme. He is now a Member of Parliament (MP) for Mukurweini Constituency. Currently, he is part of our team that is mentoring other young leaders.

Quite a number of them have become majority leaders in different county assemblies. We, therefore, encourage other counties and other student leaders from different parts of the country to visit Parliament and be mentored by their leaders. Also, be of good support to their leaders during their campaigns.

I thank you, Mr. Deputy Speaker Sir. I welcome them to follow the proceedings so that they can know what happens in this House.

The Deputy Speaker (Sen. Kathuri): Sen. Cheptumo, you may proceed.

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I wish to also join my colleague to welcome the student leaders in this House. Several years ago, some of the Members of this House were in the position of the current student leaders who are in the universities.

The fact that they are now leaders in the universities is an indication that they will be our future Senators, Members of Parliament (MPs), and Cabinet Secretaries (CSs).

I encourage them to be very vigilant, work hard in their studies, be responsible so that when this leadership of our age will retire in some years to come, we will have leaders to lead our country. They have to prepare for their lives through education.

Leadership in the university and institutions is a good indication that these are responsible citizens.

I welcome them to the House to learn and to see what happens in Senate. I believe they will be inspired by the debates in this House.

The Deputy Speaker (Sen. Kathuri): Sen. Okenyuri

Sen. Okenyuri: Thank you, Mr. Deputy Speaker, Sir. I also want to support Sen. Maanzo's sentiments in welcoming the student leaders from Makueni.

As you know, I am a former student leader at Maasai Mara University. So, I am a product of the university leadership breeding that transit to national politics.

I also want to encourage female student leaders to take up these positions. Positions will not follow you from your comfort zones. You have to come out and display what you are able to offer to this country. Surely, people who subscribe to such kind of thinking will bring you to this space where we are in.

I also welcome you to the Kenya Young Parliamentarians Association (KYPA) for more partnerships so that you acquaint yourselves with what the young legislators are doing in both Houses; that is the Senate and the National Assembly.

The Deputy Speaker (Sen. Kathuri): The Senate Majority Leader, Sen. Cheruiyot?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker Sir, thank you for giving me this chance. I join the rest of my colleagues in welcoming the students who are here today.

Sen. Okenyuri has captured it quite well by reminding them that many of the leaders that you see here, chances are that they began their leadership training right from university or even earlier, yours truly included. Therefore, they are on the right track by showing that they practice their leadership skills enough, learn about the beauty of our country, the diversity and the challenges of leading.

Once you are a leader at the university, you are already a national leader. This is because all our universities take students from every part of the country. When they grant you an opportunity to lead, it means they have identified your leadership skills early in the day.

I hope that they will get a fruitful engagement with the leadership of the Senate and those whom they wish to interact with so that they can learn as much as possible. Know the history of Parliament and the things that we need to do.

One final thing is a challenge. I have seen Commissioner Sen. Joyce Korir walk in. One of the things I regret we were unable to achieve during our time when I served at the Parliamentary Service Commission (PSC) is to establish a Parliament Museum. There have been enough papers that have been written about it. That is one of the projects that unfortunately, for reasons beyond our control, we were not able to set it up.

It is one of the things that these students who visit Parliament, whether from the university, high school, or primary, should benefit from. It is something that you have seen in other Parliaments. If you go to the Lok Sabha in India, the Westminster in the UK, and all established older democracies than ours, you first visit the Parliament Museum so that you get to know the history, when the Parliament was founded, who has served in various leadership positions, what is bicameralism as it is state right now. You have a 10-15-20 minutes tour before entering the Chamber to watch live proceedings.

Mr. Deputy Speaker, I challenge our colleagues who serve in the PSC in their current session to ensure that the dream that we and many others before us have had of establishing a Parliament Museum is realized so that students can learn more other than just visiting us in the House.

I welcome the students and wish them a fruitful engagement during their stay in Parliament.

Sen. Joe Nyutu: Asante, Bw. Naibu Spika. Nachukua fursa hii ili niwakaribishe viongozi wa chama cha wanafunzi kutoka Chuo Kikuu cha Makueni. Kama wenzangu walivyotangulia kusema hapa Bunge ni mahali ambapo watajifunza mengi kwa sababu sisi hujadiliana kwa amani.

Ninatarajia kwamba wakitoka hapa warudi kwenye chuo chao, watakuwa watu wanaoweza kusikiliza wengine, wasimamizi wa chuo na wanafunzi wenzao. Ikiwa kwamba kuna jambo ambalo litakuwa na mकिनzano fulani, wanaweza kulisuluhisha kwa kuzungumza kwa amani.

Bw. Naibu Spika, sina mengi ila kuwakaribisha huku kama walivyokaribishwa na wenzangu. Niwaambie kwamba Bunge hili ni nzuri na watajifunza mengi ambayo wataenda nayo na wafunze wenzao ambao hawakuja nao leo.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Asante. Nikiendelea na Kiswahili na tukimalizia, Sen. Maanzo ni rafiki yangu ambaye tumejuana kutoka mwaka wa 2013 wakati tuliingia Bunge la Taifa. Ningependa kuwaambia hawa wanafunzi wa Makueni kwamba wakifuata maadili, heshima na utendakazi uadilifu wa Sen. Maanzo, wataenda mbali.

Sen. Okenyuri, umewashauri wakina dada wale wako pale vile wataendelea vizuri. Pia ningependa kuwaambia wanaume kwamba mambo ni mangumu huku mbele. Wanawake wameanza kutupita na wajikakamue kabisa ili waweze kuendeleza mambo yao vilivyo.

VISITING DELEGATION FROM WANJOHI MIXED
SECONDARY SCHOOL, NYANDARUA COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to recognize another group in the Public Gallery of visiting Teachers and Students from Wanjohi Mixed Secondary School, Nyandarua County.

In the Public Gallery, we have 28 students, accompanied by 23 teachers from Wanjohi Mixed Secondary School, Kipipiri Constituency in Nyandarua County, who are in the Senate on an education tour.

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

I thank you.

Hon. Senator for Nyandarua County, where are you?

Sen. Methu: I am here, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Okay. I give you the first opportunity to welcome your guests.

Sen. Methu: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to welcome our students from Wanjohi Mixed Secondary School. For those who may not know where Wanjohi is, it is in Kipipiri Constituency, currently represented by a Member of Parliament called hon. Wanjiku Muhia, the only elected woman MP from Nyandarua County.

As I welcome them, I also commend them for their exemplary performance in the last national exam. Wanjohi Mixed performed very well and their Principal Mr. Francis is seen to be doing a good job there.

Mr. Deputy Speaker, Sir, finally so that we are able to transact the other business that we have here, I want to encourage the students from Wanjohi Mixed Secondary School to work hard.

I was there when they were doing their prayers for their candidates last year. I want to encourage them like I did when I visited their school, that when they look at me standing at the Senate of Kenya, speaking to them as their Senator, it is a big inspiration to them that, they can achieve anything that they would ever want to achieve in life.

Any one of them that wants to become a doctor, the dream is in their own hands. They should work hard. As the Government, we are there to support them. If any of them has any challenge with their school fees, the Government will be there to support them so that they become responsible Kenyans in future.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you Senator. You are the Government.

I am happy that you are one of the “bottom up” Senators that we have in this House. Therefore, your encouragement is quite in order.

Let us have one encouragement from Sen. Cheptumo. He is a veteran leader in Parliament.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, I want to join my chairperson for the Committee on Lands, Environment and Natural resources, who is also the Senator for Nyandarua County to welcome the students to this House.

As I said earlier, all these Members were students many years ago. Some of us never got a chance to visit Parliament when we were in primary or secondary schools. It is really inspiring for those who have a chance to be here, more so, when the Senator has some personal touch with the institutions which are visiting this place.

I would like to encourage them to continue working very hard in their studies. The only way they can be guaranteed of a better future is when they excel in their studies and make their way up to leadership like those of us who are here in this House.

We know there are many challenges facing students such as school fees which hinders their school attendance. When I was in secondary school, we used to lack money to pay school fees. However, through hard work and fundraisers by the public, I was able to finish my secondary school education.

I want to encourage those from humble backgrounds to work harder so that in future, they excel and get a job or employ others and be useful in our society.

I welcome them to the House and I am sure they will be inspired to see their Senator here, yourself as the Speaker and the rest of the Members in this House.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Cheptumo. Most of the students might be aspiring to be professors and lawyers. Therefore, let us hear from Sen. (Prof.) Tom Ojienda who is a distinguished Senior Counsel in this Republic.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to address students from various institutions, some from the university leadership and others from other levels of learning.

Coming to Senate is not just a beginning of inspiration to the walk in legislation for those who have interest in elective politics, but also the learning of how our institutions work. The Majority Leader has referred to various experiences out there.

Ours being a bicameral system where you have the National Assembly and the Senate, it is a system that should inspire because it has inherent checks and balances. I am sure those who come to Senate want to learn about our system.

It is also an opportunity to see how Senate engages in legislation and in dealing with questions in a manner that is bipartisan because you have leadership both in the Majority and Minority sides.

Mr. Deputy Speaker, Sir, I think it is good that this culture of students coming to Senate be encouraged because it is the beginning of learning. When you begin to learn and understand how our institutions work, then as a student you also get inspired to study.

I only urge those visiting Senate this afternoon to aspire to do their best so that in the future, they can look back and see where it all begun.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. (Prof.) Tom Ojienda, SC.

This House has two professors. I would be very unfair if I also do not recognize Sen. (Prof.) Kamar, the Deputy Speaker Emeritus, to also give a word of counsel to our students.

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to join my colleagues in welcoming the students and the student leaders.

First, as we welcome them, I would like to tell them that their future is very bright in this country. However, it is bright for those who work hard and for those who concentrate and do what must be done when you are a student. The time of being a student is so limited.

Basic education in Kenya is recognised from Pre-primary One (PP1) to form four. The period is so limited that if you waste it, you lose it. I wish you well. You are very fortunate to have come to the Senate.

When some of us were students, there was nothing to inspire us because Parliament was a no-go zone. Now, you can come and see your leaders, your Members of Parliament (MPs) and see where people come from.

All the Members in this House were once students as yourselves. So, I encourage the students that as they go, they work hard, stay focused and the sky is the limit.

Mr. Deputy Speaker, Sir, for the student leaders, I am happy to welcome them. I worked in the university for over 21 years. In my time at the university, we saw 'A' students go back to zero because they come to the university as if it is for the sake of the parents. So, they seem to be working for the parent instead of working for themselves.

I ask the student leaders, because you are the leaders and have been entrusted by the other students that you must be their role models. You should be the ones who are leading, not just in the affairs of the students, but also in the academic part of leadership.

We encourage you that the beginning of leadership has started for you. If you look at this Senate, we have Senators who were student leaders. If they give you their Curriculum Vitae (CVs), you will be shocked that their leadership started in university, colleges and some in high schools. So, you have been given an opportunity by the students.

However, let me tell you the hallmark of all this is self-discipline. If you are not self-disciplined, you will face the committee that Sen. (Prof.) Kamar chaired for eight years in the university.

I was Chairing the disciplinary committee and was shocked that an 'A' student, who did not need money, can be influenced to go and steal a book from another student. I encourage you that as leaders that discipline is the first thing.

Secondly, you are going to be the role models. You are the Kenyans we are waiting for; the Kenyans of tomorrow. Our time is running out age wise and we are expecting you to take care of this country beyond this. Personal discipline charts a way for yourself and for your families.

Never study for your parents, but for yourself. I know you know this because you are already in leadership. If you do not use your leadership well, you will not reach where leaders such Sen. Orenge, who is now a Governor, was because he was in the same position you are in now.

I can tell you that half of these Members were leaders from high school just like I said earlier. I wish you well. You have been given an opportunity by the other students to lead them. Practise it fairly, with justice and with integrity because your integrity begins from where you are.

I thank you.

The Deputy Speaker (Sen. Kathuri): Lastly, Sen. Wafula, please proceed. Two minutes kindly.

Sen. Wafula: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii kutoa ushauri wangu na kongole kwa viongozi wa Chuo Kikuu cha kutoka sehemu ya Ukambani.

Vilevile, naona vipusa wa shule ya upili ambao wamekuja kujionea kwa macho Bunge la Seneti ambalo lina weledi wa kutunga sheria na kuchanganua masuala ya siasa. Pia, kuchanganua masuala ibuka katika nchi ya Kenya. Hii Bunge ambayo ina wazee wengi ambao wana tajiriba ya miaka mingi. Waswahili husema palipo na wazee hapaharibiki neno na palipo vijana chipukizi, wazee hutoa jasho.

Hivi kwamba ni kuwaambia viongozi wa vyuo vikuu ambao wako hapa kwamba wao ni kielelezo ama mfumo wa kizazi kipya cha viongozi. Lazima mwelekeze wenzenu kwamba nchi hii haihitaji kutwambia unatoka ukoo upi ama unashiriki dini ipi. Cha muhimu ni kile kilicho kichwani mwako na Mungu unayemwamini.

Mwanariadha shupavu, Elid Kipchoge, alisema, mtu hatimiliki, mtu hana kikomo. Cha muhimu ni nia na penye njia. Nyinyi wanafunzi wa vyuo vikuu, mimi wenu vilevile nilikuwa nimejitwika ganzu la kuwa kiongozi katika chuo cha Laikipia kule Nyahururu. Vilevile nilikuwa kiongozi katika shule ya upili niliposoma na *bullfighter*, Sen. (Dr.) Khalwale.

Sasa, tunataraji kwamba yale ambayo yanawakumu nyinyi kama vile kuongezwa kwa karo ya vyuo vikuu, nendeni mjipange, mlete hoja zenu hapa Bungeni, mtueleze mbona hamtaki tuinue gharama ya chuo kikuu na sisi wenu tutawatetea kama wasomi katika Bunge la Seneti.

Mimi ni mwalimu wa chuo ya shule ya upili. Nafurahia sana nikiona walimu wenzangu wakileta wanafunzi hapa ili kujionea na kuelewa kwamba hatima yako iko mikononi mwako. Uamuzi utakaochukua kutoka sasa utakuelekeza kule ambako unataka kuwa katika siku za usoni.

Bw. Naibu Spika, nashukuru kwa fursa uliyonipa na kuwatakia kila la heri wanafunzi wa vyuo vikuu na wale wa shule ya upili. Mjivunie kuwa Wakenya na katika Bunge la Seneti.

The Deputy Speaker (Sen. Kathuri): Asante sana, Seneta wa Kaunti ya Bungoma. Lakini, kuna methali moja umebuni leo sijasikia tena; panapo vijana chipukizi, wazee hutoa jasho.

(Laughter)

Mpaka nimeona Seneta wa Kaunti ya Kakamega ameanza kutoa jasho kabla vijana waanze kuchangamka.

(Several Senators walked into the Chamber)

Senators, you are almost forgetting the rules of the House

VISITING DELEGATION FROM ST. ANNE, GITUBA
GIRLS SECONDARY SCHOOL, KIRINYAGA COUNTY

The Deputy Speaker (Sen. Kathuri): In the Public Gallery, we have 49 students, accompanied by three teachers from St. Anne, Gituba Girls' Secondary School in Kirinyaga County who are in the Senate on an education tour.

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

I thank you.

The Deputy Speaker (Sen. Kathuri): Senator of Kirinyaga County, Sen. (Dr.) Murango, please proceed.

Sen. (Dr.) Murango: Asante sana, Bw. Naibu Spika. Kama mwenyekiti wa Kiswahili kitukuzwe katika Afrika Mashariki na Jangwa la Sahara, ni vizuri nifanyie Kiswahili haki kwa kuwakaribisha wanafuzi wa kutoka shule ya St. Anne Gituba.

St. Anne Gituba ni shule moja ya maana sana kutoka Kaunti ya Kirinyaga. Kama mimi niko hapa, pia wao wanaweza kufika hapa. Nimesikia kuwa hapa kuna viongozi wa wanafuzi kutoka chuo kikuu cha Makueni. Mimi sikufanikiwa kuwa kiongozi katika chuo kikuu lakini nilikuwa kiranja katika darasa la saba. Kwa hivyo, nadhani hata huo ni uongozi.

Bw. Naibu Spika, nafasi ambayo wanafunzi wako nayo sasa hivi ni muhimu sana. Kuwa na nafasi ya kuja katika Bunge la Seneti kujionea jinsi ambavyo mambo yanafanyika, ni jambo nzuri sana ambalo pia litawasaidia katika maisha yao yajayo.

Kwa sasa hatusemi kuwa wao ni viongozi wa kesho, bali wa sasa hivi. Hilo linadhihirika wazi ukiangalia viongozi walio hapa katika hili Bunge la Seneti.

Bw. Naibu Spika, ninawakaribisha wanafunzi wa shule ya upili ya wasichana ya St. Anne Gituba. Kwa sasa, ningependa kuwakumbusha kwamba kwamba kila kitu kinawezakana.

The Deputy Speaker (Sen. Kathuri): Asante sana.

VISITING DELEGATION FROM
PIONEER GIRLS' SCHOOL, MURANG'A COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, in the Public Gallery, we have 61 students accompanied by five teachers from Pioneer Girls' Secondary School in Murang'a County. They are in the Senate on an educational tour.

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

Thank you.

Sen. Joe Nyutu, proceed.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to welcome the students of Pioneer Girls' Secondary School in Murang'a County, which I represent in the Senate.

I am also a teacher by profession. When I talk to students, I am like a fish in water because that is what I used to do all my days before I came here. May I tell them they made a good choice to come to the Senate today. I also congratulate their teachers who have accompanied them here.

Like all the speakers before me said, I wish to also tell them to work hard when they go back to school and to respect their teachers and parents. Most importantly, they should watch how we conduct our business here.

As my friend from Kirinyaga County, Sen. Murango, has said, they are not the leaders of tomorrow, but leaders of today. Since they are leaders, they should lead by example as we are doing here. They should be very sober as they will see us doing here. The future is very bright, but like Sen. (Prof.) Kamar said, only for those who will work hard and work smart.

Finally, I wish our girls from Pioneer Girls' Secondary School all the best in their future endeavours.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have another Communication to make this afternoon. It is in regard to changes in the leadership of the Senate Minority Side.

CHANGES IN THE LEADERSHIP OF THE
SENATE MINORITY PARTY

Hon. Senators, as you may recall, at the sitting of the Senate held yesterday, Tuesday, 21st February, 2023, I delivered a Communication on the matter of the proposed changes in the leadership of the Minority Party.

As you will further recall, I informed the House that the Hon. Speaker of the Senate had been served with interim orders of injunction---

The Senate Minority Leader (Sen. Madzayo): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri) I must make the Communication then I will give you time to respond to the Communication. There is no point of order. I am making my communication as the Chair.

(Loud consultations)

You mean I am out of order when I am making my communication, Senate Minority Leader? We cannot run the business of this House the way you want us to do.

(Loud consultations)

Yes, I am making my Communication. I will give you time to speak to it. I can give you even three hours, but I must make my communication as the Chair of this House.

The Senate Minority Leader (Sen. Madzayo): Mr. Deputy Speaker, Sir, can you give me time---

The Deputy Speaker (Sen. Kathuri): I cannot. Respect the Chair, Senate Minority Leader.

(Loud consultations)

I will continue.

I informed the House that the Hon. Speaker of the Senate had been served with interim orders of injunction from the Political Parties Disputes Tribunal (PPDT) in *Political Parties Disputes Tribunal Number PPDT/E003/2023; Fatuma Adan Dullo and Jubilee Party of Kenya versus Azimio la Umoja One Kenya Coalition Party*, in which the Speaker of the Senate is joined as the third interested party.

As I indicated, the matter is scheduled for mention before the Tribunal on 28th February, 2023 at 2.30 p.m. to confirm compliance and for further directions.

Hon. Senators, in the circumstances---

(An Hon. Senator spoke off Record)

(Loud consultations)

I must make my communication and then---

An Hon. Senator: On a point of order.

The Deputy Speaker (Sen. Kathuri): Who is out of order?

An hon. Senator: Mr. Deputy Speaker, Sir, give him the point of order. You do not have to be out of order.

The Deputy Speaker (Sen. Kathuri): Who is out of order?

Hon. Senators, in the circumstances and taking into account the provisions of Articles 3(1), 10 and 159 of the Constitution, which among other things, obligate all persons to respect, uphold and defend the Constitution and to adhere to the rule of law, I deferred the delivery of the Communication on this matter, pending the outcome of the proceedings that are before PPDT or the vacation of the orders issued by the Tribunal.

After the delivery of the Communication, I allowed a number of Senators to rise on points of order regarding the matter at hand. Sen. Edwin Sifuna, in speaking to the matter, raised a number of issues, but specifically sought further guidance of the Chair in respect of one particular matter.

The Senator stated that he had had opportunity to obtain and peruse a copy of the order issued by the Tribunal and that, in his view, a plain reading of the Order revealed that the matters before the Tribunal, were limited to the question of the seat of the Minority Whip. He stated that the matter of the seat of the Deputy Senate Minority Whip was not a matter before the Tribunal and was, therefore, not covered by the Order of the Tribunal.

Sen. Sifuna thus urged the Chair to separate matters that were not covered by the Order issued by the Tribunal and to, therefore, give directions on the matter of the seat of the Deputy Senate Minority Whip.

Hon. Senators, I undertook to give further directions on the matter raised by Sen. Sifuna.

(Loud consultation)

As I stated in the Communication that I delivered yesterday, the PPDT issued, amongst others, the following order –

"That pending inter-parties hearing and determination of the application, interim orders of injunction are hereby issued restraining the respondent and interested parties either by themselves, their servants, agents and/or any other persons acting on their behest, from implementing the communication and resolution by the respondent's Parliamentary Group meeting held on 14th February, 2023 purporting to remove the first applicant and other members of Jubilee Party, from the position of Senate Minority Whip and Parliamentary Committees and its attendant privileges respectively".

(Loud consultations)

Hon. Senators, I will make this Communication to the end. By the powers bestowed to me by the Senate, I will make this Communication and I will give you an opportunity to make your interjections

An hon. Senator: Follow the Standing Orders.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it is clear that the scope of the order extends to the position of the Senate Minority Whip and Members of the Jubilee Party of Kenya.

(Loud Consultations)

I will continue. Hon. Senators, it is clear that the scope of the order extends the position of the Senate Minority Whip and Members of the Jubilee Party of Kenya.

(Sen. Oketch Gicheru stood in his place)

(Sen. Wambua walked to the Dispatch Box)

The order injuncts the respondents and the interested parties, one of whom is the Speaker of the Senate, from taking any action purporting to remove the Senate Minority Whip and Members of the Jubilee Party from the position of the Senate Minority Whip and Parliamentary committees. The order makes no mention of the position of the Deputy Senate Minority Whip.

(Loud consultations)

Hon. Senators, with due respect, this is the communication I was requested to make. I will make it to the last full stop.

(Several Senators stood in their places)

(Sen. Wambua spoke off record)

I am making a communication, then I will give you that opportunity. *Wewe, wacha.*

(Loud consultations)

It is clear, I will invoke Standing Order No.123.

(Sen. Wambua maintained his position at the Dispatch Box)

Deputy Senate Minority Leader, you are out of order. I am on my feet.

(Loud consultations)

(Several Senators moved towards the Deputy Speaker)

Hon. Senators, you requested this communication. You should not approach me. This is the communication you requested and I will give you the way it is.

(Senators from the Minority side sang the National Anthem)

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

This House must be led by Standing Orders. When a Speaker is making a communication but you are not giving them time---

Under Standing Order No.123(2), I order the following Senators out of the Chamber for the next three days; Sen. Wambua, Sen. Madzayo and Sen. Olekina. I order you out of the Chamber. The three Senators should leave.

(Senators from the Minority side continued to sing the National Anthem)

As they leave, I suspend this sitting for 15 minutes.

(The Senate adjourned temporarily at 3.29 p.m.)

(The Senate resumed at 4.14 p.m.)

*[The Deputy Speaker (Sen. Kathuri)
in the Chair]*

POINT OF ORDER

REQUEST TO THE DEPUTY SPEAKER TO STEP DOWN COMMUNICATION ON MINORITY LEADERSHIP AND TO RESCIND HIS ORDER ON SUSPENSION OF SENATORS

The Deputy Speaker (Hon. Kathuri): Hon. Senators, we have been on a commercial break but we are back. While we were on that break, I was approached in my office by the Senate Majority Leader, the Senate Minority Leader, Deputy Minority Leader and Sen. Omogeni. They wanted to discuss some issues with me.

Earlier on, I read Standing Order No.122 as I was suspending the four Senators. I have consulted the HANSARD and seen that I did not read the name of the fourth Senator – Oketch Gicheru. I mentioned Sen. Wambua and Sen. Enoch. I did not properly mention Sen. Eddie Oketch Gicheru as the fourth Senator who is suspended from the House for three sittings.

I will give the Senate Majority Leader an opportunity to say exactly what he said in my office so that the rest of the Senators can hear it too before I make further communication.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, thank you for your indulgence. These are interesting times considering the difficulties we have had in the last few days. I do not envy you. That seat where you sit is not an easy one. In the natural order of things, I would not have made the kind of request that I came to make

but I was approached by Sen. Omogeni who made a passionate plea that you give room for a conversation to take place.

I had not heard the whole ruling but I listened to the first part and I thought you were responding to what the Senate Minority Leader had requested for yesterday. I had followed the request that he had made and conceded that there was no order barring you from making a communication on the Deputy Minority Whip and that is what you were doing.

Mr. Deputy Speaker, Sir, I told Sen. Omogeni I would not interfere because the Deputy Speaker was responding to a request that was made by the Senate Minority Leader, Sen. Sifuna and others who had spoken about it. Sen. Omogeni told me that was not important at the time, what was important was the valuable time we were losing and the mood of the House and that I might be seated but I was not happy, which was true.

There were more important things that should be considered but could not be considered in the mood that had been set before the House. We called the Minority Leader and we had a conversation together with his deputy, Sen. Wambua. My deputy is not around but these are people I know well and we can have a conversation considering we know each other beyond politics.

Mr. Deputy Speaker, Sir, we talked and agreed to approach the Speaker to see if we could reach a point of agreement. This is for Members to listen and know because these things happen. I registered my views on the same and said that I have been where some of these Senators are today. I have sat here and a Speaker has made a ruling that I did not agree with under the same Standing Orders.

While I protested, made noise and did everything, it never got to the point it has reached today. I did not agree with what the Minority Side was doing. 'He said, she said, you did and I did', will not be useful for this House at this moment. We needed to find a solution.

We have proposed a solution together with the Leader of the Minority. I know it is not easy because first, you are an elder. Secondly, you are the Speaker in charge as well as an elected Senator. The kind of scenes that have happened before you do not make you happy.

Mr. Deputy Speaker, Sir, we apologize to you on behalf of the leadership that came to see you. Let that be behind us, as a House. We plead with you that in the interest of a bigger conversation, you abandon the communication you were to make this afternoon. A broader conversation will take place afterwards. This request was the first one I wanted to make.

Secondly, I plead with you because it is within your powers to make communication with regard to the four colleagues that you had requested to leave the Chamber and let that matter rest.

(Applause)

I request my colleagues that we avoid cheers today. This matter has not been settled by the Speaker because he is the one who is aggrieved. One can become a Speaker or a Chair of a Committee; and these things can happen to anyone and they are not easy.

Mr. Deputy Speaker, Sir, on behalf of the House and from the Majority and Minority Side, I ask that you set aside that communication. It is not a good precedent. I have said this to the Minority Leader and other leaders that we have Standing Order No.

126. We are almost getting to that point and it would not be a good thing if we were to get to this order.

If the Speaker asks that you retreat from the Chamber and you refuse, there are grave consequences. I plead with Members either from the Majority or Minority Side that come what may, we should give due respect to the office of the Speaker. We will agree with him but there are days that I, the Majority Leader or Members of my team will disagree with him but for the sanity of this House, let us respect that office.

Mr. Deputy Speaker, Sir, find it in your heart to let this matter slide so that our four colleagues sit together with us so that we continue with business.

The third and the final thing is that we have given you our undertaking that tomorrow at 10.00 a.m., the leadership of the House will come to your office. The Minority Leader will come with his team and I will come with mine so that we have a way forward on this particular issue.

Mr. Deputy Speaker, Sir, that was the humble pleading that I bring before you. Thank you.

The Deputy Speaker (Hon. Kathuri): Sen. Omogeni.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. I, first, thank the Senate Majority Leader, Sen. Cheruiyot, for magnanimously agreeing to have a discussion between him and me with the intention of trying to calm the tension that we have had in the House this afternoon.

Leadership is not easy. If you read the book of Judges in the Bible, there were a number of leaders who were anointed by God to lead their people but they made many mistakes along the way. We are all human beings and once in a while, we make mistakes.

Everyday, we commence our sessions with prayer so we know that it is biblical to forgive. The Senate Majority Leader has extended an olive branch to all of us to resort to solving our problems through some form of dialogue, which is a good thing.

Mr. Deputy Speaker, Sir, I also want to extend my gratitude to your office. This is because once I had the discussion with the Senate Majority Leader, you also agreed to meet us. I know it was not easy. That was not a very easy conversation but it is times like these that leaders emerge.

Mr. Deputy Speaker, Sir, leaders always extend a hand of forgiveness. Like Joseph in the Bible, who forgave his brothers even after the atrocities they committed against him, I echo the words of the Senate Majority Leader. We have agreed that you kindly step down the Communication that you wanted to make this afternoon in the interest of restoring harmony in the House and that you kindly and graciously allow the four Senators to continue participating in the proceedings of the House. We are all Senators and have the title hon. Members. We can retreat tomorrow and have a discussion, as leaders, to find a solution.

Mr. Deputy Speaker, Sir, this has happened before. I remember there is a time we protested that this House could not continue with its sittings when Sen. (Dr.) Lelegwe, Sen. Malala and Sen. (Dr.) Lang'at were arrested. The Speaker then agreed to adjourn the House till we find our three colleagues. That was unprecedented.

What you are going to do today may be unprecedented but we will be citing it in the future, should an occasion like this arise. I urge you to concur with the request as made by the Senate Majority Leader so that we can resume conducting the business of the House in harmony.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Senate Minority Leader, proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Naibu Spika.

Kwanza, natoa shukurani kwako, kwa ndugu yangu, Kiongozi wa Walio Wengi na kwa kamishna wetu pamoja na naibu wangu. Tumekuita na ukakubali tukae tuangalie suluhisho liko namna gani. Ninashukuru sana.

Bw. Naibu Spika, utaelewa kwamba bungeni lazima kuwe na pande mbili ambazo ni kama kueka majembe mawili ndani ya gunia halafu yakose kugongana. Kawaida, lazima yagongane. Kwetu, tukienda shambani tunaweka, tunabeba na kwenda shambani kulima.

Kwa hivyo, sisi tukiwa upande huu na wale pande ule, ni lazima kutakuwa na hizo tofauti. Lakini, tumekaa na ndugu yangu, tumeongea na tumekuwa na mwelekeo.

Ninakubaliana na yote yaliyosemwa na ndugu yangu, Sen. Cheruiyot. La muhimu ambalo ningependa kukushukuru zaidi ni kwamba wewe kama kinara wetu hapa, umefanya vizuri kutusikiza na nimekwambia maombi yetu.

Vile tulivyoafikiana na kukubaliana, nina hakika utayasema hapa. Waswahili wanasema yaliyopita si ndwele, tugange yajayo. Maanake kuna mengi sisi kama viongozi tutapitia na kuyapata. Hii ni safari imeanza. Tuko na wewe kwa miaka mitano na tumeanza tu safari hii. Kwa hivyo, husichoke.

Kama sisi ama hao wamefanya chochote hapa, tutajumuika pamoja. Seneti inajulikana kama Bunge ambayo watu wanaelewana na kufanya kazi bila kupendelea upande huu ama ule. Sote tuko sawa. Yale tuliyoyafikiana kwa upande huu, utayasema.

Nina imani kwamba utaweza kuwaeleza ndugu zangu kwamba tumesameheana. Hakuna mtu ambaye hawezi kosa kuomba msamaha. Kama tumekukosea---

The Deputy Speaker (Sen. Kathuri): Samahani, tulivyosema ni kwamba mtaomba msamaha hapa sio pale tulipokuwa. Nimesikiza. Wewe omba msamaha sio vile tumeahidiana pale.

The Senate Minority Leader (Sen. Madzayo): Bw. Naibu Spika, naomba unisikize, usiniambie tunavyostahili kufanya.

Kama ule mpaka tumeuvuka, basi samahani. Kadri tunavyoendelea, ni lazima nawe pia uwe na moyo mkunjufu na mkubwa wa kuweza kusamehe upande huu na ule vilevile ukifanya makosa, pia uweze kuwasamehe.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. You were properly in order.

(Sen. Orwoba approached the Chair)

Mr. Deputy Speaker, Sir, I want to address you.

The Deputy Speaker (Sen. Kathuri): Proceed.

Sen. Wambua: Mr. Deputy Speaker, Sir, I will repeat what I said so that you capture it.

I strongly believe that you were properly in order to invoke the provisions of Standing Orders, one to two on the four of us for gross misconduct in the House.

When you retreat at some point, maybe not today, but in days to come, look at the HANSARD where the Senator of Kitui County is concerned. I am one person that

believes in order, respect and dignity of the Senate. It is the Upper House and we should conduct ourselves in a manner that befits our titles.

On the things that we did, that were against the Standing Orders of this House, on my behalf and on behalf of my colleagues, I apologize.

I will say the second thing. It is such a time as this that leaders demonstrate their abilities. It is at a time of crisis that true leadership is shown. The challenge for all of us, not just for those of us who have been named by the Deputy Speaker, but on both sides of the House, is to realize that we are at that moment that leadership is under test. The best thing all of us can do, is to make sure that we come out of this stronger and better and that when the final ruling is made on anything, the dignity of this House is restored and respected.

Mr. Deputy Speaker, Sir, I apologize.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. Whatever that happened in this Chamber is highly regretted. I hope that we can carry ourselves with decorum and look into the future in a more progressive way.

Sometimes, things degenerate out of provocation. Like I said, I do not have a lot to say. Whatever that happened in this afternoon is highly regretted.

We hope that we can all sit down as leaders who have got a responsibility to uphold the rule of law and represent our people who have sent us here. These people queued very early so that they can be able to send us here. They have a lot of faith in us.

It would be very sad if the Deputy Speaker loses the House at the early stage. I want to concur with the Majority Leader, the Minority Leader and the Deputy Minority Leader that all of us make mistakes. For instance, in the Maasai Community, to make a mistake is not a mistake, to repeat the same mistake over and over becomes a mistake.

I hope that we can put it behind us. On my part, those actions are highly regretted.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Eddie, who the Chair previously referred to as Sen. Enock Wambua.

Sen. Oketch Gicheru, kindly proceed.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I learnt very late that the Chair had requested that I leave the House. This probably is my 26th sitting in this House since I was elected a Senator for Migori County. I have had many privileges of contributing in this House, before you as the Chair and you can probably judge me by my character apart from the last two sittings that have been agitated.

I come to this House because I have a responsibility for my people. My people expect me to raise attention to the plight that they are facing. There are people who are going without food in the grassroots because of the high cost of living that we are facing today.

There are people in Migori County today, who have got their assets like motorcycles that I have spoken about very passionately in this House, who cannot pay the loans that they have.

Mr. Deputy Speaker, Sir, I do apologize if there is something wrong that I did. I hope probably when we retreat in the evening, I will also come to get some counsel from you. However, as a father, I also wish to kindly invite you that if you have got some of

your children who have been very loyal and reasonable in this House, you should also assess us on why we are losing our cool.

That said, if there was any act that was demeaning, that I might have done in this case unknowingly, I do apologize.

I thank you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, when there is disrespect to the Chair, it does not involve the Chair alone. We have so many stakeholders like other Senators in this Chamber, Kenyans and members of staff. I would like to listen to two or three more Senators because I want to really assess whether they also have the feeling of forgiveness.

If the majority feel that, that aspect of forgiveness should not be there, then it will not be possible to forgive. Let me hear from a lady now.

(Sen. Cheruiyot spoke off record)

Majority Leader, this matter is not subject to any direction from anybody. Whether I forgive or not, it is between me and my God.

Sen. Orwoba, kindly proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. Indeed, what happened in this House this afternoon was a real disgrace because the Deputy Speaker was actually disrespected. We almost became a market place because we were not even following the rules of the House.

In the interest of some of us who are specially elected and are here to push the business and the agenda of those whom we represent - in my case women - I would say to the Deputy Speaker: Kindly, find it in your heart to forgive those who actually disrespected the seat of the Speaker.

I honestly just want to debate issues that touch on the people who have specially elected me and brought me to this House. There are girls out there who are bleeding and we need to figure out how to provide sanitary towels for them. My Motion is due.

Mr. Deputy Speaker, Sir, I urge you kindly, if you can forgive them so that we can move forward and conduct the business of House. Let this be a precedent so that going forward we also understand that there is a line and we should know how to conduct ourselves.

As Sen. Sifuna reminded me the other day when I had a small accident, he said: "This is a House of honour and it is a House that we cannot disgrace." As a matter of fact, this is a House where we should not picket. Picketing is not allowed in the House.

He reminded me that and hence as you remember, I did not imagine that having my period was picketing, but in that sense today, I would also like to remind my fellow Senators that as we move forward, they should understand that picketing is strictly not allowed. Kindly, forgive all of us who might have gone astray.

Mr. Deputy Speaker, Sir, let us move on and conduct the business of the House.

I thank you.

Sen. Sifuna: On a point of order, Mr. Deputy Speaker, Sir!

The Deputy Speaker (Sen. Kathuri): This is an extraordinary session. Sen. Sifuna, I am not giving you an opportunity, I am informing you that this is an extraordinary session. Keep your cool.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. This is a House of honour and the seat of the Speaker is very important for us to transact business on behalf of the people who elected us.

We have serious matters pending before this House, for instance, the Division of Revenue Bill. University fees have gone up and the country is looking upon us to look for a solution. The Competency-based Curriculum (CBC) has caused a lot of confusion to children among many other things. Life is very hard for common Kenyans.

You may have noticed that nowadays, there is no traffic because people are unable to drive their cars to town. Kenyans are very patient and are waiting to see a solution from Parliament.

Mr. Deputy Speaker, Sir, I believe from your seat, when there is an apology requested, Bill Graham said: "People need two things in the world; forgiveness and goodness." Once you get forgiven, then goodness rules and I believe the House would be able to proceed with all these very urgent matters.

In law, there is something called "proximate cause of things" and I think we should re-examine the whole situation. The law is very clear and that is why the Deputy Speaker cannot allow.

If a matter is live in court, it cannot be dragged into this House. Similarly, if a matter is live in this House, it cannot be taken to court and whoever goes to court must be honest with the court and say: "That matter is live in Parliament." Therefore, the courts will decide.

When people are honest with each other, then we have no proximate cause of all this. All of us should re-examine this matter and we look forward to a solution.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Ali Roba.

Sen. Ali Roba: Thank you very much, Mr. Deputy Speaker, Sir. First and foremost, I extend my sincere appreciation to whoever initiated the discussions and talks. In particular, I extend my sincere appreciation to the Senate Majority Leader, our Commissioner and other leaders that joined in.

Mr. Deputy Speaker, Sir, before I give any reason, I also extend my sincere appreciation to you for accepting to meet with them and thereby giving them an opportunity to discuss this issue.

I was greatly disturbed. I came to this Senate because I wanted to get experience on legislation, oversight and representation besides the executive experience that I have had. What I have seen in the Senate, over the last couple of days, was a little bit scary.

As a core principal in Kenya Kwanza Party, I was a bit puzzled, on what I can say or add. It was a very disturbing situation. I stand up now a bit excited with the opportunity that this new situation has provided us.

While you were away for a short break, a few ugly scenarios of exchanges happened, that had to involve leaders such us to come in. We are extremely mature and responsible leaders. Unfortunately, we are all politicians and political interest comes to play from time to time.

It is extremely respectful when mature and responsible people stand up and extend apologies for whatever happened. As a leader, I feel touched. I join the Senate Majority and Minority Leaders, together with all the other leaders in this House who have

spoken on this Floor. I request you to find it within your heart to forgive and also facilitate an opportunity for us to get the House back.

I must add that I was here yesterday speaking on the Floor of the House. We came here as Senators to represent and add value for our counties. We had an opportunity, yesterday, to release Kshs17.3 billion to our 47 counties, which we lost because we did not have quorum.

Today, I came here hoping and praying. I do not normally comment on the social media of the Senate. However, yesterday, I had to write a pleading statement, to remind our Senators, that it is extremely important that despite the controversy, we find it within our heart to execute what is within our responsibility.

Mr. Deputy Speaker, Sir, I end by pleading with you, to find it within your heart to forgive and also accept the request put forward by our leaders.

Thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Lomenen.

Sen. Lomenen: Mr. Deputy Speaker, Sir, thank you for this opportunity. I want to quote scriptures.

The Bible says, we have all got short of God's glory. No one is holier than God. We are limited as human beings. We all bear our superscription of God because we were created by God.

Mr. Deputy Speaker, Sir, I plead with you, since you are mature and an elder. We will always be here respecting you.

Jesus Christ himself said forgive your brother and sisters as many times as possible. He said seventy times seven. Can you imagine? Whatever our brothers and sisters have done, is not even thirty or forty. They are yet to make mistakes.

Mr. Deputy Speaker, Sir, Jesus died because of our sins. We have to appeal to and respect the Bible.

The other thing I want to touch on is in the book of Romans. The Bible says respect the leadership. No leader has come here by default. You are the choice of the Lord. You represent people. Since you respect the people who elected you into this Senate, it is our humble request that all Senators who are here respect leaders.

The Bible also talks about Peter who made a mistake of cutting someone's ear. Jesus stopped him but he did not return the ear. To our colleagues, forgiveness does not remove the consequences of sin.

(Applause)

Mr. Deputy Speaker, Sir, it is true. I know how you felt. However, there is a reason why Jesus said we seek for forgiveness. They have organised themselves and sought for forgiveness because they felt the heavy burden. I plead with you, please, forgive our colleagues.

Finally, I know we are all reasonable and mature but that does not stop us from facing tribulations. Sometimes, we are intoxicated by idlers in the market place. We pick things from the market. We pick noises and rumours from the market and then want to confirm it as the truth.

Please, let us differentiate facts from ideas. Whatever we do in this House and the world is a manifestation of our ideas. An idea will first of all come and then we implement it.

Mr. Deputy Speaker, Sir, with due respect, we were together in the National Assembly. I owe you a lot of respect. I know we have standards. The citizens of Kenya have given this Senate a contract. We have to perform as per the contract in one way or the other.

Therefore, we are here to glorify the Lord. We are not here to glorify any other person. We are here to do the will of God.

I plead with you, forgive our brothers, in Jesus's name.

Hon. Senators: Amen.

(Applause)

The Deputy Speaker (Sen. Kathuri): Sen. Lomenen, I am not sure of all the other verses you have quoted but the one which you said the ear was not returned is false.

(Laughter)

The ear was returned and that servant was healed.

(Laughter)

The servant was called Marcus. The ear was returned and the servant healed immediately. So, that bit was a bit misleading.

I want us to conclude on this matter so that we can transact some business of the day. I want to give opportunity to Sen. Kavindu Muthama because she has really requested. We will then have Sen. Murango. At least, one minute each.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir. I join you and my fellow Senators to say that this is a House of order. What has been taking place for the last two days is not very pleasing to us.

Allow me to speak to us through the word of God. No leadership does not come from God. Your leadership and that of these other leaders comes from God. So, allow me to quote a scripture in the book of Ephesians. By quoting this scripture, I am not calling anyone a child, neither am I calling him a father. It is just an example of how we should respect one another.

The Bible says, children honor their fathers and fathers do not embitter or make your children angry. In this whole situation, there is what has brought these hiccups. If the communication was done the way it should have been done, we would not be where we are now.

Mr. Deputy Speaker, Sir, forgive the four Senators. You said that you will decide whether to forgive or not. However, in Mathew 6:14, the Bible asks us to forgive men their sins and, in turn, God will forgive our sins.

Every one of us needs God's forgiveness. If we have to be forgiven by God, we also have to forgive men. I beg and plead with you to forgive the four Senators and let us move on as we receive the Communication the way it should be. That way, the hiccups will come to an end and we can now move on to speak to important matters of this country.

Our children are dying of hunger in schools. The other day I was in Machakos County and some children are not going to school because they have no food. The drought is too much. Schools are demanding this House to pass laws.

Mr. Deputy Speaker, Sir, forgive them and do something about the Communication so that we can move on.

The Deputy Speaker (Sen. Kathuri): Sen. Murango, proceed.

Sen. Murango: Asante Bw. Naibu Spika. Kwanza, ninamshukuru Kiongozi wa Wengi na Kiongozi wa Wachache. Hii ni kwa sababu ninaelewa ya kwamba uchache ya Walio Wachache sio wingi wetu tulio Wengi. Kwa hivyo, ninadhani ni jambo la busara amefanya.

Sijui iwapo leo ilikuwa siku yangu katika *diary* ya shetani. Hii ni kwa sababu, yale mambo yaliyokuwa yanafanyika hapa ndani na hata nje, nimekuwa na matatizo mara mbili.

Kwanza, nilikuwa na shule tatu ambazo zimezuru hapa leo. Sijui kwa nini mambo fulani yamefanyika wakati walipokuwa hapa. Iwapo wameenda wakifikiria hivyo ndivyo tunavyofanya hapa, niko na shida kubwa sana.

(Laughter)

Wakati ulipofika ukanipa nafasi ya kuzungumza, katika kile kizaazaa, nilikaribisha shule ya Kaunti ya Murang'a kama ya Kirinyaga. Kwa hivyo, hao wanafikiria hata sijui majina ya shule ambazo zimekuwa hapa leo.

(Laughter)

Bw. Naibu Spika, kuna kitabu kinachoitwa Hekaya za Abunwasi. Kinasema eti mtego wa panya huingia waliyomo na wasiokuwemo. Pengine leo mtego haukuwa wangu lakini hata kama mimi ni ng'ombe, nimeshikwa katika huo mtego. Ninasema hivi kwa sababu aibu ni kubwa upande wangu kama Seneta wa Kaunti ya Kirinyaga.

Hata hivyo, kuna mambo ambayo tunajifunza. Iwapo umeangalia, lile kopo la maji ambalo hukuwa pale halipo. Maseneta wamekunywa maji sana hapa kwa sababu kulikuwa kumechemka.

(Laughter)

Chupa za maji ambayo nimekunywa ndizo hizi hapa. Hizi ni nusu tu ya chupa zote za maji niliyokunywa nilipokuwa hapa. Kule nje pia, nimefanya vivyo hivyo.

Sasa ninaomba tuweze kwenda mbele kama Bunge ili tutekeleze majukumu yaliyo mbele yetu. Hilo ndilo litatufanya sisi tuonekane kama Maseneta. Kwa bahati mbaya, wote walikuwa wameenda katika Bunge la Kitaifa kisha wakaishia hapa.

Sen. Methu na Sen. Joe Nyutu walikuwa wamemalizana na wao. Hata hivyo, kwa sababu *diary* ya shetani ilikuwepo, ikawa sasa ni zamu ya wale niliokuwa nao. Kuna wengine ambao walikuwa nje na wameenda nyumbani wakiwa wamekasirika sana.

Kwa hivyo, twende pamoja. Wakija wakati mwingine, nitampa nafasi Kiongozi wa Wachache ili anitete. Leo haikuwa siku nzuri lakini pia Mungu yuko katika enzi.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, proceed. Kindly, one to two minutes each. Give me the---

Sen. Sifuna: Mr. Deputy Speaker, Sir, I can see that sense is trying to sneak back into this House. I have expressed a lot of frustration that we are losing the collegiate nature of this House that we experienced in the first Session.

I am very happy that the steps that have been taken by the leadership, will address where the rains started beating us on this particular issue. Immediately that is addressed, I am sure we will move on.

Mr. Deputy Speaker, Sir, I just wanted to correct the record because this is a House of record. The HANSARD will show that on the day that Sen. Orwoba had an incident, I never spoke. With the all energy that I have, I have tried to find as little as a possible conversation to have with Sen. Orwoba. I do not know where she heard me say those things.

I just want to correct it because this is a House of record. I never spoke on that issue. May I encourage all of us to be truthful people, even when you render apologies like the ones we are hearing this afternoon. Let those apologies be truthful and let people mean those apologies.

I wish the best to the Majority and Minority leaders tomorrow when they have that conversation in your office. I hope that by noon, we will see “white smoke” so that we can return to the collegiate nature that had begun to develop in the first Session.

The Deputy Speaker (Sen. Kathuri): Sen. Kisang, proceed.

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir. I wish to thank the Senate Majority Leader and Sen. Omogeni for initiating the mediation. Thank you for accepting to meet them.

Secondly, I know you and a few of us were in the National Assembly for 10 years. We ran away from the National Assembly hoping that when we come to this “Upper House”, we would not see things that we saw today. I hope what happened today will not happen again.

If there are any controversial communications, it will be good for the leadership to consult if possible and maybe discuss, before coming to the Floor of the House.

Finally, the Senator for Kirinyaga County said he has some issues. The issue arose from the fact that the students had been told to move out of the Gallery by the Sergeant-At-Arms because of what was happening. It was to save us from embarrassment. Somehow, he is already embarrassed. We are sorry for what happened.

Sen. Lomenen has quoted several verses from the Bible. If you remember the Lord’s Prayer, it is very clear that we forgive those who trespass against us and we will be forgiven. So, I request you to forgive so that we can move and unlock the Kshs17.5 billion that will go to our counties.

The Deputy Speaker (Sen. Kathuri): Least but not the last, Sen. Boy, you may proceed.

Sen. Boy: Asante Bw. Naibu Spika kwa kunipa fursa hii. Nitachukua dakika moja tu wala sio mbili. Kwanza, ninatoa shukrani kubwa kuona Kiongozi wa Wengi na wa Wachache, wamekaa chini pamoja na Commissioner Omogeni na kuzungumza ili kupata suluhisho.

Kusema kweli, huu ni muhula wangu wa pili katika Bunge la Seneti; Bunge la 12 na sasa hili la 13. Kulikuwa na cheche moto sana katika Bunge la 12 lakini sio kama hii ya leo. Nimeshukuru kuona kwamba kuna viongozi wenye busara katika hili Bunge la

Seneti. Wamekaa chini wakaona ni vyema watatue hili swala. Wamekaa chini ili kuweza kutatua jambo hilo.

Bw. Naibu Spika, naomba msamaha kwa niaba yao. Uwasamehe ili tuweze kuendelea na kikao chetu kama kawaida kwa sababu kuna mengi ya kuwafanyia wananchi katika kaunti zetu.

Sina mengi, Bw. Naibu Spika. Uwe na imani na Bwana asifiwe.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, there is no provision for forgiveness in our Standing Orders.

(Laughter)

I have been perusing the Standing Orders but there is no such provision. According to the Standing Orders, if you are given three days to be away from the precincts of Parliament, the next one is seven days.

Hon. Members, you need to familiarise yourselves with Standing Order No.126. If you resist to move out even when you are forced to, then you should get between 91 and 150 calendar days. The Standing Order says that you should be away from the precincts of Parliament. Members, unless we revoke all these penalties.

I am not the only Chair because there are five of us who can preside over this House. Sen. Mumma, you are also a Member of the Speaker's Panel. Next time you will be here; I would wish to face you like you faced me. I will never wish any other Speaker to face what I have faced this afternoon and the past three days.

The minority side requested for my communication on the issue pertaining the Office of the Deputy Minority Whip. Yesterday, I ruled that I will peruse the Court Order from the Political Parties Disputes Tribunal (PPDT) and make a ruling.

After I did, I saw for sure, that the court order from the PPDT did not touch completely on the Office of the Deputy Minority Whip. I was to make that communication.

Yesterday, Sen. Sifuna asked about the same issue eloquently. The Minority Whip also approached me five times requesting that I should make that determination. However, I decided that I should look at the order from the PPDT before making a communication. Honestly, since it is a straightforward matter, I was going to make a communication about the Office of the Deputy Minority Whip this afternoon.

However, when Members of the minority side came in, it appears they knew what I was to communicate. Instead of approaching my Office before I came here, they went for some prayers at Jeevanjee Gardens where there is no church. When you came back, I actually delayed because of the visitors that were in the Chamber.

It is not good to face the Chair on a matter that you had requested a ruling on. I have listened to many Senators. I was approached by the Senate Majority Leader, Sen. Omogeni who is also a Commissioner, the Senate Minority Leader and the Deputy Senate Minority Leader.

Now that there is no clear provision in the Standing Orders, I will use Standing Order No.1, since it gives the Speaker some leeway to make some decisions. However, next time it will not be business as usual.

If you request for any communication, the Speaker must give you the communication. Maybe the minority side did not know the consequences of such a

decision. Some of the officers occupying those positions will still get into problems even after this Session.

Painfully, I rescind my decision. This should never happen again. No other Member of the Speaker's Panel should give that leeway because this is a House of order and dignity. This should be the last thing to happen in the history of the Senate; that a decision made can be rescinded. However, it is in the interest of moving forward.

The leadership of both sides have requested me to have a meeting with them tomorrow at 10.00 a.m. and I have agreed so that we can discuss. This is not my House as Sen. Kathuri the Chair. This is the Senate of Kenya and many people are watching us.

Hon. Senators, I request the minority side to sit somewhere and put their house in order so that we can move. You are all friends either from Jubilee Party, Wiper Party or Orange Democratic Movement (ODM). Therefore, you are one team.

The Speaker or the Chair has no leeway to manage the political parties as many Senators have pronounced. If the majority side has issues, please sit down and sort them out. The same should also apply to the minority side, so that those issues do not find their way to the Chamber. The Senate has always been bi-partisan. Hon. Senators, from today henceforth, I request us to live to that principle.

Many Bible verses have been pronounced. Some may be true, some may not. We must get the real scripts.

Hon. Senators, I have heard you and have forgiven the four Senators.

(Applause)

Let us continue with the normal business of this honourable House.

I thank you.

About the Communication I was making, I was almost halfway. Had you given me three more minutes, one of the Senators today would be the Deputy Minority Whip. However, you have postponed.

(Laughter)

Therefore, my Communication has been rescinded until we sit with the leadership of both sides of the House and agree on the way forward.

Let us go to the next Order.

PETITION

HISTORICAL INJUSTICES SUFFERED BY THE TOROBEEK COMMUNITY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have a Petition by Mr. Paulo Mosbei concerning the historical injustices suffered by the Torobeek Community.

Hon. Senators, I hereby report to the Senate that a Petition has been submitted to the Senate by Mr. Paulo Mosbei concerning the historical injustices suffered by the Torobeek Community.

As you are aware, under Article 119(1) of the Constitution, and I quote:

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation”.

Hon. Senators, the salient issues raised by this Petition are-

(a) that a majority of persons from the Torobeek Community, originally lived together with the Ogiek Community in the regions of Mau Complex of Nakuru and Narok counties, Mt. Londiani across to the forest to the northern Tinderet in Nandi County, Timboroa from Maji Mazuri across Rift Valley, with some going as far as Kiambu, Nyandarua, Migori, Isiolo and Bungoma counties.

(A Senator spoke off record)

What is it Senator?

You are also forgiven.

(Laughter)

(b) That, the community was evicted from their original habitat by the colonialist and thereafter by the Kenya Government after independence rendering them internally displaced;

(c) That, while some internally displaced persons from the Ogiek Community have been compensated and resettled by the national Government, the Torobeek Community have neither been compensated nor resettled. Additionally, the Torobeek Community members are not considered for employment when opportunities arise and therefore, they have remained marginalized;

(d) That, the Torobeek community, through their leaders have made efforts to have the matter addressed by the relevant Government agencies, all of which have not borne fruits.

The Petitioner therefore prays that the Senate intervenes in this matter with a view to recommending that the Torobeek Community members be compensated, resettled and considered for employment when opportunities arise.

Hon. Senators, pursuant to Standing Order No.238(1), the Petition should be committed to the relevant Standing Committee for its consideration.

(The Petition was committed to the Committee on Justice, Legal affairs and Human Rights)

In terms of Standing Order No.238 (2), the Committee is required in not more than 60 calendar days from the time of reading the prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner, and laid on the Table of the Senate

I thank you.

Next order.

I am not sure whether the requests are comments.

I have committed the petition to a Committee already but since, I forgave other things, I could allow a few comments.

Sen. Chute, please proceed.

Sen. Chute: Not on this one, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, do you want to make comments on this Petition?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, it is because of what you had said earlier. I request you to guide the House. There are Members who, maybe, for whatever they wanted to say earlier, are still on the queue. They need to first opt out so that if there are Members who want to comment on this Petition, they are given a chance.

The Deputy Speaker (Sen. Kathuri): I can see one request from Sen. Cherarkey.

Sen. Cherarkey: Thank you Mr. Deputy Speaker, Sir. I congratulate the petitioner who has brought that Petition to the Senate. When these people are being disenfranchised, it is a human right issue where they must be compensated. The role of National Land Commission (NLC) under Article 67 (2)(e) of the Constitution, it says-

“To initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress.”

Mr. Deputy Speaker, Sir, the National Land Commission (NLC) is supposed to assist. I believe the Committee on Justice, Legal Affairs and Human Rights is that these people have been disfranchised for long. You are aware Maumau were compensated at some point. There was a case that we were listening to at London Inns in the United States of America (USA).

In the last Parliament, we also adopted a report on the historical injustices against the Talai community. From where you sit, even your behavior, you are looking like a Talai. So, all those issues in that report were adopted and---

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

The Deputy Speaker (Sen. Kathuri): Yes, what is out of order?

Sen. Kinyua: Mr. Deputy Speaker, Sir, did you hear what Sen. Cherarkey said? He said you look like a Talai. Unless he describes who those people are. He should clarify so that it can be on record that he said Maumau were compensated.

Mr. Deputy Speaker, Sir, it will be better if he said ‘some of them.’ There are some who have not been compensated to date. By him saying that---

The Deputy Speaker (Sen. Kathuri): What did he say I look like? That was the point of order.

Sen. Kinyua: He said you look like a Talai. I wanted him to explain what that is.

The Deputy Speaker (Sen. Kathuri): Is he also one? I can see he also has a round face and he is stout like me. Is he also one?

Sen. Kinyua: He must first describe who those people are so that at least we would know so that we can draw a dichotomous key and tell whether he is one of them or whether you are one of them.

The Deputy Speaker (Sen. Kathuri): He lacks only the wisdom from the grey hair.

Sen. Cherarkey, please proceed and conclude.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, to my brother Sen. Kinyua, Talai, in our community are feared people and they are very Solomonic. What you have done today by forgiving the four colleagues needed Solomonic wisdom and patience that you exercised today. I believe that is what I meant. I said ‘look like’ that is the use of euphemism.

Some of the *Mau Mau* have been compensated so this is not a unique issue. The issue of land is emotive. Sen. (Prof.) Tom Ojienda, SC, who is the Senator for Kisumu

County, is not here today but he wrote a book called principles of conveyancing. In his opening remarks, he says, In Africa, land is a very emotive issue.

This is a very dicey issue that we need to handle carefully. These people are being chased out of forests. They are living on the pathways and roads within the forest. That is the worst human indignity. The Talai Community has never been compensated. Some of the Maumau were compensated while others were left out.

I appeal to President William Ruto. During the last Parliament, at the State of the Nation Address, I do not know which year, the former President committed Kshs10 billion for compensation of historical injustices be it in Ukambani, the Coast and everywhere else.

I appeal to the Government that the Kshs10 billion should be re-budgeted. The Committee on Justice, Legal Affairs and Human Rights and Committee on Lands, Environmental and Natural Resources as well as other sectors should have a kitty that can compensate these people that have suffered including but not limited to buying land, giving them cash to resettle and compensating them. These are the people that have suffered.

Mr. Deputy Speaker, Sir, in conclusion, most of our people in Nandi County suffered especially in Tinderet and parts of Nandi Hills. I saw an expose by British Broadcasting Corporation (BBC) about sex for work in some of the multinational estates in Kericho County - Finlay and others. That is just part of the greatest authorities that multinationals have committed.

Mr. Deputy Speaker, Sir, when you go to Nyamira County or any other part of this country, talking about sex for work is a small atrocity that multinationals have committed. The worst is that they were able to dispossess, uproot and kill people to create space to plant some of that tea.

As people across the world take their tea be it Lipton or any other form of Kenyan tea, it is tainted with blood. The earlier those multinationals compensate our people, the better.

The issue of sex for work is something that should be investigated. The police should arrest the culprits because this is a violation.

It was sad that international media station ran a documentary that was heart-wrenching.

I therefore appeal that this matter is resolved as soon as possible. The Committee on Justice Legal Affairs and Human Right which also handles land historical injustices should look at it. The Committee is chaired by Commissioner, Sen. Omogeni, who today is very humble. I do not know which medicine you gave him. The point I want to make is that there is a tradition that should be followed.

With those many remarks, I thank you and congratulate the petitioner.

The Deputy Speaker (Sen. Kathuri): I thank you.

Next Order.

PAPERS LAID

The Deputy Speaker (Sen. Kathuri): Senate Majority Whip, do you have instructions to lay any Papers?

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I am sorry. I did not realize that the Senate Majority Leader had stepped out of the House.

FINANCIAL REPORTS ON VARIOUS COUNTY FUNDS

I beg to lay the following Papers on the Table of the Senate, today the 22nd February, 2023-

(i) Report of the Auditor-General on the County Revenue Fund for the County Government of Murangá for the year ended 30th June, 2022.

(ii) Report of the Auditor-General on the Kirinyaga County Assembly Car Loan (Members) Fund for the year ended 30th June, 2022.

(ii) Report of the Auditor-General on the Nyeri County Enterprise Development Fund for the year ended 30th June, 2022.

(Sen. Cherarkey spoke off record)

Sen. Cherargei, you are out of order.

Mr. Deputy Speaker, Sir, I have the power, drawn from the Constitution to whip my side.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, who is disturbing you? You have not concluded laying the Papers.

Sen. (Dr.) Khalwale: I was just exercising my powers as a Whip but not at the right time. It does not make sense to me that after you have spent an entire afternoon trying to return the House to an orderly way of doing business, Members on my side knowing very well that I am their Whip---

(Laughter)

Sen. Kinyua and Sen. Cherarkey, this is the House of Josiah Mwangi Kariuki, he paid with his life. This is the House of Robert Ouko, he paid with his life. This is the House of Tony Ndilinge, he paid with his life. You might be thinking that you are in a small place.

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

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

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

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Kinyua. What is out of order?

Sen. Kinyua: Mr. Speaker, Sir, am I safe?

(Loud consultations)

I now understand the reason why you threw some people out of this House. They are telling me that I am out of order yet you are the only person who can rule me out of order.

Mr. Deputy Speaker, you have given me this opportunity. My Whip mentioned people who passed away and he put my name and that of Sen. Cherarkey. I am asking whether I am safe so that you protect me.

He can substantiate what he meant because I do not know whether I am safe? When he mentioned Kariuki, I thought he was to speak about G.G. Kariuki, who is from Laikipia County. However, he has mentioned people who died mysteriously and he put me in that list.

I am scared. Maybe, he can substantiate what he means.

The Deputy Speaker (Sen. Kathuri): Okay. Next Order.

STATEMENTS

The Deputy Speaker, (Sen. Kathuri): We have a series of Statements. We will start with Sen. Wambua.

(Loud consultations)

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I request that you order that the Senator of Kitui County be heard in silence.

(Sen. Cherakey spoke of record)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, just consult Sen. (Dr.) Khalwale. He is just across.

Sen. Wambua: Do not exchange with the Deputy Speaker in that manner.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, can you be clear on this matter because two Senators are not comfortable? They are already traumatized.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, you conspicuously noticed that when you were being requested to retract your Statement, which you had read midway, and when Members were requesting for apologies, I did not request to speak.

We are losing it. I am referring to those great men who, because people wanted them out of the way so that they would not continue being here, just to remind ourselves that this is a serious platform.

(Applause)

Mr. Deputy Speaker, Sir, since you have allowed me, allow me to say this one, please.

The Deputy Speaker (Sen. Kathuri): You know when you become emotional, Sen. (Dr.) Khalwale, you begin singing.

(Laughter)

Sen. (Dr.) Khalwale: I will not sing.

Seeing what is going on in this House, Members will just have to go back to the rules. If indeed you have accepted, painstakingly, to do what you did, then I expect Members to also hold a conversation with themselves the way you did.

This would be the time for the Senator of Isiolo to re-examine herself and ask, if it is true that knowing that the *sub-judice* rule applies, just as much, to Parliament, as it does to the Judiciary, what would she do in view of that if we are serious?

Similarly, I request the Senate Leader of Minority to talk to himself. Knowing the rules, he stood in his place and walked right to the Chair and warned you directly, and in the process attracted his colleagues. Is this the way we want to run this House?

If it is the House that was so important that those people whose name I have invoked lost their lives, ladies and gentlemen, Hon. Senators, let us not do that.

Sen. Dullo is a lawyer---

The Deputy Speaker (Sen. Kathuri): Do not go into the details of that matter because--

Sen. (Dr.) Khalwale: Yes, Mr. Deputy Speaker, Sir, I am concluding on this remark because you have allowed me that much.

Mr. Deputy Speaker, Sir, you did not invite yourself into speaking to the separation of the offices. There were a lot of points of order that caused you to prepare this Communication. Otherwise, originally, he had refused.

Why are we being dishonest? Are you saying we are children in this House?

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, please proceed.

Sen. Wambua: All I can say is that that is very deep.

AFFORESTATION PROGRAMME IN
ARID AND SEMI-ARID LANDS

Sen. Wambua: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the afforestation programme in Arid and Semi-Arid Lands (ASALs).

In the Statement, the Committee should-

(1) Expound on the National Government Policy for afforestation in arid and semi-arid (ASAL) areas with regard to the realization of the set minimum 10 per cent forest cover in the country as provided for in the Constitution.

(2) State the current national forest cover, noting efforts by the Kenya Forestry Research Institute (KEFRI) that were intended at raising the forest cover to 10 per cent by 2022 in line with the National Forest Program.

(3) Inform the Senate how many trees have been planted since the launch of the afforestation initiative by the Government in 2018 against the intended target of 1.8 million trees.

(4) Spell-out the strategic interventions put in place by Government to produce 1.8 million quality and sustainable tree seedlings for purposes of increasing the tree cover.

(5) Elucidate on the actions being taken by the Government to increase public awareness, education and sensitization on tree growing across the country.

(6) Elaborate on the measures put in place by the Government to ensure that Kenyans benefit from carbon credits through the afforestation initiatives being undertaken across the country.

I thank you.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

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

The Temporary Speaker (Sen. Wakili Sigei): Senator from Laikipia County, in one minute comment on the Statement by Sen. Wambua.

Sen. Kinyua: Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii. Nachukua fursa hii kuunga mkono taarifa iliyoletwa na Sen. Wambua. Ni ukweli kwamba Serikali imechukulia kwa uzito upanzi wa miti. Rais amesema tupande miti. Hili ni jambo la muhimu sana kwa sababu sehemu zilizo na miti kunanyesha lakini sehemu ambazo ni jangwa zimebaki vile kwa sababu hakuna miti.

Ninapooonea, ukitembea sehemu ya Laikipia hasa Igwa Miti mahali Laikipia University iko, ni jambo la kuvunja moyo sana, kwa sababu pale kwenye chuo kikuu kazi wanaofanya ni kukata miti usiku na mchana bila kuzingatia yale Sen. Wambua aliyosema kwamba tupande miti.

Kamati itakayoshughulikia hili jambo wanafaa washughulikie sio tu sehemu zilizotajwa, washughulikie sehemu za Laikipia hasa Laikipia University kwa sababu hapo ndipo kuna shida kubwa; wanakata miti kiholela na hawapandi.

Naunga mkono taarifa iliyotolewa. Ningependa kumueleza Sen. Wambua ambaye ni Naibu wa Kiongozi wa walio Wachache katika Bunge kwamba Serikali ya Kenya Kwanza imejitolea mhanga kupanda miti. Najua hili kwa sababu Waziri anayehusika tumekuwa na yeye Laikipia na tumeamua tutapanda miti. Tayari tuko na miche karibu milioni tatu pale Laikipia. Tunaongoza kutoka mbele na watu wa Kitui wakitaka tutawasaidia na hiyo miche.

Asante Bw. Spika wa Muda.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to comment and ride on the Statement by Sen. Wambua about afforestation and regeneration of our forests. It is a very important Statement given that most of the areas that had a lot of rainfall and water have now dried up. I come from a place called Wundanyi and we used to have springs but now we are seeing desertification. People are being supplied with water using water bowsers.

It is a very important Statement and what we will be wanting to see from the Government of Kenya Kwanza is implementation. You can have good programmes and projects but the implementation is the problem.

Kenya Kwanza Government estimated that they would plant five billion trees in five years. In that estimation then we would have about one billion trees in one year. Out of 47 counties, planting one billion trees would mean that we would be expecting to have a supply of 100 million trees per county. I am yet to see the 100 million trees in my county.

What I would ask the Kenya Kwanza Government is to supply the trees and walk the talk because climate change is real. When you have climate change then the people who are affected are women, children and People with Disability (PWDs). I would like to see the responses that we will get from the Standing Committee on Land, Environment and Natural Resources of which I am a Member.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, do you have a Statement? Go ahead and read your Statement.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to read this Statement. The Statement I intended to read first has gone through processing and the one I have here has really been dismembered. I was going to bring this Statement but it was dismembered when being processed. Since this one has come earlier I will read it and then follow the secretariat to see where the initial version is.

The initial version was on someone who is obstructing water using Kenya Pipelines Company pipes without public participation. However, I am still going to read the one on Mzima Two. Allow me to go through this Statement and then I follow up to find out what happened to the initial Statement.

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, this is a House of rules, order, procedure and precedent. Standing Order 52, 53, 54 and 55, if we allow Sen. Mwaruma to read his version of the Statement it might not meet the threshold of Standing Order No. 55 on the contents of request for Statement.

Standing Order No. 55 –

“(3) A request for Statement shall not-

- (a) be made the pretext for debate;
- (b) be framed so as to give information or suggest its own response;
- (c) convey a particular point of view;
- (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;
- (e) repeat in substance any matter covered in a prior request for statement or already responded to, either as a statement or in the course of a debate during the same Session;
- (f) seek an expression of opinion;
- (g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;
- (h) refer to more than one subject matter”

For purposes on neatness and not running the risk of Sen. Mwaruma reading his own version of the Statement that was not processed by your office---

He needs to withdraw the word “dismember” because I do not think your office can “dismember” anybody’s Statement. To avoid running afoul of Standing Order No. 55 I request that Sen. Mwaruma’s Statement be stood down until there are consultations and it is cleared.

According to information I have, Sen. Mwaruma was in Jeevanjee Gardens for prayers. He might have brought a Jeevanjee version.

The Temporary Speaker (Sen. Wakili Sigei): Alright, you have made your point. Sen. Mwaruma, if the Statement you intend to read is not the one that is approved by the Speaker then I would advise that you refer to the one that has been approved.

Sen. Mwaruma: Much obliged, Mr. Temporary Speaker, Sir. This Statement has gone through all the processes. It involves Mzima II.

Sen. Cherarkey, what point are you trying to make by bringing Jeevanjee Gardens issues here?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, go ahead and make your Statement.

Sen. Mwaruma: Mr. Temporary Speaker, Sir, given what has been happening here, I do not want to go into many issues because I am not in the mood.

MZIMA WATER ABSTRACTION
PROJECT IN TAITA-TAVETA COUNTY

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the Mzima Water Abstraction Project in Taita-Taveta County.

In the Statement, the Committee should -

(1) Inform the Senate of the anticipated volume of water to be abstracted daily, stating the amount of water that will be shared across the counties which will benefit from the Mzima Water Abstraction Project.

(2) Provide the concept notes, feasibility study, approvals for abstraction of water from the Government and its agencies and a list of the project beneficiaries as well as evidence of public participation.

(3) State why Taita-Taveta County is not listed to benefit from the Mzima Water Abstraction Project despite being the host County.

(4) State the cost of implementation of the Water Abstraction Project to completion, stating the sources of funding.

(5) State whether disputes between the community and the Mzima Water Abstraction Project owners regarding implementation of the project have been resolved ahead of the commencement of the project, and if not, halt the project until the disputes are resolved.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mwaruma. If there are Members who want to comment on the Statement, I will allow one. If there is no one, I call upon Sen. Chute to read his Statement.

STATUS OF CONSTRUCTION OF LEVEL FOUR
HOSPITAL IN SOLOLO TOWN, MARSABIT COUNTY

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Health on the construction status of a Level IV hospital in Sololo Town of Marsabit County.

In the Statement, the Committee should: -

(1) Provide details on the commencement date of the project, completion date, the initial cost, initial price variation and actual price variation.

(2) Investigate and report to the Senate on the status of completion of Level IV hospital in Sololo Town, further establishing the cost of stalling of the construction works and measures taken to revive the construction.

(3) Inform the Senate whether the project was tendered for, providing details of the contractor who won the award.

(4) State the amount paid to the contractor and how much is outstanding, indicating whether the contractor is still the same.

(5) Explain the action to be taken against the concerned officers in the event of continued delay in the construction works of the facility.

STATUS OF CONSTRUCTION OF MEDICAL TRAINING
COLLEGE IN SAKU CONSTITUENCY, MARSABIT COUNTY

Sen. Chute: Mr. Temporary Speaker, Sir, I have a second Statement.

I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Health on the construction status of a medical training college in Saku Constituency of Marsabit County.

In the Statement, the Committee should -

(1) Provide details on the commencement date of the project, completion date, the initial cost, initial price variation and actual price variation.

(2) Investigate and report to the Senate on the status of completion of medical training college in Saku Constituency, further establishing the cost of stalling of the construction works and measures taken to revive the construction.

(3) Inform the Senate whether the project was tendered for, providing details of the contractor who won the award.

(4) Indicate the amount paid to the contractor and how much is outstanding, indicating whether the contractor is still the same.

(5) Explain the action to be taken against the concerned officers in the event of the continued delay in the construction work of the facility.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator. Is there is any Member who would like to comment on the two Statements that have been raised by Sen. Chute?

If there is none, I invite the Senator for Nandi, Sen. Cherarkey to seek a Statement.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I have two Statements and I hope you will allow me to read them concurrently, so that I do not come back here.

TRANSITION OF LEARNERS TO JUNIOR SECONDARY

Mr. Temporary Speaker, Sir, my first Statement in on the transition of learners to Junior Secondary Schools.

I rise pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Education on the state of transition of learners to Junior Secondary School.

In the Statement, the Committee should -

(1) Apprise the Senate on the number of pupils who have transitioned to Junior Secondary School stating the challenges being faced by the Ministry of Education in ensuring 100 percent transition of pupils to Junior Secondary Schools across the country.

(2) Explain the current state of learning in Junior Secondary Schools including the development and extent of rollout and coverage of the JSS curriculum, listing the subjects taught.

(3) Inform the Senate on the process of book distribution to public Junior Secondary schools, indicating whether the accredited private schools have the approved books and are offering the approved syllabus.

(4) State what happens to Junior Secondary School classrooms built in secondary schools, noting Government's directive to have Junior Secondary learners domiciled in primary schools.

(5) Disclose the total number of contractors engaged in the construction of the new Junior Secondary blocks, identifying those who have been paid and the amount owed to the remaining contractors.

(6) State the total number of teachers recruited and deployed to Junior Secondary and the current deficit.

(7) Ascertain if the new directive to ban boarding schools has been implemented, indicating whether Junior Secondary School will also be affected.

Mr. Temporary Speaker, Sir, with your indulgence, I will read my second Statement.

CURRENT DROUGHT IN KENYA

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the current drought ravaging vast regions of the country.

In the Statement, the Committee should -

(1) Spell out the strategic interventions put in place in the Ministry of East Africa, Arid and Semi-Arid Areas (ASAL) and Regional Development to combat Kenya's worsening drought situation in the recent times.

(2) Explain the strategy adopted by the National Steering Committee on Drought Response to achieve its objective of raising funds and collecting and distributing food rations to the over six million people affected by the drought countrywide inclusive of their livestock.

(3) State the amount of funds raised by the National Steering Committee on Drought Response (NSCDR) to mitigate the effects of drought in the country, as well as the accountability measures put in place to prevent wastage and pilferage of the said funds that have been collected.

(4) Give a breakdown of how funds that have been raised by NSCDR to combat drought have been utilised and areas that have benefited from food including animals, that was donated by Government and well-wishers to support affected Kenyans.

(5) Spell out the strategies currently in place to achieve food security in the country, through supporting farmers in terms of crop production and subsidy programme.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey for your two Statements.

I see interventions. Sen. Ogola, what is your intervention?

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir, for giving me the chance. I just wanted to add my voice to the Statement that has been given by the Senator for Nandi County and especially on the issue of the junior secondary schools.

The Senator has raised pertinent issues that are in the public. The fear in our schools is that teachers were posted to teach in the junior secondary schools. We all know

that teachers are trained in particular subjects. If one or two teachers are trained to take care of a whole class and there are a number of subjects that the pupils or students take, then the school is at a loss on who else should teach the subjects that are not taken by the one or two teachers that are posted in those schools.

Mr. Temporary Speaker, Sir, the current challenge is that a teacher is posted to a junior secondary school. The teachers who are in that primary school keep off from teaching these pupils. That then leaves a gap because the pupils are unattended. This means that some pupils have not been attended to in a number of schools. Currently, the schools are waiting for Government to give direction.

I support the Senator for Nandi County on the concerns that he has raised. They must be responded to by the Committee that you are going to commit this Statement to. Indeed, it is a challenge that we must attend to as a House.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Ogola for your intervention on the Statement. I see the distinguished Chairperson of the Committee on Education, Sen. Joe Nyutu.

Proceed.

Sen. Joe Nyutu: Thank you, Mr. Temporary Speaker, Sir. I rise in my capacity as the Senator for Murang'a County and as the Chair of the Committee on Education in the Senate.

I join Sen. Cherarkey in outlining the challenges that we have with transition to junior secondary school. It is true we have a crisis. This crisis has come by because up to and until December of last year, every one of us knew that junior secondary school was going to be domiciled in secondary schools.

Following the recommendations by the Presidential working party on educational reforms, many parents and stakeholders strongly felt that learners at Grade Six were too young to join secondary school and be in the same school with other elder learners who could be about 20 years old.

Mr. Temporary Speaker, as you are aware, His Excellency the President then directed that the junior secondary school be domiciled in primary schools. This caught primary schools off-guard. It is because the curriculum that Junior Secondary School is giving, is secondary school curriculum. Primary school teachers are not trained to handle secondary school curriculum and so there is a challenge.

Last week during an induction training of my Committee in Naivasha, we invited the Chief Executive Officer (CEO) of the Teachers Service Commission (TSC), Dr. Nancy Macharia. She outlined a few things that she is doing with her Commission to see to it that this challenge is addressed.

One of the things that is being done – even without responding to Sen. Cherarkey's issue – is that there are teachers that were teaching in secondary schools before, especially diploma holders. These teachers have now been mapped and are being posted to junior secondary schools in primary schools. They are already teaching in primary school.

There are also very many other P1 teachers that have studied, especially through the model of school-based curriculum at the university. We have very many graduate teachers in primary schools. These are the teachers that the TSC CEO says are being mapped for posting to handle the secondary school curriculum that is being offered by the Junior Secondary School.

Mr. Temporary Speaker, Sir, I also wish to join Sen. Cherarkey even as you consider referring this particular Statement to my Committee. We have challenges. This year, we have only one cohort in junior secondary school, that is, Grade Seven. Next year, we will have two; Grade Seven and Grade Eight. Next year but one, we will have three cohorts; Grade Seven, Eight and Nine.

That will be like a complete secondary school in primary school. I want to call on the Government to allocate more resources to TSC because we must recruit teachers who are trained to handle secondary school curriculum in big numbers. They say that if you fail to plan, you are planning to fail. We should not plan to fail. We should plan well in advance.

I wish to also comment on the second Statement that Sen. Cherarkey made about drought in the country. We have been talking about this issue in my Committee. The other time, we invited the Cabinet Secretary (CS) to come and shed light on the School Feeding Programme (SFP).

Mr. Temporary Speaker, it was the feeling of many Members in the Committee on Education that we need to re-look at what we call Arid and Sem-Arid Lands (ASALs).

For example, Murang'a County has no area classified under ASAL, but we have a very dry area that should be classified as so. Areas such as Kakuzi Ward, part of Makuyu Ward, Ithanga Ward and some parts of Ithiru Ward should be classified as ASALs.

I am supporting Sen. Cherarkey that we should see what we can do to mitigate the effects of drought. This is not only in ASALs, but also in some other counties where everybody else thinks that they are comfortable and where there are some areas specific areas that are suffering from this drought.

I rise to support the petitions by Sen. Cherarkey.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Joe Nyutu. I have been magnanimous in permitting you to take more time to make your comments because you are the Chairperson of the Committee.

I can see that the Statements have elicited a lot of interest from Members.

Majority Whip, Sen. (Dr.) Khalwale, kindly proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, we have heard about the story of the proverbial ostrich that buried its head in the sand. The President opened up and admitted to the country that he does not want a one-man show. When there were many vibes about the Competency Based Curriculum (CBC), he appointed a Special Committee comprising of education specialist and other professionals to advise him.

Today, Parliament is quiet. We should be asking ourselves about issues raised by Sen. Cherarkey on the CBC and supported by other colleagues. What is our advice to the President? Where is the Committee on Education in this House and where is the Committee on Education in the National Assembly?

We need to have our own mind, unlike those professionals who get reports from the elites who go to the boardrooms in their meetings when they are invited even for public participation. We, as elected people, are accessed by the real parents of the 'hustler' children. Therefore, we should carry that information to the President.

What am I saying? The difference between the CBC and what it is replacing is about what choice you would prefer to develop. The CBC seeks to base development on competence. The old system is basing it on development of knowledge. What should come first?

If, indeed, we are true to the nation, competence cannot precede knowledge. A person you want to teach competence should have some basic knowledge of science, if you want to make them competent in a science-based sector.

We have a unique opportunity, because of the problems of CBC, for us to expand village polytechnics, Technical Training Institutes (TTIs) and Technical and Vocational Education Training (TVETs) centres that teach competence. This is so that the balance of children who cannot proceed to secondary school can be taught competence at the village polytechnics, TTIs or TVETs.

Mr. Temporary Speaker, Sir, Kenyans must now prepare themselves for it. We have been having Standard 8 dropouts. Now we are going to have Grade 6 dropouts.

If 12-year old Grade 6 pupils drop out of school, you will be preparing the children of the poor to be house girls, *shamba* boys and herds boys in the homes of the rich. It is a conversation that we must carry.

I visited Malinya Primary School where I went to school and where all my children sit for their Class 8 examinations. I found 115 Grade 7 children in one classroom with only one teacher who has been posted there. The teacher is strained because he is a physics and chemistry teacher, but he is in charge of all the twelve subjects.

I asked the principal what was going on in the school. I wondered how a teacher who is trained to teach physics and chemistry would serve the entire school.

Sen. Joe Nyutu has scared me even more. I had not reflected that in a few months from now, there will be other Grade 6 pupils graduating to Grade 7 and they will soon be in Grade 8. I do not know how fast we are either training or recruiting teachers that will fit not only Malinya, but all the other primary schools.

Sen. Joe Nyutu and Sen. Cherargei, we are on the Government side. If we are not careful, we may fear that if we speak to these issues, we may be criticizing our own Government. Our colleagues on the Opposition will run away from it and say that our Government is useless because it is promoting a useless system of education and so on.

Let us all reason together, not as Members of the Opposition or the Minority. If we do not speak, it might kill a generation.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much the Majority Whip. What is your intervention, Sen. Kisang?

Sen. Kisang: Mr. Temporary Speaker, Sir, actually it is not an intervention. I want to make one or two comments then I read my Statement.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kisang, you are next in the queue to read your Statement.

Sen. Kisang: But I would like to comment first.

The Temporary Speaker (Sen. Wakili Sigei): Go ahead.

Sen. Kisang: Mr. Temporary Speaker, Sir, the issue of the CBC has been there for a while. We have had discussions even when I was a Member of the National Assembly.

The former Nominated Member of Parliament (MP) who was the Secretary General (SG) of the Kenya National Union of Teacher (KNUT), Hon. Sossion, was against CBC and it appears we did not listen as a country.

Recently, Grade 7 pupils were admitted in our primary schools. It is like there are two schools within a primary school. We have junior secondary school and primary

school. We do not even know the principals of junior secondary schools. Are they heads of primary schools?

As the Chair of the Committee on Education has said, next time we will have Grade 8 and eventually Grade 9. By the time they will be in Grade 9, still we will have those in Grade 6. Still, there will be junior secondary schools beginning from Grades 7 up to 9. How will the schools be run? Such are issues we need to discuss.

Last year the Government spent a lot of money to put up extra classrooms in all our secondary schools in preparation for junior secondary schools. However, because of the experts' report that we domicile junior secondary schools in primary schools because of their age, those classes are already in our secondary schools, but there are no classrooms in primary schools.

In the next budget or even in the supplementary budget that is being discussed by Members of the National Assembly, they should ensure that some resources are given to our primary schools to put up classes and laboratories. You cannot teach physics, chemistry or biology in junior secondary school in a primary school without a laboratory. These are issues we need to discuss with the Teachers Service Commission (TSC) and the Ministry of Education, so that they allocate resources.

Finally, on the second Statement by Sen. Cherarkey regarding the drought across the country, there are many counties that are not classified as Arid and Semi- Arid Lands (ASALs). Elgeyo-Marakwet County is not classified as an ASAL. We have had problems of insecurity along Kerio Valley and we have not accessed relief food.

Mr. Temporary Speaker, Sir, we need to relook at the issue of giving out food, especially to our schools. The school feeding programme should be returned to schools, so that students in junior secondary schools can have lunch in schools.

I thank you.

Kindly, allow me to read my Statement now.

The Temporary Speaker (Sen. Wakili Sigei): I will not allow you to read your Statement because I have got other Members who sought to make comments on this. I will allow two more Members, then I will allow you to read your Statement.

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, kindly proceed.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, always out of chaos comes good things. This is even seen where human beings are formed. There is a lot of chaos going on, people crying, but then, mothers laugh with their kids thereafter. I am very happy that out of the last three days of chaos that we had, good things have come.

(Laughter)

Sen. Cherarkey has brought about Statements that are very pertinent, for this country to move forward. I think it is very serious that the Government of the day is not taking its children seriously.

Many people have spoken about the issue of infrastructural challenges that are facing the roll out of Junior Secondary Schools (JSS). However, the highest form of challenge that we are faced with today is the issue of access and school fees.

I have had the privilege of becoming an elected Member. I think that I speak for many of us here. If you go home to your respective constituencies today, one of the biggest problems that every elected Member here faces are parents that come to them with issues of school fees. The Government cannot think about rolling out something like JSS and not think about the access points, particularly, the issue of our children's school fees.

Secondly, I know my brother, who is a senior ranking Member, Sen. (Dr.) Khalwale, has spoken about the issue of developing knowledge before competence. I think the issue goes even further than that. The Government of the day, I can assure you, is confused about why we as a people, are having an education system. Education system should be a system that focuses on productions that a country faces. The Government must first articulate itself on the development path that the country is taking, so that you do have a population that responds to that which you produce or the economy is based on.

We even see reviews of JSS programmes. Young people are still exposed. What happens in Class 6 is even worse than what used to happen in Class 8. Six years after education, you are being forced to start memorizing Science, Mathematics, English and Kiswahili because the Government is not deliberate about where this country needs to go, in terms of its production.

Look at Competency Based Curriculum (CBC) programmes in countries like China. In China, you are trained knowing very well that you are going to produce radios. Therefore, you go to school to be taught how to make radios. Then, you are indicted to know your benefit in the value addition chain of radios.

However, a kid in Kenya today, introduced in to JSS programme, is left to wonder, the same way we wondered up to Class 8; mastering everything and then figuring out their lives after dropping out of school.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, your 15 minutes allocated by the Standing Orders for debate are over. Could you conclude your comments, so that we can move to the next Statement?

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker. Much obliged.

As I finish, the pertinent issue of education is strongly tied to this agenda of being able to connect our education system with our production system. If you allow that to happen, then even issues of drought would not be a problem because you will produce kids who know how to even develop disaster readiness and preparedness mechanisms, to deal with excesses of our production system.

If anything, perhaps this House should advise the Government of the day. My senior, Sen. (Dr.) Khalwale, had talked about it. Instead of adding money, say, Kshs5 billion to the Presidency's budget for use, it is high time we advise State House to take the money to our children in Junior Secondary Schools and to pay Early Childhood Development Education (ECDE) teachers, in counties that are faced with little money but do a lot of work for our children.

Thank you, Mr. Temporary Speaker, Sir.

I support this Statement.

The Temporary Speaker (Sen. Wakili Sigei): Thank you hon. Senators. I know that Sen. Wafula had a request, but Standing Order No.53 allows us only 15 minutes to

make our observations. Similarly, we have three more Statements to deal with. Hon. Senator, you will pardon the Chair for today.

I know education is fundamentally basic. That is why, over the last sittings, we have had debate on the transfer of teachers and the transition to CBC from the previous regime. Now, we have had conversations from the Statement sought by Sen. Cherarkey. It is something that is so key.

I am sure that the Chairperson of the Committee on Education is following the comments which hon. Members have made this afternoon. They will be taken seriously and appropriate interventions are to be done on this particular item. Whether it is about the teachers, pupils, programme or funding, as it has been stated, is dealt with by the Government.

Hon. Members, allow us have the next Member. We still have three Statements.

I invite the Senator for Kirinyaga County, Sen. (Dr.) Murango, to seek a Statement from the Standing Committee on Labour and Social Welfare, regarding plans by the Government to launch bottom-up football tournament in all the 47 counties.

Sen. (Dr.) Murango: Mr. Speaker, Sir, thank you for giving me this opportunity.

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

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

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. I have a request, which should have been made earlier. Since we still have three Statements. Can we, maybe, read all the three Statements, then we allow Members to comment, so that we save on time, in disposing of them?

The Temporary Speaker (Sen. Wakili Sigei): Very well. It is noted. Sen. (Dr.) Murango, proceed, so that we conclude the remaining Statements and have Members comment where appropriate.

PLANS BY THE GOVERNMENT TO LAUNCH BOTTOM-UP FOOTBALL TOURNAMENTS IN ALL THE 47 COUNTIES

Sen. (Dr.) Murango: Mr. Speaker, Sir, thank you for giving me this opportunity. I rise pursuant to Standing Order No. 53(1).

Mr. Temporary Speaker, Sir, I have two Statements. If you allow, I will read them concurrently.

I rise pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare, on updating the beneficiary database of ---

Mr. Temporary Speaker, Sir, I think I am having some---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Murango, is everything okay?

Sen. (Dr.) Murango: Just a minute.

Mr. Temporary Speaker, Sir, I am now well prepared. Thank you.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare, regarding plans by the Government to launch bottom-up football tournament in all 47 counties.

In this Statement, the Committee should-

(1) Appraise the Senate if there are plans by the Government to launch and sponsor bottom-up football tournament in all the counties.

(2) State the tentative dates the tournament is expected to start, detailing the implementation structure, management and eligibility requirements for the participation teams.

(3) Confirm the frequency and duration of the tournament, indicating the estimated budget and the source of financing of the tournament.

UPDATING OF THE BENEFICIARY DATABASE
OF THE *INUA JAMII* PROGRAMME

Sen. (Dr.) Murango: Mr. Temporary Speaker Sir, the second Statement is pursuant to the same Standing Order No. 53 (1). I did request for this Statement two and half months ago. If you allow, I think we need to pull up our socks a little bit, so that we can get answers to this Statements, when they go to Committees.

Mr. Temporary Speaker, Sir, I rise under Standing Order No. 53(1), to request a Statement from the Standing Committee on Labour and Social Welfare on updating the beneficiary database of the *inua jamii* programme.

In the Statement, the Committee should-

(1) Provide a status report on the current number of beneficiary, per sub county, under the Inua Jamii Cash Transfer Programme for the elderly in Kirinyaga County, stating the amount of funds released in the last 24 months and the beneficiaries.

(2) State measures if any that the Ministry of Labor and Social Protection has put in place to ensure that, at any time, the data in the cash Transfer Programme Database is up to date particularly the removal of beneficiaries who have left the programme through natural attrition;

(3) Confirm when the Ministry is commencing registration for those who have attained the mandatory age for admission in the programme across the country, stating sensitization measures in place.

Mr. Temporary Speaker, Sir, I had asked for the Statement about the same 12 months ago. What is happening is that the Ministry of Labour and Social Protection is spacing the recruitment programme in two years.

You see the people who are for example are 69 years, after two years, they will be 71 years. However, as we stand now, the last recruitment was done more than three years ago. That means we have very many old people who have not been registered and are not benefiting from the *Inua Jamii Programme*.

That is why this Statement is important because it is the second one.

4. The Statement should state measures, if any, to implement mobile cash transfer method in place of the tedious bank cash transfer method under the programme. Noting that a majority of the beneficiaries reside in the rural areas and have no or limited access to formal banking services.

I thank you, Mr. Temporary Speaker, Sir.

Temporary Speaker (Sen. Wakili Sigei): Sen. Kisang, make your Statement as well.

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. I was worried because time was running out. I hope Members will have an opportunity to comment.

INSECURITY IN THE NORTH RIFT
REGION ARISING FROM ILLEGAL ARMS

Sen. Kisang: Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on National Security, Defence, and Foreign Relations on insecurity in the North Rift Region arising from illegal arms.

In the Statement, the Committee should -

(1) Explain steps the Ministry of Interior and National Administration is taking, if any, to curb the proliferation of illegal arms circulating in the country which have been used to perpetuate conflicts in parts of the country including the North Rift, thus increasingly posing significant socio-economic, political and security risks countrywide.

(2) State measures being taken to strengthen security and surveillance at our borders, noting the ongoing political instability in neighboring countries could be driving the proliferation of illegal arms in the country.

(3) Spell out measures, if any, the Ministry has put in place to recruit and train more National Police Reservists (NPR) to complement the efforts of the National Police Service (NPS) in restoring peace in counties where several individuals have recently been killed, maimed and thousands of livestock stolen in the recent past.

(4) Recommend immediate measures to enhance collaboration with local administrators and community leaders in efforts to sustain the unrelenting war on stock theft and possession of illegal arms.

I thank you, Mr. Temporary Speaker, Sir.

Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Kipsang.
Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, thank you. I rise to support Sen. Kisang for the wonderful comment on insecurity in the north.

I do not know what is going on in this country. We have got a lot of police officers that are deployed to man our borders and counties and yet, this kind of prohibition still happens in such counties.

Today, if you look at Migori County, there are so many roadblocks in a county that has never experienced any kind of war. The police officers that we have on these road blocks, all they ever do is take money from people. They extort *boda-bodas* and vehicles that are passing by and, yet, they do not do the work that they are supposed to do.

It is a high time that such a Statement should not only be committed to the relevant committee. This House should put the police to task to be able to make sure that any time---

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the House.

The Senate, therefore, stands adjourned until tomorrow, Thursday, 23rd February, 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.