

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 21st June, 2023

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

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

*(The Clerk-at-the-Table consulted the Speaker)
(Several Senators walked into the Chamber)*

The Speaker (Hon. Kingi): Order! Hon. Senators, kindly take your seats. Clerk, you may proceed to call the first Order.

PETITIONS

RECOGNITION AND REMUNERATION OF VILLAGE ELDERS

The Speaker (Hon. Kingi): Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Mr. Benson Nyaga Kagete, EGH, concerning the recognition and remuneration of village elders under the *Nyumba Kumi* Initiative.

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

“Every person has the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation.”

Hon. Senators, the salient issues raised in the Petition are as follows:

THAT the Village Elders play an integral role in the functioning of the National Government at the village level by helping chiefs and assistant chiefs in the maintenance of law and order, promotion of education and promotion of development through the *Nyumba Kumi* initiative.

THAT the village elders discharge these important roles without any remuneration by the government, hence, they are not motivated and there are no

laws or regulations that guide the absorption and employment of the village elders into the existing governance structure.

THAT the National Government Coordination Act number 1 of 2013, does not define a village as the lowest administrative unit after sublocation and there is a need to put in place a criterion for establishing a village, considering the population, geographical and socio-cultural factors.

THAT the Petitioner has made efforts to have this matter addressed by the relevant authorities, all of which have failed to give a satisfactory response.

The Petitioner, therefore, prays that the Senate intervenes in this matter with a view to do the following;

- I. Amending the National Government Coordination Act number 1 of 2013 to provide for a village as the lowest administrative unit after sublocation and establishment of a village council.
- II. To cause the Ministry of Interior and National Administration to develop a comprehensive policy on the recruitment and remuneration of village elders and in particular, the policy to cover the terms of engagement, functions of the village elders, criteria for recruitment and termination of engagement.

Now, hon. Senators, pursuant to Standing Order 237, I am supposed to give time for Senators to make their contribution to this Petition. However, because of the workload before us, I am afraid I may not exercise the authority given to me under Standing Order 237. I will therefore, straightaway commit this Petition to the relevant Committee.

I direct that the Petition be committed to the Standing Committee on National Security, Defense, and Foreign Relations. In terms of Standing Order 238(2), the Committee is required in not more than 60 calendar days from the time of reading this Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

It is so directed.

*(The Petition was committed to the Standing
Committee on Security, Defence and Foreign Relations)*

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

Is anyone holding a brief for Sen. Methu? That Petition is dropped.

DELAYED COMPENSATION FOR NYANDARUA
COUNTY IDPS

(Petition dropped)

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

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 21st June, 2023: -

Report of the Auditor-General on the financial statements of the West Pokot County Cooperative Development Fund for the year ended 30th June, 2022.

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

Report of the Auditor-General on the financial statements of the Gatundu Water and Sanitation Company Limited for the year ended 30th June, 2022.

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

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

(An hon. Senator spoke off record)

Proceed then Sen. Syengo.

ESTABLISHMENT OF AN *AD HOC* COMMITTEE ON THE COMPENSATION TO KENYAN VICTIMS OF THE 1998 BOMBING

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I am not Sen. Kavindu, but I am reading this Notice of Motion on her behalf.

I beg to give Notice of the following Motion:

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves to establish an Ad Hoc committee to –

(i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;

(ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,

(iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc Committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogola, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.52 (1).
Sen. Cherarkey, proceed.

THE EXEMPLARY PERFORMANCE BY FAITH KIPYEGON AT THE PARIS DIAMOND LEAGUE, 2023

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for this opportunity.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1), to make a Statement on an issue of general topical concern and national importance. It is about the great performance by Faith Kipyegon, smashing the women's 5,000 metres world record at the Paris Diamond League, 2023.

Mr. Speaker, Sir, Faith Kipyegon once again made history when she broke the World Record in the Women 5,000 metres race, setting a new record time of 14 minutes 5 seconds and 20 milliseconds. Kipyegon smashed a record of 14 minutes, 6 minutes and 62 milliseconds previously set by Ethiopia's Letesenbet Gidey in Valencia Spain in 2020.

The legendary Faith Kipyegon has gone on to assert her position as one of the all-time greatest women athletes in the 5000 metres race, breaking the World Record that had been elusive and missing in her career.

The maestro, Faith Kipyegon, an Olympic and current World 5,000 metres champion, having won other titles, has shown that resilience, hard work, determination and focus surely pays. She has been an inspiration to the up coming athletes and women in general in Kenya.

Mr. Speaker, Sir, I also to congratulate Emmanuel Wanyonyi for winning the 800 metres men's race, clocking one minute, 43 seconds and 27 milliseconds. In the same breath, I congratulate Ferdinand Omanyala for finishing second in the men's 100 metres race at the Paris Diamond League, 2023. He clocked 9.98 seconds, defeating his idol, Yohan Blake of Jamaica and Olympic Champion, Marcel Jacobs of Italy.

Mr. Speaker, Sir, I continue to call on our athletes to remain clean and dedicated in their career, by avoiding the doping menace that has ended careers and dented the image of many athletes and the country at large.

Allow me to also applaud the president, His Excellency Dr. William Ruto, for improving the reward scheme for sports men and women. I am happy that Faith Kipyegon was awarded Kshs5 million and a house and Ferdinand Omanyala given Kshs2 million. This has been the clarion call and resolution of the House. We requested for a revised reward scheme for our sports men and women in the country. I think this is the right direction.

I also call upon the Government, Athletics Kenya (AK) and the National Olympic Committee (NOC) to engage the upcoming and promising athletes – not the *TickTokers* and content creators – as brand ambassadors in sports tourism and in marketing Kenya abroad. They should also ensure that their finances and rewards are properly and well-structured to keep them motivated at all times.

In this regard, I urge you, the Speaker of the Senate, in consultation with the Senate Majority Leader, Sen. Cheruiyot and the Senate Minority Leader, Sen. Madzayo, to consider inviting maestro, Faith Kipyegon, to visit and address the Senate as per Standing Order No.29(1). She has achieved two historic world records in a span of one week, something which has never been seen in human race.

By doing this, our athletes who have continued to make us proud as a country by flying our flag high at the international arena, will always feel appreciated and motivated to achieve more for the nation.

Mr. Speaker, Sir, in conclusion, on behalf of the great people of Nandi County, the source of champions, I wish to congratulate all our athletes, sportsmen and women. I wish them well. I also assure them of our commitment as a House. We will support them at all time as they continue to represent our nation.

Thank you, Mr. Speaker, sir.

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

Sen. Sifuna: Mr. Speaker, Sir, I believe I have been called to give my Statement.

The Speaker (Hon. Kingi): Absolutely.

RAMPANT FIRES CAUSING DESTRUCTION
IN MARKETS IN NAIROBI CITY COUNTY

Sen. Sifuna: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 52 (1), to make a Statement on a matter of general topical concern, namely the rampant fires that have recently ravaged markets in Nairobi, destroying property estimated to be worth hundreds of millions of shillings.

Mr. Speaker, Sir, on Sunday, 11th June, 2023, at around 2 a.m., the Toi Market in Kibra Constituency went up in smoke, resulting in about 3,000 traders losing stock estimated to be between Kshs400,000 and Kshs600,000 for each trader. Cumulatively, the total loss from the Toi Market fire was over Kshs1 billion.

Just two days later, on the night of Tuesday 13th June, 2023, Mutindwa Market in Embakasi West Constituency also went up in flames. In the Mutindwa incident, more than 800 traders lost property and stock worth a total of over Kshs100 million was destroyed. It is not far-fetched to fear that given this pattern, other markets in Nairobi will soon be next.

It is estimated that about 200,000 tonnes of second-hand clothes are imported into the country annually. Gikomba Market alone, is reputed to generate nearly Kshs300 million a month and almost Kshs4 billion annually.

When you spread this out into all the other markets across Nairobi, you have a multi-billion-shilling informal industry, that not only sells clothes, but also many other items relevant to the common *mwananchi*. Essentially, this industry remains a huge employer of the Nairobi County masses, creating livelihoods for millions of families.

Mr. Speaker, Sir, we, however, have had to contend with the cancer of arson targeting these markets for a very long time. In the last ten years alone, there have been at least 20 fires in Nairobi markets.

Part of the problem is a populist politics shadows the path to real solutions. This is because politicians and Government officials have formed the habit of giving long speeches, donating food and building materials to victims, then moving on until the next fire.

It is my considered opinion that the root cause of these fires must be urgently addressed, and perpetrators brought to book once and for all. Otherwise, these fires stand to destroy a critical economic base of the poor and struggling Nairobi traders.

Mr. Speaker, Sir, we have seen how the police can act decisively when dealing with an issue they choose to, such as the recent Azimio Coalition protests. We are also aware that we have a very robust intelligence gathering institution in the form of the National Intelligence Service (NIS). There is, therefore, no excuse on the failure to arrest and prosecute those responsible for these economic crimes.

I wish to add that citizens in this country are currently grappling with a myriad of issues, including income losses, high cost of essential goods and a difficult business environment caused by high taxation and a weak Shilling.

To add arson to that, targeting the property of small businesses, is the highest form of insensitivity. In no uncertain terms, this is economic genocide.

Mr. Speaker, I would, therefore, like the relevant authorities to guarantee the following-

(1) That, security will be enhanced in Gikomba Market and other markets Nairobi to avoid the arsonists targeting it next.

The Nairobi City County Government and the Kenya Police Service must now post permanent security at Gikomba, Toi, Mutindwa, and all major markets within the City, to safeguard the businesses and guarantee the incomes of thousands of people who rely on these markets.

(2) That, the Governor of Nairobi City County must, as a matter of urgency, state the plans he has put in place to ensure firefighting equipment is available near these markets.

He is on record for having promised to build a fire station inside Gikomba Market.; a promise that has not been kept to date.

The nearest fire station to all these markets is the one in the Central Business District (CBD), which constantly reports lack of water or malfunctioning equipment, rendering it unable to help in the times of emergencies.

The perpetrators of Toi and Mutindwa Market fires must be brought to book. We must ensure that the security agencies make public the real reason for these constant cases of fire.

If it is an attempt to chase away these traders in order to grab the lands on which these markets sit, we must know now, so that we can deal with the disease itself rather than the symptoms.

We must also get a guarantee that a compensation mechanism will be put in place for traders who lose property in these fires now and in the future.

Finally, we must be given a guarantee that the Government has not been complicit in these acts of arson. It is inconceivable that an individual or groups of criminals without help from high up, would carry out such acts of economic sabotage for such a long time without consequence.

Mr. Speaker, Sir, on top of better security guarantees, enhanced equipment and installation of firefighting equipment at these market centres, we need stiffer penalties for arson.

I am aware that many before me have tried to rein in this problem and failed. However, I do not have the luxury of failing in the pursuit of justice, fair play and the security for the people of Nairobi.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Before I move to the Statements pursuant to Standing Order No. 53 (1), I will allow two interventions from both sides on the two Statements; the one by Sen. Cherarkey and the one by Sen. Sifuna.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to make a few comments on the Statements issued by Sen. Cherarkey and Sen. Sifuna.

Beginning with the Statement by Sen. Cherarkey, I acknowledge and confess that we have not treated our athletes well in the past. However, I am happy that I am now seeing a movement towards rewarding these athletes, especially when they break world records, so to speak. That is something that is long overdue and should be applauded.

One day I visited Turkey. When walking on the streets one day, I met a man who was just enthusiastic to talk to this African man walking on the streets. He asked me

where I come from. I said that I came from Kenya. He asked, “Nairobi?” I said, ‘Yes, I come from Kenya. He asked, “Do you run?”

Mr. Speaker, Sir, do not worry about my response to that question. However, that tells you that this country is known for our world beaters in athletics. Our athletes have represented us as a nation much better than the ambassadors have done, yet we do too little to appreciate that representation.

(Applause)

I am happy with the Statement brought by Sen. Cherarkey. I hope then the Statement will get due consideration.

On the matter of the fires in Nairobi, it is unfortunate. There appears to be a cartel or a system operating from dark corners in this City, where people conspire to set on fire properties belonging to people at the bottom of the pyramid, and disappear into thin air.

Nobody seems to know the people lighting fires all over in Gikomba and Toi Market. Property worth billions of shillings gets destroyed and we never get to know exactly who it is that does these things.

I hope and pray that on account of the Statement brought by Sen. Sifuna, we will begin to see serious action and investigations carried out, to establish the people behind these fires and why they have not been apprehended and charged with assaults and other relevant laws for all these years.

With those few remarks, I support those Statements.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, before Sen. Cherarkey read the concluding part of his Statement – you would think this is a conspiracy – I moved to the Clerks’ Table. I asked the Deputy Clerk, Mr. Mohamed, about the Standing Order which indicates the people who can address this Parliament. I wanted to read, internalize and see what limitations we have. Later on, Sen. Cherarkey mentioned in his Statement that Kenyans who achieve such great feat are worth appearing before us.

We have made it appear as if when Kenyans achieve great things, it is okay and proper for them to be celebrated outside, but treat them as casual beings back here at home. I know for a fact that on many occasions not even our past and present President enjoy some of the privileges accorded to these athletes in some of the great capital cities of this world.

In 2012, the then Sports Minister, who by coincidence or luck of God’s blessing, is the current Cabinet Secretary for Youth and Sports, Hon. Ababu Namwamba, could not be allowed into the London Olympic Stadium as a Cabinet Secretary. When they listed him as a personal assistant to one of the athletes, that is the only time he was allowed into the stadium. That is how serious the rest of the world treat our athletes.

I appreciate the gesture or the proposal by Sen. Cherarkey. I will engage my counterpart, the Senate Minority Leader, to listen to his ideas, if he agrees to the proposal or what better way it can be done. This House needs to listen to some of these athletes. They can share with us on the challenges they face as they fly the Kenyan flag high and the legislative proposals or interventions we could come up with to make their life better.

In conclusion, on the Statement by Sen. Sifuna, I know Mutindwa and Toy markets very well. I grew up a few meters away from Mutindwa market. I know that decades ago many young people ply their trade there. I have seen in the agony of many of my childhood friends and they are told that their entire stock which is their entire life savings have been burnt up to ashes. These are young people who do not have business insurance and somebody has to start from scratch again. We said at the beginning of our term that this is the Senate that will deal with matters to finality. Enough is enough with many of these common problems that keep on appearing and reappearing before this Floor.

I urge my good friend, Sen. Sifuna, together with the Committee on Lands Environment and Natural Resources – at the heart of this fight is the title deed and nothing else. From President Kibaki, President Uhuru Kenyatta and President Moi who I can recall visiting this place while passing on Jogoo road. He would say that he had heard people's stalls were burnt in *Gikomba* market. He would commit to tell his Principal Secretary to process the title deed, which has never happened.

It is time the Committee on Lands Environment and Natural Resources does an enquiry on the size of the land and on whose name the title deed is registered to. If he can sort out that issue with finality, then I can assure Sen. Sifuna that those fires will disappear. The people who burn the stalls of the business people who are young 'hustlers' trying to put life together are targeting the land. The perpetrators do this in the hope that these people will give up or collapse with their business and therefore, be left free with the land.

I propose that our Committee on Lands Environment and Natural Resources does not treat this matter casually. They should ensure that this issue of the ownership of the parcels of lands; Mutindwa Market, Toy Market and Gikomba is concluded on, the title properly handed to the county because this is public land, so that the matter is sealed with finality. The minute we sort the issue of ownership, the fires will disappear and our young men and women that ply their trade in these markets will not deal with this tragedy again.

I thank you for this chance.

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza nampa ndugu yangu, Sen. Cherarkey, kongole kwa kuleta hii Kauli. Wanaspoti wanapokuwa katika ujana wao, wanaleta sifa kubwa nchini, tukielewa ya kwamba kila mwanaspoti katika nchi za ulaya amewekewa *insurance* ambayo inaweza kumuangalia kukitokea ajali ya aina yoyote. Jambo la kusikitisha ni kwamba hapa kwetu wanaspoti hatuwapi kipau mbele. Baada ya kuleta sifa, ifikapo uzeeni wao, ni hatua gani itachukuliwa ili kuona mwanaspoti anaishi vizuri?

Yule dada aliyetuletea sifa kubwa nchini, Faith Kipyego, alifanya kitendo ambacho hakuna binadamu mwingine ameweza kukifikia. Hii ni sifa kubwa sana ya Kenya. Nawashukuru Wakenya ambao walitimiza azma yake ya kununulia babake gari. Baada ya kufaulu katika kutimiza ile ndoto yake, kuna wanakenya ambao wapata motisha kuwa ndoto zao wanaweza kamilisha. Kitendo hicho kilikuwa cha maana sana ili kumpa nguvu dada yetu.

Baada ya hapo, dada huyo alituahidi kuwa katika zile mbio zinazofuatia atatuletea sifa zaidi. Hili ni jambo ambalo tunapaswa tulipatie kipau mbele. Upande wa Pwani

kulikuwa na wachezaji wakubwa wa kandanda; Ali Kajo, Sungura, Kadenge, Mohamed Magogo. Ukiwaona hivi sasa utasikitika. Wengine wao walifariki wakiwa maskini. Tegemeo la wale wengine ni kutufikia tunapoenda nyumbani. Yafaa kuwe na mipango kabambe ili kukitokea jambo lolote wanaweza kuangaliwa kwenye Maisha yao na *insurance* ili waishi kama watu wengine katika hali yao ya uzee.

Tunachukua kigezo kutoka kwa dada yetu Faith. Sisi tuko tayari ikiwa mipango tutaifanya sawa sawa tukishirikiana na ndugu yangu, Kiongozi wa Waliowengi, Sen. Cheruiyot, kuhakikisha huyu dada amefika hapa na tumpee heshima ndani ya Bunge letu la Seneti.

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

Sen. Kinyua: Asante, Bw. Spika. Naunga mkono Kauli iliyoletwa na Sen. Cherarkey. Ninawapa kongole wanariadha na wanamichezo wetu ambao wanaleta sifa katika nchi yetu. Faith, tulimuona katika uga akikimbia. Kila mtu alimshabikia.

Kama vile Viongozi wa Walio Wengi na Walio Wachache walivyosema, wale ambao wameletea nchi yetu sifa ni vizuri waje kwenye Seneti. Tusiwe tunawaita wale ambao tunataka kuwauliza maswali pekee. Tunapaswa kuwaalika pia wale ambao tunapaswa kuwapa kongole na sifa. Hata wale hawakufanya vizuri leo, ni vizuri tuwape motisha kwa sababu wanawezakufanya vizuri leo, lakini kesho wanaweza kufanya vizuri zaidi. Tusiwe tunawashabikia sana wale waliofanya vizuri tu, wale wengine wangepanya vizuri isipokuwa ya sababu tofauti.

Naunga mkono matamshi ya Kiongozi wa Walio Wachache.

Bw. Spika, wengine waliokuwa wamefanya vizuri sana ni kama Rudisha aliyekuwa mkimbiaji na mwana dada wa dondi aliyefanya vizuri lakini sasa anaishi katika hali ya uchochole. Alipokuwa anasifa, kila mtu alimshabikia. Kwa wakati huu, ni wagonjwa na wakenya wamenyamaza kimya.

Kwa hivyo, kunapaswa kuwa na sheria nzuri ambayo itakuwa ikiwalinda ndio mtu akifika maisha yake ya usoni, wakati pengine hawezi kukimbia ama amepata majeraha kama vile Rudisha alivyopata jereha katika mguu wake na hawezi kimbia, aweze kupata hali yake ya kujikimu. Hata hivyo, nimesikia watu wengine wakisema wanaspoti wetu waweze kufunzwa jinsi ya kueleza hela wanazozipata lakini ni vizuri tutele mswada ambayo itawalinda.

Bw. Spika, kuna taarifa ambazo zimekuwa zikiletwa hapa. Nakumbuka Mheshimiwa Sakaja alileta mambo ya moto uliotokea Gikomba na Toy Market. Inakuwa ni kama kawaida taarifa zinaletwa hapa katika Seneti hii, zinasomwa na baada ya kusomwa hakuna jambo lolote linalofanyika. Linakuwa sisi ni kusoma tu taarifa na muda unaendelea. Nilimsikiza Gavana Sakaja akisoma hizo taarifa za moto ambayo inatendeka na hakuna jambo lolote limetendeka.

Bw. Spika, unakumbuka vile vile hata kuna watoto wetu walioko katika nchi za Ugaibuni na wamekuwa katika shida hizi hizi. Kumeletwa taarifa hapa na huwa zinapelekwa katika Kamati, lakini baada ya taarifa zenyewe kuletwa katika Kamati nawao kufanya utafiti, hakuna jambo lolote linafanyika katika Seneti. Serikali nayo halichukulii jambo hilo kwa uzito unaofaa.

Kwa hivyo, isikuwe hata taarifa hii ambayo imeletwa hapa na Sen. Sifuna, Seneta wa Nairobi, itakuwa ni ya kawaida. Tutasema ni mambo ya moto halafu baada ya miezi mitatu tena kutaletwa taarifa nyingine.

Itaonekana na wananchi wakenya kama sisi tunakuja hapa tu kuongea na kuongea bila vitendo vyovyote. Kwa hivyo, Kamati ambayo itakayo pewa hii jukumu wasifanye tu utafiti pekee yake lakini walete suluhu la kudumu ndio Wakenya waweze kupata suluhu kutoka kwa Seneti na waweze kutushukuru kwa kazi ambayo tunafanya nzuri.

Bw. Spika, nashukuru kwa kunipa fursa hii.

The Speaker (Hon. Kingi): We should now move to the Statements pursuant to Standing Order 53 (1). As you are aware, the Statements pursuant to Standing Order No.52 are not committed to any Committee.

Proceed, Sen. (Dr.) Murango.

EXPANSION OF KIFCO PROJECT IN KIRINYAGA COUNTY

Sen. (Dr.) Murango: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the expansion and improvement of irrigation infrastructure at Kibirigwi Irrigation Farmers Corporative Society Limited, KIFCO project in Kirinyaga County.

In the Statement the Committee should –

(1) Confirm whether there are plans to expand and improve the irrigation infrastructure for the scheme, considering the increased membership from 277 to 1000 members without a corresponding expansion undermining its optimal performance.

(2) Indicate whether there are any plans by the Ministry of Water, Sanitation and Irrigation to established and independent water supply for Kibigoto and Kiberegwe urban centres, which currently depend on KIFCO for their watering.

(3) Explain any measures including budgetary allocation that the national Government has put in place to address the infrastructural challenges in terms of access to water and good loans faced by farmers and other water users in the said project.

I thank you.

The Speaker (Hon. Kingi): Seneta wa Laikipia, Sen. Kinyua.

RESETTLEMENT STATUS OF KWAMBUZI SQUATTERS IN LAIKIPIA COUNTY

Sen. Kinyua: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on land, Environment and Natural Resources, regarding an update on the resettlement status of Kwambuzi squatters in Laikipia County.

In the Statement, the Committee should –

(1) Provide a Status report on the implementation of the resettlement plant for the Kwambuzi squatters by the National Land Commission (NLC) following resolution vide letter NLC/ CHAIRMAN/ VOI 22/ 2015 dated 9th July, 2018, stating the alternative land the squatters were allocated.

(2) Ascertain the number of original squatters in Kwambuzi, outlining their identification details.

(3) State measures put in place by the relevant authorities to ensure the safety and well-being of the Kwambuzi squatters.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Thang'wa.

SECURITY AND SAFETY MEASURES
FOR CAB-HAILING USERS

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on National Security Defence and Foreign Relations on the issue of security and safety measure for Cab-hailing users.

In the Statement, the Committee should –

(1) Outline the safety measures put in place by the Cab-hailing companies to ensure thorough vetting of their drivers prior to being on boarded.

(2) State the policies and regulations, the companies have implemented to address the numerous complaints of insecurity by their users especially those using Bolt, E-Taxi Company, in order to safeguard passenger safety.

I thank you.

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

CONSTRUCTION OF WATER PANS IN
HOMABAY COUNTY

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise on a request for Statement, pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee of Land, Environment and Natural Resources on the construction of water pumps for domestic use in Homa Bay County.

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

(1) State plans by the Ministry if any to construct water pumps for domestic use in Homa Bay County now that streams are drying up. Providing details on the commencement dates and locations the project shall be undertaken.

(2) Explain the innovative approaches that the Ministry will adopt in order to resolve the perennial water shortages experience in Homa Bay County, giving the timeline within which the problem will be addressed.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I have concurrent statements; I do not know whether I will read them concurrently.

The Speaker (Hon. Kingi): Please, do.

OPERATIONALIZATION OF THE COMMODITIES FUND

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of operationalization of the Commodities Fund, established under Section 9 of the Crops Act No.16 of 2013.

In the Statement, the Committee should –

(1) Provide an update on the status of operationalization of operation of the Commodities Fund, stating the reasons for non-operationalization of the Fund who mandate includes, stabilization of prices of farm produce and inputs and improvement of farms aimed at ensuring food security in the country.

(2) State the level of involvement between the national and county Government with the respect to the implementation of the Fund, detailing the types of crops and food commodities expected to benefit from the Fund.

Mr. Speaker, Sir, I move to the second Statement.

THE STATE OF LAND LEASES IN NANDI COUNTY

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources, on the state of land leases in Nandi County.

In the Statement, the Committee should -

(1) Indicate the total land area in acreage under leasehold in Nandi County, stating the role of National Land Commission (NLC) as well as the national and county Governments, on the issuance and renewal of land leases.

(2) Provide the details on the number of tea estates under leasehold owned by multinational tea companies in Nandi County, the lease period and the dates of expiry of the lease terms of these multinational companies.

(3) Finally, table valuation reports of all tea estates under leasehold owned by multinationals across the county.

Mr. Speaker, Sir, I have a final Statement.

STATE OF ROADS IN NANDI COUNTY

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on Roads and Transportation, on the state of roads in Nandi County.

In the Statement, the Committee should -

(1) Indicate the total budget for the roads in Nandi County from 2017/2018 Financial Year to 2022/2023 Financial Year, stating the distance in kilometers of murrum or feeder roads constructed in the same period.

(2) Table a list of all prequalified road contractors, providing the details of the companies contracted, the roads constructed and the total amounts owed in pending bills, to the contractors with respect to road construction across Nandi County.

(3) Finally, provide an update on the status of completion of all road works, especially feeder roads in Nandi County, indicating the payments if any, already made to these contractors.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Prof.) Tom Odhiambo Ojienda, SC.

IMPACT OF DEMONSTRATIONS ON THE
ECONOMY OF KISUMU COUNTY

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir. I rise under Standing Order No. 53(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations, regarding the damage to life and property due to demonstrations in Kisumu County in February, March and April, 2023.

In the Statement, the Committee should -

(1) Cause an investigation to the extent of damage caused to private properties in Kisumu County during demonstrations held in the months of February, March and April 2023.

(2) State the number of businesses affected and properties destroyed in Kisumu County during the demonstrations.

(3) Ascertain the measures implemented by the national Government and the Kisumu County Government to compensate the residents for their lost businesses and private property.

(4) State the measures in place to hold the perpetrators accountable, stating whether there are ongoing criminal proceedings.

Mr. Speaker, Sir, I have a second Statement.

MEASURES TO ADDRESS THE FLOOD
MENACE IN KISUMU COUNTY

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, I rise under Standing Order No. 53(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the measures to address flood menace in Kisumu County, especially in flood-prone areas of Kisumu East, Kapuothe, Kabonyo /Kanyagwal, Ombeyi, North Nyakach, Wasare and Gem Rae.

In the Statement, the Committee should-

(1) State plans put in place by the national Government through the National Youth Service (NYS) to construct dykes and distill the tributaries of Rivers Nyando, Nyamasaria, Auji, Ombeyi, Maenya and other rivers in Kisumu County.

(2) Enumerate efforts and measures put in place by the County Government of Kisumu, the Ministries of Water and Sanitation; Agriculture and Livestock Development and Environment, Climate Change and Forestry to account for and compensate lost lives and their livelihoods in the flood menace since 2020 to date.

(3) Provide a report on the utilization of budgetary allocation for the construction of Soin-Koru Dam across River Nyando in the boundary between Kericho and Kisumu Counties as a mitigation measure.

(4) Lastly, recommend interventions to curb the persistent menace, stating whether construction of dams would remedy the situation.

Mr. Speaker, Sir, I have a last Statement.

THE STATUS OF THE FINANCIAL INCLUSION FUND
AND ITS IMPACT ON THE RESIDENTS OF KISUMU COUNTY

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, Sir, I rise under Standing Order No. 53(1), to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism, on the state of Financial Inclusion Fund nationally but specifically its impact on the residents of Kisumu County.

In the Statement, the Committee should -

(1) State the amount of funds allocated to the Financial Inclusion Fund popularly known as the 'Hustler Fund' since its establishment, against the loans disbursed, savings deducted, repayments and defaults; disclosing profits or losses incurred if any.

(2) State the number and amount of loans disbursed to individuals nationwide, stating the geographical location and status of loan repayments and default.

(3) Provide details of the beneficiary of the funds in Kisumu County, disclosing the amounts borrowed, nature of use, savings deducted and repayment status.

(4) Lastly, address concerns about the sustainability of the Hustler Fund, considering the current state of the Kenyan economy and propose remedies if any.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Waheshimiwa Maseneta, kwa mujibu wa Kanuni za Kudumu No.45(2) ya Seneti, ningependa kupangua Utaaratibu Wa Shughuli za Seneti hivi leo. Kwa hivyo, ukiangalia katika Utaaratibu Wa Shughuli utakuta kwamba tukitoka katika shughuli za Kauli, tunaenda katika mipangilio ya Shughuli No.8, 9 na 10.

Nitapangua utaaratibu huu. Tutaanza na Shughuli No.17 halafu baadaye tutarudi 9 na 10. Tukimaliza hizo shughuli tatu, tutarudi katika mipangilio kama vile ilivyo orodheshwa katika shughuli za Bunge za hivi leo.

Clerk, tafadhali ita utaratibu kama vile nilivyopangua.

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

The Speaker (Hon. Kingi): Sen. Sifuna, you know when to rise on a point of order. Certainly, you cannot rise on a point of order at this juncture. Please, acquaint yourself with Standing Order No.98.

Clerk, please proceed.

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

The Speaker (Hon. Kingi): Sen. Osotsi, where are your Standing Orders?

(Laughter)

The Speaker (Hon. Kingi): Go to Standing Order No.98.

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

The Speaker (Hon. Kingi): Very well.

Sen. Sifuna, I will allow you under Standing Order No.1.

Sen. Sifuna: Mr. Speaker, Sir, sometimes these Standing Orders are inadequate in order to address some of the concerns that we might have from time to time.

I have a request under Standing Order No.53. I know that we are constrained for time and we have addressed this question before the Senate Business Committee (SBC). However, some of the Statements that we have requested under Standing Order No.53 are so burning. Please, allow us just five minutes for comments. We will take one minute

each. Although the requests that have been put forward are many, some of them are burning.

There are some of them that are burning and the basis for the questions cannot go unchallenged from my point of view. In terms of enriching our debate, you need to allow us to say something about some of these requests. That is why I was trying to rise on Standing Order No. 53

The Speaker (Hon. Kingi): I will consider that request from tomorrow going forward.

(Laughter)

The Sen. (Prof.) Kamar, you may have the Floor.

MOTION

NOTING OF RECORD OF PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF PAP

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I rise to move the Motion -

THAT, the Senate notes the Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23rd October – 12th November, 2022 laid on the Table of the Senate on Thursday, 16th February, 2023.

Mr. Speaker, Sir, the PAP Ordinary Session of The Sixth Parliament took place between the 23rd October and 12th November 2022 in Midrand South Africa. The Session was held under the African Union (AU) theme of the year which is; Building Resilience in Nutrition on the African Continent and Accelerating the Human Capital, Social and Economic Development.

The Kenyan delegation to this meeting comprised the following;

- (1) Sen. Danson Mungatana MGH, MP, who is the leader of the delegation;
- (2) Sen. (Prof) Margaret Kamar, MP, the other Member of the Senate;
- (3) Hon. Esther Muthoni Passaris, MP, Nairobi City County;
- (4) Hon. Joseph Kalasinga Majimbo, MP, Kabuchai Constituency and;
- (5) Hon. Rahab Mukami Wachira, MP, Nyeri.

The delegation was supported by Ms. Lillian Osundwa, who is our Clerk Assistant in the Senate and Polycarp Matara Otundo, Eric Mokaya Nyambata from the National Assembly and Jane Jelegat Serem the Personal Assistant to a Member of Parliament in the National Assembly.

Mr. Speaker, Sir, during the Session, the PAP undertook the swearing of new Members from Burundi, Kenya, Morocco, Mozambique, Somalia, and Tanzania to the PAP. The delegation from Kenya was sworn in on the 10th of November because we arrived late since the processing of our delegation came late because of our own sitting.

I will be talking a bit about the PAP itself. After the plenary, the Kenyan delegation had a courtesy call to the President, the Hon. Chief Fortune Charumbira and the second Vice-President who is also the Chair of the East African Caucus, Hon. (Dr.)

Gayo, Ashebiri. The President took the time to take us through the structures and the operations of the PAP since we were a new delegation.

Just to highlight the operations of this Parliament for the sake of Members; the PAP is established in the protocol of the treaty establishing the African Economic Community, Article 2. It provides that Member states hereby establish a PAP, the composition, functions, powers and organisation of which are governed by the protocol that was set out.

The vision and purpose of the PAP can be traced to the Pan-African ideals of cooperation, which started from the days of Organizational African Unity (OAU). These ideals inspired the signing of the treaty establishing the African Economic Community in Abuja in the year 1991 and the adoption of the Sixth Declaration of 1999. This is history that we must always record and remember as Members of Parliament. That is why I am mentioning it.

The Sixth Declaration called for the speedy implementation of the provisions of the Abuja Treaty to establish nine institutions in the AU. For the sake of Members, they are; the Assembly of the Union, the Executive Council that is for the Heads of State, there is the PAP, the Court of Justice, the Commission, the Permanent Representative Committee, the Committee of the Ambassadors, the Specialised Technical Committees and Economic Social and Cultural Council as well as financial institutions including the African Development Bank.

Mr. Speaker, Sir, the purpose of the PAP is something that this House should know. As outlined in Article 17 of the AU Act that constituted it, is to ensure the full participation of African people in the development and economic integration of the continent. Also, known as the African Parliament, the PAP is the legislative arm of the African Union. The PAP held its inaugural sessions in March 2004, in Addis Ababa before the seat was moved to Midrand South Africa. South Africa had offered to host and succeed in the bid.

The objectives of the PAP are something to also note. As spelled out in Article 3 of the PAP, it includes the following;

1. It facilitates the effective implementation of the policies and objectives of the OAU, and ultimately of the current AU.
2. To promote the principles of human rights and democracy in Africa, to encourage good governance, transparency and accountability in the member states, familiarise the people of Africa with the objects and policies aimed at integrating the African continent within the framework of establishing the AU.
3. Promoting peace, security and stability, contributing to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery.
4. Facilitate the corporation of development between the African partner states. It strengthens continental solidarity in order to build a sense of common destiny among the people of Africa.
5. Finally, it facilitates corporation among regional economic communities and their parliamentary fora.

Why am I reading all these objectives? It is because the provisions are so good and yet if national parliaments or partner state parliaments are not cognizant of this, they may not be able to exploit the potentials that are within the tenets of the African Union.

Mr. Speaker, Sir, the Membership of the Pan African Parliament (PAP) is made of Members of Parliament (MPs) elected from various partner States. The PAP has 250 Members, five each from of the 50 partner States. The representatives are elected as it was done here. So, it is MPs who elect them.

However, there is a new proposal that is looking for a new approach, so that PAP Members do not necessarily have to come from Parliament but have them elected through universal suffrage. That is something under discussion right now. It is a proposal that is supposed to adopt the European Union (EU) approach, where people are elected to Parliament and others are elected to the regional Parliament. Therefore, at that stage, PAP Members will not come from the House. However, as I said, it is still under discussion.

How does PAP operate? It has a Plenary as we have here. There is a Bureau which is composed of the leadership, including the President of the Parliament. They do not call theirs Mr. Speaker, Sir. He is called Your Excellency, the President. So, it is the President and four Vice-Presidents. The President and Vice-Presidents come from different regions and they occupy the seats in a rotational basis.

They also have a Secretariat as we have here under the Clerk and two Deputy Clerks. We also have Committees of PAP. I want to state the Committees because they have a relationship with the Committees that we have here. In PAP there are 11 Committees.

They include: the Committee on Rural Economy, Agriculture, National Resources and Environment - where Hon. Pasarris sits; Committee on Monetary and Financial Affairs – where our Sen. Mungatana, MGH sits; Committee of Trade, Customs and Immigration Matters – where I sit; and the Committee of Cooperation, International Relations and Conflict Resolutions – where Hon. Mukami sits.

Mr. Speaker, Sir, the other Committees include: Committee on Transport, Industry, Communications, Energy, Science and Technology, where Hon. Kalasinga sits; Committee on Health, Labour and Social Affairs; Committee on Education, Culture, Tourism and Human Resources; Committee on Gender, Family, Youth and People with Disabilities; Committee on Justice and Human Rights; Committee on Rules and Privileges and Discipline; and Committee on the Audit and Public Accounts.

The operations of the Parliament are also through Committees, as we do in our own House. This is just to make the Members know that the operations there are no different from what we have.

As I mentioned, during the First Session as a Delegation, we were sworn in. The Report that I am forwarding today includes a record of the Plenary proceedings of the First Ordinary Session. We had an opening ceremony with a guest of honour from the Republic of South Africa, Hon. Ronald Lamola, Minister for Justice and Correctional Services. He gave the keynote address and a few other speakers also came in. Members will see that in the report.

During the Plenary session, there was a presentation of the Performance Review Report of PAP. So, the Parliament itself had been reviewed. This gave us, Members, an opportunity to listen to how the Parliament is performing. We were fortunate to be there soon after the review.

Allow me to share with the Members the highlights of the Report. There was the issue of the entrenchment of the principle of rotation in the election of the Bureau of the Sixth Parliament of PAP. Before we went, there was a conflict of about a year or so because Members wanted the rotation to be established in law. So, that was discussed.

Mr. Speaker, Sir, the other issue was hosting of the first meeting of the permanent Standing Committees. The strategic reorientation workshop for MPs took place during that session to help the new Members who were coming in.

The interesting thing about the African Continent is that there is an election going on every now and again. In fact, Sen. Mungatana who is not here, is on an observer mission in West Africa where an election is taking place. So, workshops to give orientation to Members is almost continuous.

On the report on the development of modern laws, PAP – through its Committees – develops modern laws that should be adopted by the different partner State Parliaments.

(Sen. Wambua consulted loudly)

The Speaker (Hon. Kingi): Sen. Wambua, you are out of order. May the good Professor be heard in silence?

Sen. (Prof) Kamar: Thank you, Mr. Speaker Sir, for saving me from my very own student.

(Laughter)

Modern laws are very important. We will be receiving some in this House and others will go to the National Assembly, so that we harmonise our laws in the Continent. Without doing so, it becomes very difficult to do anything. Even trade measures have to be harmonized. This includes free movement of persons, goods and cross-border investments.

There are so many issues that require modern laws, including free airspace. Currently, we are trying to work on something on free airspace. You find that someone coming to Midrand from West Africa, sometimes has to go to Paris, bounce into Nairobi City and then proceed. We are trying to see how the African Continent can be reorganised so that we can help one another.

Those are some of the highlights from that Report. Of course, a debate ensued thereafter and Legislators made robust submissions. They discussed ratification of the Malabo Protocol, budgetary constraints in the Assembly and many more.

Again, there are so many African Union agreements that I encourage Members to look at. Apart from the Malabo Agreement, let us look at the Abuja Agreement and others, where our Heads of State have given resolutions that affect the way we operate. They are proposing nice recommendations on the way forward.

Mr. Speaker, Sir, PAP holds conferences. A Conference on Gender was done during the same Session that we were in. We had a discussion on Agenda 2023 and were briefed on the implementation of the first phase of Agenda 2023 Strategic Framework for Inclusive Growth and Sustainable Development. This accorded the MPs an opportunity to review Africa's Development Blue Print, in relation to set targets and goals.

Again, these are areas that we felt beyond listening in PAP, we should bring them down to our own Parliaments so that we move together. It is because opening up our Continent is very important.

The remaining ones are Motions that were brought by Members. Committee meeting reports were also tabled and resolutions and recommendations were put forward.

Mr. Speaker, Sir, I wish to end by thanking this House for nominating Sen. Mungatana and I to represent you in this Parliament. I assure Members that we will do our best and make sure that we are felt in the Continent.

Mr. Speaker, Sir, although it is going to come in the next report, we are very proud as Kenyans. This is because in the seventh session our own Head of State gave a sterling statement that gave him a standing ovation from the whole continent.

Mr. Speaker, I wish to move and ask Sen. Orwoba to Second.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I rise to second this Motion and make a few comments on the same.

There are three recommendations that are coming out from this convening. One is that we build capacity of policy makers. Two, that we implement the gender responsive laws. Three, we domesticate legal instruments under the labour migration.

I know that there are many legislators who might not know or see the interest of the Pan-African Parliament (PAP). Perhaps, it is because they do not understand the power that we have as African nations to unite, come together and have a bargaining power that is united.

The work that our legislators are doing in the PAP is not talked about enough.

Recently, as I was on an official trip in Ghana, where I went to the Africa Continental of Free Trade Area (AfCFTA) headquarters in Accra. I tried to understand why we as African nations do not trade with each other.

Why was it necessary to sit down and come together to have a trade agreement so that we can unite Africa nations? It is because we have forgotten some of the basic fundamental of why we have the PAP. We have forgotten that irrespective of being independent states within Africa, as a continent, we have been taken advantage of for far too long.

We have not strengthened our laws. We do not have bilateral agreements that are implemented to the latter. We do not understand the power that we have in terms of the natural resources and human resources that we have.

Every other day that we come to this House, there is always an issue that we are trying to address for our Kenyans who are abroad. Either the issue of migration in terms of labor or how they are not treated well as they look for employment.

Most of these issues can be sorted out if we take seriously what is happening in the PAP. As legislator we should purpose to be Pan-Africanists so that we can unite this continent.

We have had Pan-Africanist in the past that have been condemned and even murdered because they tried to unite Africa. We had Gaddafi who spoke out and said that it is time to have a united front as a continent.

Maybe, at that time, some of us were too young to understand what was happening. I now look at our trade agreements and what we are trying to do in terms of economic development of this continent. I understand that we have to take this matter seriously.

On the gender responsive laws, it is imperative to put out that over 40 countries do not have legal protection against domestic violence. Maybe, it is because we have different cultures and understanding.

However, it is time that we as a continent come together to put an end to matters such as domestic violence. That is why, when they recommend that we put out capacity building on our policy makers and legislators, it is so that they understand the common goal as the African continent.

It is also imperative to point out that, more than 100 countries do not have legislation criminalizing certain things like marital rape. It might seem like a small thing but the repercussion of the lack of legislation is that as a continent, we keep on lagging behind.

One of the wings that the PAP had in the past is the capacity building and pushing legislators to understand why we need to go to a common course.

In 2015, Malawi passed a constitutional amendment which finally stated that the legal marital age is 18 years. This is something that was achieved because of the work that was pushed in the PAP.

I would like to conclude by stating that, Kenya is one of the countries that have taken seriously the push to have a united Africa.

You have seen our President, H.E William Ruto coming out strong. Probably, he is one of the strongest African leaders, if not the replacement of Mr. Gaddafi, but as a leader who is going to unite Africans. He will ensure that we are able to have bilateral agreements and negotiate with the Western entities as a united front.

I want to conclude by this quote, by the late Muamar Gaddafi who was killed in 2011, October. My personal comment is that he was killed for being a Pan Africanist. He states-

“Let the free people of the world know that we could have bargained over and sold out our cause in return for a personal secure and stable life. We received many offers to this effect but we chose to be at the vanguard of the confrontation as a badge of duty an honor.”

So, it is out duty as legislators in this Senate to understand the role of the PAP and push for the unity of the African continent.

(Question proposed)

The Speaker (Hon. Kingi): Hon, Senators, under Standing Order No.111, we may limit debate on a Motion or a Bill. As you are aware, each one of you speaking on a Bill or a Motion has a maximum of 20 minutes.

We may agree through consensus to limit debate or, as the Senate Majority Leader has approached the Chair, I would allow him to move a Motion to limit debate.

So, it is up to us. Either I allow the Senate Majority Leader to move a Motion to limit debate or through consensus, we limit debate and proceed on.

(Loud consultations)

So, for how long do we limit a Member to speak on the Debate?

An Hon. Senator: Three minutes.

The Speaker (Hon. Kingi): Three minutes to speak on this Motion.

According to Standing Order No.111, we can also limit the number of Senators to speak on this. So, we can agree on the number of Senators for the Government and for the opposition sides.

(Loud consultations)

Can we have three for each side? We seem not to have a consensus there.

(Loud consultations)

So, we will four Members from the Government side to speak for a maximum of three minutes and four Members from the opposition side to speak for a maximum of three minute each.

Sen. Madzayo, you may proceed.

Sen. Madzayo, before you take the Floor, the Senate Minority Leader, kindly take your seat. I have a communication. I am told there are pupils who may want to rush back to school. Let let me make this communication before we proceed with the debate.

(Interruption of debate on the Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM PRECIOUS BLOOD PRIMARY SCHOOL, KIAMBU COUNTY

In the public gallery, we have 83 students accompanied by five teachers from Precious Blood Primary School in Kiambu County who are in the Senate on an educational tour.

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

I will allow the Sen. for Kiambu, the Hon. Sen. Thang'wa, under one minute, to say words of welcome.

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir, for this opportunity. Yes, it is true I am the miracle Senator of Kiambu County. I take this opportunity to welcome the students who have come to visit us today.

This is the Senate that is given the mandate by the Constitution under Article 96 to protect the interest of the county and the county Governments. I really thank your teachers for seeing it fit to bring you to come and see how we conduct our business here. I believe that you are learning and I believe one day you will be seated in this House to defend the interest of the counties and of course, the people that you will be leading then.

I take this opportunity to say *karibu* and welcome again.

Thank you.

The Speaker (Hon. Kingi): Sen. Madzayo, the Floor is yours.

(Resumption of debate on the Motion)

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kitu cha kwanza, nataka kukubaliana na ripoti iliyoletwa na Sen. (Prof.) Kamar kutoka Bunge la Afrika. Hili ni Bunge la muhimu sana. Nilikua mmoja wao ule muhula wa miaka mitano iliyokwisha ma nilijihusisha vilivyo. Ripoti hiyo ni ya usawa kabisa na ninaiunga mkono.

Pili ni kwamba Bunge hio inaleta mataifa yote na wawakilishi wa waliochaguliwa kutoka nchi zao ili kuweza kutengeneza taratibu za jinsi Afrika inaweza fanya taratibu zake. Bunge hilo mara nyingi, tumekua tukijihusisha hususan na mambo ya kibiashara, kazi, utalii na mipaka ili kuona ya kwamba Afrika imeendelea mbele. Ni Bunge muhimu sana. Ripoti iliyokuja ni kwamba sote tuweze kuiunga mkono. Tunaiunga mkono kwa sababu inaleta Afrika karibu. Tunaweza kushirikiana ili tuone Afrika yetu inakua bora.

Bw. Spika, kinachosikitisha ni kwamba unapoenda nchi za Afrika kama vile Casablanca kule Morocco inabidi utoke Afrika ili urudi nchi nyingine ndani ya Afrika. Ni jukumu mojawapo linafaa kuangaliwa. Kama waafrika ni kwa nini lazima tutoke nje ya Afrika ili tuingie nchi nyingine ndani ya Afrika?

Ni kwa sababu ya uhusiano mwema tunavyoishi pamoja. Naunga mkono hii ripoti. Ni muhimu kusisitiza kwamba sisi kama waafrika tuweze kwenda nchi zote za Afrika, kuhusiana na kutembealeana.

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

Sen. Cherarkey is not in the Chamber. This habit of Senators logging in and walking out is not proper.

Senators, if you are walking out of the Chamber, it is always good to log out. You are crowding my dashboard. I keep calling as reflected on the dashboard.

Sen. Okenyuri, proceed.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I also want to support this Motion.

I briefly went through the report, and as much as I do not comprise the members who are representing us in the Pan-African Parliament, I believe those who represent are doing a very good job as displayed from the report that Sen. (Prof.) Kamar has read in this House.

Mr. Speaker, Sir, when I hear of Pan-Africanism, it takes me back to my history days in school where I read of the spirit of Kwame Nkrumah, Thomas Sankara, who passionately spoke about the role of women in the struggle for independence. When I look at the resolutions that were made by this Parliament, especially on enhancing the role of women and young people in policy-making, that is something I am proud of as a young legislator. From the resolutions of adding parliamentarians to passionately, talk about these issues in their country.

I have been on the forefront talking about why young people should be involved in policy and decision-making. It brings a different blend of ideas rather than the monopoly that we see dominated by the other category. On this resolve, this is a very good thing.

On the resolution of intensifying the calls to ratify the Charter on Democracy, Elections and Governance, I am looking forward to see what the propositions will be. In our own case in Kenya, we have a scenario where we win elections and the person who loses in that election does not accept the outcome of the result. I am looking forward to this charter addressing some of those issues so that if someone wins the elections, they

take up the mantle of leadership. Those who lose in elections, they should accept and build and join the winner in building the country they belong in.

Mr. Speaker, Sir, you can see the example of our own country where people who lose elections resolve to demonstrations, destroying their own country. It is a time that we---

(Sen. Okenyuri microphone was switched off)

The Speaker (Hon. Kingi): Sen. Okenyuri, your time is up.

Sen. Faki, proceed.

Sen. Faki: Asante Bw. Spika kwa kunipa fursa hii kuchangia Hoja ambayo imeletwa Bungeni na Sen. (Prof.) Kamar aliye mwakilishi wa Bunge hili katika Bunge la Afrika.

Bunge hili linatekeleza ndoto za babu zetu na viongozi waliotangulia kama Kwame Nkrumah, Mwalimu Nyerere, hayati Kenyatta, Omar Ngwabi, Patrice Lumumba na wengineo waliokua mstari wa mbele katika miaka ya 1960s kuleta umoja wa waafrika.

Ijapokuwa Bunge hilo linafanya kazi kwa sasa, bado Afrika ina hatua kubwa kupita kabla ya kua na umoja uliotarajiwa na babu zetu. Kwa mfano, safari za moja kwa moja baina ya Afrika Masharika na Kaskazini ama Magharibi. Imekua ni ndoto katika Afrika yetu. Ukiangalia safari za pamoja kutoka Mombasa na Dar-es-Salaam, mpaka sasa hakuna safari hizo. Ukiangalia Dar-es-Salaam na Mombasa ni sawa na mwendo wa Mombasa kuja Nairobi ilhali hakuna safari za ndege wala meli za moja kwa moja kati ya miji hii.

Nazungumza hivi maana biashara ni mojawapo ya vitu tunaweza kutumia kuleta Afrika pamoja. Hivi sasa, bei za bidhaa hapa Kenya zimekua ghali sana. Lakini ukienda Dar-es-Salaam ama Tanga utapata kilo moja ya sukari ni Kshs120, ilhali Mombasa inauzwa Kshs240 au Kshs220.

Mawasiliano yataweza kusaidia pakubwa kuleta Afrika na jamii pamoja sababu wengi waliweza kugawanywa kwa mipaka ya ukoloni iliyofanyika Berlin katika ile Berlin conference ya 1883. Tunaunga mkono uwepo wa Bunge hili la Afrika na tungependa viongozi wote wa Afrika waliunge mkono na kuhakikisha tunapata manufaa ya uongozi huu.

Vile vile, tuna sheria za kikoloni hapa nchini.

Kwa mfano, Maasai wa Tanzania hawezi kuja kumtembelea Sen. Olekina huko Narok. Wasomali wa Somalia hawawezi kuingia Kenya kuja kufanya biashara.

Bw. Spika, Wadigo---

(Microphone switched off)

The Speaker (Hon. Kingi): Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support this Motion. We keep on saying that Africa is rising but are we Africans taking that opportunity? We only see foreigners coming in to take that advantage.

We can break the barriers of Africanization and ensure that people can move across borders and transport goods at the same rate and same taxation. I am sure that we will see Africa eradicating poverty. The reason why we are going through this is because

we talk of our own country and yet, we have presidents who usually meet at the African Union who should be working on to ensure that all the countries in Africa work together.

Mr. Speaker, Sir, look at the East African Community. I have come from entrepreneurship and I know that even trading across this Community is still a problem. You can imagine thinking of trading in Ghana.

We should support this Motion and this House should push further to ensure that as Africa rises, we also take part, benefit and eradicate poverty in our continent. There is no difference between the African continent and the United States of America (USA). The USA has opened their borders but we have made it difficult whereby Kenyans live as Kenyans, Tanzanians live as Tanzanians and Ugandans live as Ugandans. It is time that Africa becomes one continent. That is how we can trade in our goods, businesses and ensure that we create more employment and more wealth.

Mr. Speaker, Sir, I raised both hands during the previous Motion that was there. I am not complaining but it is good to be considering anything being spoken about a certain county. When we were talking about Faith Kipyegon, I wanted to congratulate her and tell her that she is one of us because she comes from Kuresoi and when I go back home, I will push the Governor---

(Microphone switched off)

(Sen. (Dr.) Khalwale walked between the Chair and Sen. Tabitha Keroche)

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you are out of order for two reasons. First, you are not supposed to move between the Chair and the Senator speaking, pursuant to Standing Order No. 117(2). You have also breached Standing Order No. 118 which was read loudly here sometime back for the benefit of those who never want to read the Standing Orders. I call you to order and give you your first caution for the day.

Can we hear from Sen. (Dr.) Oburu?

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, but the time given is very short. I, however, appreciate this opportunity. We cannot over-emphasize the issue or the importance of African unity.

At Independence, our leaders like Hon. Kwame Nkrumah, Hon. Sekou Toure, Hon. Julius Nyerere, Haile Selassie, Jomo Kenyatta and all other leaders who were there then appreciated the importance of African unity. They thought that it was important for Africa to become one for Africa to be a power like the USA.

However, over the years, sovereignty has taken over our nations and they appear to be more interested to defend their sovereignty. When we are separate, we are very weak and powerful countries can take each one of us and slaughter us separately without caring so much.

Mr. Speaker, Sir, sometimes we think that some people care about our interest but their interest is to exploit our very rich continent and our resources; take those resources and re-process them in their countries; create employment in their countries and continue to impoverish our countries.

Let Africans not think that there is anybody who will develop them. There is no one who is interested in helping them to develop their country. People come in for their own interests, to exploit our resources, take them to their countries, create employment

for their people and develop their countries. However, when they come here, they sweet-talk us and our leaders and make them believe that they are loved.

Mr. Speaker, Sir, I can tell you that those people have no love for us. They are interested in our resources and they will continue to exploit us until we realize that it is our unity as the people of Africa which will help us to be powerful. Africa is richer than the USA and those European countries.

It is only unity which will make us specialize so that we do not compete against each other but complement each other by trading together, developing our infrastructure to connect our continent so that we realize that it is important to unite economically. We will then develop and become a very powerful continent in the world.

Mr. Speaker, Sir, I hope that spirit of unity will come back to our---

(Microphone switched off)

The Speaker (Hon. Kingi): Sen. Murgor.

Sen. Murgor: Thank you, Mr. Speaker, Sir, for giving me the opportunity to also put my thoughts along with the Mover of this Motion. Those who have spoken before me have alluded to the fact that colonialism put us probably on a foundation that is still realized even now, even though it has been 50 plus years or lesser for some countries.

The fact is that the foundation of colonization put us in categories and units that stand like mountains which do not meet or socialize together. Along with that is what Sen. (Dr.) Oburu has alluded to right now of advantage taking because of what their interest is in any country or area.

The first question they ask themselves is what interest or advantage is in there for them. Sometimes, our cultures and the fact that we are selfish and have egocentric attitudes towards each other also separates us instead of bringing us together. It is time we came together and embraced each other, even though our cultural settings are different but we can tie up together especially on trade, so that there is exchange of goods and items from one African country to the other.

Mr. Speaker, Sir, there is also need to explore how much we can open on roads and flight routes and others, so that there is connectivity within African countries and accessibility that brings us together as a Continent.

The fact is that we should be positive to each other because you find that the African society warms up towards the West much more than it does towards---

(Microphone switched off)

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity to also contribute to this important Motion. The Pan-African Parliament (PAP) which is also called the African Parliament has the ultimate aim to be a full Parliament with full legislative powers to oversight the African Union (AU) and also to facilitate the various policies, treaties and programmes across Africa.

Worryingly, though this is the ultimate goal of the AU, it has largely been a talk show because we do not see anything major coming out of that Parliament. When you look around you can see the challenges we are having around Africa. At the moment there is a challenge in Sudan and we have not heard the voice of the PAP on the matter.

The Abuja Treaty that defines the functions of the Parliament clearly states that one of the issues they need to deal with is human rights and promoting democracy.

We do not see promotion of human rights and democracy in most African countries, for example Sudan. There is quite a lot that this Parliament needs to do. Time is running out. It is important for them to pull up their socks and become a true Parliament that can even elect its members through universal suffrage and not selection by respective Parliaments.

We have so many treaties which have not been ratified and domesticated in most African countries. Whereas if they were, they would create a lot of progress in Africa. For example, the treaty on continental free trade areas, treaty on single African air transport free market. Why, for example, has it taken too long for the ratification Malabo Protocol on cyber-crime?

This Parliament has a lot to do but they are doing very little. They only engage in talks but we want to see progress. I congratulate professor---

(Sen. Osotsi's Microphone went off)

Sen. Kinyua: Asante Bw. Spika kwa kunipa fursa hii. Nasimama kuunga mkono Hoja iliyoletwa na ninawapongeza Sen. Mungatan na Sen. (Prof.) Kamar kwa kazi nzuri ambayo wamefanya. Sijasahau kuwa hawa ni wazoefu na wajuzi katika maneno ya utunzi wa sheria pamoja na utetezi wa wananchi.

Muhula uliopita sikuona hoja kama hii ya Bunge la Afrika ikiletwa katika Seneti. Hili ni jambo la kutia motisha vile Sen. (Prof.) Kamar ameleta Mswada huu. Sheria zinazotungwa kule zinafaa kuidhinishwa katika nchi zetu zote ili zitumike kwa usawa.

Pesa zinazotumika katika biashara ni za aina tofauti kulingana na nchi. Kwa mfano, Kenya, Uganda na Malawi zinatumia pesa tofauti. Tunategemea Dola ya Marekani. Dola inapokosa, Afrika tunajipata katika hali mbaya. Maisha yanakuwa magumu kwa sababu kila kinaongezeka bei.

Wakati Kenya ilipigania uhuru kulikuwa na watu waliojulikana kama "Mau Mau". Sitaki kueleza kwa urefu kwa sababu inaweza kuleta hali ya sintofahamu. Sababu ya kupigania uhuru inajulikana vizuri.

Nimesikiza Seneta wa Kaunti ya Siaya. Amesema vizuri kuwa kama Afrika tuna madini, kilimo, mvua na mashamba ya kutosha. Wazungu tunaowategemea hawana haja na sisi. Wanataka madini yetu. Wanataka tuwe katika hali ya vita ili watuuzie silaha kama bunduki.

Naunga mkono hoja iliyoletwa ili tuziunganishe nchi zetu za Afrika kwa sababu umoja ndio nguvu. Tuweze ku---

(Sen. Kinyua's Microphone went off)

The Speaker (Hon. Kingi): Hon. Senators, four Senators from each side have spoken. Therefore, I proceed to ask the Mover to reply.

Sen. (Prof) Kamar: Thank you, Mr. Speaker, Sir. I thank all the Members for all their contributions, for enriching this report and not only noting but also telling us a few issues that need to come up. Without naming the Members because it was very rich, it is true that the PAP has not been fully empowered. We are still at the stage of doing

model laws. We need to proceed from those to making laws that must be implemented continentally.

Secondly, it is important also that we move the ratification to our national Parliaments so that we can encourage the executives to do the ratification. Currently, the one we are all looking at is the African continental free trade area treaty. As a country we know that it is important. When this was done a few years ago in Rwanda, a number of heads of state signed it. However, there are tools that must be ratified by various Parliaments and we really wish that it can be done.

If that is done, we can reach the level of free movement of persons and goods. Currently we still have restrictions along the way. If you import goods from South Africa and they cross to Tanzania there are other regulations for import to Kenya. I say this because before I came to the Senate, I dared to become an importer of dairy animals from South Africa. Different boundaries have different rules that actually bring disadvantages.

I appreciate that members understand the importance of the AU. Our unity as a continent is very important. It is true that Africa has been used as the ground for exportation of raw materials for too long. We need to add value to our goods but we also need to make trade between ourselves, as fast and easy as possible.

I thank you and all the members for this. I beg to move.

The Speaker (Hon. Kingi): Hon. Senators I now proceed to put the question.

(Question put and agreed to)

The Speaker (Hon. Kingi): Next Order!

COMMITTEE OF THE WHOLE

(Order for the Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Veronica Maina)
in the Chair]*

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

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, we can resume. We are now in the Committee of the Whole. Please let us resume our seats and continue with the Business of the Committee of the Whole on the Cotton Industry Development Bill (Senate Bills No.5 of 2023). I will call the mover of this Bill, that is Sen. (Dr.) Murango, to proceed.

Clerk, please call out the clauses.

Clauses 3,4,5 and 6

(Question, that Clauses 3,4,5 and 6 be part of the Bill, proposed)

Division will be at the end.

Clause 7

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to move—
THAT Clause 7 of the Bill be amended—

- a) in subclause (1) by—
 - i. inserting the following new paragraph immediately after paragraph (b)—
 - (ba) the Principal Secretary responsible for matters relating to trade.
 - ii. deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) one person with knowledge of the cotton industry nominated by the Council of County governors;
 - iii. inserting the following new paragraph immediately after paragraph (d)—
 - (da) one person representing ginners nominated by the apex association of ginners;

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 8, 9 and 10

(Question, that Clauses 8, 9 and 10 be part of the Bill, proposed)

Division will be at the end.

Clause 11

The Temporary Chairperson (Sen. Veronica Maina): I call upon the mover of that amendment, Sen. (Dr.) Murango, the Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to move—
THAT Clause 11 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (n)—

- (na) carry out periodic research to determine and make recommendation on fair prices for cotton;
- (nb) undertake research and develop suitable affordable cotton seeds in consultation with the National Biosafety Authority and other research institutions;

(nc) in collaboration with the Agricultural Development Corporation and other relevant government agencies —

- (i). provide affordable equipment, farm inputs including seeds, fertilizers and pesticides to the growers; and
- (ii). design affordable crop insurance models.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22

(Question, that Clauses 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 be part of the Bill, proposed)

Division will be at the end.

Clause 23

The Temporary Chairperson (Sen. Veronica Maina): I call upon the mover, Sen. (Dr.) Murango, to move this amendment.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to move-

THAT clause 23 of the Bill be amended —

- a) in subclause (1) by deleting paragraph (d);
- b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (k) —
 - (ka) monitor and provide technical support for the eradication of noxious and invasive weeds and report any incidences to the Board;
 - (kb) establish cotton aggregation centres in collaboration with the national government;
 - (kc) establish cotton collection centres and storage facilities;
 - (kd) put in place programs for provision of farm machinery;and
 - (ke) provide affordable farm-inputs including quality seeds, fertilizer and other planting materials.
- c) by inserting the following subclause immediately after subclause (2) —
 - (3) The county executive committee member responsible for finance may from time to time implement such measures, including incentives in order to promote the development of the cotton industry.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 24

The Temporary Chairperson (Sen. Veronica Maina): I call upon the Mover, Sen. (Dr.) Murango, to move this amendment.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to move—
THAT Clause 24 of the Bill be amended by inserting the following new subclauses immediately after subclause (1) —

(1A) Notwithstanding subsection (1), a grower who is a registered member of a cooperative society or cotton association which is registered by a county government, shall be exempted from registration by that county government.

(1B) Subsection (1A) shall apply to a grower on condition that the cooperative society or cotton association is registered in the same county as that which the grower is carrying out business.

(1C) A registered cooperative society or cotton association shall—

- (a) submit a register of its members to the respective county government at the beginning of each calendar year; and
- (b) furnish the county government with information on any change of membership within 14 days of a change of membership.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 25

The Temporary Chairperson (Sen. Veronica Maina): I call upon the mover, Sen. (Dr.) Murango, to move this amendment.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to move—
THAT Clause 25 of the Bill be amended in—

- a) subclause (1) by deleting the words “manufacture or processing of cotton products” appearing immediately after the words “engage in the “and substituting therefor the word “business of cotton ginning, spinning or value addition”
- b) Subclause (2) by deleting the words “manufacture or process cotton products” appearing immediately after the words “who intends to” and substituting, therefore, the words “engage in the business of cotton ginning, spinning or value addition”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 26, 27, 28, 29, 30 and 31

*(Question, that Clauses 26, 27, 28, 29, 30 and 31
be part of the Bill, proposed)*

Division at the end.

Clause 32

The Temporary Chairperson (Sen. Veronica Maina): I call upon the mover, Sen. (Dr.) Murango, to move that.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I bet to move-
THAT Clause 32 of the Bill be amended in

- i. subclause (1) by deleting the word “products” appearing immediately after the words “seed or cotton “and substituting therefor the words “or cotton by-products”;
- ii. subclause (2) by deleting the word “products” appearing immediately after the words “or process cotton “and substituting therefor the words “ or cotton by-products”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48

*(Question, that Clauses 33, 34, 35, 36, 37, 38, 39, 40,
41, 42, 43, 44, 45, 46, 47 and 48 be part of the Bill, proposed)*

Division will be at the end.

New Clause 23A

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move that the Bill be amended by inserting the following New Clause 23A immediately after Clause 23-

County Cotton
Development
Committee

23A. (1) Each county executive committee member in the cotton growing counties listed in the Second Schedule shall establish a Cotton Development Committee for the better carrying out of the functions under this Act.

(2) The committee shall comprise representatives of the county government, growers, ginners and any other relevant stakeholder from the county that the county executive committee member shall deem fit.

(3) The function of the committee shall be to advise the county executive committee member on matters affecting the cotton industry.

(4) The committee shall comprise of not more than nine (9) members.

(5) The respective county executive committee member shall appoint chairperson and members to the board.

(6) The term of service of the members shall be 3 years renewable once.

(7) The respective county executive committee member shall prescribe, in regulations, the conduct of business and affairs of the committee.

(Question of the New Clause 23A proposed)

(New Clause 23A was read a First Time)

(Question, that the New Clause 23A be read a Second Time, proposed)

(Question, that New Clause 23A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 49 and New Heading

The Temporary Chairperson (Sen. Veronica Maina): I call upon Sen. (Dr.) Murango to Move.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 48—

NEW HEADING

THAT the Bill be amended by inserting the following new heading immediately after clause 48—

PART VII— TRANSITIONAL PROVISIONS.

Interpretation. . In this Part—

“appointed day” means the day this Act comes into force.

(Question of the New Clause 49 and new heading proposed)

(New Clause New Clause 49 and new heading were read a First Time)

(Question, that the New Clause 49 and new heading be read a Second Time, proposed)

(Question, that the New Clause 49 and new heading

be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 50

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: - THAT, the Bill be amended by inserting the following New Clause 50-

Rights and obligations. . On the appointed day, all rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Agriculture and Food Authority with respect to the cotton sector shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Board as the case may be.

(Question of the New Clause 50 proposed)

(New Clause 50 was read a First Time)

(Question, that the New Clause 50 be read a Second Time, proposed)

(Question, that the New Clause 50 be part of the Bill, proposed)

New Clause 51

The Temporary Chairperson (Sen. Veronica Maina): I call upon the Mover, Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: - THAT, the Bill be amended by inserting the following New Clause 51-

Assets. 51. On the appointed day, all funds, assets, and other property, moveable and immovable which were immediately before the appointed day vested in Agriculture and Food Authority for the carrying out of functions relating to cotton, shall vest in the Board.

(Question of the New Clause 51 proposed)

(New Clause 51 was read a First Time)

(Question, that the New Clause 51 be read a Second Time, proposed)

(Question, that the New Clause 51 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 52

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: - THAT, the Bill be amended by inserting the following New Clause 52-

Legal proceedings **52.** On the appointed day, all actions, suits or legal proceedings pending by or against the Agriculture and Food Authority in relation to the cotton sector shall be carried on or prosecuted by or against the Board, and no action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.

(Question of the New Clause 52 proposed)

(New Clause 52 was read a First Time)

(Question, that the New Clause 52 be read a Second Time, proposed)

(Question, that the New Clause 52 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 53

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: - THAT, the Bill be amended by inserting the following New Clause 53-

Reference to written laws. **53.** Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature, in relation to cotton, shall, on the appointed day, be read and construed as a reference to the Board.

(Question of the New Clause 53 proposed)

(New Clause 53 was read a First Time)

(Question, that the New Clause 53 be read a Second Time, proposed)

(Question, that the New Clause 53 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 54

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: - THAT, the Bill be amended by inserting the following New Clause 54-

Previous authorizations. **54.** All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Agriculture and Food Authority in relation to cotton, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

(Question of the New Clause 54 proposed)

(New Clause 54 was read a First Time)

(Question, that the New Clause 54 be read a Second Time, proposed)

(Question, that the New Clause 54 be part of the Bill proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 55

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move: _ THAT, the Bill be amended by inserting the following New Clause 55-
Staff **55.** Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the cotton sector shall, on the appointed day, become a member of staff of the Board.

(Question of the New Clause 55 proposed)

(New Clause 55 was read a First Time)

(Question, that the New Clause 55 be read a Second Time, proposed)

(Question, that the New Clause 55 be part of the Bill proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 2

The Temporary Chairperson (Sen. Veronica Maina): Sen. Murango, proceed.

Sen. (Dr.) Murango: Madam Temporary Chairperson, I beg to Move-

THAT Clause 2 of the Bill be amended by inserting the following definitions immediately after —

- a) the definition of “chief executive officer” —
“Cotton industry” includes growers, ginner, spinners and cotton value addition industries.
- b) the definition of “cotton seed”
“Council of County Governors” means the Council of County Governors established under section 19 of the Intergovernmental Relations Act.

(Question of the amendment proposed)

Division will be at the end.

Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

We have finished conversing the clauses. I now wish to invite the Mover of the Bill, Sen. Beth Syengo, who will be represented by Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Chairperson. Pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Cotton Industry Development Bill (Senate Bills No.5 of 2023) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

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

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, we will go to the Committee of the Whole for the Second Bill, the Employment (Amendment) Bill Senate Bills No.11 of 2022. It has no proposed amendments. We will move through this Bill fast.

I call upon the Clerk to call out the clauses.

Clause 2, the Title and Clause 1

*(Question that Clause 2, the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

We are unable to do the division. We will report progress to the House. I call upon Sen. Cherarkey to proceed.

Sen. Cherarkey: Thank you, Madam Temporary Chairperson.

Madam Temporary Chairperson, pursuant to Standing Order No. 153, I beg to move that the Committee of the Whole, do report progress on its consideration of the Employment (Amendment) Bill, (Senate Bills No. 11 Of 2022) and seek leave to sit again tomorrow.

The Temporary Chairperson (Sen. Veronica Maina): Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I now call upon the Chairperson of the Committee of the Whole to report.

PROGRESS REPORTED

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

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Cotton Industry Development Bill (Senate Bills No.5 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator. I call upon the mover. Sen. Beth Syengo, proceed.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir. I beg to move that the House do agree with the Committee on the said report.

I request Sen. Cherarkey to second.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

The Temporary Speaker (Sen. Wakili Sigei): We move to the second Bill, the Employment (Amendment) Bill, (Senate Bills No.11 Of 2022). I call upon the Chairperson of the Committee of the whole to report. Sen. Veronica Maina, proceed to report.

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

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Employment (Amendment) Bill, (Senate Bills No.11 of 2022) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): The Mover to move.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I beg to move that the House do agree with the Committee in the said report.

I call Sen. Wambua to second.

Sen. Wambua: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, once we are done with that, we need to go back to the Order Paper.

I direct that we defer Order No. 8, which is the Agriculture and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) by Sen. Tabitha Mutinda until the next sitting. We move to the next Order.

Clerk, call the next order!

BILLS

Second Reading

THE AGRICULTURE AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO. 12 OF 2022)

(Bill deferred)

The Temporary Speaker (Sen. Wakili Sigei): Next Order.

Second Reading

THE MUNG BEANS BILL
(SENATE BILLS NO. 13 OF 2022)

(Sen. Wambua 20.6.2023)

(Resumption of debate interrupted on 20.6. 2023)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, you had the Floor. You still have 40 minutes to proceed to move.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, and hon. colleagues. I was in the process of moving this Bill yesterday when the time for sitting lapsed. So, I will continue to move the Bill.

Thank you, Mr. Temporary Speaker, Sir, for reminding that I have 40 minutes to move. I will try not to spend all the time. I see there are Senators in the House who have been waiting to comment on this Bill since yesterday. So, I will give them an opportunity to contribute to this Bill.

Mr. Temporary Speaker, Sir, I had done Part One, Clause 3 on the objects of the Bill. I will just recap and create a nexus between what we did yesterday and what we will today.

Mr. Temporary Speaker, Sir, as I continue to move this Bill, there are farmers even today on Wednesday, in various market places across the regions where mung beans are grown, who are being exploited by business people and middlemen.

Where I come from in Kitui, it is very unfortunate that the prices continue to drop each passing day. I am told in several markets in Kitui today, the middlemen are buying the cereal at Kshs50 a kilogramme down from Kshs100 just two weeks ago. From tomorrow and next week, the same beans will be sold at supermarkets at more than Kshs260 per kilogramme.

Mr. Temporary Speaker, Sir, this is a mischief that we are trying to kill and cure in this Bill. Part B (2) of this Bill assigns responsibilities to the national and county governments.

Mr. Temporary Speaker, Sir and Members, you will realize that one of the biggest challenges that we are having as we pursue devolution in this country is that part of the functions that are devolved should be performed by the national Government. In that confusion, where we are not sure what the national or county Government mandarins are supposed to be doing, the farmers in the middle suffer.

Mr. Temporary Speaker, Sir, this Bill specifically assigns roles and responsibilities to the two levels of government. The duties of the national Government are assigned to its agency, which is the Agricultural and Food Authority (AFA). It is assigned the responsibility of putting in place measures aimed at improving the overall production of mung beans in the country. Further, it is tasked with the responsibility to establish and coordinate as well as monitor the implementation of national standards and policies relating to the mung beans industry and provide technical assistance and capacity

building to county governments, either on its own initiative or upon request by a county government.

Mr. Temporary Speaker, Sir, the Bill is very specific when it comes to what the county governments are supposed to do. In this Bill, we have assigned responsibilities to the County Executive Committee Members (CECMs) responsible for Agriculture. One is to put in place measures to improve the quality and quantity of production of mung beans within the county. We have just completed debate on agricultural extension services. One of the responsibilities that this Bill assigns to county governments and especially the CECM responsible for Agriculture is to ensure that the quality and quantity of production of this cereal is improved and well-coordinated from the county headquarters.

Second, is what I have just said. Provision of extension services to the growers in respective counties and enforce regulations and standards as captured at the national level. One of the overriding assignments given to the CECMs for Agriculture is the provision of inputs and implements, including seeds, fertilizer and other planting materials in order to facilitate production of mung beans. What has been happening in most counties today is that it has become a matter of choice and option for county governments to either provide or not provide seeds during planting season.

In respect to mung beans, which I said yesterday and I want to repeat it again, the crop has the highest potential of transforming lives especially in arid and semi-arid areas. When it comes to planting season, county governments have an obligation under this law to provide at least seeds to farmers. A challenge has arisen in arid and semi-arid regions. The same seeds that farmers have planted and harvested serve as seeds for that season.

The county governments have a responsibility of providing certified seeds to farmers to grow this crop. The certified seeds should also be in line with the climatic conditions of the area where these beans are grown.

Mr. Temporary Speaker, it also makes a provision for county governments to promote and invest in the necessary infrastructure to facilitate access to markets and transportation of mung beans and its products within and outside the respective counties.

We need to promote infrastructure for purposes of transportation of the beans from farms to markets and from markets in one county to markets in other counties. We should even make available means of transportation of these produce to regional markets.

Mr. Temporary Speaker, Sir, we looked at the statistics yesterday while I moved the Bill. These beans are consumed heavily not just in Kenya or this region, but also in the Middle East and Asia. The county governments have a responsibility to ensure that when these beans are produced from the farm, they reach the market in good time.

We have also provided in Clause 6 a collaboration between the national and county governments on the matter of implementing feeding programmes within schools and other institutions or areas falling within respective mandates of implementing homegrown feeding programmes.

What we know about mung beans is that they require very limited rainfall. They adapt to very harsh climatic conditions. The county and national governments should collaborate in areas where mung beans are grown and ensure that these beans are introduced to feeding programmes for schools after harvest. For instance, there is a bumper harvest right now.

One of the challenges of feeding programmes in schools, especially in arid and semi-arid regions, is lack of sufficient food supplies. It means then that it becomes very

expensive for county governments to source these foods from outside the county and bring them to the counties to be put in school feeding programmes.

Mr. Temporary Speaker, Sir, these beans can be harvested twice in a year. Once the beans are harvested, they should be made available to schools to improve the health of our children in schools. It should ensure that our children have access to at least one hot meal in a day. This is achievable if county and national governments collaborate in making mung beans part of the school feeding programme.

Nationally, these mung beans are so nutritious that they can be put in the feeding programme for our military. My father was a member of the military. When I was growing up, we lived in the barracks at some point. I saw a lot of canned beans being given to soldiers and military people. These beans can be processed and canned. They could be a very good supplement for our military. This speaks to not just good health, but food security and overall security in the country.

Mr. Speaker, Sir, in implementing the feeding programme under Section One of Clause 6, the Cabinet Secretary responsible for matters agriculture at the national level and the County Executive Committee Member (CECM) responsible for matters agriculture at the county level, shall-

- (1) ensure that the minimum standards of production, quality and safety of the beans by the growers are maintained.”

We do not want to start a feeding programme this year and then the Cabinet Secretaries go to bed and nothing happens then we abandon the process. The crafting of the school feeding programme and other national feeding programmes where the *ndegu* beans is involved can be planned for a long time to ensure that it is sustainable. As I said, once these beans are grown and there are safeguards in the production of these beans, it is possible that even at minimum rainfall, we are able to harvest enough beans to feed our children in schools and put them in feeding programmes in feeding institutions.

The Bill further states-

- “(2) they should also ensure the price stability of the beans and the beans products.”

As I said, that is actually the cracks of the matter when it comes to this Bill. The biggest mischief that we want to cure with this Bill is to eliminate the middle men. The exploitation of farmers by middle men who continue to buy these beans at very low prices and sell back the same beans to farmers at very exaggerated prices.

Mr. Temporary Speaker, Sir, it will interest this House to take note that in this harvest that we are doing this month and last month, these beans were planted around March. At the time of planting, the people that were buying from markets to come and plant these beans in their farms were buying a kilogram at not less than Kshs270. When they are buying today, they say they are buying a kilogram at Kshs50. In the next two weeks, the price from farmers may drop further to as low as Kshs30 per kilogramme.

If we ensure that mung beans is part of the national and school feeding programmes, then we shall stabilize the prices of this produce from our farms.

The county governments under Clause 7 have a responsibility to ensure that the mung bean policy is incorporated in their respective County Integrated Development Plans. By doing so, the Cabinet Secretary at the national level is under obligation in this Bill to publish a national mung bean policy in the gazette and review the policy at least

every five years. In so doing, facilitate public participation and involvement in the development and review of the policy.

Mr. Speaker, Sir, when the Committee on Agriculture, Livestock and Fisheries from the Senate went out to carry public participation on this Bill, the Chairperson of the Committee, Sen. (Dr.) Murango, was with me in that public participation exercise. The turnout itself for the public participation was a statement that people are eagerly waiting for this Senate to pass this Bill so that they can begin to get the benefit of their crop.

In one market called Ngomeni in Mwingi North, we were confronted by more than 1,500 people who turned out for public participation on this Bill. This is because they produce so much of it for so many years and all the time they have been exploited by middle men. This is an opportunity for this Senate to come to the rescue of the peasant farmers who grow mung beans.

Mr. Speaker, Sir, I was talking to my colleagues on the Government side. I am telling them that if there is any Bill that really touches on the people they describe as “hustlers”, then this is that Bill. This is a Bill that has the capacity to transform lives. As I was saying yesterday, we should not get the wrong perception that this is a Bill that is only going to benefit the people and the peasant farmers from *Ukambani*. That is far from it. Nominated Sen. Ogola, she is in the House, if she gets an opportunity, she will tell this House how the residents of a section of Kisumu County are glued to their screens waiting to see the fate of this Bill because they have also been seriously exploited by middle men. They are planting these beans every year and not getting any benefits from it.

Mr. Speaker Sir, there is a clarification in this Bill that I need to make upfront. Part C of the Bill talks on the regulatory provisions. Clause 8 states;

“Each CECM shall maintain a register of all mung bean growers registered in the respective county under subsection 1 specifying;

(a) the name of the grower the location, size and parcel number of the land on which the mung bean is grown, the variety of the mung bean grown”.

Questions have been asked as to why we should require those farmers that are growing these beans to register with the respective authorities.

Mr. Temporary Speaker, Sir, I bring to the attention of this House that this Bill says that the registration of farmers is supposed to be done on a prescribed form. Secondly, there is no fee for registration as a *ndengu* grower. The reason why we require farmers to register is purely for purposes of regulation and order in the industry.

Why? First, we need these farmers to be provided with farm inputs such as fertilizer and seeds. When they are registered, it is easier and more efficient for the county government to know which farmers in which area require what kind of fertilizer and what kind of input. We want the county and national governments to take the responsibility of marketing this produce for farmers in the local and international markets. It is only by registration that the Governments can establish the farmers and the expected yield, because there are different varieties of mung beans.

To establish, for example, that in this year in this county, we have 500 farmers growing this variety of *ndengu* and this is the expected yield, based on that calculation, then both the national and county governments can source markets for the crop on behalf of the farmers.

We have also in the process of finalizing the Agriculture Extension Bill. It is important for the Extension Workers visiting the farms to know which variety of *ndengu*

being grown in which parcel of land, so as to provide the right kind of service. Therefore, registration is purely and entirely exclusively for purposes of regulation and to ensure efficiency in growing the beans.

Finally, so that other Members get a chance to contribute to this, on the matter of licensing, we have gone into great detail. From Clause 9 to Clause 18, we are dealing with different aspects of licensing.

I will tell Members why we have gone into such details when it comes to licensing. In this harvest season for *ndengu*, there are business people who have gone to motor vehicle dealers especially big trucks and we have taken five, six or seven trucks on credit. This is because they are so sure that in the next month they will have raised enough to repay the trucks and be left with huge profits.

It is unfair that a small clique of people that do not own a single acre of land where they have grown *ndengu* continue to enrich themselves with the sweat of the peasant farmers who grow *ndengu* and leave the farmers in squalor.

For that purpose, this Bill requires that any large-scale trader who is dealing with *ndengu* or mung beans and mung bean products must be licensed by the respective county governments to carry out that trade.

We are saying in Clause 9 (1) that-

“a person shall not market, process or carry out large-scale trading in mung beans or mung bean products unless the person has obtained a license from the relevant county government.”

So, we have put an obligation on the part of the county governments to issue licenses to large-scale traders in mung beans. To give effect to that requirement, this Bill proposes the establishment of a County Licensing Committee.

It does not just stop there. It gives a prescription for the membership of that committee on clause 10 (2) (a)

“THAT there shall be-

- (a) the chairperson;
- (b) One person representing growers of mung beans in the respective county;”

This is so that decisions are not made about these farmers without them. So, if it is in Kisumu County, there will be a representative of mung beans at the Licensing Board. Clause 10 (2) there will be-

“(c) Three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.”

There are also requirements or qualifications for appointment to the county licensing committee as provided in Clause 11-

THAT-

“A person shall be qualified for appointment as a Member of the county licensing committee under section 10(2)(a) and (b), if that person-

- (a) Holds a degree from a university recognized in Kenya;
- (b) Has at least five years’ experience in the agricultural sector; and
- (c) Meets the requirements of Chapter Six of the Constitution.”

We want people of integrity to sit in these committees to ensure that the final benefits are reversed to the farmers. As I said, over the years, there has been serious exploitation of farmers by middlemen.

There is a process of licensing the traders. We went ahead to create a nexus between the different arms of government when it becomes to the issuance of licenses, revocation of the licenses and amendments that need to be done by persons that have already acquired the licenses.

As I move to conclude, I appeal to my colleagues to debate this Bill as robustly as we can. This is so that at the end of the day, we get a Bill that serves our farmers in the best way. The farmers of *ndengu* in Kitui, Machakos, Makueni, Taita Taveta, Meru, Embu, Kisumu, Kirinyaga, Tana River and across this country have suffered enough.

It is high time that something is done to stop the suffering of these farmers and ensure that we get food security in this country. I have said many times that 60 years after independence, it is a shame that we continue to speak about a food basket in this country.

Where we are, we should be talking about food baskets across the country so that people who are producing fish are supported by the Government to produce enough fish, maize and *ndengu* for local consumption and for export.

With those remarks, I beg to move and ask Sen. Mwaruma to second.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Wambua for the very elaborate and passionate move of your Bill. Sen. Mwaruma, you may proceed to second the Bill.

Sen. Mwaruma: Asante Bw. Spika wa Muda kwa hii fursa umenipa kuunga mkono huu Mswada muhimu kabisa ulioletwa na Naibu wa Kiongozi wa Walio Wachache na ambaye pia ni Seneta wa Kitui, Sen. Wambua. Huu Mswada ulikuwa katika Seneti iliyopita, ukaenda katika Bunge la Kitaifa lakini ukaishia hapo.

Bw. Spika wa Muda, ningependa kumshukuru Sen. Wambua kwa kuuleta tena Mswada huu kwa Bunge hili la kumi na tatu. Mmea wa *ndengu* ni mmea muhimu na vile alivyosema, huu mmea unakuzwa katika kaunti alizozitaja za Kitui, Makueni, Taita Taveta na zinginezo. Mara ya kwanza kusikia kuhusu mmea huu, nilikuwa mdogo sana. Nilikuwa kijana mdogo; mtoto mdogo na tulikuwa tunapenda kitoweo cha *ndengu*, haswa ikipikwa na chapati.

Zamani, watoto walikuwa wanapenda sana chapati na kitoweo chetu kilikuwa ni cha *ndengu* kwa sababu nyama ilikuwa ghali. Kwa hivyo, kupata nyama ilikuwa si rahisi. Vile vyakula vingine ambavyo tulikuwa tunakula sana ilikuwa ugali na sukuma wiki na kabeji. Ile siku tulikuwa tunabadilisha chakula, ilikuwa siku ya kitoweo cha *ndengu* na chapati.

Lakini mmea huu pia una umuhimu zaidi ya kuwa tu ni kitoweo. Huu ni mmea ambao unakuzwa na unahitaji mvua chache sana. Maeneo yaliyotajwa ambayo yanakuza mmea huu ni maeneo ambayo yana mvua haba kama Kaunti ya Taita Taveta, Kitui na Makueni.

Ule mmea ambao unatusaidia kule ni mmea wa *ndengu*. Mahindi saa zingine ukiyapanda, yanafika kiwango fulani na yanakufa. Maharagwe pia kwa kiasi yanahitaji mvua nyingi. Mmea wa *ndengu* unahitaji mvua kidogo sana.

Pia mmea huu ni kama dawa; unaleta *immunity* ama nguvu za kukinga mwili dhidi ya magonjwa. Mmea huu ni muhimu sana kwa sababu mahali hakuna mvua na watu hawana chakula, wanapata chakula. Lakini, mmea huu umekumbwa na changamoto si haba.

Changamoto ya kwanza ni kama vile Sen. Wambua amesema; mmea huu hauna soko. Soko yake ina shida kwa sababu hakuna sera na sheria za kuelekeza kukuza na

kupatia mauzo mmea huu. Wakati wa mavuno, pojo hii inakuwa nyingi sana. Na kwa sababu ya hali ya kiuchumi, wakati zao limekuwa kwa wingi, basi bei yake inateremka.

Kule kwetu, wakulima wa ndengu huuza ndengu hata Kshs10 kwa kilo wakati wa mavuno na kwa sababu watu ni maskini, hawana pesa ilhali wanataka kulipia watoto wao karo, wanataka kununua sare za shule na kununulia watoto wao nguo ama kuwapeleka hospitali. Inabidi wauze kwa hiyo bei ambayo ni ndogo mno.

Changamoto nyingine ni kwamba, hakuna pembejeo za kilimo wakati zinahitajika. Kwa sababu ya njaa, hawa wakulima wetu wanakula kila kitu pamoja na mbegu. Hawaachi hata mbegu kwa sababu hauwezi kuacha mbegu na una njaa. Kwa hivyo, wakati mvua inaponyesha, hawa wakulima hawana mbegu ya kupanda.

Jambo lingine ni kwamba, mmea huu unapovunwa, inabidi wakulima pia wauze kwa bei ya chini kwa sababu hakuna sera na sheria ama kuwepo kwa maghala ya kuhifathi mimea hii.

Kuna magunia yanayoitwa *hermit bags* ambayo yamebuniwa saa hizi lakini wakulima wetu, bado hawajayafikia. Hii ni mifuko spesheli ambayo inapunguza hasara baada ya mavuno. Kwa lugha ya Kimombo tunaita, *post-harvest loses*. Wakulima wetu hawajafikiwa na haya magunia na hizi mbinu ama madawa ya kuhifadhi ndengu hii. Inabidi sasa kama utahifadhi kwa gunia bila kuweka dawa, ama magunia maalum, ile ndengu nyingi inaliwa na wadudu. Kwa hivyo, hasara huwa ni nyingi sana.

Changamoto nyingine ni kwamba mmea huu unakua kwetu lakini wakulima wengi hawavuni kwa sababu kule kwetu ni maeneo kame; ni maeneo ambayo yamepakana na wanyama pori. Maeneo ya Kasiyau, Marungu, Kushushe, Mbololo, Bura, Mwakitau ni maeneo yote yanayokuza mmea huu wa ndengu, lakini kwa sababu wanyama pori hawajadhibitiwa kuwa mbugani, wanavuka mpaka wanakuja mahali wananchi wanaishi.

Basi watu wengi pia hawavuni. Kwa hivyo, ni changamoto inayokumba huu mmea na mimea mingine kama mahindi na kadhalika kwa sababu ya changamoto hiyo. Kwa lugha ya Kimombo, tunaita *human-wildlife conflicts*.

Changamoto nyingine imekuwa huu mmea wa ndengu, kama mimea ingine yoyote inakumbwa na magonjwa. Na jana, tulikuwa tunajadili Mswada wa Wahudumu wa Kilimo ama *Extension Officers* ulioletwa na Sen. Tabitha Mutinda.

Huku pia, ukosefu wa maafisa wa kilimo umekuwa ni changamoto kwa kugundua haraka magonjwa na kuangalia hitaji la huu mmea ili uwekwe dawa. Kwa hivyo, hiyo changamoto ya maafisa pia inafaa kuangaziwa.

Malengo ya huu Mswada yamekuwa ni kutoa mwelekeo ama kuweka sera na sheria zinazopeana mwelekeo wa kutekeleza ukuzaji wa huu mmea wa ndengu katika Kaunti zetu na Serikali la kitaifa, kwa sababu mimea mingi ambayo imetambulika kama mimea ya pesa ama kwa lugha ya Kimombo, *cash crops*, ni kama mahindi, majani chai, kahawa na kadhalika. Tayari, kuna sheria kuhusiana nazo ingawaje zimekuwa za zamani na zinahitaji marekebisho. Hatujakuwa na sheria zozote ama sera zinazotambua huu mmea kuwa mmea wa pesa ama *cash crop*. Kwa hivyo, huu Mswada ni muhimu na unalenga kutimiza lengo hilo.

La pili pia ni kwamba, kuna uhitaji wa kuweka huu mmea ili utambulike katika soko za kimataifa, kwa sababu, ile ndengu tunayoikuza tunaikuza kwa viwango vyetu vya kaunti na Serikali ya kitaifa.

Lakini je, kama ndengu yetu itakubalika katika soko za kimataifa kama uarabuni, basi inatakikana iwe ni ndengu ambayo imekuzwa kwa hali gani? Labda ni ndengu ambayo inastahili kuwekewa dawa fulani fulani, ili tukiipeleka katika soko za kimataifa, iweze kukubalika.

Kwa hivyo, huu Mswada unaangazia kukuza kwa mmea huu wa ndengu kwa njia ambayo itafanya ndengu yetu ikubalike katika nchi za kimataifa.

Pia katika malengo ni kwamba, huu mmea tunaukuza lakini kwa njia isiyohakikisha mazao mengi. Ili kupata mazao ya juu, tunahitaji mbegu za kisasa, zilizofanyiwa utafiti vizuri. Wataalamu wetu pia wanatakiwa kutoa mwelekezo kuhusu wakati na jinsi ya kupanda huo mmea. Haya yote ni kwa sababu Mswada huu unashinikiza kuwe na utafiti na watu wenye masomo ya kutosha, ili kuelekeza wakulima wetu.

Bw. Spika, kuna kitu ambacho kwa Kizungu wanasema *Gross Domestic Product (GDP)*. Tukikuza mimea na tupate faida zaidi, itakuwa ni manufaa kwa mkulima hapa nchini. Lengo lingine ni mbinu ya kutafuta soko la ndengu. Haiwezi kuwa wananchi wanapanda kwa bidii, halafu Serikali haiwasaidii kutafuta soko. Mmea huu unaharibikia manyumbani na wakati mwingine mashambani.

Tukiangazia mahindi, tayari Serikali imeweka mikakati kadhaa. Ni kwa sababu ni mmea unaotambulika kama mmea wa pesa ama *cash crop*. Kwa mfano, wakati wakuzaji mahindi wa kaskazini mwa Bonde la Ufa wanapotoa mahindi, wakati mwingine, Serikali inanunua hayo mahindi na kuuzia wasagaji mahindi baadaye. Hii sheria inapelekea kuwe na sera kama hizo ambazo zitapelekea Serikali ya kitaifa na za kaunti kununua hii nafaka na kuhifadhi katika maghala ya kitaifa.

Wakati wa njaa, tutakuwa na ndengu ya kutosha kuuzia wananchi. Tukitengeneza hii sheria, sera au kanuni, kila mkulima wa pojo apewe pesa zaidi za pembejeo na leba. Kwa Kizungu tunasema *minimum guaranteed returns*.

Vilevile, wakulima wengine wanaopatiwa *cushion* kwamba wakulima lazima watapata zile pesa kidogo walizotumia, basi katika kutengeneza sera na sheria za huu mmea, ni vizuri kuwe na kanuni kama hizo. Kuna soko kubwa katika shule zetu. Mara ya kwanza kusikia kuhusu ndengu ilikuwa nikiwa kijana mdogo. Nilikua na binamu yangu ambaye alikua anasoma Shule ya Upili ya Wavulana ya Alliance, ambako walikua wanapikiwa ndengu. Tuko na jina la ndengu kwa Kitaita. Kwa hivyo, shule nyingi hupika ndengu.

Serikali ikinunua hii ndengu, inaweza kupeana kwa mashule kupitia kwa *School Feeding Programme*. Niliona gavana wa Kaunti ya Jiji la Nairobi, ambaye tulikua na yeye kwenye Kamati ya Leba na Ustawi wa Jamii, jana akizindua mpango wa chakula kwa shule zote. Mpango huu ukiingia kwa shule zote nchini, ndengu itapata soko, kisha wananchi wetu watanufaika kutokana na kilimo cha ndengu.

Bw. Spika, naona muda wangu unaisha. Kuna mamlaka au Authority ambayo imebuniwa ili kudhibiti ama kuendeleza ukuzaji wa ndengu. Hoja hii imeeleza sifa za watu wanaofaa kuwa katika mamlaka haya, pamoja na kazi ambayo watafanya. Hivyo basi, sitarudia. Hata hivyo, kuwepo kwa mamlaka utakuwa mpango mzuri utakaoshirikisha serikali za kaunti kwa sababu kilimo kimegatuliwa; na Serikali ya Kitaifa kwa sababu sera hutengenezwa na Waziri wa kitaifa.

La muhimu zaidi, huu Mswada unaeleza zaidi kuhusu jinsi Waziri wa Kilimo katika kaunti atahusishwa ili kuhakikisha sera na sheria zilizotungwa katika kaunti na

hata ngazi ya kitaifa zimetokelezwa. Kwa mfano, huu Mswada unasema kila mkulima lazima ajisajili. Umuhimu wa kujisajili ni kwamba Serikali itajua idadi ya wakulima wa ndengu na ekari za ndengu. Kwa hivyo, wakati wa kutoa pembejeo ama mbegu, basi Serikali itaweza kufanya bajeti ili kutayarisha mbegu inayohitajika na mbolea ya ruzuku. Kumbuka changamoto moja ni kwamba hakuna mbegu wakati zinapohitajika.

Pembejeo na mbolea zitakapokuja, Serikali itawasiliana na wakulima waliojisajili, kwa sababu itakuwa inajua waliko hawa wakulima na ekari zao za ndengu. Hivyo basi, watajua kila mkulima anahitaji mbegu na pembejeo kiasi fulani.

Jambo lingine ni ugonjwa ambapo mkulima fulani akivamiwa na ugonjwa fulani, kutakua na mbinu ya mawasiliano ili kuokoa zao la mkulima. Tukijua wakulima wamepewa pembejeo na mbolea kiasi fulani, basi katika wakati wa mavuno tutatarajia mavuno kiasi fulani.

Bw. Spika wa Muda, ukiwa na *data* ama takwimu, wakati wa kutayarisha soko, takwimu zitakuelekeza kwa soko la COMESA ama kwingineko. Takwimu zitaonyesha kiasi cha zao ambalo linatarajiwa Taita Taveta au Makueni, kwa maana mvua ilinyesha vizuri na kadhalika. Kwa hivyo, katika kupanga, tunahitaji takwimu. Tutapata hizi takwimu kwa mawaziri wa kilimo katika serikali za kaunti wamehusishwa kikamilifu.

Bw. Spika, wakulima wa ndengu pia wanahitaji mafunzo kuhusu mbinu za kisasa za kulima. Hayo mafunzo yatafanywa na hayo mamlaka ama *Authority*. Mamlaka hayo pia yataangazia utafiti ili kubaini mbegu itakayofaa zaidi kwa mchanga wa eneo fulani.

Mhe. Spika wa Muda, kwa sababu naona muda umenipa kisogo, ningependa kusema kwamba tuangalie huu Mswada. Pia, tuangalie vile tutashirikiana na wenzetu wa Bunge la Kitaifa ili Mswada huu usije ukafa vile---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mwaruma, your time is up. Give him the microphone so that he can second.

Sen. Mwaruma: Bw. Spika wa Muda, kwa hayo mengi au machache, ninaunga mkono Mswada huu.

Asante.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Asante Bw. Spika wa Muda, kwa kunipa nafasi hii. Ushiriki wa Umma tuli ofanya kuhusu ukulima katika Seneti, tulianza na Mswada ulioletwa na Sen. Wambua. Tulienda Kitui na Sen. Beth Syengo.

Niliona mapenzi mengi kutoka kwa watu wa Kitui. Sen. Wambua ameleta Mswada kuhusu ndengu na Sen. Beth Syengo ameleta Mswada kuhusu pamba. Zote zinakuzwa sehemu tofauti. Tulienda mahali panaitwa Ngomeni, ambapo ni nyumbani kwa Sen. Beth Syengo. Huo wakati kulikuwa na ukame kabisa.

Sababu ilioyonifanya niamue kwamba mimi nitakufa na huu Mswada kama Mwenyekiti wa Kamati ya Ukuhama ni kwamba, hata kulikuwa na shida na njaa nyingi pale, wale wakulima walipata nafasi ya kutuzawadi ndengu kidogo walikuwa wamebakisha ili sisi twende nayo. Sisi tulikuwa tumeenda na magari na tulikua na chakula chetu. Niliona ukarimu mkubwa sana. Ninashukuru wakaazi wa Kitui.

Ni lazima sisi Maseneta tuangalie kwa uwazi maeneo yote ya nchi ili isaidike na kile kitu wanapanda katika sehemu zile. Ukiangalia sehemu za Kitui, Voi na sehemu za juu za Pwani, wakaazi wa kule hawawezi lima kahawa, majani chai au miwa.

Lakini lile zao wanaweza kusimama nalo na likawasaidia kusomesha watoto na kuwapa mahitaji ya kufanya biashara, ni zao kama ndengu, ambalo tunapanda kule Kirinyaga upande wa chini. Jambo la kushangaza ni kwamba, ndengu zilisahaulika kabisa.

Bw. Spika wa Muda, naomba kusema manufaa ya ndengu katika mwili wa binadamu na virutubisho ambavyo inapea mwili wa binadamu. Utashangaa ya kwamba, ndengu ni muhimu hata kushinda nyama.

Tulipokuwa tunazunguka kutoka Tseikuru, Ngomeni, Mutomo na sehemu zingine na Sen. Wambua na Sen. Beth Syengo, tuliona nyuso za wale watu waliokuwa wanatoka pale zikililia usaidizi na kunasuliwa kutoka kwa mitego wamewekewa wakiritimba, wanaoitwa *cartels*, walioingilia ukulima wa ndengu.

Nyumba nyingi sana katika Kenya hii zinakula ndengu. Ukiangalia magonjwa mengi tunao, utapiamlo unaotusumbua kwa watoto wachanga katika sehemu zile ni kame. Ni jambo rahisi kutatuliwa na kununua mimea kama ndengu na kupatia wale watoto.

Mswada huu wa Sen. Wambua umekuja wakati mzuri sana. Tuko na Mswada ambao tunafaa kueneza huduma za ukulima na maafisa wa ukulima. Pia tutaangalia *Commodities Fund Regulations* and vitu zingine kama hizo. Leo, nimeona barua mahali ambayo inafaa kununua vitu kama hizi.

Bw. Spika wa Muda, ningependa wakati tunaangalia, tuweze pia kuweka ndengu, ziwe ni mimea ambayo inawezasaidika na *Commodities Fund*. Hii ni kwa sababu ilivyo kwa sasa, mimea iliyoko katika sheria ya *Crop Act* ndiyo inaweza kupewa fedha.

Ukipika ndengu, kiasi ya 200 *grams*, hua unapata kiwango cha protini cha 14.2 *grams* na *fiber* 15.4. Magonjwa mengi ya tumbo yanatokana na kukosa fiber katika mwili, sana *soluble fiber*. Ndengu iko na *soluble fiber* inaitwa *pectin* ambayo inazuia sana saratani ya utumbo. Kwa hivyo, ni chakula kizuri kwa miili yetu.

Mama mja mzito akikula 202 *grams* ya ndengu, anapata asilimia 80 ya *foliate*. Kwa hivyo, wakati wanapojifungua, watoto wao wanakuwa wazima, werevu na wajanja kama, Sen. Murango, na mambo yanakua shwari. Kuna *magnesium* na vitu vingine vingi. *Magnesium* inasaidia wale watu wanasumbuliwa na *high blood pressure*. Wale watu wanaotaka kupunguza kilo kidogo, ndengu ni mzuri sababu kuna kitu kinaitwa *butylate* katika ndengu.

Tutakaa chini ya miti ili tuongee maneno kama haya. Lakini, cha msingi ni kwamba ndengu ni zao muhimu sana katika mwili wa binadamu.

Wale wanajeshi wetu, kabla waende kupigana na *Al Shabaab* pande ile, wanafaa wapewe mkebe ya ndengu ili waende nayo itawasaidia. Watoto wetu shuleni wanaohangaika na utapiamlo na wale wana afya nzuri, ili kuhakikisha afya zao zinaendelea kuwa nzuri, wanafaa chakula chao kisikose ndengu, sababu tutakuwa tunazikuza hapa.

Shule, idara za Serikali na hapa Seneti, tunafaa tuanze kula ndengu kama mfano bora kuonyeshana tunaunga mkono zile vitu tunafanya hapa. Tusiwe tunahubiri maji lakini tunakunywa divai. Pia kwa hoteli yetu hapa Bunge, ndengu inafaa iwekwe ili tuikule hapo ili tuweze kusaidia hawa wakulima wetu.

Bw. Spika wa Muda, wakati tutasaidia wakulima wa ndengu katika kaunti zote 35, tushike miwa, majani chai, wanyama, kwa sababu ya jamii zetu za wafugaji, ukuliwa samaki na pamba tunayokuja kumalizia, tutashika Kenya nzima na hakuna mtu atasikia

kama amedanganywa wakati pesa ya taifa inagawa kwenda kuimarisha mipango ya kulima na kupeana pembejeo kwa wakulima katika sehemu tofauti.

Saa hii kuna mbolea ya ruzuku ambayo imeondolewa kodi na Serikali. Mkulima wa mchele na kahawa leo amepata mbolea ya ruzuku kutoka kwa Serikali. Mkulima ambaye anafaa kulima ndengu ambayo haijaorodheshwa kama mmea atapata mbolea ya kulima lini kutoka kwa Serikali?

Ni vizuri kuwe na usawa. Tuunge mkono Mswada huu ulioletwa na Sen. Wambua na tuipitishhe. Pia tuingize katika uratibu na taratibu za *Crops Act* na *Commodity Fund* ili wananchi wanaolima ndengu peke yake, waweze kufaidika na hili zao. Tusisahau pia ule Mswada wa pamba ulioletwa na Sen. Beth Syengo.

Bw. Spika wa Muda, Kamati yangu iliamua haitakaa chini iletewe makaratasi na memoranda zilizoandikwa. Tumezunguka mpaka siku ya Jumapili.

Kuna jambo Sen. Wambua alileta ambalo tunafaa tuskize jinsi ambavyo tunafanya ushiriki wa umma. Ilibidi arudi mfukoni ili kuunga mkono ajenda iliyo muhimu sana katika Mswada huu wa ndengu. Kwa hivyo, ni kitu ako nacho moyoni.

Nawahakikishia Sen. Wambua, Sen. Beth Syengo, Sen. Maanzo na Sen. Mundigi Munyi na wale Maseneta waliotoka zile kaunti 35 zinazokuza ndegu ya kwamba tuko pamoja, kuanzia saa hii mpaka mwisho. Waswahili walisema, mgala muue na haki yake umpe.

Asante sana.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Sen. (Dr.) Murango. On my dashboard, I have a good number of Senators who are seeking to contribute to this Bill. It seems that there is an informal position taken that contributions this afternoon are to be in the Kiswahili language. I encourage the next person contributing to this, Sen. Beth Syengo, to continue with that informal technique.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir. Allow me to use a different language because I want to express myself when I am sure of what I am saying.

I start by congratulating my Senator, Sen. Wambua, for this important Bill. This is at the heart of our people. Allow me to also point out that Kenya as a country produces 125,000 thousand tonnes of mung beans against the domestic demand of 3.4 million tonnes. This shows us that *ndengu* is on demand and we require more turnover and counties to grow it. We also require mung beans as a food and cash crop. We need to have this Bill so that Kenyans can meet both the local and foreign demand. We know that mung beans, green grams or *ndengu*, are consumed in so many other countries. If Kenya can produce more of it, it can be useful in raising income and improve the economic status of our country.

Mung beans as a crop matures between 65 to 70 days. This communicates that they are friendly for communities living in Arid and Semi-Arid Lands (ASALs). It takes shorter time to mature yet we are crying of food shortage and starvation. It is the right crop to encourage Kenyans to grow so that we can take care of our food security because it takes a shorter time to mature.

These beans should be supported and that is why I am thanking Sen. Wambua. Supporting and making this crop regulated and well managed will make them a cash crop for the communities living in ASAL areas. As my colleagues have mentioned it, about 35 counties grow mung beans and this will bring income. These beans are drought resistant. As a country, we are struggling with climate change. The effects are causing

Kenyans to suffer either through *El Nino* or *La Nina*. *El Nino* means too much rain and the latter means very dry spells.

If we can have the mung beans properly managed and farmers supported to grow it – because it is drought resistant – it will make sure Kenyan's will not starve or suffer. When talking of food security, we should think as legislators. How do we encourage the masses? Our farmers should grow mung beans either at large or small scale so that we are sure to meet the demand. Mung beans require low inputs. It is good for low-income earners who can now grow them without much expense that goes to farming inputs.

Mr. Temporary Speaker, Sir, the solution to the challenges of mung beans through mismanagement by middlemen and low process is provided by this Bill that has been sponsored by Sen. Wambua. When this Bill comes through, we shall have solutions to all these. Allow me to speak on the fourth issue, which are the benefits of green grams.

Green grams have heavy nutrients which are a source of proteins. Instead of consuming meat protein that is known to bring several serious diseases such as Cancer, Hypertension and so many other ailments; these beans are the solution. If we consume *ndengu* in large quantities and in most of our farms and homes, then we shall remain healthy. Mung beans are high antioxidants. They reduce chronic diseases and may prevent stroke. Kenyans are struggling with the health sector. We know the National Health Insurance Fund (NHIF) and other agencies that are supposed to support the population to get good health by receiving health services are not effective.

A sick nation is not a healthy nation. We need people to be supported. This Bill is going to cure all this. This Bill encourages Kenyans to grow mung beans, the farmers are supported by removing cartels and the middle men shall not be there. Apart from being a cash crop, this as food crop will ensure we have a healthy nation.

Mung beans are low in cholesterol. This shall remove sicknesses and diseases such as heart failure and other diseases that are affecting Kenyans. Mung beans are also rich in vitamins and minerals such as zinc, magnesium, calcium and potassium. This is required in our bodies. As I had stated earlier, instead of struggling with a sick population, it is important that we eat and live healthy.

Allow me to share this because when growing up, I consumed a lot of *ndengu*. Kitui County still consumes a lot of *ndengu* today. *Ndengu* helps in digestion because they are high in fibre. This ensure that you do not have stomach upsets and avoids constipation. It shall make Kenyans comfortable. *Ndengu* has different names in different regions. Kenyans from the various counties refer to it differently.

We can enjoy this knowing that there are no side effects coming from *ndengu*. *Ndengu* or mung beans may lower blood sugar levels. That is why we need to grow, consume, talk, sell and move *ndengu* even here in the Senate.

Mr. Temporary Speaker, Sir, mung beans promote weight loss. As I look at lady Senators who are around here, I know in the hearts, they desire to remain figure eight. It is my appeal today that we support this Bill. If we eat mung beans and ladies will lose their weight, they will remain sweet 16 for a long time.

Mung beans or *ndengu* also promotes healthy pregnancy. We have complications with our young girls who are studying. They get employment and work around driven in big cars. They spend most of the hours of the day seated in offices, so they have no time even to do things or walk around. So, when it comes to getting pregnant and getting healthy babies, I would also ask that we promote mung beans or green grams. When

these women get pregnant, they are assured of having healthy babies if they consume *ndengu*.

Mr. Temporary Speaker, Sir, I read through this Bill, I studied it with interest because I know what *ndengu* can do and the big revolution that *ndengu* can bring. The Bill is defining the roles of the county government. When the licensing is done, it will be known to the of the farmers who are growing mung beans, what is their source, where will they market and sell it?

That way, the farmer who goes through the tedious work of planting, cultivating, harvesting and preparing the final products is not misused or mistreated but will get maximum benefits from the work he or she has done and will sell their produce with the prices that encourage them to continue farming.

This Bill is excellent and good. I would urge all of us to support it and give it a nod now for it not to get lost again as it did in the last Parliament. Looking at it, I would request the Mover or the Sponsor of the Bill to consider the change of the name. Many people have been struggling to understand what mung beans are. Some were calling it 'mag' others are calling it 'mungu' because they are struggling to understand what it is.

I would request my Senator, the sponsor of this Bill, to consider changing the name to either Green Gram or legume or *ndengu* - the name everybody knows - so that people do not get lost to understand what mung beans are.

I support this Bill.

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

Sen. Seki: Thank you.

(Sen. Methu and Sen. Wambua consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Methu and Sen. Wambua, let us hear the great Senator of Kajiado County in silence, please.

Sen. Seki: Mr. Temporary Speaker, Sir, I also put my voice to support this Bill having in mind that it is a very important Bill that has come at the right time. I support Sen. Wambua and thank him for coming up with this kind of a Bill which will bring a revolution and transformation on the people of this country.

One, this Bill, as I look at it, has really tried to solve so many issues or sought to sort so many issues, particularly on the agricultural sector. I believe that as we continue to debate and the Committee responsible for Agriculture, Livestock and Fisheries continue to support the Hon. Senator, I put my voice by thanking the Senator for bringing up the duties of the county governments in this Bill.

It is very encouraging to see that the county governments will bring issues of quality and extension officers to bring the expertise to encourage farmers and county governments on the proper ways of growing this crop, particularly on semi and semi-arid counties. I believe my county is in the same category. Makueni, Kitui and many other counties will have an opportunity to come up with this kind of cash crop, which will definitely help the people of this country. As a cereal that is used commonly in most of our homesteads, it is very important to have a structure and a legislation that will encourage county governments to put their money and efforts to it.

This Bill will help county governments to see that a problem of feeding program - as indicated in the Bill - will be solved. I am happy to report to this House that I am

working on a Bill called Lunch Bill. It will come under the Ministry of Education. After we implement, approve this Bill and is assented by the President, I am very sure that it will bring some provision when we are coming up with the Lunch Bill. I am sure that it will encourage national and county governments to have full feeding programs in primary schools and Early Childhood Development Education (ECDEs).

This Bill will now encourage county and national Governments to help and support farmers get ready markets. It is a platform that we want to encourage because it goes together with Lunch Bill, the Bill that is coming up. We also have the Extension Services Bill that has been sponsored by Sen. Tabitha Mutinda. These are the kind of structures that we are putting to county governments that will encourage agriculture. It will also help the farmers to see the light at the end of the tunnel and be able to see that there is future of agriculture in our lives.

The value addition that has been encouraged by this Bill is also a very encouraging tool because county governments will support. The Mover should look at how he can bring up the issue of funding.

The Mover of the Bill should recommend that county governments establish funds. I am proposing this idea so that the county governments allocate money in their budgets. In turn, farmers and cooperative societies will be sponsored to acquire fertilisers and pesticides.

We should have a clause in the Bill that proposes the establishment of the fund by county governments to support this cash crop. This will encourage more farmers to grow this cash crop.

I support this Bill. The sponsor of the Bill should continue with this course. When the Bill is enacted, we will see county governments come up with ideas to support farmers.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Sen. Seki. Sen. Ogola, proceed.

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Bill. I would like to be sincere. When I read this Bill, I was not sure which crop this was until the sponsor of the Bill Sen. Wambua sat me down. I did not know that this was green gram or *ndengu* that I also have been consuming.

I thank Sen. Wambua for this foresight in bringing this Bill to the House. Food is a basic need for all human beings. It is worth noting that in this country we still fight the same problems we fought at the onset of independence. We are still talking about hunger, disease and ignorance. I am happy that when this Bill is enacted, it will help us solve the critical hunger issue.

A few months ago, we were struggling with the issue of famine brought by the prolonged drought. This Bill addresses some of the challenges we have been having in this country.

I come from the great sub-county called Ndhiwa in Homa Bay County – a county of endless potentials. This is a county that is averagely rural and agricultural.

In Ndhiwa, we have been great producers of these beans that Sen. Wambua is sponsoring a Bill about. As I stand here, I am a proud Kenyan because this Bill will not only solve issues of the country but speak to the subcounty I come from.

The funny thing is that when we were growing up, there was an aspect of this crop that people in my region believed that it does not do so well with men. I do not know why, and I do not know whether it is scientifically proven.

(Laughter)

As we were growing up and when I first took my role as a young mother and a wife, people around me were not enjoying this crop so much based on that assumption. Nonetheless, as I said, it is not scientifically proven.

This is a very important Bill to me. It is for very serious reasons that Kenyans thought agriculture; farming, health and water were to be devolved. It is because Kenyans felt that in agriculture, farmers would get more services closer to them in the counties.

Mr. Temporary Speaker, Sir, I am impressed with this Bill because it does not only talk about the nutritious nature of the beans, it also talks about quality and quantity. I am happy to spell out how this would enhance the school feeding programs.

Where this has been done, we have seen that pupils do better because they are able to eat in school and eat not only quality food but there is some available quantity that the school feeding program comes with. If this Bill will enhance the school feeding programs, I am sure even the issue of urban poverty will be taken care of.

Mr. Temporary Speaker, Sir, reflecting on my sub-county where I come from, farmers who grow this crop find that it is one of the priority crops that put money in the hands of farmers.

I can assure you that as a farmer of mung beans---I do not want to pronounce this because I am not sure, allow me to call it *ndengu* or green grams. However, I can surely say that some of our farmers who have harvested even 10 bags of the *ndengu* are millionaires.

I think that is what we are fighting to have in this country. Amongst the crops in my sub- county--- As I say my sub-county and I am wondering why the Committee on Agriculture, Livestock and Fisheries did not visit my sub-county because that is a sub-county that is known in the region for the growth of these beans.

Nonetheless, I support this Bill because the Bill promotes the use of these beans. I have said that within the Bill, it initiates a financing scheme for the growers. Since those are some of the challenges that our farmers have and face in the farming of these beans.

I am also impressed that the Bill talks about and spells out the provision of agricultural extension services. If extension services are going to be granted to our farmers, then it is going to lead to the farmers having quality crops and enhance the quantity of their production.

This Bill also talks about a marketing mechanism and that means ---

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m. Sen. Ogola you will have 12 more minutes tomorrow to continue when the House resumes.

It is now 6. 30 p.m. time to adjourn the Senate. The Senate now stands adjourned until tomorrow, Thursday 22nd June, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.