

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 26th April, 2023

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.31 a.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

Serjeant-at-Arms, kindly stop the bell. I am informed that we now have the requisite quorum.

Clerk, kindly call the First Order.

QUESTIONS AND STATEMENTS

The Speaker (Hon. Kingi): Hon. Senators, allow me to welcome you to this historical and momentous occasion when Cabinet Secretaries (CSs) are appearing before the Senate to respond to Questions from the representatives of the people for the first time. This is history in the making, to say the least.

As we commence this journey, I would like to remind all the Senators of the guidelines that I issued on the 28th March and 25th April, 2023, on this process.

Hon. Senators, I appeal to you to focus on the bigger picture, which is oversight, on behalf of the people, and improved governance of our country.

Thank you.

Serjeant-at-Arms, kindly usher in the CS, Interior and National Administration.

*[The Serjeant-at-Arms ushered in the CS, Interior and National Administration,
(Hon. (Prof.) Kithure Kindiki)]*

I shall now proceed to call the Senators whose Questions have been scheduled for today. Is the Sen. (Dr.) Lelegwe Ltumbesi, present? Very well. Be on standby. The second and the third Questions are by Sen. Dullo. Is she present? Good. The fourth Question shall be by Sen. Veronica Maina. I can see she is present. She has two Questions just like Sen. Dullo. We are now good to proceed.

The CS, Interior and National Administration, Hon. (Prof.) Kithure Kindiki is present. Let me take this opportunity to welcome the Hon. Cabinet Secretary. Welcome back home. This is the place where you own your political career. I believe you are more familiar with this House than with the Ministry.

Let me take this opportunity to welcome you back. You will engage with the Senators to answer a few questions. Having served as a Senator, you know the rules of this House. Of course, you are not a Member of this House anymore. However, that should be an added advantage because you are familiar with the terrain and the Rules and Procedures of this House. Therefore, just like a fish, you should find yourself swimming with a lot of ease as you take the podium.

I will, therefore, call upon Sen. (Dr.) Lelegwe Ltumbesi to proceed and ask his Question.

Question No. 001

CURRENT STATE OF SECURITY IN WEST
SAMBURU CONSTITUENCY

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. I beg to ask the following three questions to the CS, Interior and National Administration-

(1) What is the State of Security in Samburu West Constituency, in light of deployment of Kenya Defence Forces to support the ongoing operations?

(2) What Measures is the Government taking to enhance security in Samburu County, especially Samburu West Constituency?

(3) Could the CS indicate the plans in place to facilitate communities from Longewan, Pura, Loosuk and Nolkera areas, which vacated their lands following directives by the CS, Interior and National Administration, to safely return and commence cultivation in view of the ongoing rains?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Cabinet Secretary, kindly proceed to respond to that question.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Speaker, Sir, thank you for inviting me. It is a great honour and privilege for me to appear before this House. I have fond memories of the ten years I spent as a Member of this House. I feel honoured and gratified to be back. The only disadvantage is

I cannot sit at the place where I used to sit. Other than that, I am happy to see old and new colleagues.

Mr. Speaker, Sir, I will do my best to respond to the question raised by the distinguished Senator for Samburu County, Sen. Lelegwe as follows.

On 13th of February this year, the Government of Kenya decided to deploy a joint operation for restoring normalcy in Samburu and four other counties in the Northern Rift Valley. This came after serious incidences of breach of peace. Therefore, it was required that the efforts of the National Police Service (NPS), which is the organ responsible for internal security, be augmented and supported by the Kenya Defence Forces (KDF) in accordance with our Constitution.

Mr. Speaker, Sir, the Government had two options. One, to deploy the KDF to support the NPS pursuant to Article 241(3)(b), where the NPS is still in charge and leads the operation, but gets support from the KDF. That support is defined in the operational order agreed upon between the Inspector General of the NPS and the Chief of the Defence Forces.

The second option which was available was to apply Article 241(3)(c), where the police would cede the way and allow the military to move in, restore peace, order, retreat back and allow the police to continue after the operation.

It was decided that we apply 241(3)(b) first because the architecture of the Constitution envisages an escalation of measures where the Government intends to bring in the KDF. The intention of the framers of the Constitution is first to escalate the deployment gradually. If the police require the KDF inputs, then that input comes under paragraph (b), and if there is need to escalate it to paragraph (c), then that would come as a consequence later on. That is why we took that approach.

Mr. Speaker, Sir, the status of security in Samburu County since the deployment of the military to assist the police has improved tremendously. The situation has improved from what was the case before the operation was declared. We immediately identified certain parts of Samburu County and the other four counties which were being used to hold or/and hide bandits. We asked members of the public to vacate from those places.

For the information of the House, these are not habitual places of residence. In fact, the mischief we were trying to cure is that we had established that after stealing livestock, these bandits would retreat to very remote caves and gorges, which are not places of habitual residence. They would hide there, survey and try to track what the rest of our agencies and the public were doing and plan for attacks from there. They had invited what we considered, perhaps, members of their families. So, we established their women and children were holed up in those caves and gorges. That is why we gave the kind of orders we gave after declaring these places disturbed and dangerous. The situation has improved.

However, after we gave the 24-hour orders for the public to leave these dangerous places, which were gazetted and published, the unintended, but expected consequence was that some of the criminals took the 24-hour notice to mix with the rest of the population. After 24 hours, we dominated all the places we identified. I can report to the House today that the caves, the gorges, the ravines and all the places that were used as hideouts for bandits in Baringo, Laikipia, Samburu, Turkana, West Pokot and Elgeyo Marakwet are clean.

They have been cleared and dominated by security forces. Our intention now is to make sure that those bandits will never access those places again. We will do so, by ensuring that our presence and those of security agencies in these areas is going to remain permanent, even after we call off the operation. We will not withdraw the presence of the police officers. They will dominate those areas and make it impossible for bandits to retreat to the Korkoron Hills in Baringo, Tandar Valley, the Pura Valley, Malaso Escarpment and all the gorges and caves that were identified.

Mr. Speaker, Sir, we need to clarify for the public interest, through you, that those orders were not targeting habitual places of public residence. They were specifically targeting remote and uninhabited areas where bandits could retreat and plan attacks. Pursuant to the requirement of international law on the use of force, we are to give notice. Some would ask, why give a notice to bandits to vacate? The target was not the bandits. In fact, we did not expect them to vacate because these bandits had grown horns and were full of impunity and theatrics. That notice was intended for the general public. They could be members of their families, women and children.

Under international law, if you are to use force, ensure the force is targeted at armed criminals or belligerent people who are resisting authority. The public should have that notice. I am happy to report that those places are now clear.

Mr. Speaker, Sir, with regard to the attacks that we continue to experience in those areas, they are as a result of some bandits mixing up with the public during the 24-hour window. We are working very hard to ensure that we also extinguish the remaining threats.

Mr. Speaker, Sir, in a nutshell, the operation is a success in our view. In the last few months, we have learned that there are still gaps which we will seal. We shall stay there as long as it takes. I wish to assure the people of Samburu County and all the other affected counties, including counties affected by this menace, but which are not part of the operation yet, we will make sure that culture is finished. We will ensure that the crime of violent cattle theft, rustling, banditry and visiting terror on the public by criminals is finished. It will be part of the history of Kenya.

We are determined to do whatever it takes. It takes a while because of the intricacies involved, but we are on course and we will win the war. It is either Kenya or the bandits. It is either the law or the crime. One has to give way. Kenya will not give way. The Government will not give way. The people of Kenya will not give way. Bandits and criminals have to give way.

(Applause)

Mr. Speaker, Sir, allow me to now respond to the second part of the question. The measures that we are taking, other than the military and the police action to flush out criminals, including improving our intelligence. This will help us to work on intelligence-based and led security. We have made great strides in strengthening multi-agency intelligence sharing, even within the organs of national security within the National Intelligence Service (NIS), NPS and other agencies involved in the security of our country. We are investing heavily in intelligence.

In the same way, the enhancement of intelligence-led security has helped us to contain the threat of terrorism. I am convinced beyond doubt that Kenya will win against bandits through intelligence-led security operations.

Secondly, we have deployed and enhanced the special operation group which is one of the formed units of NPS. For the information of the House, the future of our country winning over sophisticated and complex crime is in the specialized formed units of NPS. This includes banditry, terrorism and drug trafficking.

We have a number of these formed units such as the Special Operations Group, the Rapid Deployment Unit (RDU), the Anti-Stock Theft Unit (ASTU), General Service Unit (GSU) and others. They are our frontline soldiers in the fight against complex crime.

Mr. Speaker, Sir, with regard to the measures taken in Samburu West Constituency, in the last few weeks, we have deployed the Special Operation Group (SOG) which helped us a great deal two months ago to stabilise Samburu North. In Baragoi, there were gunshots, deaths and bloodshed every day. However, the Senator and the people of Samburu County will tell you from December last year, that area has been cleared.

We only have a challenge and we call upon the two Houses of Parliament to support our security sector. The investment required in the specialised training of these formed units is so high, yet the results are extremely precious for this country. The formed units, including the Anti-Terror Police Unit (ATPU), won the war against terror. The war on banditry will be won by a mixture of general policing and also the use of formed units. Therefore, we will require the support of the House.

Mr. Speaker, Sir, the way we have done with Baragoi is the same way we are now putting SOG on the other parts of Samburu County. We are also doing the same for other affected counties, which are not within the operation area.

I can report to the House that on Friday, I will visit Elgeyo-Marakwet County to see the deployment of SOG because of the Kolowa Bridge and the problems we have had in Marakwet East between Tiaty and Marakwet. There have been cross-border raids of late. We have sealed off that area now. It is going to be a thing of the past. Gradually, we are winning the war.

We will invest in peace building. Shortly, we are starting community-led peace building activities in all these areas. We thought we should stabilise the areas first before we engage in peace building. We will also do disarmament. However, we have taken our time to first stabilise and silence the guns. We must disarm the public.

I assure the nation through this House, that every criminal holding firearms illegally must surrender them. They either surrender the firearm or we will take it by all means possible. Therefore, we will have a disarmament and de-radicalisation plan. This is because just like terrorism, banditry and cattle rustling have now assumed some radical ideological leanings, where the people doing it are no longer doing it for culture or money. It is beyond enterprise and culture. Increasingly, there is an ideology by those criminals, that you can harass the public, take their property, kill and terrorize and look important.

I assure the people of Kenya that we will defeat bandits. I do not know how long it will take, but we will defeat them. Banditry will be part of Kenyan history. If we were to continue to allow what was happening by the time the Kenya Kwanza administration came to office and a few months after, we would have had serious security agencies. We

feared that even international terrorist networks would have infiltrated some of these groupings and complicated matters.

Finally, Mr. Speaker, Sir, we are investing in long-term rejuvenation of the region which is affected by social amenities and public infrastructure. We are negotiating with our counterparts in the Ministry of Water, Sanitation and Irrigation; Ministry of Roads and Transport; and the Ministry of Energy and Petroleum to give those areas an enhanced quota and package of development projects that are being launched, planned or funded. Such projects include water, schools and hospitals. This is for security reasons. If this is done, then it will open up Northern Kenya, including Samburu; and make sure that these places are also empowered.

I keep on saying that the future of Kenya is in the north. There is land, resources and potential for investment. If we can silence the guns and make them safe places, the future of Kenya, 100 or 200 years from now, is in the north of our country.

I have looked at case studies of different countries. I believe the future of this country is in almost three-quarters of our country that is facing insecurity. If we sort our security, that is where the future economic strength of our country will be. In the same way, California, in the middle of a desert, is today the backbone of the American economy. We have many other countries, including Australia, where desert territories have been turned into economic anchors.

Mr. Speaker, Sir, lastly, what plans do I have for our people in Pura, Malaso and all other places that could have been displaced as a result of the vacation orders that I issued in Malaso on 12th March, 2023, to make sure that they normalize their lives and plant their farms?

I intended to visit that area on Friday. I brought forward that trip to tomorrow because on Friday, I will be in Elgeyo-Marakwet. I apologize to leaders because sometimes we give very short notice when we are traveling to their areas. It is not intentional. Unlike my colleagues in other Ministries, our Ministry is run on an emergency basis. We cannot plan. Other people plan where we will be.

If it is not Paul Mackenzie, it is the bandits or other criminals. You do not know what they are planning and what harm they will cause where. Therefore, every day, we wake up and depending on the security situation of the country, we determine where to rush. As I speak, I will be rushing to Busia today and I had not planned.

Mr. Speaker, Sir, to answer the Question by the Senator, I will be visiting Samburu County tomorrow afternoon to find out if there are genuine cases of people who are displaced. From there, I will announce the measures the Government of Kenya will take, to make sure that no innocent member of the public is disrupted from their daily activities, even as we continue securitizing Samburu and Kenya as a whole.

I thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): Thank you, CS of Interior and National Administration.

Hon. CS, I have restrained myself because you are the very first CS to appear before the Senate. However, as you are aware, having served in this Senate, this is a House of rules and procedures.

Under our rules, more particularly Standing Order No.51(c) (5), a CS wishing to respond to a Question must file a written response with the Senate, 24 hours before they appear on the Floor of the Senate.

When appearing before the Senate, as a CS, you are supposed to read verbatim the response that you filed with us. Thereafter, if you have any supplementary information to the response that you have given us, then you can proceed to do so.

The design was given so that the Senator asking the Question has prior knowledge of the kind of response you would give and, therefore, prepare himself or herself adequately for a supplementary question.

Hon. CS, when you appear next time before the Senate, kindly we will expect you to, first, read verbatim the written response that you will have filed with the Senate. Thereafter, you will proceed, if need be, to give supplementary information to your response, as and when Senators ask supplementary questions. However, since you are the very first CS to appear before the Senate, I have allowed you to get away with that.

Hon. Senators, the CS has given a very comprehensive response, although beyond the filed response. Therefore, I will allow the Senator who asked that Question, if he has any supplementary question to ask. Thereafter, I will allow any other Senator to ask supplementary questions.

Sen. (Dr.) Lelegwe Ltumbesi, under our Standing Orders, you have two supplementary questions. You may choose to ask them at once or to ask one now, allow your colleagues to ask their supplementary questions, then you be the last to ask the very last supplementary question.

Kindly proceed, Sen. (Dr.) Lelegwe Ltumbesi.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. I confirm that I have received both an electronic and a hard copy of the response by the CS today morning, which is late. Nonetheless, I appreciate his response. I am sure the promises he has made to the Senate to tackle insecurity in insecurity-prone areas, including Samburu, will bear fruit.

Mr. Speaker, Sir, I choose to ask two supplementary questions now. I proceed with one. Since you made the pronouncement and ordered the multi-agency operation in the banditry-prone areas, many cases of banditry have occurred in the presence of the multi-agency team, the security forces, without any action taken. I am sure the CS has this information and intelligence that cases of banditry, killing of people, loss of livestock and stealing by bandits have taken place.

In light of all that, in the presence of the military and multi-agency team, little or no recovery has been reported despite the successes. I agree there is some levels of success since the deployment of these agencies. However, the stolen livestock or the arrest of the perpetrators has not taken place. In light of this, CS, what is the Government policy on recovery of stolen property that is livestock and compensation, if any? If the Government is unable to take action--- We have seen impoverished families.

The Speaker (Hon. Kingi): Hon. Senator, today is the very first time we are doing this. I will be giving a lot of latitude to both the CS and the Members. However, kindly you ought to ask direct supplementary questions. It is not an opportunity to make a speech and thereafter, you pose the question. Ask direct questions on the subject matter to the CS.

Sen. (Dr.) Lelegwe Ltumbesi: Okay. Thank you, Mr. Speaker, Sir. I will proceed.

(1) Since you made the pronouncement and ordered a multi-agency operation in banditry-prone areas, many cases of banditry have occurred in the presence of the security forces without any action taken or recovery of stolen livestock or arrest of the perpetrators. In light of this, what is the Government's policy on recovery of stolen property, livestock and compensation, if any, if the Government is unable to take action?

(2) What measures do you plan to implement in order to guarantee the safety and security of administrators, in this case, the chiefs, operating in areas prone to banditry?

Is the CS considering providing them with training and arms to enhance their security?

I thank you.

The Speaker (Hon. Kingi): Hon. CS, kindly proceed, to respond to the two supplementary questions.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I am sorry for veering off the Standing Orders. I was still in the past, in my previous role as a Senator. I am guided.

Mr. Speaker, Sir, with regard to the supplementary question raised by the distinguished Senator for Samburu County, I will reply as follows-

It is true we have had incidents of banditry even after the deployment of the Joint National Police Service and Kenya Defence Forces Operation. I have explained why those attacks continue because of a bit of mix up where we could have bandits spread out in villages.

Although our officers are on the ground, they cannot be deployed to every home. We are looking for strategies to work around that and make sure that we mop out and finish that problem now that we know where the problem is.

Mr. Speaker, Sir, we have made tremendous improvement in terms of recoveries of stolen livestock. Before the operation, we had very many livestock stolen, which were not being recovered and we are actually compiling the data backwards from August and the entire of 2022. This is just to show what this administration has done as compared to the previous administration in terms of recoveries and those kinds of action.

I am able to report that the data we have, at the moment, is showing marked improvement by this administration in terms of recoveries. We have had recoveries in Laikipia, Baringo and Samburu. Out of the 500 livestock stolen, since January, we have recovered 200 and 300 livestock are still at large. The reason being that once these criminals steal, they separate the livestock in small groups and disappear. They allocate each other 5, 10, 15 or 20 livestock and so on.

So, when you recover these livestock, you will hear that 200 goats were stolen, but it would be shared 10 each to 20 people and they go to different directions. So, you will recover them in bits and pieces. That is part of the reason why we have not had 100 per cent recoveries. However, we are working on how to improve our recovery progress.

Finally, the Senator has asked about what we are doing to make sure that our officers are trained. The National Administration Officers are trained and equipped.

Right now, pending before the National Security Council is a proposal for a limited issuance of firearms to all chiefs, assistant chiefs and Assistant County Commissioners (ACCs) in specific areas which are facing harsh insecurity. This is to

enable them support the NPS in tracking livestock and protecting themselves from armed criminals because they are normally a target and we have lost a few already. We have lost a chief in Samburu and we have lost one in Laikipia.

We are considering a policy shift to provide firearms and also to give them training so that they can help us better serve the people of Kenya.

I thank you.

The Speaker (Hon. Kingi): Sen. Cheptumo, kindly proceed.

Hon. Senators, as you ask your supplementary questions, kindly abide by Standing Order No. 51B (3) for us to move.

Senator, be precise, concise and brief.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir, for giving me chance to ask some supplementary questions. Mr. CS, around 2016/2017, your Ministry gazetted a number of administrative units in various counties in our country. This created new locations, sub-locations, divisions and some sub-counties.

Up to today, those gazetted units have not been activated or have not been able to operate. Those administrative units will go towards helping or assisting your Ministry on matters security, especially the insecure areas. When will you operationalize the units gazetted by your Ministry in 2016/2017 in various counties? In my County, Baringo, there are several of them and we visited those areas last time.

The Speaker (Hon. Kingi): Hon. CS, kindly proceed and you have got one minute.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Speaker, Sir, all the gazetted administrative units will be operationalized. However, due to budgetary constraints, we decided to operationalize all the already gazetted areas in three phases starting this financial year. We will have an objective criteria of identifying which of them goes first, second and third. That objective criteria includes – security challenges faced in that area like banditry, terrorism and other complex security issues like illicit drugs and alcohol.

Additionally, there will be regional balance so that we have some administrative units in one region and others in other regions. We will have a criterion of making sure we do this starting this June and the criteria will be made public so that we carry the entire country together.

I thank you.

The Speaker (Hon. Kingi): Sen. (Prof.) Kamar, kindly proceed.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I want to thank the CS for a well detailed response which has opened the other things for all of us. We know him to be a thorough person.

I want to ask the CS whether there is a policy of handling people who have been displaced by Government for reasons like the one that happened this time where people were moved from their places. From the media, we saw people who were in a very bad situation.

Is there a policy stating that food and sanitation must be provided? This is because it becomes tricky when people are asked to move and they have not been told where to move to and how they are going to live. Can the CS expound on the policy they have on how to handle them when they have left their homes?

I thank you.

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

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Speaker, Sir, in response to the supplementary question asked by the distinguished Sen. (Prof) Kamar, I would like to respond as follows-

The policy of the Government of Kenya on any Kenyan displaced as a result of the on-going security operation or for whatever other reason is to resettle them.

As I said earlier before this House, we have begun tracking if there are any victims of the orders that I issued in Malaso on 12th March, 2023. We will start with Samburu tomorrow and we will access all the other counties. If there are any genuine people who were displaced as a result of those orders, the Government of Kenya will either facilitate their return or settlement so that no Kenyan is deprived of their property or removed from their habitual places of residence.

I thank you.

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

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for your indulgence.

My question is very direct and similar to what has been asked because I agree that the future of Kenya is the North. However, that is the future. My question is: What immediate measures is the Ministry taking to make sure that, that area is considered in a very special way, so that the custom of banditry can stop and they can start farming and other things? What immediate measures is the Government taking besides militarisation of the region?

Thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary (CS), you may have the Floor.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Speaker, Sir, in response to the supplementary question raised by the distinguished Senator for Meru county, I tell the House that the use of force is an immediate short term and painkiller remedy for the problem. Therefore, once we stabilize, we will roll out all the other interventions in terms of social, economic, infrastructural, amenity development and peace building as well.

We request the support and co-operation of the elected leaders. I report to this House that the Ministry has already generated the appropriate framework for the reconstruction of all the affected areas. It is a martial plan of sort, as promised by President William Ruto during his campaign for the presidential election. That paper is now pending clearance at the National Security Council and the Cabinet.

Mr. Speaker, Sir, I assure the nation, through you, that in the next two months, we will be able to announce the comprehensive martial plan for permanent solutions, so that we do not have these things repeating every year and for us doing the same thing every other year and expecting different results.

Thank you.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Allow me to thank the CS for coming. I had no doubt given the frustration we shared with him in this House for many years when we needed information from this critical Ministry that he would come. I thank him and his office for the co-operation that they gave us when we were urging them to come.

Mr. CS, in your position you have access to special intelligence reports. Kenyans would like to know, unless your disclosure will prejudice operations, the role played by political players, including sitting Members of County Assembly (MCAs) and Members of Parliament (MPs), who we believe wrongly or otherwise, you will confirm, are part of the problem of incitement, giving logistical support, funding and procuring markets, where these animals are sold as far away from North Eastern as Dagoretti in Nairobi.

Number 1(b) of my question is: Do you have a plan do disband that structure of security called police reservists?

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

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki): Mr. Speaker, Sir, I respond as follows with regard to the supplementary question raised by the distinguished Senator for Kakamega County.

We have made significant progress in tracking and nailing the master bites of banditry. I can confidently assure the people of Kenya. We have in our radar a number of politicians of different cadres, whose activities have been linked to the support, funding and encouragement of banditry. We have crucial evidence, some of which was collected at the scene of crime at the attack in Kainuk, early in the year, which incriminates political leaders and other people.

I also report to the House that we have evidence, which we are almost at the tail-end of finalising and processing, of the senior commanders in the banditry enterprise. The banditry criminal enterprise has its own command. Just last week, one of the most notorious commanders of banditry was apprehended alive from the Korkor Hills and arraigned in court. The leaders from Baringo and those parts know who that person is. He has terrorized us and is even helping us to zero in and fill the gaps of the investigations that are ongoing.

I assure the House that very soon, we will have high profile arraignment of the command of bandits, whether they are civilians or politicians. We want to build a case that will succeed in court.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you, Hon. CS.

Hon. Senators, I can see quite a number of Senators would wish to ask supplementary questions to the CS. However, we have expended well above 40 minutes on this particular question. If you remember my first Communication when we adopted these Standing Orders, I indeed made it clear to you that we were going to spend at most 20 minutes per question.

I believe that the CS for Interior and Coordination of National Government is not making his last appearance before us. Any supplementary question you may be having will still find an appropriate opportunity to be answered by the CS.

Therefore, I am afraid to say that we will ----

(Loud consultations)

An hon. Senator: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, the reason I always ask you to read your Standing Orders is because of such. You are raising a point of order on who? There is no Senator who is on his feet.

(Sen. Kinyua spoke off record)

Hon. Senators, I have a Communication to make. Sen. Kinyua, kindly take your seat.

COMMUNICATION FROM THE CHAIR

VISITING PRESIDENT OF THE PAN-AFRICAN PARLIAMENT

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence of the Rt. Hon. Chief Fortune Zephania Charumbira, President of the Pan-African Parliament in the Speaker's Gallery. The Rt. Hon Charumbira is in the country for an official visit to the Parliament of Kenya. He is accompanied by Mr. Daniel Bucuane, an Officer from the Pan-African Parliament.

Hon. Senators, I have had an opportunity to engage with The Rt. Hon. Chief Charumbira, and our discussions centered on Parliamentary diplomacy and climate change. These are pertinent issues affecting the African region as a whole with respect to food security, conflict resolution and resource management and are high on the agenda of the Pan African Parliament. We also had a discussion on the upcoming Heads of State Summit in the month of May, 2023.

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

(Applause)

I will call upon the Senator for Tana River County, Hon. Mungatana, to make very brief welcoming remarks.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. We want to join you as part of the Kenya delegation, which is comprised of Sen. (Prof.) Kamar, the Hon. Member for the National Assembly, Hon. Mukami, the Hon. Majimbo Kalasinga, the Hon. Esther Passaris and I to welcome the President of the Parliament which is resident in South Africa.

Mr. Speaker, Sir, this President has been very effective in terms of supporting the agenda for the continent. That Parliament has been transformed from the chaos that it used to be before, to a platform for exposition of the agenda of Pan-Africanism. We credit him for the work that he has done since his election as President of the Pan-African Parliament.

We, from Kenya, have been pushing, and continue to push, that Kiswahili be made a major language at the continental level. Right now, we have Arabic, French, English and Portuguese. The Kiswahili language, although accepted and the only African really indigenous language, has not been used properly, and to the large extent that is required in the work of that Parliament.

I take this opportunity to welcome the Hon. President to Kenya. Like you said, we have had great engagements with him. He has been to State House and had great engagements with the President. We are very grateful and honoured to have him in Kenya today. I join you in welcoming him.

Mr. Speaker, Sir, Thank you.

The Speaker (Hon. Kingi): Thank you, Hon. Senators. I will now proceed to discharge the Cabinet Secretary (CS) Interior and Coordination of National Government.

I have noticed that most of these so-called supplementary questions can actually be posed as substantive questions. The mere fact that you have not gotten an opportunity to ask your supplementary question, you still have a window to actually pose your supplementary question as a substantive question to the CS and still appear here.

Hon. CS, thank you for coming. You stand discharged for the day.

I will proceed to call the Senator for Isiolo, Sen. Dullo to ask her question. Before you do that, kindly give us a few minutes to usher in the responsible CS.

Sen. Cherarkey: A point of clarification, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, what clarification are you seeking, Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I agree with you that this is the first time that we are doing this.

Through the Senate Business Committee (SBC) or your office, under Standing Order No.1, you should have at least allowed us to ask questions. I know that is behind us, but the point I am trying to make under Standing Order No. 1 is that I wish the SBC, especially when the CSs of Interior and Coordination of National Government, National Treasury and Economic Planning and of Health, is it possible to schedule each for their session, for example, between 9.30 a.m. to 12.30 p.m.?

Security is everything. You and I agree that there is a lot that goes on from the village to the highest level. I know the next time, even if some of these questions, as you have noted could be substantive, but again, they could be overtaken by events. Examples are the issue of banditry in the North and the Shakahola cult in your county and many others.

In as much as Standing Order No.51 (7) (c)--- and I also need your interpretation on this. Allow me quickly as we allow changeover. Also, understanding order 51 (c) (7b) when it says,

“Upon the issuance of response or making of a statement under paragraph one, the speaker may”

Mr. Speaker, Standing Order No.1 and 54 (7)(c) is similar.

Maybe of course allow the Senator who asks the question to raise a maximum of two supplementary questions that relate to that question, and

(b) allow any other Senator to ask a supplementary question”

On Standing Order 51 (c) (7b), you need to give direction so that members cannot use that as a pretext of making a debate or a speech. When you say ‘supplementary question,’ does it mean you can tie them up into one question before asking?

Mr. Speaker, Sir, kindly, in future, under Standing Order No.1, you have power to allow us to ask as many questions as possible. The Bible says we were not meant to obey the rules; it is the rules which should obey us. I beg your indulgence.

I know as you sit here, you would have also wished that we ask something about Shakahola in your county because you cannot ask. Some of us are willing to do the job for you. Kindly be patient with us. Please, be fair to us. You are our father. Sometimes allow us to ask for the benefit of our constituents.

Mr. Speaker, Sir, with that indulgence, I thank you.

The Speaker (Hon. Kingi): Thank you, Sen. Cherarkey. This is the first Session we are having on these newly introduced Standing Orders. Going forward, of course, we are learning. Looking at the weight and the interest that is normally generated whenever the CS for Interior and Coordination of National Government appears, either before the National Assembly or the Senate, I believe as we sit in SBC, we will take on board the very valid concerns that you have raised. Maybe whenever the CS is appearing, we do not have another CSs appearing on that particular day, so that we can give ample time to Senators to ask as many supplementary questions as possible.

I believe it is a learning process. Once we retire as SBC, these are the things we are going to put together. Looking at the experience we have had today, how do we then get better going forward? I believe the next Session should be much better than the one we are just having. Indeed, you have raised a valid concern and we are going to take it on board once we retire as the SBC.

Is the CS Lands, Public Works, Housing and Urban Development present?

Sen. Dullo, kindly proceed to ask your question.

Question No. 003

REASONS FOR DISPARITY IN COMPENSATION OF RESIDENTS
AFFECTED BY AFRICA GATEWAY PROJECT

Sen. Dullo: Thank you, Mr. Speaker, Sir, and I also thank the CS for Lands, Public Works, Housing and Urban Development.

Mr. Speaker, Sir, let me confirm to this House that this is the second time that I am actually pursuing this matter. The first time I brought a question to the Floor of the House, and National Land Commission (NLC) completely refused to respond to the issues I had raised. That is why I am repeating the question because my people's rights are being violated.

Number two, I do not know whether you can allow me to ask the question plus supplementary, so that I am done with the question.

The Speaker (Hon. Kingi): Let us abide by our Standing Orders. Ask the question, let the CS respond and then you shall rise to ask your supplementary question.

Sen. Dullo: Okay. Thank you, Mr. Speaker, Sir. I beg to ask the Cabinet Secretary for Lands Public Works, Housing and Urban Development.

Could the Cabinet Secretary state the reason for the disparity in compensation between residents of Nuno, Modogashe and Isiolo affected by the African Gateway Project and further provide the criteria used in determining the compensation figures?

Number two, what are the measures put in place by the Government to ensure equitable compensation to the affected residents in both areas?

I want to confirm to this House that I have not gone through the response. I have just received it this morning.

I thank you.

The Speaker (Hon. Kingi): Cabinet Secretary, kindly proceed.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir, for giving me this chance to appear before this august House. I appreciate the question by Sen. Dullo. I request for

your indulgence and guidance because as the Hon. Senator has said, the mandate for compensation for public lands is squarely on the National Lands Commission (NLC), pursuant to Article 67 of the Constitution of Kenya, 2010 and Section 113 of the Lands Act 2012.

After receiving this question, I forwarded the matter to the NLC via a letter dated 20th April, 2023 and is marked as Annexure II. I also received a report, which is attached as Annexure II. This matter was executed by the NLC, which is an independent institution. Therefore, I request your guidance on whether I should go ahead and submit the report I received from the NLC because as a Government, we feel that the report is not adequately done. If I am allowed, I request you give some guidance on whether I should go ahead with this.

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

Sen. Dullo: Mr. Speaker, Sir, I take this opportunity to thank the CS. I am really hurting because NLC is a Government department squarely under the Ministry of Lands, Public Works, Housing and Urban Development. As the CS has said, we have had a sitting with the commissioners and the Chair. We have also gone around as Isiolo County leaders to look into this matter. However, it is clear that the Chair and commissioners are evading the issue of Isiolo County.

I do not mind the CS submitting the report he received from NLC. I appeal to this House that the only way the people of Isiolo County can receive justice is by having the Standing Committees of Lands, Environment and Natural Resources or Roads and Transport go on the ground, so that the people can get justice as far as compensation is concerned.

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

The Speaker (Hon. Kingi): Sen. Dullo, a moment. What is your point of order, Sen. Mandago.

Sen. Mandago: Mr. Speaker, Sir, I rise under Standing Order No.105, on a Statement of fact. I have heard the Senator for Isiolo County saying that the NLC is a department in the Ministry of Lands, Public Works, Housing and Urban Development. As far as I am concerned, the NLC is an independent Constitutional commission. Is it in order for the Senator to mislead the House?

The Speaker (Hon. Kingi): Very well. Sen. Dullo, this is Chapter 15 of the Constitution---

Sen. Dullo: Thank you, Mr. Speaker, Sir, for this. However, whether it is an independent commission or not, it is one directly under the parent Ministry, which is the Ministry of Lands, Public Works, Housing and Urban Development. That is why the CS is responding to the queries. My request is that as far as this matter is concerned, I urge and appeal to the relevant Committee to visit the affected communities, so that we can deal with this matter to finality.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey. He is not here. Proceed, Sen. Chute.

Sen. Chute: Thank you, Mr. Speaker, Sir, and the CS. I have only one question on land in Moyale County. There is a big chunk of land called *Ubaliticha*, which is being disputed between three communities; the Borana, Gabra and Burji. I wanted to know from the CS if he is aware of this dispute and when he is going to solve it.

I thank you.

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

What is your point of order, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I am lost. The CS has told us he does not believe nor is satisfied with the answer he is giving us, yet still here listening after he asked us to make that decision.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, a ruling will be made to that effect.

Sen. (Dr.) Khalwale: Okay, Mr. Speaker, Sir. I thank you.

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. In regards to the land issues in Moyale, I inform this House that I am not aware, but I shall look into it and give satisfactory response. It is also good to let this House know that the NLC inspects, values and rewards any compensation on public lands. Therefore, since they are an independent institution, they are allowed to do so by the law.

My request would be to let the NLC be summoned, so that they can adequately tackle this issue because all the information needed in this House will only come from them. I urge that the House through the Speaker requests the NLC to shed more light on this issue from Sen. Dullo.

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

Sen. Mandago: Thank you, Mr. Speaker, Sir. I rise to support this question by Sen. Dullo. This is a practice we have seen the NLC undertake in various government projects. Remember the compensation for the Standard Gauge Railway (SGR).

In my county, there was compensation for the Kenya Electricity Transmission Company Limited (KETRACO) transmission lines and we also seeing this in Isiolo County.

The biggest challenge we have is the process of valuation by the NLC. I request that the Chair of the NLC be summoned to the House---

The Speaker (Hon. Kingi): Sen. Mandago, what was your supplementary question? This is not a Statement.

Sen. Mandago: Thank you, Mr. Speaker, Sir. My request is that the Chair of the NLC should be summoned, so that we can ask direct supplementary questions on the issue of valuation. Allow me to ask now that I have the chance, what plans the Ministry has to ensure that all public utilities in this country are titled.

I thank you.

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. The Government is in the process of securing all public land in the country. This is a process we have started with learning institutions; universities, technical colleges and schools. This was prompted by the rampant grabbing in our public institutions. As a Ministry, we are working hard to make sure all public land is secured through titling. We are doing that through the national titling programme.

Land compensation and valuation are done by that independent commission. As a Government, we request that the two processes be detached, then as a Ministry, we will

supervise and know where there is overvaluation and undervaluation. I agree with the Senator who has brought up this question. We require the National Lands Commission (NLC) to come and shed more light on this.

The Speaker (Hon. Kingi): Honourable Cabinet Secretary (CS), you had two questions to respond to. You attempted to respond to the Question in part (a). Kindly, proceed to respond to part (b) of the Question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. As the Government, we are preparing a National Lands Value Index. So far, we have managed to do a land value index for 22 counties. On the remaining 25 counties the process is ongoing, and Isiolo County is one of them.

The National Land Value Index will facilitate the development of a database of land value across the country. We are going to achieve four main things. One is to harmonise land value for different areas across the country. We will also generate a reference point for the land value for compensation and other related purposes. Also, we will guide investment decisions for both public and private entities. Lastly, we will guide the national and county governments in budgeting for public projects.

The cure is to have this land value index. With the Land Value Index in place, we will compensate people adequately without overvaluing or undervaluing. Thank you.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for your indulgence. I have a supplementary question directed to the CS in charge of lands. How many people have been evicted from forests in Nandi County? Is there any intention to compensate them?

The Ministry and the NLC had ordered for the resurveying of multinational tea estates across South Rift and in Nandi County. How long will the resurveying of the multinational tea estates take? If there is excess land being occupied by the multinational tea estate, what is the intention of the Ministry of Lands, Public Works, Housing and Urban Development with the excess land?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. On the issue raised by the hon. Senator, I would request that I get more time to look into it. This was not part of what we had prepared for today. However, we promise that we will look into that and give this House an adequate response.

The Speaker (Hon. Kingi): Hon. Senators, as you ask your supplementary questions, let it be related to the primary Question. This will allow the honourable Cabinet Secretary to give you a comprehensive answer.

Any supplementary question that is not related to the primary Question will get the response you have just received from the CS; that he needs to go back and prepare for the Question. Let the supplementary questions flow from the primary Question, so that the CS can adequately respond.

Sen. Abass, proceed.

Sen. Abass: Thank you, Mr. Speaker, Sir. *Waziri*, you are aware that the title deed is an important document in this country. Most parts of the country, especially in Wajir, Garissa and Mandera Counties are dealing with issues to do with title deeds. When will the Ministry open offices in these counties to issue title deeds? It is difficult to travel

from Mandera or Wajir Counties to look for title deeds in Nairobi. When will you have a regional office that can give title deeds? What is your plan?

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. I would like to report that we are in the process of opening up registries in areas that had no registries. This is in line with what the Government is doing.

We are making sure that all our land records are digitised. This will help us do away with most issues that have been rampant in the land sector. We are going to bring these services closer to *wananchi*. Soon, we will open registries in areas that had none. This will make sure that the problem of acquiring titles and other land documents is availed in time.

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

Sen. Maanzo: Mr. Speaker, Sir, I am concerned with the independence of the NLC and the role of the Ministry. It seems like most of the questions we will bring here will result in a back-and-forth.

I would like the honourable CS to clarify. The NLC is independent in its technical work. However, the Ministry can advise or control the independence through budgeting and other processes. The NLC cannot be independent of the Ministry of Lands.

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. I would like this House to note that even when it comes to budgeting, the Ministry presents the budget for itself and the NLC. However, when it comes to giving, the NLC receives the budget and manages it without consultation with the Ministry.

This independence is what makes us, as a Government, not to collaborate easily with the NLC. They do the major processes and we come in at the tail-end to receive the allotment letters to process the leases.

The problem is that this is an independent institution, which is supposed to work with the Ministry of Lands, Housing and Public Works, but there is a disconnect when it comes to operations.

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

Sen. Mungatana, MGH: Mr. Speaker, Sir, before I ask my question, I would like to register my appreciation and thank the Cabinet Secretary for his recent visit to Tana River County together with the team, including the team from the NLC.

My question is: Is the CS aware that the promise of the formation of a committee that would fast-track the issuance of title deeds or the issues that we discussed has not happened? Is he aware that the Ministry had indicated that a Committee with representation from the ground will be formed and chaired by the Principal Secretary (PS), Nixon Korir?

Mr. Speaker, Sir, it is important because, just yesterday, we sat here in a meeting of the Committee on Energy and Petroleum. One of the companies that are investing in the energy sector, informed our Committee that to obtain a wayleave for family land in Kajiado County, they had to pay USD1 million.

Now, in Tana River County, we do not have titles to a large extent. If that wayleave was being obtained on ancestral land, we will not get that kind of treatment, and therefore, impoverishing the people further.

We are asking the CS if he has formed that Committee. If not, what plans does he have to make sure we get titles in Tana River County? Well, every time you hear these kinds of things – USD1 million for one family just to obtain wayleave – we are losing out as a county.

Mr. Speaker, Sir, again, can the CS tell us when this committee will be formed? Can he also tell us how he plans to hurry up the issuance of titles to the people of Tana River County?

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. Thank you, Sen. Mungatana MGH, for appreciating my visit to Tana River County. It is true we agreed with the Committee on Land, Environment and Natural Resources and leaders from Tana River County, that we will form a committee to look into matters of land.

I wish to report that, already, we have started receiving memorandums from the ranches as agreed. We want to involve every person and stakeholder, so that this committee is fully represented. We are on course and I promise once that is done, we will have that committee. With that, we believe we will sort out many problems.

The Speaker (Hon. Kingi): Sen. Ali Roba, proceed.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir. Having been the Governor of Mandera County for 10 years, I have realised the spirit of “all of us are equal, but others are more equal than others” at play at the Ministry of Lands, Public Works, Housing and Urban Development.

I say that because the former President went around this country with the current President as the Deputy President; and promised all the counties they visited issuance of title deeds. One such promise for the issuance of 9,500 title deeds was made in Mandera County in the year 2016.

Just a follow-up of what Sen. Abass said, these ASAL regions have not benefited from the issues of title deeds. That promise is pending to date. It is unfulfilled and the people of Mandera County have not benefited from issuance of title deeds. Are you aware of this issue?

Mr. Speaker, Sir, the response on establishing registries at the county level is inadequate as far as I am concerned. We need to enjoy with immediate effect the services of the Ministry of Lands, Public Works, Housing and Urban Development at the same level as other entities.

The ASAL regions have been previously disadvantaged through deliberate marginalisation by successive governments. As a result, we lack these critical documents for land ownership. What is your Ministry doing to address that issue? What are you doing to address promises that have already been made, but not addressed since 2006; and particularly in Mandera County? If you wish to get evidence, I will furnish your office.

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. Mandera and Tana River

counties are all under community land. I wish to report that we have started *gazetting* those lands. After that, we will ensure the communities living in that area get titles.

The Community Land Act is now in operation. I assure you this Government is keen to make sure that every person who does not have tenure documents – titles – gets them. It is in the manifesto of the Kenya Kwanza Government. As a Ministry, we are working hard to make sure that we fulfil that promised to Kenyans.

Therefore, Mr. Speaker, Sir, once we *gazette* those community lands, we will go ahead and issue titles.

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

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. My question to the CS, Ministry of Lands, Public Works, Housing and Urban Development is about the Mochongoi Settlement Scheme, in Baring County.

The residents of Mochongoi Settlement Scheme have looked for titles for many years. Your Ministry is responsible. When will you issue title deeds to the residents of Mochongoi Settlement Scheme?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. We have many settlement schemes that have not been titled. Mochongoi Settlement Scheme is one of them.

I wish to assure you, Senator, that we are doing everything possible to make sure that all the settlement schemes across the country receive title deeds. I promise this august House that we are doing everything to make sure all these titles are given to *wananchi*.

The Speaker (Hon. Kingi): Sen. Gataya Mo Fire, proceed.

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I am asking the CS on behalf of people from Chogoria Ward. You might not be prepared for this question, but I am very sure it is in your archive. Once you go back, you can check.

There is a group of people from Makuri, Gianchuku and Ithai in Chogoria Ward, who gave up their land for road construction almost 10 years ago. Those people were supposed to be compensated. It is now 10 or 15 years down the line and these people have not been compensated. They are up and down in your Ministry department offices to seek this conversation.

Could you, please, tell the House when these people are likely to get their dues?

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. I am informed by the National Land Commission (NLC) that payments are being processed. They will be paid soon.

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

Sen. Kinyua: Thank you, Mr. Speaker, Sir. The Marmanet evictees petitioned this House for their compensation. The CS, Hon. Njeru, was in Laikipia County and came face to face with the Marmanet evictees. We also have Kiamburi evictees in Laikipia East Constituency.

The Committee involved did a report, which was taken to the Ministry. It was agreed that those evictees are supposed to be compensated. I wanted to know from the CS, what level we are. Are we going to wait for two, one or six months for us to be compensated?

Mr. Speaker, Sir, I have listened to the CS and he is giving general answers to most of the questions. I request him to be specific on this one.

The Speaker (Hon. Kingi): Sen. Kinyua, you do not expect the CS to give you details. He never prepared to come and answer that particular question.

That is why I keep reminding Senators that your supplementary questions should flow from the primary Question. Otherwise, then the CS will be very general because any question that he never prepared to respond to will be general. If you feel your Supplementary Question needs to be given details, pose it as a substantive Question. Then, the CS will retire, look at the question and give you the detailed response that you required. However, if he comes to the House prepared to answer a different question, and is asked a different question, certainly, he will be very general. So, Hon. Senators, let us also be fair to the CSs.

There is a window. The good thing is we have a hybrid way of engagement. We have the Statements and we have the Questions. If you feel that your question needs to be given a very elaborate answer, please, pose it as a substantive Question.

Sen. Kinyua, have you said the matter that you are raising a Question is already before this House and has been committed to a Select Committee of this House?

Sen. Kinyua: Mr. Speaker, Sir, I said so. This House was petitioned and the matter was handled, and it is before the Ministry.

The reason I am asking is because I know it is squarely in his Ministry. We discussed with him unofficially while taking tea. So, maybe he will be aware of that matter because he was in Laikipia.

The Speaker (Hon. Kingi): If the matter is still pending before a Select Committee, you cannot pose it as a Question to the Minister. If you read a Standing Order No. 51 (b), (3) (k) it says-

“A Question shall not refer to proceedings of a Select Committee before the Committee has made its report to the House.”

So, if it is life and it is before the Committee, then you may not proceed to pose that question. If it is not life, it is within your right to pose the question.

Sen. Kinyua: It is not life before the Committee because they concluded the matter and took it to the Ministry. So, that is why I am asking the CS if he can answer where we are at with it.

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon.) Njeru): Thank you, Mr. Speaker, Sir. You realized that there are a lot of issues which are with the National Lands Commission (NLC). However, there is no boundary to separate the two.

What the hon. Senator is asking is an issue to do with compensation and settlement by NLC. So, I will pick up that issue with NLC and see how far they have gone with it.

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

Sen. Mundigi: Asante, Bw. Spika. CS, tunaomba mashinani kuwe na wazee wanaochaguliwa kuangalia na kupitisha mambo ya mashamba. Kule vijijini, mambo haya yamekuwa na siasa za *Members of Parliament* (MPs). Bw. CS, ninakuomba, kama kuna uwezekano, kila *sub county*, kwa sababu ya vile vita viko kule, uwe ukiangalia---

The Speaker (Hon. Kingi): Sen. Mundigi, swali lako kwa Waziri wa Ardhi ni nini haswa?

Sen. Mundigi: Asante, Bw. Spika. Ninaomba Kamati ikichaguliwa, tuwe pia tukihusishwa kwa sababu baadaye maswali tutajibu hayo. Kwa sababu imekuwa ni siasa wakichagua, MP na *County Commissioner* (DCC). Unakumbuka yale mambo yalikuwa Mbeere South. Wakati niligundua ule ukora walikuwa wanataka kufanya, ilibidi tukuhusishe na ukapeleka jina.

The Speaker (Hon. Kingi): Sen. Mundigi, hukupatiwa fursa ya kuhutubia Seneti. Umepewa ruhusa ya kuuliza swali. Umuulize Waziri wa Ardhi swali lako. Sio uhutubie Seneti.

Sen. Mundigi: Swali langu, Bw. Waziri tunakuomba utusaidie.

An. Hon. Senator: Hilo sio swali.

Sen. Mundigi: Ni swali. Tunaomba tuhusishwe kwa ile Kamati kama Maseneta ili wawe wakitufanyia upelelezi wa vile kunaenda.

The Speaker (Hon. Kingi): Hon. CS, I hope that you have gotten the Question. Proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon.) Njeru): Asante sana, Bw. Spika. Swali hilo ni nyeti. Kile ambacho ningeweza kuelezea Bunge hili ni kwamba kuna *Lands Control Boards* ambazo ziko katika sub-county. Kile huwa tunahimiza the DCCs ni kwamba waweze kuhusisha viongozi wote wakati wanapobuni ama kuunda kamati zile ndivyo kila sekta iweze kuhusishwa.

Kwa hivyo, labda haitawezekana kila kiongozi aweze kuleta watu wake. Lakini, ni vizuri kuhusika katika kamati zile ili wananchi wote waweze kuwakilishwa vilivyo.

Kwa hivyo, hilo ni jambo tutasisitiza na DCCs wakati wanapobuni zile kamati waweze kukaa pamoja na viongozi wa kila *sub-county* ili kamati inayoundwa ihusishe kila mmoja.

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

Sen. Chimera: Thank you, Mr. Speaker, Sir, for this opportunity. I want to ask two Questions to the CS. One, you spoke very ably of the issues---

The Speaker (Hon. Kingi): Sen. Chimera, you are allowed to ask only one Question.

Sen. Chimera: I stand guided, Mr. Speaker, Sir. On the question of settlement schemes. I understand that you have made your commitment, as a Ministry, to make sure that all those issues in settlement schemes are sorted out.

We have the Golini Settlement Scheme in Kwale County. There was a Parliamentary Select Committee in the last Parliament that recommended that all titles issued under that specific scheme be nullified.

The people in Golini Settlement Scheme still have titles. People are suing each other left right center. Can you explain to this House the steps and measures the Ministry is taking towards sorting out that double allocation of title deeds under the Golini Settlement Scheme in Kwale County?

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon.) Njeru): Thank you, Mr. Speaker, Sir. I must confess that I do not have a ready answer for that. However, the issue of nullification of the title deeds is a

court matter. So, we cannot go on nullifying titles. However, where the courts have ruled that be done, we will do that as a Ministry. So, also on issues of double allocations of titles and all that, once we get the court rulings, we expedite immediately.

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

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. My question to the CS is about Portland. Portland land was under lease, which is over. I know that this matter is in court. However, they took a Kenya Commercial Bank (KCB) loan and the bank is selling the land to the community. We know once the lease is over, the land should be returned back to the community through the county. Why is KCB selling the land to the community yet land loans are insured? The insurance should take care of the loan and not the community to compensate KCB. What are you doing about this?

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

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon.) Njeru): Thank you, Mr. Speaker, Sir, and thank you for that question.

I report that there is proper engagement between the Ministry and the County Government of Machakos.

I have severally met with the County Governor and the team and we are trying to get into the core problems of the Portland land.

I assure you that this is an issue, as a Ministry, we are taking with a lot of keen interest. Soon we are going to sort it out in collaboration with the County Government of Machakos.

Thank you.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I also want to find out what measures the Ministry of Lands, Public Works, Housing and Urban Development is putting in place to deal with the issue of multiple buyers. Some of these cases are always a creation of officers in the Ministry. It is notorious in Gusii region where such cases has resulted in to many unsolved murder cases which are now in court.

Thank you.

The Speaker (Hon. Kingi): Proceed, Cabinet Secretary (CS).

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Njeru): Thank you, Mr. Speaker, Sir. It is true. We have had problems with double allocation where you find one parcel of land has more than one title.

I want to assure this House that the problem will be sorted out once we are fully digitised. This is a process that we have started as a Ministry. We have started with Nairobi's registries and soon, we will be rolling out the same programmes in other counties.

We want to detach people from manual files. That is where this problem of double allocations comes from. So, with digitisation, I assure this House that most of the problems that we are encountering now on double allocation and other issues to do with land are going to be dealt with.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, we have expended slightly well above 40 minutes on this particular Question. I believe we should leave it there.

However, I have observed that the substantive primary Question by Sen. Dullo has not been given an adequate response. The CS has actually confirmed that the information he has brought to this House is inadequate. He proceeded to say that he did not receive adequate information from the concerned Commission; that is the National Land Commission (NLC). Despite his wish to have information, the information has not been forthcoming.

Hon. Senators, we need to agree on the way forward, where an independent institution deliberately refuses to give adequate information to the Ministry that is supposed to come before the House for purposes of responding to specific Questions. As you are aware, our Standing Orders only allows the CSs to appear before the House for purposes of responding to Questions. Therefore, as a House, we cannot summon NLC to come and respond to Questions under Standing Order No. 51.

However, hon. Senators, if you look at Part XII of our Standing Orders, it gives a hybrid on Questions and Statements. Therefore, going forward, where there is an independent body, or any other body that we feel, as a Senate, ought to respond to specific Questions raised by the Senators and it is unwilling to cooperate with the Ministry in charge, then, that particular body has to be summoned by the House's Standing Committee.

In this regard, I direct that the National Land Commission be summoned by the House's Standing Committee on Lands, Environment and Natural Resources to adequately respond to the issues raised by Sen. Dullo. The House will then benefit from the Report of the Standing Committee on Lands, Environment and Natural Resources. Otherwise, if we just go by the response filed by the Ministry, this particular matter will remain unresolved.

You heard Sen. Dullo say in her opening remarks that this is her second attempt to get this information. Therefore, the NLC cannot hide behind this Standing Orders that they cannot appear on Question Time thus they will be let scot free even if they do not volunteer this information. NLC will have to appear before the House Committee on Lands, Environment and Natural Resources to give the information that the Senator has requested by way of filing this particular Question.

I so direct.

Yes, Sen. Cherarkey.

Sen. Cherarkey: Mr. Speaker, Sir, thank you. I think we are on a learning curve. Under Standing Order No.1 and Standing Order No.1, where you have powers; you have ordered that NLC be summoned by the relevant Committee. I need two directions.

One, what happens when a Cabinet Secretary appears before the Floor of the House on a Question that has been given at least seven days' notice but he does not have a substantive answer?

Secondly, we have a gap in Standing Order No.51B, on Supplementary Questions. An example is the question I asked; how many people who were evicted in Nandi have been compensated? However, he did not have an answer. What happens to such Questions? Do we go to the relevant Committee or make it a Primary Question in future? Should we directly contact the Cabinet Secretary although I highly discourage this because it will be more efficient to go through your office? I need guidance on how

to go about it. What happens when we raise supplementary questions but the Cabinet Secretary has no answer?

Mr. Speaker, Sir, I know going into the future, many Cabinet Secretaries will be appearing before the Senate. We may raise supplementary questions that do not arise from the Primary Question. Therefore, you need to provide guidance on how to handle supplementary questions that a CS does not provide a substantive answer immediately or as is the case of Sen. Dullo's Question.

I believe the CS for Lands, Public Works, Housing and Urban Development, Hon. Njeru, and the NLC are working together. Unless he can submit before the House that they are working cross purposely.

In 2013, the former CS, Hon. Charity Ngilu, used to fight a lot with NLC. Is that fight still in existence? Sen. Maanzo raised his antenna when I said hon. Charity Ngilu. It is not in bad faith. I am just making a point of information.

Does the CS for Lands, Public Works, Housing and Urban Development and NLC work at cross purposes?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Indeed, Sen. Cherarkey, your concerns are valid. If you notice, all the Senators who asked supplementary questions have raised a concern that their supplementary questions have not been given an adequate response. Now, strictly, it was not a supplementary question but a new Question all together.

Hon. Senators, if we are to make proper use of this Question Time, then, let us learn to ask supplementary questions that flow from the Primary Questions. The moment you ask a different Question all together, expect a general answer.

For example, Sen. Cherarkey rose to ask a supplementary question as to how many people? It demands for the CS to retire to his office, comb through his documents for him to get the specific numbers. I do not think the CS could have those numbers off-head.

Therefore, as we ask these supplementary questions, let us ask ourselves; is this supplementary question arising from the Primary Question or is it a different Question all together?

Indeed, your Question, Sen. Cherarkey, should be asked as a substantive question. The CS will have to then sit, go through his documents and give you specific details on how many people have been compensated and how many are yet to be paid. I do not think that can be answered through a supplementary question.

If we are to help one another going forward, one, let your supplementary questions flow from the Primary Question.

If you think there is no correlation between the primary question and the supplementary question, then, ask that Question as a substantive Question.

Indeed, there is this issue of the National Land Commission (NLC) raised by Sen. Cherarkey that we need to grapple with. It ought to be working in tandem, in partnership, in corporation with the Ministry of Lands, Environment and Natural Resources.

Nonetheless, I think the Cabinet Secretary (CS) in his opening remarks said, "I am not happy with what I have been given by NLC and despite my push, this is the much I was given". Now, do we then say that is enough, just raise whatever you have and we leave it at that?

If we do that, then the Question by Sen. Dullo, will remain unresolved but since we are a hybrid, we have both Question time and Statements committed to Select Committees, we can use the Select Committees and still end up having a very adequate response to the Question by Sen. Dullo.

That is why I have directed that this particular matter be placed before the Committee on Lands, Environment and Natural Resources so that NLC can be summoned. This is because NLC cannot be summoned pursuant to the Standing Orders on Question time. However, we have that window where NLC can still appear before the Select Committee and be made to give details as required by the hon. Senator for Isiolo. I think that will be the avenue that we should take. Indeed, it is a learning curve but in the next few months, we will certainly have learnt to walk.

Hon. Senators, just to wind up on the issue of ----

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

The Speaker (Hon. Kingi): Yes, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I agree with you fully about the route to go, the hybrid way. However, let us not risk setting precedence where the CSs will know that if they go and deflect the question, they will be free.

Mr. Speaker, Sir, in the structure of Government, when the President was naming the CSs, he told the country that the Office of the Chief Cabinet Secretary (OCCS) will be responsible for the coordination of the Parliamentary Legislative Agenda. I do not want to look like I am differing from you.

This being the case, I would have expected that the moment the CS said that he was not satisfied with his answer, we should have stopped there because supplementary questions would have arisen from that response. We should stop there and send him to come back with a proper answer. It would be up to him to go to the OCCS who is responsible for the coordination of the Parliamentary Legislative Agenda, sit together with NLC and come here with a comprehensive answer.

Mr. Speaker, Sir, it is an option you can think about but my mind tells me, let us not allow CSs to deflect questions.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, why do you want to walk a long journey yet you can actually summon NLC at the Committee level? Why do you want to tell the CS to go back to the Chief Cabinet Secretary (CCS), have a tripeptide meeting with the NLC, craft a response then come back here whereas, under Standing Orders, the Select Committee on Lands, Environment and Natural Resources of this House can tomorrow summon NLC and get the information that is required? Mind you, Sen. (Dr.) Khalwale, the big problem here is that these commissions are independent constitutionally.

These are constitutional offices and they have some kind of independence. To what extent they can be answerable to the Ministry? If they flex that independence, then there is very little that the Ministry can do. However, in this House, nobody can show that kind of independence. Everybody is answerable to this House and that is why it is easier for this House to summon NLC and still get all this information.

The NLC is not answerable to the CCS. If they flex that kind of independence, the CCS will come here and say the very same thing that the CS has said. So then, why do we want to go that route? Let the Committee summon NLC and let NLC respond and provide answers to the Questions that the hon. Sen. Dullo, has actually asked.

I think the Hon. CS has been very candid. Immediately this matter came to me, he drew the attention of NLC. We expected NLC to have given all the information to the CS for him to read out today. They decided not to cooperate with the Ministry because of that issue of independence.

So, I think it is easier for this Senate to go through the Committee to summon NLC as opposed to that long journey that Sen. (Dr.) Khalwale is suggesting.

Kindly proceed, Sen. Mandago.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. Just a point of clarification. The CS says that he did not receive a substantive report from NLC and she is accompanied by officers from NLC. I really do not know whether to trust what the CS is saying. Otherwise, what are the officers of NLC doing accompanying him with a report that is not sufficient for this House?

The Speaker (Hon. Kingi): Hon. Senators, there are matters that I think are subject to discussion at Select Business Committee (SBC). Let us not handle them at a plenary. Going forward, your concerns have been harvested. Certainly, when the SBC sits to discuss these matters, we will be able to give a proper and firm way forward on this matter.

It is our first session handling Questions. As Sen. Cherarkey has said, it is a learning curve and we want to see how it goes today, take the experience we have had today and as we sit as the SBC, we will see using this experience going forward, how to better the question time.

Before I discharge the CS for Lands, Public Works, Housing and Urban Development, CS one of the issues that have been raised is the fact that you filed your response late. According to our Standing Orders, you were supposed to file your response 24 hours before plenary.

Therefore, as you retire, the next time you are called upon to respond to Questions, make sure you file your written responses 24 hours before plenary. Additionally, as you rise to respond to the Questions, make sure you read verbatim what you have filed and then thereafter you can actually make supplementary responses by giving additional information. However, in the first attempt to your response, you must read your response verbatim and thereafter you can supplement it with any other information.

Hon. Senators, I think we will leave it at that and proceed to the next question. I may now proceed to discharge the CS for Lands, Public Works, Housing and Urban Development. As the CS for Lands, Environment and Natural Resources retires and as we wait for the next CS, I will allow Sen. Dullo --- you are rising on points of order? Just say your points of clarification because if you rise on a point of order, I will not allow you.

Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Speaker, Sir, for your ruling but I would appreciate if a timeline can be given to the Committee because this matter has taken too long.

The Speaker (Hon. Kingi): I think any matter that is committed to a Committee, the Standing Orders actually provide the time within which Committees should work. So, it will follow the same order.

Yes, Sen. Cheptumo, what is your clarification?

Sen. Cheptumo: Mr. Speaker, Sir, I support your direction. If you can remember, in the 10th Parliament when yourself and I were seated in this Chamber, Ministers used to appear before the House and the question of supplementary question - If you can borrow from that institution, that supplementary questions are to enable more Members to put questions to the Minister. I agree with you that we are not going to act in vain. We are spending time on questions.

When we are also seeking questions as Members of this House, we should be able to understand the institutions we are seeking those questions from so that if you know of an issue of a commission, we then raise those questions directed to those commissions. The challenge is this, the commissions cannot appear before the House, either the Chief Executive Officer (CEO) or the Chairperson. Which means it will now go to the relevant Committee for direction.

My question and concern that I submit is that a CS ought to generally understand his Ministry. He may not have specific answers for the specific questions but there is the perception and the understanding that he has a general understanding of his Ministry.

Mr. Speaker, Sir, even as we limit supplementary questions to the specific questions, there should be a leeway for these Members to ask questions. They may not be within the framework of the question but then, Ministers should be able to acquaint themselves with the general operations of their Ministry so that when you have a supplementary question, at least they have a hint of how to answer it.

The Speaker (Hon. Kingi): Thank you, Sen. Cheptumo.

I am informed that the CS for Mining, Blue Economy and Maritime Affairs is now present. Is that the position?

Sen. Dullo, kindly proceed to ask your question.

Question No. 004

RATIONALE FOR IMPOSITION OF EXISTING MORATORIUM
ON ISSUANCE OF MINING RIGHTS

Sen. Dullo: Thank you, Mr. Speaker, Sir.

I beg to ask the CS for Mining, Blue Economy and Maritime Affairs the following Question:

- (a) What is the rationale for the imposition of the existing moratorium on the issuance of mineral rights by the Government?
- (b) Could the CS state the benefits accrued so far from the imposition of the moratorium?
- (c) What plans are in place to have the moratorium lifted in view of the negative impact it has on the economy?

I thank you.

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

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Mr. Speaker, Sir, and Hon. Members of the Senate, I have my comprehensive statement on the issues raised. However, before I read them, I take this opportunity to thank the Senate for providing a platform where we can be able to share the details that happen in the Ministry of Mining, Blue Economy and Maritime affairs.

In regards to the issue of the moratorium, my response would be as follows.

- (a) In December 2019, the then Ministry of Petroleum and Mining, received a communication from the Head of Public Service communicating a decision by the National Security Council to halt issuance of new mineral rights.

The letter intimated that the Council had considered that due to an ongoing national resource mapping exercise, there was need for the Government to halt issuance of new licenses for exploration in mining. The Rationale therefore for the moratorium was to safeguard Kenya's national interest by developing the right data and eliminate speculation on availability of substantial mineral deposits.

The suspension would also allow the Government to complete the mapping exercise without an influx of speculative mining license applications that would have posed a threat to Kenya's mining sector. The suspension was also informed by the need to address existing geological data gaps that have existed in the past without interference from the private sector players. These gaps have resulted in losses as Government is so reliant on the private sector for provision of detailed geological data on mineral deposits upon application and grant of mineral rights.

Further, the moratorium was perceived as a tool to assist Government in better regulating the sector and avoid Kenya falling in the resource scarce trap.

- (b) Mr. Speaker, Sir and Hon. Members, following the imposition of the moratorium, the Government has had an opportunity and successfully instituted reforms in the management and regulation of the mining sector that has been beneficial to the country. Among the most outstanding reforms, relates to the completion of the nationwide air borne geophysical survey and generation of a preliminary report which shows 970 mineral resource anomalies that require further confirmation.

Hon. Members, I confirm that we have this report for geophysical survey, which has shown 970 mineral occurrences across the country.

The creation of a new State Department to explore Kenya mineral resources is an affirmation of the Government's commitment to exploitation and management of its mineral resources. In fact, the Department is a wealth creation department. It is, therefore, anticipated that the new department will better manage the sector sustainably, effectively and for prosperity.

Further, within this period, the department originated a Cabinet Memo on mineral processing and value addition which has so far been approved by cabinet. Towards this end, the ministry has a draft mineral processing and value addition policy that will guide the sector towards this once it is concluded.

Some of the value addition ventures that we have initiated are operationalisation of the Voi Gemstone Centre in Taita Taveta, initiation of a Public Private Partnership (PPP) fluorspar company in Elgeyo Marakwet, and also, Vihiga Granite Processing factory. There are many others that we are also doing across the country.

In addition, the Department has undertaken a comprehensive audit of all mineral rights holders with a view to cleaning existing data. With no new license being awarded, the Government managed to find out all expired and inactive licenses within its register with a view to degazetting them hence freeing up areas for potential investors.

The Government recognizes the central role played by over 800,000 artisanal and small-scale miners in poverty eradication and socio-economic development. It is

therefore identified formalisation and capacity building of these critical players as a key priority under the bottom up economic transformation agenda.

Currently, the Ministry is at the forefront of forming artisanal miners' cooperative societies from the over 420 identified groups in preparation for the issuance of mining permits. The Department has also upgraded and is equipping national mineral testing and analysis laboratory with state-of-the-art equipment.

Plans are underway to make it International Organization for Standardization (ISO) certified to enhance its credibility internationally.

Decentralizing lab services to regions is also being undertaken to reduce cost of sending samples to the lab in Nairobi.

The Department has been carrying out mapping of illegal mining areas, profiling these activities and is liaising with other Government agencies to curb illegal mining operations and restore order, security and associated gains through strengthening of the compliance and enforcement and inspectorate functions.

I will respond to the final part of the question because it says what plans are in place to have the moratorium lifted.

(c) The department has put in the necessary safeguards aimed at sustaining the gains already realized and informed decisions for lifting of moratorium. Towards this end, the Ministry has undertaken a number of reforms aimed at inspiring the mining sector in the country and attract investors to this sector. The initiatives being undertaken are as follows:

(1) Conclusion of the Airborne Geological Geophysical Survey and generation of a preliminary report identifying over 970 mineral occurrences across the country.

(2) Initiating the process of ground truthing in prioritized 16 counties with critical and strategic minerals.

(3) Concluded the development of an in-house in-country mineral processing system and online mining cadastral integrated with national institutions such as the Kenya Revenue Authority (KRA), e-citizen, business registration services, among others. This will allow Government broader control of all mineral rights and ensure timely issuance of mineral rights as stipulated in the Mining Act 2016.

(4) Instituted a comprehensive audit of all mineral rights and weeded out all illegal licenses, inactive, expired, idle and speculative hoarding to free up areas for serious investors and concessions.

(5) Prioritized the formalization of artisanal and small-scale mining through formation of marketing cooperatives to enhance artisanal mining incomes, simplify the regulatory environment and improve their mining standards.

(6) Prioritize exploration of critical and strategic minerals such as coltan, rare earth elements, manganese, nickel, chromite, uranium, graphite, copper, gold and iron ore. We currently have dedicated teams undertaking ground truthing in a number of counties. This is aimed at having adequate data relevant to the investors' needs and enhance our pool for concessions.

(7) Initiated review of legal instruments governing the sector. The Mining Act is under review. The Mineral Value addition policy and Act is also under development. Explosive Act and the Royalty Sharing Framework to Communities. Other regulations being amended are state participation, use of goods and services, local content and mine health and safety regulations.

(8) Organized our geological data into a database for ease of use by potential investors. This is aimed at providing up to date, reliable and critical information on mineral resources in the country.

(9) Digitized critical processes in the department, which include the online cadastral, the royalty collection or royalty management system, explosives insurance management system, laboratory processes, and also library management system. Strengthening of mineral audit and enforcement unit to eliminate illegal mining and mineral smuggling. This is being implemented through a multi-agency approach.

(10) Re-organization and re-sourcing of regional offices. This is aimed at empowering the artisanal mining committees to facilitate issuance of permits to artisanal mining committees.

These initiatives, coupled with the just concluded Airborne geophysical survey, will definitely open up the sector to serious investments and see the sector become a major contributor to social economic development of our country.

Finally, Mr. Speaker, Sir, and Hon. Members, the Ministry is very positive that the reforms it is currently undertaking will catapult Kenya into a desirable mining investment landscape and attract the best in mining. The Ministry is enlightened that the availability of critical and energy transition minerals is also an opportunity to cash in on the high demand for these minerals.

In addition, the Department has undertaken a comprehensive audit. We hope that all these reforms will be able to make this sector more valuable and a wealth creator in our country.

Mr. Speaker, Sir, I submit and thank you for the time.

The Speaker (Hon. Kingi): Sen. Dullo, do you wish to exercise your right to ask two supplementary questions. If you have none, then I can proceed to call the other Senators.

Sen. Dullo: Thank you, Mr. Speaker, Sir, for this opportunity and also the CS. I wish to ask supplementary questions. I do not know how many you can allow me to ask.

The Speaker (Hon. Kingi): Only two.

Sen. Dullo: The CS has given an elaborate strategy on how they are going to improve the sector. According to me, the Government over the years has really neglected that particular sector. I wish the uplifting of the moratorium happened because it is beneficial to the communities especially in Northern Kenya where we are losing a lot of revenue, specifically, when are you planning to uplift the moratorium?

Secondly, are you aware that there is so much smuggling of special minerals in these countries especially the areas you have given out licenses?

Thank you.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you Mr. Speaker, Sir. First of all, this mining sector is a wealth creation sector. However, it will not be beneficial to our country if we do not have initial investments. Whatever I presented here are the key reforms that will make this sector more beneficial. Initially, this mining sector did not even have data and the Government relied on---

The Speaker (Hon. Kingi): Hon. CS, maybe I help you by rephrasing the two supplementary questions. They were, one, the Hon. Sen. wishes to know, when are you

going to lift this moratorium? Specific date as to when you are going to lift the moratorium.

Secondly, are you aware that there has been so much smuggling of minerals from this country? Those are the two questions that the Hon. Senator wishes you respond to.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Speaker, Sir. I was coming to those questions. I wanted to put some context so that when I make the response, then it is properly located. I am properly guided.

The reforms we had mentioned earlier in my Statement, the geo-survey which is very critical is now complete. We have a report. The cadastral, the only application, is also complete. We have integrated it with e-citizen. We only have two areas to conclude, integrating it with the land stamp duty.

The key area was to have a functional lab at Madini House which should be completed in one month. I can comfortably say that we shall lift the moratorium before the end of June because of the other reforms we have.

Secondly, on the issue of smuggling and entire topic of illegal mining. We are aware because we have had a comprehensive process. We have been sending our multiagency teams in each county to identify the illegal mining activities. One of the identified counties is Isiolo, where about 3000 illegal immigrants are conducting illegal mining. We have also quite a number of counties including Kilifi which have challenges of manganese smuggling together with other minerals.

The team is concluding this report in the next two days. We have agreed with our colleagues in the Ministry of Interior and Coordination of National Government together with the Ministry of Defence to take action so that we can flush out the illegal smugglers and immigrants doing illegal activities. I want to assure the House that in the next few days we shall be taking stern action on those smuggling and conducting illegal mining activities.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale. Keep it short. CS, as you are responding, keep it under one minute.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, my concern is about raw materials be it iron and other mineral metals. What is the CS doing to ensure that the strategy that has impoverished Africa and Kenya in particular over the years of exporting our raw materials is curbed? Does the Ministry have a strategy of ensuring we move from trading in raw materials to trading with the processed mineral materials?

Finally, with your permission---

(A Hon. Member spoke off record)

Sen. (Dr.) Khalwale: That was question 1 (b) I had said Question 1(a). I was going to Question 1(b).

(An hon. Senator spoke off record)

(Laughter)

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Speaker, Sir. I inform the House that we have already submitted a Cabinet memo for mineral value addition and processing and it has already been approved. We want to ensure that we cushion our country to exporting of raw materials. There are a lot of minerals we can add value in-country and that is why we have already been granted approval to go ahead and do a mineral value addition and processing policy which is now in progress.

Additionally, we have also mapped out the country and identified areas to put up value addition investments. One of the areas in Western Kenya is Kakamega County, which has a gold value addition. We have also identified Vihiga County for granite processing. Taita-Taveta County for gemstone processing and for this we should be able to roll out its implementation very soon.

We have continuously identified other areas across the country where we shall have value addition centers. We are doing this to basically create jobs and also to enhance revenue for the country. When we have mining; we have value addition in-country to create jobs but also to make sure that the mineral products arising from mining can also be added value and go to the world as finished products or after a percentage of processing has been done.

I assure Kenyans that the process is ongoing and very soon when we roll out public participation on this process, we shall involve everybody to make suggestions. We have already decided that going forward we do not want a situation where we export all our raw materials and in turn cannot by them as finished products.

We have also identified other low hanging fruit such as limestone and gypsum. There is no reason why Kenyans should be importing klinker when we can process it in-country. This particular value addition policy and regulation will help us in that direction.

I thank you.

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

Sen. Mungatana, MGH: Mr. Speaker, Sir. I thank the CS for the answers he has given. He has told us that there is a review of the policies and that is why there was a moratorium. He has also told us that there is a geophysical survey that is now complete. I wanted to find out something from the CS. Tana River County is mining gypsum in Bura Constituency, Bura area-*Charitende*.

There is no benefit to the locals there. It is people from outside Nairobi City County and other areas who come, exploit the minerals and go away. We have huge holes which our animals and children fall into.

During the rainy season such as this one, they become very dangerous areas to go to. As the CS is carrying out the reviews on policy and law, where is he putting the local people to benefit directly from license holders who are given opportunity to exploit and extract mineral resources from the ground? In particular, Tana River County.

I thank you.

The Speaker (Hon. Kingi): Proceed, Hon. CS. Keep it short.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Speaker, Sir. The Mining Act of 2016 is very clear on the sharable benefits for mining and other mineral activities. The Act stipulates that 70

percent of revenue in terms of royalties will be shared to the national Government, 10 percent will go to the local communities and 20 percent to the county government.

In addition, we have subsequent regulations which also state that in every mining investment there is need to have local content. This means local supplies, jobs and other local benefits such as the Corporate Social Responsibility (CSR). However, in the last few years this has not been enforced. Part of what we want to do in the reform is to make sure we have clarity. For example, on the issue of jobs in Tana River County, we want to go ahead and specify with the investor on how many jobs are for the local community.

We have already unlocked the benefits to county governments. We have identified 32 counties which can benefit from royalties and we have sent it to the National Treasury. This week, my team finalized the framework for local communities because the National Treasury and other partners argued that there was no framework to release 10 percent to them.

My team has already concluded this process. We will be discussing the framework, putting it to public participation and then finalise it.

I assure Members that although there have been challenges before in the mining sector like the ones articulated, we are now on schedule to make sure we address issues of benefits.

More importantly, is the issue of illegal mining. If these miners had a license, they would have complied with the conditions. These are some of the miners who we will chase very soon because they are not complying with the regulations that have been articulated.

The Speaker (Hon. Kingi): Hon. Senators, we are left with only 39 minutes to prosecute the remaining two questions.

I call upon Sen. Veronica Maina to proceed to ask her questions.

Question No. 005

STATE OF INFRASTRUCTURE TO FACILITATE
EXPLORATION OF OCEAN RENEWABLE ENERGY

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir. Hon. CS, thank you for taking time to come to this August House to respond to questions brought to your Ministry.

The Africa Blue Economy Strategy in which Kenya is also a player, is consolidated and themed into various technical areas. Those technical areas are cross-cutting.

- (a) Could you provide information as to the state of infrastructure that you have put in place to facilitate exploration of ocean renewable energy?
- (b) What initiatives has the Ministry taken to enhance the exploration of offshore gas and oil?

Mr. Speaker, Sir, that is question No.5. I do not know whether you would allow me to also pose question No.6 so he responds to both?

The Speaker (Hon. Kingi): You pose one question at a time.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir.

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

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Speaker, Sir. This question has two parts. First, I would like to note that the technical response to this question would be in the Ministry of Energy and Petroleum. However, I understand that the blue economy and blue resources are inclusive of the issues that have been raised by the Senator.

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

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

My response on this matter is that the Ministry of Blue Economy, Maritime and Mining is working together with other Ministries in developing a Blue Economy Strategy. We have a number of sectors in the blue economy; tourism, biotechnology and fisheries, which are inter-departmental because they cut across various Ministries.

As a Ministry in charge of the blue economy, we have decided to come up with a national blue economy strategy which is at an advanced stage. We are working with the Inter-Governmental Authority on Development (IGAD) and other partners so that this strategy will itemise the key areas where we need a strategic shift. This will include the area of gas, oil and energy. Before we have a strategy, we cannot put in the requisite infrastructure to explore these resources.

I assure the House that we are now concluding the National Blue Economy Strategy (NBES) which encompasses all the blue economy sectors. It will definitely provide guidance.

The other critical item is that we are doing a Marine Spatial Plan which will help us to organise the blue resources especially in the Indian Ocean. When we talk about gas and oil, we can then specifically locate this resource in the Indian Ocean. We are working with the World Bank and other partners to make the Marine Spatial Plan a reality.

In order to transition to blue economy in the midst of current challenges such as overexploitation and climate change among others, the Government is investing in a Marine Spatial Plan. The process is intended to unlock opportunities and mobilise resources that can protect coastal marine, natural capital and use these resources sustainably, now and in the future. The Marine Spatial Plan process is currently funded by international partners. As we go along, we will open it for participation.

Mr. Deputy Speaker, Sir, I believe that these two elements should take care of the question in its entirety, that is part one and two.

The Deputy Speaker (Sen. Kathuri): Thank you, CS. Sen. Veronica Maina; do you have any supplementary questions?

Sen. Veronica Maina: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Do you have two?

Sen. Veronica Maina: Yes, Mr. Deputy Speaker, Sir.

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

Sen. Veronica Maina: Hon. CS, we know that our Ministries in Kenya have many good papers, concepts and strategies that are unfortunately lying on shelves waiting for implementation.

We would be concerned on how long the Blue Economy Strategy that is being prepared now would take. What timelines would the Ministry commit to, in terms of

completing this Blue Economy Strategy? These resources continue to lay in the oceans as many people seek jobs and are unable to harness God given resources that are in our coastal maritime zones within the Republic of Kenya.

The Deputy Speaker (Sen. Kathuri): Hon. CS, proceed.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Deputy Speaker, Sir. The National Blue Economy Strategy is in its final stages of completion. It will not take years but two or three months and then have it completed. Most of the work has been done. However, we would like to be as inclusive as possible so that we do not miss any stakeholder. We have a draft which we have given input. In the next two or three months, we should complete the strategy.

Secondly, on the Marine Spatial Plan, we should be launching its groundbreaking in the next financial year in July. Right now, we are putting in place the various stakeholders and agreeing on the process.

The Deputy Speaker (Sen. Kathuri): Thank you CS. I will allow a few Senators to ask one supplementary question each.

(Sen. Veronica Maina spoke off record).

I thought you asked the two of them simultaneously.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I asked only one on spatial planning and the strategy.

The Deputy Speaker (Sen. Kathuri): Okay. Proceed and ask the second question.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir. Hon. CS, nations which have developed their blue economy to a point where they have grown rich and their economies are strong, required human capital resource, which Kenya already has. A good example of such nations is Norway and the United States of America (USA).

What has your Ministry done to ensure that Kenyans can still enjoy working and being prepared to come in and harness the resources by working in other zones where jobs are available for seafarers?

The Deputy Speaker (Sen. Kathuri): CS, you may respond.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Mr. Deputy Speaker, Sir, that question goes beyond the earlier response, but I will respond to it.

Through the State Department of Maritime and Shipping, we have a programme for Seafarers. We normally train them at the Bandari Maritime Academy.

In the last two weeks, we were able to flag 500 seafarers who are destined for different regions. They are going to work in the United States of America (USA), Europe, South Africa and other different parts of the world.

Hon. Members, that programme is ongoing. We flagged off 500. So, I assure the hon. Senator that when it comes to Kenyans working in Norway, the USA, and many other countries, our Department of Maritime and Shipping is very critical.

We are already running that particular programme alongside agreements that we have had with the international shipping lines so that after training, our young men and women can find jobs on ships.

I would like to state the issue of resources in regard to the programme of seafarers and training Kenyans. This is because after training, they are supposed to have practicals or sea time.

These are areas that we will need to invest in so that our young people can benefit from this programme. We especially need to upgrade and resource the Bandari Maritime Academy so that it can handle more requirements as stipulated by the International Maritime Organization (IMO).

The Deputy Speaker (Sen. Kathuri): Thank you, Hon. CS. From your submissions, you have been very generous with the information. I want you to be taking a minute or so. This is because we have a few minutes for this particular supplementary question then we will proceed to the last question for the day.

So, I give, Sen. Gatya Mo Fire, the opportunity.

Sen. Gatya Mo Fire: Thank you, Mr. Deputy Speaker, Sir. I am happy that recently the CS flew to Tharaka Nithi County. I am the Senator for Tharaka Nithi County.

You flew to Kithiori, where we have a historical iron ore that has seen quite a number of Governments, from that of the late Mzee Jomo Kenyatta, late President Moi, late Mwai Kibaki's, President Uhuru Kenyatta and the current Government.

You also flew all the way to Marawa where I am sure you must have identified some rich iron ore sites. So, the people of Tharaka Nithi County would like an assurance of when the iron ore sites will be exploited the iron ore. Also, what is their potential? From the background, can they sustain the economy?

The Deputy Speaker (Hon. Kathuri): Hon. CS, you may respond.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Senator for Tharaka Nithi County. It is true I recently visited Tharaka Nithi and many other counties.

The objective of visiting Tharaka Nithi County was to confirm two things. One is the iron ore which we visited in Kithiori. From our report, Tharaka Nithi County also had occurrences of Copper and Lime.

The process that we are undertaking after the visit is exactly what you mentioned. We want to confirm or ground truth whether the iron ore and Copper in Tharaka Nithi County is of economic value. If yes, our plan is to make Tharaka Nithi County the centre for investments in Copper in the Eastern Region. So, this is an ongoing process. My technical team will be going back so that they do the ground truthing and confirm.

In Kithiori, for example, we found out that there have been quite several activities of mining iron ore even before independence. So, we want to confirm whether the remaining deposits are of economic value. From the surface, it looks like there is an abundance. However, we want to do technical confirmation and then share with you.

The Deputy Speaker (Hon. Kathuri): Thank you, hon. CS.

The next is Sen Cherarkey.

Sen. Cherarkey: Thank you, CS. It is good to have you, having transited from a Governor to CS.

I just have one question. CS, is there a way to issue a gazette notice when issuing a moratorium as a formal notification?

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you are now deviating from the question that was raised by Sen. Veronica Maina. You are going to the first question

that was asked by Sen. Dullo. Can you please, speak to this question to issue of gas and petroleum?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I am tying it up with the same. This is because it is also in the same---

The Deputy Speaker (Hon. Kathuri): If you did not get a chance to give your question that time, you should not use this time now to sneak it in.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, let me tie it up

The Deputy Speaker (Sen. Kathuri) Your question and that of Sen. Gataya Mo Fire is not relevant to the original question asked by Sen Veronica Maina.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, let me tie it up.

The Deputy Speaker (Sen. Kathuri): Do not tie it up. Just ask a specific question.

Sen. Cherarkey: Okay. Mr. Deputy Speaker, Sir, on the issue of exploration of gas and oil, is there in place bwana *Waziri*, the issuance of Gazette notice, especially to these secluded areas where you will be doing exploration? When you issue Gazette notice, do you, in that instance, issue that specific area where exploration of oil and gas will go through? Thank you,

The Deputy Speaker (Sen. Kathuri): Proceed, hon. CS.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Deputy Speaker, Sir. The most technical way to explore blue resources, especially in the Indian Ocean, is to have a plan and a strategy.

The marine spatial plan will inform us of the zones and the coordinates that we are going to be looking at for gas and oil. Before we have a spatial plan, the rest will be guesswork.

What we have said here is that the Ministry wish to work on the national blue economy strategy, which is almost complete, and then the marine spatial plan so that people are not sent to the Indian Ocean, to do scoping without any guideline. The marine spatial plan will be very critical, to allow us to know where we can do the gas and oil exploration.

When we arrive, at that point, we will be able to rope in, our colleagues in the Minister of Energy. This is because they have the expertise to be able to roll out that kind of exploration. So, that is how we should be moving forward.

I assure Kenyans that, the marine spatial plan and the national blue economy strategy will be very critical to guide us. There are quite a number of activities within the blue economy that are not necessary in my Ministry. However, my Ministry can guide the other Ministries to inspire the economy through those activities.

For example, there are quite a number of areas we have identified for cruise ship tourism, which is under the Ministry of Tourism. So, once we identify the sector, then we provide the technical and strategic information, and then the other Ministry can take it up from that level.

The Deputy Speaker (Sen. Kathuri) Hon. Senators, there are a few Senators who have supplementary questions.

However, let me ask Sen. Veronica Maina to ask her last Question then we can tie the two Questions.

(Sen. Cherarkey spoke off record)

It is you who is out of order or who is out of order? Proceed, Sen. Veronica Maina.

Question No. 006

EXTENT OF INFRASTRUCTURAL INVESTMENT TO
EXPLORE THE BLUE ECONOMY

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I have another Question that is broken down into three sections.

- (a) To what extent has the Government invested in putting up infrastructure for the country to explore and benefit from aquatic products, marine aquaculture, and blue biotechnology?
- (b) Could the CS provide the number of Kenyan-owned fishing vessels registered to operate in the Exclusive Economic Zone and state the measures put in place to enhance the participation of and investment by local fishermen in the marine exclusive economic zone?
- (c) Could the CS inform the Senate of the quantity of marine produce landed in the existing landing sites, the measures put in place to accelerate the development of marinas along the Kenyan Coast and inland lakes, and the state of construction of the landing sites in Liwatoni and their capacity to handle the landed produce, especially the fish.

The Deputy Speaker (Sen. Kathuri): *Waziri*, those are almost three questions in one. Sen. Veronica Maina, you are too smart in this question. They are almost three questions.

CS, proceed.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Mr. Deputy Speaker, Sir, these questions are substantial, and I promise that we will be giving this information as required.

Our response to the first part of the question is as follows- the Liwatoni Ultra-Modern Tuna Fish Project and Tuna processing will serve fishermen from the entire Kenya Coastline and the foreign fishing vessel that are operating within the Exclusive Economic Zone.

The State Department of Blue Economy and Fisheries is implementing phase one of the Liwatoni Ultra-Modern Hub which is scheduled to be completed in the next six months to pave way for the second phase which will be implemented through the Public-Private Partnership (PPP) arrangement. The Hub will also offer various services to the fishing vessels that will include bunkering of fuel at subsidized rates, water, and electricity to the visiting vessels.

Secondly, we have the Kabonyo Fisheries and Aqua Culture Service and Training Centre of Excellence Project. The Kabonyo Aqua Culture Service and Training Centre of Excellence is a project that will cost Kshs1 billion. It is to be implemented by the Government of Hungary and the Government of Kenya. Phase one finances have already been provided. This project will entail the development of the Nile Perch Technology and Innovation Centre, Aqua Culture Resource Centre, and Kenya Fishing School.

Besides that, it will include infrastructure, institutional and acquisition of technology for enhancing fish farming enterprises, upscaling of the existing production of the Nile perch, tilapia, and African catfish. It will also include the undertaking of new

trials of cultured species, supply of water and electricity, and installation of equipment and training facilities.

Further, this project will involve the adoption, domestication, and selective breeding of Nile perch, common cap and milkfish that will be expedited to increase the number of cultured species. The selectively newly bred cultured fish species will be extended to farmers for adoption for small medium and large-scale farming.

In terms of the progress of this project, the procurement process for Kabonyo Fisheries and Aqua Culture has already been finalized.

We are now in the process of finalising the country agreements. We should be able to do groundbreaking for this project.

The other project that relates to this Question is the Aquaculture Business Development Project. This is a Kshs14.9 billion project, funded by Government of Kenya (GoK) and the International Fund for Agricultural Development (IFAD).

The project is being implemented in Nyeri, Meru, Kirinyaga, Embu, Tharaka-Nithi, Kajiado, Machakos and Kiambu Counties in Central region and Kakamega, Migori, Homa Bay, Busia, Kisii, Kisumu and Siaya Counties in the Western region, over a period of eight years, with an objective of increasing income, food security and nutritional status of the rural poor.

The programme is enhancing small-holder aquaculture production by providing aquaculture inputs which include, pond liners, fingerlings, spread eater nets, fish feeds, small-holder aquaculture value chain development and providing the aquaculture sector an enabling environment and support service.

The other project that relates to this particular Question is the Government of Kenya and World Bank-funded project, which is dubbed the Kenya Marine Fisheries Socio-Economic and Development Project. This is a five-year project, jointly funded by two institutions, at a cost of Kshs10 billion. It is implemented in the five coastal Counties of Kwale, Mombasa, Kilifi, Tana River and Lamu. The project's development objective is to improve the management of priority fishers, and marine culture and increase access to complementary livelihood activities in coastal communities.

The other project that relates to infrastructure is, we have construction and rehabilitation of coastal ---

The Deputy Speaker (Sen. Kathuri): Hon. CS, maybe you should present it in point form because of time so that the Mover of the Question can also raise her Supplementary Questions. Maybe you can share with the Member the comprehensive report or does she already have the report?

Then, summarise.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, Mr. Deputy Speaker, Sir. I was complying with the directions given when my colleagues were here, that the statement is read in full. However, I agree with you. This is something that we can quickly do; summarise without going through every point.

In terms of the coastal fishing infrastructure, we have done mapping for the entire Indian Ocean in the coast region. We have a fishing landing site infrastructure. For example, in Kilifi; we have Kichwa cha Kati and Ngombeni; we have Gazi, Kibuyuni and Vanga in Kwale County and we also have upcoming infrastructure in Lamu and Tana

River Counties. Alongside that, we also have other plans for this Financial Year. We will be doing five more landing sites in the coastal region.

Mr. Deputy Speaker, Sir, the most important area that I want to mention is, we want these landing sites that we have identified across the Indian Ocean and Lake Victoria to be value-addition centers, so that it is not just landing the fish, but the fishermen can immediately find cold storage at the landing sites. The landing sites can then provide them with an opportunity to delay sales. This is the most important departure from previous activities.

Alongside this, these landing sites are going to be in beach management units. We are already working around these beach management units to apex them to be cooperative societies so that they can coordinate marketing at the same time. This is already an ongoing process. We have identified 445 groups across the country that we should be able to transform into cooperative societies.

The other point, in terms of infrastructure, is developing fishing ports. We are doing Shimoni Fish Port at a cost of Ksh2.6 billion. This is being spearheaded by Kenya Ports Authority (KPA). We will then come in at the point of processing infrastructure.

Mr. Deputy Speaker, Sir, we have also identified Mokowe in Lamu where land issues are now being cleared so that we advertise its implementation. There are landing sites across the inland waters in Migori County. Others are Luanda K'Otieno, Asat and Wich Lum in Siaya County; Mulukhoba in Busia County; Nyadhiwa in Homa Bay County; and Ogal in Kisumu County. These are areas that we have identified where we need to upgrade the landing sites so that we can have value addition in all of them.

Alongside that, we are also working on quality laboratories. We have one in Nairobi City and one each in Kisumu and Mombasa counties. We are now in the process of accreditation so that they can receive their international certification to enable us to utilise them.

Additionally, in order to improve aqua culture, we are also building training facilities. One is in Sagana, Kirinyaga County which will be supporting in the area of aquaponics. The second one is in Kiganjo, which will add value in terms of cold-water rivers in Kenya.

To grow the blue economy, we have also identified areas that we need capacity building. Therefore, we have a National Mariculture Resource and Training Centre (NMRTC), which will also run through Public-Private Partnerships (PPPs) once it is completed. This is a project that we are doing in Shimoni, Kwale County.

Marine Security is also a very critical issue. Therefore, we have a monitoring control and surveillance programme where we are trying to empower and build the capacity of our surveillance teams, including coast guards to be able to manage industrial fishing in the exclusive economic zone.

Recently, we launched six boats at a cost of Kshs306 million. They will add to our fleet to improve surveillance in the Indian Ocean. In this particular function, we are working together with our colleagues in the Ministry of Defence and the Ministry of Interior and National Administration, so that we can make it safer to fish in the Indian Ocean.

Mr. Deputy Speaker, Sir, we have the Go Blue programme which we are working on with the European Union (EU). The programme focuses on empowering the artisanal

fishermen. We have already handed over eight boats to Kwale County. Next month, May, we are handing over 18 new boats to artisanal fishermen so that they can improve the fisheries activities.

A number of interventions are also in place. This includes solar cooling and drying technology. Here, we are looking at the technology of using solar to cool and dry systems. We are piloting this programme in Mwazaro and Vanga in Kwale County. Basically, we are looking to have a cold chain of containers that use solar technology.

Mr. Deputy Speaker, Sir, we also have a focus on sea weed farming which is targeting women. This programme is doing very well and we are going to scale up to other areas.

We have a research station in Tharaka Nithi County. We want to enhance it so as to tap on the river waters especially the Seven Forks and Tana River. This will enable us to develop the fisheries potential in the Mt. Kenya Region.

In Siaya County, we have a programme on Women in Blue Economy. The programme focuses on enhancing their skills to be able to inspire their potential in Lake Victoria.

In Lake Turkana, the Government of Kenya and the Democratic Republic of Congo (DRC) have a unique species of fish called Mango Tilapia. This species is being exported to Kinshasa and Lubumbashi in DRC where the market is.

This is an area where we have also identified. We need to work with the county governments of Turkana and Marsabit so that we can be able to inspire this idea of cold storage.

We have already agreed with the Government of Netherlands that we will be able to work together on a Kshs1 billion project to inspire fish production in Lake Turkana. The Ministry is also working with different interest groups in many processing plants in Migori, Kakamega, Nyeri and Meru counties.

The other part of the question is asking us to declare how many vessels we have in the Indian Ocean. According to our management plan and as a member country of the Indian Ocean Tuna Commission (IOTC), we have to submit a fleet management plan every time.

Our management plan states that we will need to deploy 72 vessels in the exclusive economic zone. These are 54 long liners and 18 seiners. Already, we have local business men who are also fishing in the Exclusive Economic Zone (EEZ). We have seven vessels that are currently deployed in the EEZ, and they are also doing industrial fishing. Of course, this is an area that we really need to invest in because this is where the money is in terms of fisheries. That is why we are working to have Liwatoni Floating Bridge function so that we can be able to inspire many more investments in the EEZ.

The Deputy Speaker (Sen. Kathuri): Hon CS, I have followed your report submitted to the Member and it is comprehensive. I will ask Sen. Veronica Maina if she is satisfied with the answer from the CS because of the hour we are in.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I thank the Hon. CS for the very comprehensive responses he has given. They are very impressive. I hope they follow up to track it.

I am satisfied. However, I am not satisfied with the amount of time that has been given to this CS. We will restructure it in SBC. Such a presentation would change the economy of this nation. We are looking for answers and they are here. The public is not

even aware of the resources being held out there. They are busy still looking for these resources on the land.

When we call such a CS again, we should have more time for them to present. You even heard of Tharaka Nithi. Maybe you did not know that Meru is being mapped for fishing and new resources that Members may not know.

Thank you, Hon. CS, I am satisfied.

The Deputy Speaker (Sen. Kathuri): Hon. CS, you can make your concluding remarks.

Hon. Senator, you can do a lot with this information. You can bring it back here as a different report which we can adopt as a House and get a way forward on our marine issues.

Hon. CS, thank you for your time. I will give you one minute for your closing remarks.

The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya): Thank you, very much, Mr. Deputy Speaker, Sir, and Hon. Members. I take cognizant that this is a very good opportunity for interaction.

Just to concur with what the Hon. Senator has suggested, I have three State Departments that are very comprehensive. Mining, Blue Economy and Fisheries and then Shipping and Maritime. It will be important to mention at this point for the benefit of this House. When the questions are structured, it is important that we do not combine the State Departments so that we can have more time to interact. This is because this is a new Ministry and this is where the future of the country is. It is important that in the future, we give time to each State Department so that we can be able to share with you some of the progress and strategies we are already making.

Some strategies require legislation and the participation of both Houses of Parliament. I hurriedly summarized some of the issues, but they will be critical to inform Kenyans on the direction of mining and blue economy.

I want to assure the country that on matters mining, we are up to date on the strategic reforms we are undertaking. On blue economy, we are very keen on the strategies we have laid down. We are working to grow our maritime and shipping so that we can be able to finish this.

Thank you very much.

The Deputy Speaker (Sen. Kathuri): Hon. CS, as the Chair of this Session, I will request that we do a retreat with your ministry so that we benefit from what you are doing.

I recommend that the concerned Committees should do a retreat on all your areas so that we can benefit and be able to serve our people better.

Have your seat Hon. CS.

ADJOURNMENT

Hon. Senators, it is now two minutes past 1.00 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until today, Wednesday 26th April 2023, at 2.30p.m.

The Senate rose at 1.02 p.m.