

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 18th September, 2024

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

We have quorum now. Proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM
BARINGO COUNTY ASSEMBLY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Speaker's gallery this afternoon of 20 clerk assistants serving in the Directorate of Legislative and Committee Services from the County Assembly of Baringo. The officers are undertaking a training on law making and procedural matters at the Centre for Parliamentary Studies and Training (CPST).

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

I thank you.

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(Applause)

Senator for Nandi County, under one minute, welcome the visitors. You almost border Baringo County.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. On behalf of the Senator of Baringo County and my own behalf, I extend a warm welcome to the Members of County Assembly (MCAs) for Baringo County Assembly. I confirm as the darling of MCAs across the country that their welfare on the Salaries and Remuneration Commission (SRC) in reviewing their parks and salaries and welfare is well catered for.

Secondly, as the Vice Chairperson of Senate County Public Accounts Committee, I assure them that we are reviewing the law to give financial autonomies to counties so that they can have their County Revenue Fund (CRF) at the National Treasury.

I thank you because that amendment has been sponsored by yours as truly Sen. Kathuri. I ask the MCAs not to fear. Let them do oversight as provided by the Constitution. We wish you well and a good learning experience. We will always protect the interest of the MCAs from their welfare, capacity and ability in developing a primary oversight.

Baringo is a special county to me because my brother married from Baringo County. We are proud and wish you well. May God bless you as you go back.

I thank you.

The Deputy Speaker (Sen. Kathuri): When I read the communication, I did not say that these are MCAs from Baringo County. I said they are 20 clerk assistants serving in the Directorate of Legislative and Committee Services.

Let us make progress. Next Order.

PAPERS LAID

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, proceed. Sen. Cherarkey, has he delegated you to read the Papers.

(Sen. Cheruiyot walked into the Chamber)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 18th September, 2024.

THE SRC END OF TERM REPORT FOR FY 2018/2019 – 2023/2024

The Salaries and Remuneration Commission (SRC) End of Term Report for financial years 2018/2019 – 2023/2024.

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REPORTS OF THE AUDITOR-GENERAL ON
FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on Financial Statements of Ndithini Level 4 Hospital - County government of Machakos for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kangundo Level 4 Hospital - County government of Machakos for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Sultan Hamud Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kilungu Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mbooni Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Migosi Sub County Hospital - County government of Kisumu for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Ober Kamoth Sub County Hospital Level 4 Hospital - County government of Kisumu for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Nyahera Sub County Level 4 Hospital - County government of Kisumu for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mandera North Sub County Level 4 Hospital - County government of Mandera for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Tabaka Sub County Referral Hospital - County government of Mandera for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Tabaka Sub County Referral Hospital - County government of Mandera for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mandera North Sub County Level 4 Hospital - County government of Mandera for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Migosi Sub County Hospital - County government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Sultan Hamud Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kilungu Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mbooni Sub County Level 4 Hospital - County government of Makueni for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Migwani Level 4 Hospital - County government of Kitui for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Ikutha Level 4 Hospital - County government of Kitui the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Kanyangi Level 4 Hospital - County government of Kitui for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Masinga Level 4 Hospital - County government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mwala Level 4 Hospital - County government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kimiti Level 4 Hospital - County government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Ndithini Level 4 Hospital - County government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Manga Sub County Level 4 Hospital - County government of Nyamira for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Masaba Sub County Level 4 Hospital - County government of Nyamira for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyangena Sub County Level 4 Hospital - County government of Nyamira for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Miranga Sub County Level 4 Hospital - County government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyang'ande Sub County Level 4 Hospital - County government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Sondu Sub County Level 4 Hospital - County government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Jaramogi Oginga Odinga Teaching and Referral Hospital - County government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyahera Sub County Level 4 Hospital – County government of Kisumu for the year ended 30th June, 2023.

I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Leader.
Next Order.

Sen. Thang'wa proceed. Clerk, give Sen. Thang'wa the microphone.

NOTICES OF MOTIONS**CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE
ACCESS TO EDUCATION IN KENYA**

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. I rise to give notice of the following Motion that calls for consolidation of bursary funds for equitable access to education in Kenya.

AWARE THAT, pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education. The Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund, (NGAF), the Ministry of Education, and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, school fees remain unaffordable for many parents, and the allocation of bursaries has been plagued by nepotism, favouritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT, public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/2025, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student, and that the lack of transparency in the disbursement of bursaries from various agencies, making it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW, THEREFORE, the Senate urges the Ministry of Education to:

1. Audit the funds allocated to bursaries by both the national Government and county governments;
2. Consolidate the funds distributed by various government entities and agencies with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education;

3. Calculate the cost of education per learner and make this information public for primary, secondary and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

Mr. Deputy Speaker, Sir, I give notice.

The Deputy Speaker (Sen. Kathuri): Very well. Next is Sen. Karen Nyamu. Give notice of your Motion.

DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS
FOR ENHANCED SECURITY AND PREPAREDNESS

Sen. Nyamu: Thank you, Mr. Deputy Speaker, Sir. I beg to give notice of the following Motion.

AWARE THAT schools play a crucial role in shaping the future of our children and providing a safe environment for learning;

CONSCIOUS THAT personal growth is vital and that safety within schools is a fundamental right of every student, teacher and other workers and that safety is critical in improving the overall quality of education;

FURTHER AWARE THAT many schools, particularly in rural and marginalized areas, lack the necessary resources and expertise to manage the safety risks effectively, which exposes students and staff to potential harm;

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness and provide immediate response capabilities during emergencies, and that these---

(Loud consultations)

Mr. Deputy Speaker, Sir, please ask my colleagues to consult in low tones. They are louder than me.

The Deputy Speaker (Sen. Kathuri): Order, Members! Proceed and do not address the Members. I am protecting you. You are well protected.

Sen. Nyamu: Thank you, Mr. Deputy Speaker, Sir.

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness and provide immediate response capabilities during emergencies, and that these trained safety officers will oversee safety protocols, provide first aid, conduct safety drills, ensure fire preparedness, manage emergency evacuation and assist in addressing violence or other threats within school environment;

CONCERNED THAT there have been increased incidents of insecurity, violence, accidents and other safety challenges in both primary schools and secondary schools across the country;

NOW THEREFORE, the Senate urges the national Government through the Ministry of Education to:

1. Recruit and deploy dedicated safety officers in both primary and secondary schools nationwide;
2. Implement comprehensive training in safety protocols, first aid, emergency response and violence management, and;
3. Lastly, provide necessary resources to support schools, particularly in rural and marginalized areas, to effectively deploy and utilize these safety officers.

Mr. Deputy Speaker, Sir, I give notice.

The Deputy Speaker (Sen. Kathuri): Thank you. Next Order.

We have several Statements under Standing Order No. 53(1). We start with Sen. Mohamed Chute.

QUESTIONS AND STATEMENTS

STATUS OF THE DROUGHT RESILIENCE PROGRAMME IN NORTHERN KENYA

Sen. Chute: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of KFW Development Bank funded Drought-Resilient Programme in Northern Kenya (DRPNK).

In the statement, the committee should:

1. Provide a list of counties where KFW-funded drought-resilient programme in Northern Kenya has been implemented, stating the commencement date, planned implementation period and the number of project clusters in each county.
2. Disclose the total amount of money allocated for the full implementation of the programme, specifying whether these funds by the German-based KFW Development Bank have been given to the Government as a grant or as a loan.
3. Provide details of budgets for the first, second and third annual investment plan, which is AIP-1, AIP-2, AIP-3, indicating the respective contribution of the national and the county governments.
4. Provide details of all projects under DRPNK, including the respective cost of each project, stating whether the projects have been initiated, completed or tendered, but not yet commenced, and clarifying whether public participation has been conducted for each project.
5. State the duration of costs of the contract for consultancy services awarded to GOPA Worldwide Consultants, indicating the total amount paid to the company, so far.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Joyce Korir.

ENGAGEMENT OF UDPTE TEACHERS BY TSC

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education regarding the incorporation of teachers with diploma qualification to the Teacher Service Commission.

In the statement, the committee should:

(1) Explain why the teachers who are currently holding an Upgrade Diploma in Primary Teacher Education are yet to be employed by the Teacher Service Commission (TSC), despite their training in pedagogies and Competency-Based-Curricula (CBC) learning areas and their ability to teach CBC grades and junior secondary school, that is the JSS levels.

(2) Detail the measures that the TSC has established to prioritise teachers with an Upgrade Diploma in Primary Teacher Education (UDPTE) during the recruitment process.

(3) Outline the actions taken by the Ministry of Education and the TSE to ensure that employed UDPTE teachers are placed in Job Group C1.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Good, next is Sen. Orwoba.

OPERATIONALISATION OF LINDA MAMA
HEALTHCARE PROGRAMME

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health regarding the status and implementation of the Linda Mama Healthcare Programme.

In the statement, the committee should:

(1) State the current status of the operationalisation.

The Deputy Speaker (Sen. Kathuri): Sorry. Sen. Orwoba, your statement is to the Standing Committee on Labour and Social Welfare.

Sen. Orwoba: Mr. Deputy Speaker, Sir, I have two Statements on Standing Order No.53(1). I will start with the Statement to the Committee on Health.

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

Sen. Orwoba: Mr. Speaker, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Health regarding the status and implementation of the Linda Mama Healthcare Programme.

In the statement, the committee should:

(1) State the current status of the operationalization of the Linda Mama Programme nationwide.

(2) Give details of the benefits package available to expectant mothers like myself, including antenatal delivery, postnatal services and critical care of new-borns.

(3) Provide a list of hospitals paneled by the National Health Insurance Fund (NHIF) to provide services under the Linda Mama Programme, including the criteria used for their qualification.

(4) Identify the challenges faced by NHIF in fully implementing the programme and outlining the Government measures to address these issues.

Mr. Deputy Speaker, Sir, I have a second Statement pursuant to Standing Order No. 53(1).

The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, why are you adding issues that are not in your Statement? I am looking at the statement and cannot see where you indicated “like yourself.” Your statement does not have the phrase “like yourself.”

Sen. Orwoba: Mr. Deputy Speaker, Sir, about the expectant mothers?

The Deputy Speaker (Sen. Kathuri): That bit is not in your Statement.

Sen. Orwoba: Mr. Deputy Speaker, Sir, I stand guided. However, I am expectant. Can I go ahead and read my second Statement?

SAFETY AND WELFARE OF EMPLOYEES OF MOJA EXPRESSWAY

Mr. Deputy Speaker, Sir, again, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the safety and welfare of employees of Moja Expressway Company stationed on the Nairobi Expressway.

In the Statement, the committee should:

(1) Clarify whether the Moja Expressway Company provides pickup and drop-off services for its employees stationed on the Nairobi Expressway, considering that their workstations are inaccessible by public transportation.

(2) State the alternative means the employees use to access the workstations.

(3) Outline the steps taken by the company to ensure its employees have access to safe and convenient means of transport to and from work.

(4) Explain other measures put in place by the company to address the safety concerns associated with its employees climbing over the Nairobi Expressway barricades to access their workstations.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Sifuna, proceed.

ALLEGED KIDNAPPING OF A KENYAN TRUCK DRIVER IN DRC

Sen. Sifuna: Mr. Speaker, 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 alleged kidnap of a Kenyan truck driver, Ms. Florence Wanza Munyao, in the Democratic Republic of Congo on 27th August 2024.

In the Statement, the committee should address the following:

(1) Explain the circumstances surrounding the disappearance of Ms. Munyao.

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(2) State her current whereabouts.

(3) Outline the actions taken by Kenyan authorities to secure her release and enable her to be reunited with her family from Machakos County.

I thank you.

Thank you. The next Statement is by Sen. Cherarkey.

HUMAN RESOURCE AUDITS BY PSC AND
PAYROLL SYSTEMS IN GOVERNMENT

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the audits by the Public Service Commission of Human Resource and Payroll Systems in Government.

In the Statement, the committee should:

(1) State the legal provisions that give the Public Service Commission authority to audit county government human resource and payroll practices, procedures and records.

(2) Provide a list of all county governments that have requested the Public Service Commission to audit their human resource and payroll practices, procedures and records, disclosing the findings of the state audits from county governments.

(3) State whether the audit reports have been tabled in respective county assemblies and explain why they have not been tabled in the Senate.

(4) Provide a schedule of the respective costs of each audit, indicating the entity that bore the cost.

(5) Disclose the findings of the most recent audit by the Public Service Commission of the Human Resource and Payroll Practises, Procedures and Records of National Government Ministries, Departments and Agencies, State Corporations, Parastatals, Universities and other tertiary institutions, outlining actions taken against individuals found culpable of illegalities, malpractices or negligence.

(6) Outline the measures put in place to enhance transparency in the recruitment processes undertaken by the Public Service Commission, which are currently shrouded in secrecy.

I thank you.

(Sen. Mwaruma consulted Mr. Deputy Speaker)

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM OLBUTYO BOYS
SECONDARY SCHOOL IN BOMET COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have visiting teachers and students from Olbutyo Boys Secondary School in Bomet County.

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I would like to acknowledge the presence in the public gallery this afternoon of visiting teachers and students from Olbutyo Boys Secondary School in Bomet County.

The delegation comprises four teachers and 64 students who are in the Senate for a one-day academic exposition. Hon. Senators, in addition to the tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my behalf, I wish them a fruitful time for learning.

I thank you.

The Senator from Bomet County is not around. Bomet County borders Kericho. Senate Majority Leader, welcome these great boys from Bomet County.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I do not mind welcoming the students from Olbutyo; if I got the name correct. I can see them nodding. I know where Olbutyo is.

Sen. Sigei was in the House earlier so he must be somewhere within the precincts of Parliament. On his behalf, I welcome the visiting students together with their teachers. I hope they will enjoy their tour of Parliament, enjoy the debate and see us in action.

Perhaps it is different from what they watch on television. They realise that people can be orderly in this House. You know, the only clips that go out of this House are when Sen. Sifuna is breathing fire from his nostrils, or Sen. Cherarkey is not seated calm as he is this afternoon.

This is how typically Parliament looks on a calm afternoon. However, I cannot assure you what will happen for the rest of the afternoon, because things boil up very quickly.

I wish the students well as they pursue their studies. May they achieve all that they have set out to do. Most welcome to the Parliament of Kenya.

The Deputy Speaker (Sen. Kathuri): Sen. Joyce Korir, maybe under one minute you can also welcome them.

Sen. Korir: Yes, thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity.

The Senator was just around. On behalf of my Senator and this House, allow me to also welcome the students from Olbutyo Secondary School. This is one of the secondary schools that is performing well within the county.

They have an opportunity to see what is happening. It is said, “seeing is believing.” I believe that they will learn a lot because this is a House of procedures. There is much debates taking place in this House.

I know the Senate is just a replica of the Bomet County Assembly. Several things that are done there are the same things that are happening here. It is only that the responsibilities or the roles of this House are different. Otherwise, welcome and I believe you will learn a lot.

The Deputy Speaker (Sen. Kathuri): The next Statement is from Sen. Prof. Tom Ojienda. Senior Counsel, you have four statements. How many do you want to read today?

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Deputy Speaker, Sir, I will read all the statements. They are short statements. As you know, Kisumu County is a county of excellence and we lead in the broad-based system.

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The first Statement is on the state of education in Kenya.

STATE OF EDUCATION SECTOR IN KENYA

I rise under Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the state of education in Kenya.

In the Statement, the committee should:

- (i) State the factors that have contributed to the ever-recurring strikes by teachers.
- (ii) Explain how the recent teachers' strike witnessed in August and September 2024 has impacted learners and the school calendar, though I can see the teachers are here.
- (iii) Outline steps taken by the Government to permanently address grievances by teachers and ensure that similar grievances do not lead to industrial action in the future.
- (iv) Provide details of the current terms of employment, salaries and benefits for teachers serving in public schools at various cadres, explaining how these terms, salaries and benefits, compare with those of teachers serving in private schools.
- (v) Explain measures put in place by the Government to ensure Kenya achieves and sustains the recommended teacher-student ratio in public and private primary, Junior Secondary Schools (JSS) and secondary schools, disclosing any plans by the Government to recruit additional teachers.

Mr. Deputy Speaker, Sir, my second statement is on the safety of pupils and students in schools across the country. This is necessitated by the strikes that we have seen in schools.

SAFETY OF PUPILS AND STUDENTS IN SCHOOLS

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the safety of pupils and students in schools around the country.

I wish to convey my heartfelt condolences to the families who have tragically lost their children due to the recent fire outbreaks in various schools and wish a speedy recovery to the children who were injured during these incidents.

In the Statement, the committee should:

- (i) Explain the root causes of student unrest and the increasing number of fires in schools that have been reported across the country;
- (ii) Outline the policy of the Ministry of Education on the safety of pupils and students in schools and disclose any measures to enhance the safety of those in boarding schools.
- (iii) Explain any existing emergency protocols for handling fire outbreaks and other disasters in schools and state steps to enact a harmonized disaster preparedness and emergency policy, including mandatory emergency drills in all schools.
- (iv) State measures in place to ensure accountability and compensation to families of victims injured or succumbing to school fires and other disasters.

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(v) Outline any measures to protect pupils and students in boarding schools from the threat of human trafficking.

(v) Disclose the budgetary allocations set aside to mitigate the safety of pupils and students against fires and other disasters in public schools from the financial year 2020 to date.

Mr. Deputy Speaker, Sir, my third statement is on the state of maintenance and repair of medical equipment, including vaccine refrigerators in health centres and hospitals in Kisumu County.

STATE OF MAINTENANCE OF MEDICAL EQUIPMENT IN THE HEALTH CENTRES IN KISUMU COUNTY

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Health regarding the state of maintenance and repair of medical equipment, including vaccine refrigerators in health centres and hospitals in Kisumu County.

In the statement, the committee should:

(i) Provide details on the current supply and availability of drugs, including vaccines in health centres and hospitals in Kisumu County and outline the measures being implemented to address the existing shortage of drugs and vaccines.

(ii) Inform the Senate on the conditions of maintenance and repair of all medical equipment in health facilities, particularly vaccine refrigerators, and associated budgetary implications, stating the frequency of servicing and repairs.

(iii) Disclose the budget allocated in the financial year 2012/2025 from both the county and national Government for maintaining a consistent supply of drugs and vaccines.

(iv) State the budget allocation for the year 2024-2025 from both Kisumu County and the national Government for the repairs and maintenance of medical equipment and refrigerators.

OPERATIONALIZATION OF MASENO MUNICIPALITIES IN KISUMU COUNTY

Lastly, Mr. Deputy Speaker, Sir, I wish to seek a statement pursuant to Standing Order No. 53(1) from the Standing Committee on Devolution and Intergovernmental Relations regarding the operationalization of municipalities of Maseno-holo, Kombe-Wabodi, Aheru-Awasi, Muhoroni-Chemelil and Katito-Paponditi.

Article 186 (1) of the Constitution of Kenya 2010, read together with Sections 9(1) and 9 (3) of the Urban Areas and Cities Act 2011, allows the county governor, upon the resolution of the county assembly, to confer the status of a municipality on a town that meets the set-out thresholds.

The conferment of municipal status to the five towns above mentioned calls for good planning and execution to ensure effective governance, accelerated development and improved livelihoods for the residents.

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In the statement, the committee should:

(i) Explain the status of compliance by the County Government of Kisumu with the provisions of essential services in municipalities emulated in the first schedule to the Urban Areas and Cities Act 2011;

(ii) State whether all functions outlined in Schedule 4, Part 2 of the Constitution, including the attendant staff, budget and assets, have been transferred from the respective county government departments of the municipalities as per the Gazette Notice of 13 October 2023 issued by Governor Professor Peter Anyang' -Nyong'o.

(iii) Explain whether the new municipalities have established physical offices. If so, where these offices are located for each of the five municipalities, and whether these municipalities have operational bank accounts for financial transactions, management and day-to-day running of operations, and provide details of the bank accounts, and any funds allocated to the municipalities for their establishment.

(iv) State whether the staff have been deployed in these municipalities, and if so, provide details on the number, remuneration and role of the deployed staff.

(v) Explain whether these municipalities have established management boards and outline the number of meetings that have been held by the boards since their establishment, providing any resolutions for such meetings, and whether allowances have been paid to board members for the meetings held as prescribed.

(vi) Outline the general terms of relation of the board members and elaborate whether such terms are similar to those of other boards within the county government and whether these terms meet the standards set out by the Salaries and Remuneration Commission (SRC) guidelines.

Thank you.

The Deputy Speaker (Sen. Kathuri): Senator for Taita-Taveta County, Sen. Mwaruma.

STRIKE BY MEDICAL PERSONNEL IN TAITA-TAVETA COUNTY

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to request for a statement on the ongoing strike by medical personnel in Taita-Taveta County.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health regarding the ongoing strike by medical personnel in Taita-Taveta County.

In the Statement, the committee should:

(1) Appraise the Senate on the reasons presented by the striking workers that necessitated the industrial action.

(2) Update the Senate on measures taken by the Taita-Taveta County Government to address the issues raised by the striking workers before commencement of the industrial action.

(3) Inform the Senate of the steps the county government is taking to resolve the strike.

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(4) Provide an account of the number of casualties in the four sub-counties resulting from this industrial action, which could have been avoided had the strike not occurred.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next is a statement by the Senator for Lamu County, Sen. Githuku. He is not present. That statement is dropped.

STATUS OF DEVELOPMENT PROJECTS IN LAMU COUNTY

(Statement dropped)

The Deputy Speaker (Sen. Kathuri): The other one is the Statement from the Senator for Kisii County, Sen. Onyonga. That Statement is also dropped.

STATE OF MEASUREMENT SYSTEMS IN THE COUNTRY

(Statement dropped)

What is your point of order, Sen. Faki?

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. I rise on a point of order.

The Deputy Speaker (Sen. Kathuri): As you execute your point of order, I thank you because you just pressed the intervention key and waited for the Speaker's attention. That is the way to go; not shouting points of order in the Chamber.

Sen. Faki: Thank you. No, I had already pressed it.

The Deputy Speaker (Sen. Kathuri): Yes, you are leading by example. That is what I am saying. Thank you. You just press and you wait.

Sen. Faki: Thank you. I think Sen. Kinyua should take over.

The Deputy Speaker (Sen. Kathuri): Others should see this; Sen. Orwoba and the rest, together with Sen. Cherarkey.

(Interruption of debate on Statements)

POINT OF ORDER

SENATORS TO HOLD A KAMUKUNJI ON THE BUDGET OF THE SENATE AND ITS COMMITTEES

Sen. Faki: Thank you, Mr. Speaker, Sir. I rise on a point of order to seek your guidance on an issue that is affecting the House generally. This is in regard to our committee work. Most of the committees are experiencing a lot of quorum issues. Members appear to be a bit disenchanted. Therefore, it is very difficult for the Chairs of those committees to prosecute the matters that are before them.

This has mainly been necessitated by the fact that, so far, we have been unable to know from our Chairs what the budgets are for our respective committees. We have

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already done a quarter of the financial year, July, August, September, and so far, there has been no movement at all. There are reports waiting to be concluded. There are public participation activities that need to be done. All these will require Members to volunteer and attend those meetings.

Mr. Deputy Speaker, Sir, I propose that you hold a *Kamukunji* so that these issues can be discussed by all the Members and the Chairs of those committees. I know you are Chair of the Liaison Committee. However, the committee might not be pushing hard enough so that the interests of those Chairs that you preside over can be taken care of.

The second issue is the fact that we have information that the Senate had pending bills of about Kshs450 million in the last financial year. As the Senate, we need to know--

(Applause)

In my seven years in this House, I know there is a budget that comes from the Parliamentary Service Commission (PSC) to the Senate. When it arrives at the Senate, who budgets that money? Who amongst the Members here makes a decision on how that money is supposed to be used? I know, we, as Members are accountable to our people.

The Deputy Speaker (Sen. Kathuri): What clarification are you seeking from the Chair?

Sen. Faki: The clarification I am seeking is, we need to have *Kamukunji* as soon as possible. In fact, this *Kamukunji* should have been held before we opened the House yesterday so that Members can be briefed on what is happening so that committees can be vibrant again.

Most of the committees are taking issues of the public limelight so that they can get that mileage in the press. However, in reality, most of the committees are struggling in terms of quorum.

Most of our business is transacted through committees. If the committees are not meeting, then it means we will only be coming here to---

The Deputy Speaker (Sen. Kathuri): Sen. Faki, your point is made. I have heard you. I will give guidance on that particular matter.

Sen. Faki: Thank you.

The Deputy Speaker (Sen. Kathuri): The *Kamukunji* as it is stated has all these interests.

(Loud consultations)

I am not able to differentiate on what issues the Members want to contribute here. I will give you one minute each, two from this side and two from the other side to contribute to the issue raised by Sen. Faki. Then we will give a few minutes maybe 20 or so for the statements.

Sen. Orwoba, proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. I am glad that Sen. Faki has brought this issue up. Like every other institution, the Senate runs on a budget. We have

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been reminded severally by Gen Zs that we need to live within our means and we must practice austerity measures. However, the Senate, and particularly the Senators, do not have any oversight of the budget that we have as a Senate.

The National Assembly has a Budget and Appropriations Committee that is able to give foresight and control on the expenditure. In the Senate, there are a lot of grey areas. Yesterday we had Sen. Sifuna sweating because the air conditioning system here has a problem. This morning, we could barely hear the Cabinet Secretary for Roads and Transportation because our sound system here does not work.

Mr. Deputy Speaker, Sir, for some very weird reason, we are prioritising the purchases of red carpets, hanging lights and all sorts of other things. As I speak, we do not have oversight of basic things such as travel. We are just asking, as a House of oversight, to be allowed to see the money that has been appropriated to the Senate and see how to use it with austerity measures.

Finally, just to conclude, because I am not a Chair---

The Deputy Speaker (Sen. Kathuri): You have been heard. Sen. M. Kajwang’?

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, together with Sen. Cheruiyot, we have been in this Senate from the 11th Parliament. This Senate has changed. We are no longer able to execute our functions in committees or even do parliamentary diplomacy, which is a critical aspect of any Parliament. The problem is not just the allocations at the committee level. The problem is a global allocation to the Senate and to Parliament as an institution.

We have allowed people to ride roughshod over us, contrary to Article 249(3), which requires this Parliament to allocate adequate funds to enable each commission and independent office to perform its functions. We are allowing the National Treasury to set a budget for us. That is where the problem starts. I belong to the Liaison Committee, which you so ably Chair.

I believe this matter now needs to be brought to Members because we do not understand---

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I have been discussing these issues in secrecy, but now it is open. I wish to thank Sen. Faki.

It is very unfortunate that we have a pending bill of Kshs450 million. Who spent that money? I am not aware. He who comes to equity must come with clean hands.

Number two; how can you allocate Ksh7 million to every committee? What will we do with Kshs7 million? We cannot even reach Dandora Stadium or Toi Market for audit, let alone Kericho, Nandi or Marsabit counties.

This is an affront to the institution of Parliament, more so to the Senate. I am requesting that we adjourn indefinitely and discuss or only do plenary sittings and do away with committee and parliamentary diplomacy until this matter is heard and determined.

Finally, give us a date---

The Deputy Speaker (Sen. Kathuri): I want to give guidance on that matter.

(Loud consultations)

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Senate Majority Leader, since you will mediate this matter with the Minority Leadership, preserve your comment.

I request that both---

(Sen. Cherarkey consulted loudly)

Order, Sen. Cherarkey! The Senate Majority Leader, I want to give guidance now. This bromance between you and Sen. Gloria this afternoon is a bit worrying.

(Laughter)

So, both the Majority and the Minority Leadership should sit down this afternoon or tomorrow and agree on appropriate date for the *Kamukunji*. All Parliaments are run through *Kamukunjis* because that is where we do housekeeping. Before things go out of hand, *Kamukunjis* are very necessary in any democracy.

Let us now get 20 minutes of brief comments on the Statements. Senators, make sure you do not comment on your Statements.

Sen. Sifuna, proceed?

(Resumption of debate on Statements)

Sen. Sifuna: Mr. Deputy Speaker, Sir, allow me to begin by commenting on the statement by Sen. Gloria. I take this opportunity to congratulate her. I think this is the first time in parliamentary history that a pregnancy announcement has been woven into a parliamentary question. She did well to disclose because the question was on Linda Mama. If she had not told us that, we would have accused her of conflict of interest because she is soon going to be a beneficiary of Linda Mama programme.

I would like that when the committee takes charge of this matter, they also appraise us on whether there are any pending bills or amounts that are owed under this programme to any of our county hospitals.

I remember the last time the Cabinet Secretary for Health was here, she assured us that all those pending bills would be cleared soon. So, the committee should take charge of that.

Number two, it is quite disturbing; you can see the Senator for Kisumu County has brought two Questions on the state of education in the country. Specifically, even regarding the safety of pupils and students across the country.

Mr. Deputy Speaker, Sir, we continue to condole with our brothers and sisters who lost their young children at the Hillside Endarasha School in Nyeri. All of us, whether you are a parent or not, or a parent-to-be like Sen. Gloria, we are concerned about the safety of the students and we would want that matter to be resolved.

You will also be aware that just this afternoon, the students in the universities have issued a two-week strike notice again over the university funding model.

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I have very serious reservations about the announcement I saw the day before, that, we are putting together a committee of almost 200 people to deal with a problem that we caused ourselves. I have asked myself severally, what was the problem with the funding model that we went through when I was in the university? It was very easy for the chiefs, religious leaders and our close family associates to communicate with the Higher Education Loans Board (HELB) and tell them the state of our finances.

Mr. Deputy Speaker, Sir, I feel that these are very important Statements and the committees should endeavour to ensure that they come up with proper answers for us to deal with these issues, once and for all.

I thank you,

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Sifuna.

Kindly, two minutes are enough for brief comments.

Sen. Omar Sheikh Mariam, proceed.

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity.

I will also comment on the Statement raised by the Senator for Kisumu County on education. From where I am seated, the education system in Kenya is discriminative. I raised a Statement concerning hijabs in some public secondary schools and still, up to now, they are not allowing Muslim girls to wear hijabs in school. That is Alliance Girls and Kenya High.

I interrogated that Statement with the Cabinet Secretary for Education and the reason they gave us is not enough. To add on that, both of these schools are public schools funded by taxpayers.

Mr. Deputy Speaker, Sir, when it also comes to safety measures in a school, the first priority in a society is to take care of our children. Last night in the news, I saw that a student fell in an open septic tank and lost his life.

We need the Ministry of Education to take charge and inspect each school, be it private or public. If they are not conducive for our children, they must be closed down.

The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Agnes, proceed.

Are you commenting on the Statements?

Sen. Kavindu Muthama: I will call you back.

The Deputy Speaker (Sen. Kathuri): Did you say you will call me back?

(Laughter)

Sen. Kavindu Muthama: Not you, Mr. Deputy Speaker, Sir. I am commenting on this Statement by Sen. Sifuna for Nairobi City County about Ms. Florence Wanza, a driver, who disappeared in DRC. I understand that the lorry is back here in Kenya without the driver and nobody seems to know where she is. So, I am wondering if the lorry is more important than a human being.

I request the committee which the Statement will be referred to, to make sure that they handle this issue expeditiously.

That is why we are saying that we need the *kamukunji* soon because committees have to continue with their job. At the committee level is where we, Senators, do most of

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the work at the Senate. Without the committees working and functioning properly, the work of the Senate will be stuck.

Mr. Deputy Speaker, Sir, I beg the Committee on National Security, Defence and Foreign Relations to take this matter very seriously because the parents of Florence are having sleepless nights because they do not know where their daughter is.

The other Statement is by the Senator for Kisumu about fires in schools. When parents take their children to school, they know that they are safe and secure. When these fires happen and children die and even some disappear without a trace. It is very depressing for the parents to take their children to school then they get back a dead person to bury.

Mr. Deputy Speaker, Sir, this will worry a lot of parents and maybe some of them will even be afraid of taking their children to school because of the fear that they might not come back. This is very devastating.

I ask the Committee to take very hasty measures to make sure that they put the Government to task because even students must be given security. Even if it means policemen being employed and deployed to schools for the security of these children; it is important because they are helpless, they cannot protect themselves.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next is the “youth leader”, Sen. (Dr.) Oburu Oginga.

Sen. (Dr.) Oburu: Thank you, Mr. Deputy Speaker, Sir. I want to comment on the Statement sought by Sen. Chute regarding the northern region of our country.

The marginalisation of these areas started right from Independence. At Independence, there was a Sessional Paper of 1965 which clearly stated that investments in the development of our country will be based on the highest return per shilling. This was intended to only develop areas with high potential, agriculturally viable. It marginalized the North Eastern region which did not look viable. However, the soil there is very fertile.

Mr. Deputy Speaker, Sir, rivers pass through there. There are potentials in the mineral resources underneath. The area has so many animals there, we should establish proper slaughterhouses so that we can export meat.

Botswana is a dry country, but they are very rich because they are exporting their meat to Middle Eastern countries. Therefore, the committee must investigate this properly. We must find ways and means of empowering the people of the northern region. There was no investment at all until a few years ago when all these organizations on drought and Arid and Semi-Arid Lands (ASAL) ministries were being established.

These are a small drop in the ocean because they were ignored for many years. There were no roads, no dams and no electricity. Up to now, big cities are still using generators to get power. We should increase efforts to make sure that we also benefit from this very rich region, which has a lot of resources, both underneath and on very rich soils.

We need to establish dams, good roads and electricity so that the resources there can be exploited and there should be no poverty there. I support the statement sought by hon. Chute. Let the committee investigate properly.

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Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. I cannot tell whether the Senators who are on the left side of my screen are the ones who were agitating for a *Kamukunji*. Are you still on *Kamukunji* business or you want to make comments?

Okay, proceed, Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. I want to add my voice on Sen. Tom Ojienda's Statement about the safety of pupils and students in schools across the country.

We have been experiencing a lot of unrest, including fires in Dagoretti and all these schools. It is time that we stop addressing the issue in one way. We need to look at what is causing this unrest.

I went to my former school, St. George's, to check on the fire safety measures and I realized that a lot of schools take for granted the policy given some years back of removing the grills from the windows and ensuring that the dormitories are left open.

In all the fire cases where we have lost students, we have seen that the dormitories were locked and they had grills.

I urge the Ministry of Education to have a team to go assess all the schools and provide a checklist. It should not be about a 67-page policy that is there. Most of the people implementing will not read 67 pages.

We will be making some headway if it can be reduced to two A4s of a checklist of what should be there and what should not be there. There has been a conversation about abolishing boarding schools. That is not the way to go.

There are so many reasons why parents choose to take their children to boarding schools. Just because we have a problem or a calamity in one or two boarding school, you cannot say that boarding schools must be shut down. We have seen accidents happening in day schools, but we do not call for the day schools to be shut down.

I call upon the Ministry of Education led by Hon. Julius Migosi to ensure that there is a checklist provided because we are lacking a checklist from the Ministry of Education to make sure that our dormitories, particularly are safe. Safety is not only from fires, but also from intruders and all sorts of other risks.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Proceed, Sen. Kajwang' Moses.

Sen. M. Kajwang: Mr. Deputy Speaker, Sir, I would like to comment on the statement on the state of education and the state of healthcare in the country.

We resumed our sittings yesterday. During recess, we lost 21 children at the age of 12 to an unfortunate fire at Endarasha Hillside Academy. On behalf of the Homa Bay delegation, I wish to convey the condolences of the people of Homa Bay. A House with a conscience ought to have resumed its sittings with a minute's silence.

I am a parent of a child in that demographic. My son turned 12 years old. I would tremble to think that I would send my son to a boarding school to pick up skills and relate with other children, only for him to come back in a body bag.

The story of Endarasha is a horror story. If our committees were properly resourced, the first business would have been for the relevant committee, be it education

or security, to go to Endarasha to establish the facts. We cannot trust the Government or the executive to tell the story.

That is why Parliament exists such that if something has happened in this nation, Kenyans are very skeptical of the account that the national executive provides. I encourage the relevant committee, that if possible, all of us must go to Endarasha. We must establish the facts and assure the parents that it is safe to reopen the school.

You can imagine the trauma that will visit other children if they are forced to go back to a school where 21 children have been roasted to death. Why would parents be forced to send their children back to that school? It is because they have paid fees for the entire year and do not have an option to transfer their children to another school. We need to be empathetic.

Endarasha Hillside Academy summarizes the state of education in this country; that it does not matter, children can die as long as you do not touch the mountain. Children can die as long as you do not destabilize the politics. A country that does not put children at the centre of its policy and its politics is a country that is dead.

Mr. Deputy Speaker, Sir, this morning, the Cabinet Secretary for Labour and Social Protection brought here a redacted summary of Kenyans who have acquired jobs in the recent job-seeking spree that the President has been on. Out of that entire schedule, 60 per cent had secured jobs as housemaids.

We are manufacturing and exporting housemaids. What kind of education system is that? In South Africa, the education system has produced and exported Elon Musk. He is now the richest man in the world.

Mr. Deputy Speaker, Sir, the Indian education system has produced and exported executives of tech companies globally. Kenya has produced and exported housemaids to Saudi Arabia and Qatar. It is a big shame!

That is the state of education in this country. If there is a crisis that we need to deal with today, it is the education crisis that is manifested in strikes at all levels, from primary to secondary to universities. We have a university funding model that does not make sense.

As I conclude on the issue of the state of healthcare, as raised by Sen. Mwaruma, some of the strikes by our doctors relate to delays in exchequer releases. Sometimes, county governments deduct money from staff, but they do not remit.

Mr. Deputy Speaker, Sir, allow me just one minute to inform Sen. Sifuna, who was very hard on the Cabinet Secretary, Hon. Mbadi, earlier in the morning. Unfortunately, I was not here to provide that information at that point.

The Cabinet Secretary, Hon. John Mbadi, after meeting the President had an appointment with his tailor. Yesterday, there was a national outcry about the state of his suits; that he had cut his clothes too big for his size.

If you all observed, the Cabinet Secretary, Hon. Mbadi, looks emaciated. He also looks stressed and fatigued. We should all pray for Hon. Mbadi, so that his suits can fit him again. We donated him when he was in good health and when his suits could fit him. In only two weeks, the suits cannot fit because of the state of the economy.

Please, give us back our Mbadi!

Sen. Orwoba: On a point of order, Mr. Deputy Speaker, Sir. I am an amateur in this House. My point of order is under Standing Order No.101. I have been learning through these Senators on how to conduct myself in this House. This is a House of procedure and rules and with mature people.

(An hon. Member spoke off record)

Kindly, refer to Standing Order No.101.

The Deputy Speaker (Sen. Kathuri): Sen. Gloria, proceed to execute your point of order. Do not be bothered by them.

Sen. Orwoba: Mr. Deputy Speaker, Sir, it is sad when some of us young people come here and observe other Senators breaking the rules, misleading us and acting immaturity to the point of discussing a Cabinet Secretary's dress code. A man discussing the dress code of another man in the Chamber is shocking!

Sen. M. Kajwang' should have stood and told us that after his extensive point of who we export--- By the way, housemaids are not--- *Kazi ni kazi* and all jobs are dignified.

I wish that this Senator stood and said that the Cabinet Secretary was busy creating more jobs, but he has come to discuss the dress code of another man! We need to first investigate the intention and interest of Sen. M. Kajwang' looking at other men and their dress code.

The Deputy Speaker (Sen. Kathuri): That is enough, Sen. Orwoba.

Sen. Orwoba: Mr. Deputy Speaker, Sir, it is very strange for me as a woman. He should apologise. As women who look at that Cabinet Secretary and his dress code, we are not complaining. What is Sen. M. Kajwang' looking for in the dress code of our Cabinet Secretary?

The Deputy Speaker (Sen. Kathuri): Order, Sen. Orwoba.

Sen. Orwoba: He must withdraw and apologise. That is a dignified Cabinet Secretary.

The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, when the Chair talks to you, you should pause and listen.

Clerks-at-the-Table, when the Chair calls a Member, you should switch off the microphone, so that they can listen to the message that I want to convey.

Next is Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I would like to comment on two Statements. I will not go outside what is happening. So, do not worry.

On the issue of the state of education, I want to appeal to university students. While they are expressing reservations about the university funding model, it is important now that the technical committee has been appointed.

I appeal to university students to propose views on the university funding model. I think we should revert to the initial funding model for university students where all of us were able to access loans by the Higher Education Loans Board (HELB) across the country.

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I condemn in the strongest terms possible the bludgeoning attack against students of Multimedia University yesterday by police officers. It was so embarrassing yet we live in a country of the rule of law. I have no opinion because the Acting Inspector General (IG) of Police, Mr. Masengeli, is a fugitive of justice and that reflects badly on the police.

I have been a victim of police brutality and harassment. Therefore, I will not allow any other Kenyan to go through what I underwent. I was arrested on 14th April, 2022, while I was naked in my bed. If I was at a certain age, I would have cursed those police officers.

In my culture, when you see a person who is 80 years and above, they can curse you. Sen. Lomenen can understand.

Mr. Deputy Speaker, Sir, on the issue of safety in schools, I want to pass my condolences to the community of Hillside Endarasha Academy---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, the three gracious ladies are yelling because you were arrested naked. I do not know what is so amusing.

Please, proceed and conclude.

Sen. Cherarkey: Do they want to see me naked? They can see me in camera, so that I---

(Sen. Cherarkey's microphone was switched off)

The Deputy Speaker (Sen. Kathuri): Allow him 30 seconds to conclude.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, the gracious lady might have seen greater machines than mine but you know some of the Kalenjin propellers are dangerous.

(Laughter)

In conclusion, I want to pass my condolences--

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey. What are you referring to? Which language is that you are using?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, if you see the excitement of Sen. Nyamu, she understands what a Kalenjin propeller is.

Concerning the issue of Hillside Endarasha Academy, I want to pass my condolences to the family, friends and Nyeri County at large for the loss of 21 students. The Ministry of Education should give us proper guidelines on how school safety should be handled.

I thank you.

The Deputy Speaker (Sen. Kathuri): We are concluding the Statements Hour. I will allow Sen. Okiya Omtatah and one more Member from this side before we conclude.

Sen. Okiya Omtatah: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to address this House. I will contribute to the Statement on our schools.

The missing link or the elephant in the room is that school inspectors have been sidelined. They have no budgets and are not operational. Even if we pass these beautiful laws and regulations, there is nobody to enforce them.

We need the education sector to go back to a system where they had a robust department of school inspectors who could go around schools, like Sen. Orwoba did when she went to her former school and found that the grills were not well fixed, so that they can---

(Sen. Orwoba spoke off record)

Sen. Orwoba, you did not clarify that. You just said that you went to your former school, but I do not know what happened.

We need school inspectors back to begin enforcing these regulations and laws that are passed by this House to ensure the safety of our children. Apart from school inspectors, we need to look at the private schools.

The taxpayer must go back to funding and providing proper public education, so that private schools are not crowded. The idea that the Government only collects taxes and provides no goods and services is anathema to the republican nature of this state.

I thank you.

The Deputy Speaker (Sen. Kathuri): Last but not least, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I want to start by giving my very heartfelt sincere condolences to the families and the parents of Endarasha Primary School in Nyeri.

We have a tendency where we bring matters before this House and what we do not address is the timelines when these issues should be given feedback. It is a high time that the Committee on Education that I believe will handle this matter, speeds up because we await and then you find that other issues are still cropping up.

The County Director of Education for Nyeri, where this school is, should have given his statement by now or a report as to what really transpired.

I thank our President, Dr. William Ruto, who was in the County of Nyeri this last weekend. He committed to ensuring that he will support the school to come back to its status.

Therefore, so far as my colleague, Sen. Okiya Omtatah, has mentioned, the inspectorate team should be able to give a report. It is one thing when funds are there, but what are the kind of standards that need to be adhered to so that our kids are safe? We entrust our kids in these institutions by the heads of this particular learning institutions.

The learning institutions at some point in this country have become a business. They are not adhering to the required standards of the Ministry of Education. The other day we were even concerned about Githurai, Nairobi, where we have a primary school that has one classroom with over 80 students, yet the regulations are very clear that the maximum number should be up to 45.

School children are squeezed in there, yet the Ministry is there, the people are being paid each and every month to ensure that they partake their roles. Even if funds are not in place, but the person in charge should ensure that in whatever time before the school---

The Deputy Speaker (Sen. Kathuri): Next Order, Clerk.

BILL*First Reading*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.39 OF 2024)

*(Order for First Reading read -Read the First Time and Ordered
to be referred to the relevant Senate Committee)*

BILL*First Reading*

THE LABOUR MIGRATION AND MANAGEMENT (NO.2)
BILL (SENATE BILLS NO.42 OF 2024)

*(Order for First Reading read -Read the First Time and
Ordered to be referred to the relevant Senate Committee)*

Next Order.

The Senate Majority Leader, proceed to move the Motion.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR
PART IV OF THE THIRD SESSION

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I rise to move the Motion on the Alteration of the Senate Calendar for Part IV of the Third Session -

THAT, notwithstanding the Resolutions of the Senate made on 15th February, 2024 (approval of the Senate Calendar) and 19th August, 2024, (alteration of the Senate Calendar), pursuant to Standing Order No.32(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Third Session, 2024, in respect of Part IV, to –

- i. continue with regular sittings until Thursday, 31st October, 2024;
- ii. proceed for recess from 1st November, 2024; and,
- iii. resume regular sittings on Tuesday, 12th November, 2024.

Mr. Deputy Speaker, Sir, this is a decision that we reached at the Senate Business Committee (SBC), alive to the fact of the next Motion, which we shall be speaking about in a few minutes of the Senate *Mashinani* programme. As you are aware, it was scheduled to take place next week in Busia. Nonetheless, because of other exigencies of

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work and considerations that need to be made, we have had to reschedule it to the month of October.

That being the case, then it means we have to redo our Calendar as has been proposed this afternoon. This is a fairly straightforward matter, but there are two things that I would wish to speak to. I did not get a chance to speak when Sen. Faki spoke earlier on the need for Members to show up in Committee sittings. I wish he had matched his word with his action by staying in the Chamber long enough.

I must say this with a very heavy heart, that one of the biggest tragedies of this current Senate, is that it is extremely empty on most afternoons. I have never seen Parliament as empty as it is. I am used to seeing a Senate where people debate and not on points of orders, but on Bills and legislations. That practice has since long disappeared because people have become transactional. They come here, issue statements and disappear.

I do not want to name people, but if you see the number of people that bring statements to this House in many afternoons, they consider that to be legislative work. You then wonder who is going to process these statements if everybody was just to come, lay a statement and disappear.

Why do people fight so hard to be elected to come to this House, then leave their chairs empty? We must also be serious as a legislature. I listened to people lamenting this afternoon that this is not working, there are issues of labour, education and so on. First of all, begin by transacting that business in this House.

This is a premium platform. Millions of Kenyans yearn for the opportunity to sit in the legislature of their Republic. I do not understand this new generation of legislators that we have in this current session. People show up at 2.30 p.m. and by 3.15p.m. you do not see them in the House.

Mr. Deputy Speaker, Sir, I do not think that it is for lack of things to do that you find many Members in the Chamber. Look at the experience. For example, Sen. (Dr.) Oburu, the youth leader, is serving his seventh term in Parliament.

The Deputy Speaker (Sen. Kathuri): You have a point of order from Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I rise under Standing Order No.22. I wish the Majority Leader the courage to check Standing Order Nos.22 and 23.

Mr. Deputy Speaker, Sir, allow me to speak to them without reading them because they are too long. The reason they are too long is because in this entire ---

(Sen. Cherarkey consulted loudly with Sen. Tabitha Keroche)

Mr. Deputy Speaker, Sir, may you protect me from the noise on the other side by Sen. Cherarkey. Protect me because what the Senate Majority Leader is talking about here is very important.

Since it is important, Standing Orders Nos.22 and 23 are functional points of order. They are the points of order that prescribe the functions of leadership of this House. They define the leadership of the Majority side and their deputies. They define the

leadership of the Minority side and their deputies. They have got functions, including whipping the Members of this House to be in this House.

Mr. Deputy Speaker, Sir, is it in order for our Majority Leader, to get up and start lamenting about his Members who are not showing up in the House and, therefore, making the House always empty? Is it an abdication of duty that the Majority Leader together with his deputies, the Majority Whip and Deputy Majority Whip and even the Minority Leader, are not doing their work in terms of whipping the Members of this House to be in this House?

Why must we sit as Senators ---

The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, have your seat. If I heard the Majority Leader clearly, what he meant is that once you are elected, you take personal responsibility. It is not about whipping Members to be in the Chamber.

It is about personal responsibility and duty after you get elected. That is what he meant. He does not do the work of a whip, which is done by Sen. (Dr.) Khalwale.

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I am struggling to follow what Sen. Oketch Gicheru is trying to converse. I never whipped him to put up posters in Migori County. He told the people of Migori County that he wants to represent them in this House. Therefore, it cannot be my business to whip you, as a Member of the Senate, because I am a leader in this House and tell you to come for sittings.

I was giving the example of Sen. (Dr.) Oburu, a fine gentleman and revered legislator, serving his seventh term in Parliament. Every afternoon, from 2.30 p.m. to as late as possible sometimes, despite his extremely advanced age, he has the energy to sit in this House.

However, you will find young people in this House, who show up for two minutes and then pick up their call and disappear. They are chasing one thousand and one things, none of which is exceptional and bringing any value to the country. I thought the rule of life is that you succeed first at one thing so that you advance to the next level.

I, therefore, request and humbly plead with my colleagues that because we have such a sacred responsibility, and there are many things that the country is looking up to us to resolve, can we find the time to attend House sittings.

If you look at the Order Paper today, you will see more than 20 Bills that are the Committee of the Whole stage, some of which, have been on the Order Paper for more than five months because we cannot raise 24 delegations. Do we need a *Kamukunji* to call people to come? These are not budgetary issues. You do not require a budget for you to do your legislative work. Therefore---

(Sen. Oketch Gicheru spoke off record)

Mr. Deputy Speaker, Sir, I do not know what Sen. Oketch Gicheru has eaten before coming to the House. I am trying to address you and he is over-shouting. I cannot concentrate because of the noise he is making.

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The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, if you are consulting with Sen. Sifuna, do it in a very low tone.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I want us to take time, look into the issues that are being raised and be fair to our country because it pays us extremely well. We are told many times that we are among the best-paid legislators on the planet Earth. Can we also deliver quality work?

My good friend, Sen. M. Kajwang', even as you expose the challenges that we have in the Republic, it goes beyond just pointing out to the maladies and the challenges that we are facing. Be fair to it. What you said this afternoon cannot remain on record; that despite the challenges that we have in our education sector, it only produces house-helps. You are not a house-help. You went to Moi Universities with me. You are here because the education system worked.

Even as we complain about the things that are not working in this country, let us not exaggerate some of them. I believe this country has produced serious professionals on the globe. It is not just housemaids, the way Sen. M. Kajwang' wanted to paint it. Be fair to your country, Sen. Kajwang'.

(Applause)

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

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

Sen. M. Kajwang': On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, on matters of fact, I was with the Senate Majority Leader, Sen. Cheruiyot, at Moi University, at the Student Centre. We went to address a *Kamukunji* not too long ago. The students told us the kind of problems they are facing.

Is Sen. Cheruiyot in order? In the morning session, while he was away lambasting Members who were not here, Sen. Cherarkey and Sen. Onyonka put the Cabinet Secretary for Labour and Social Protection to task because he had brought us a schedule showing the jobs we have exported.

It is a fact that, that report was tabled here; that the President has been gallivanting going all over the world and the bulk of the jobs he has secured are housemaids. It is described there. It is a fact that was tabled here.

It is also a fact that India produces and manufactures technical and Information Technology (IT) and computer science experts. That is why Silicon Valley is dominated by Indians. Yes, we had a good education at Moi University, and that is why I am here.

However, if we are exporting labour and that it is one of our products, if diaspora remittances are bigger than the returns from coffee and tea, that means the production of labour is our biggest industry. However, if we are producing house girls, we should be ashamed of it.

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(Applause)

(Loud consultations)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, Sen. M. Kajwang' has not disputed the fact that I laid bare in the Senate this afternoon that he is misleading this House by claiming that the only labour that Kenya produces is housemaids. That is not a fact.

(Sen. M. Kajwang' spoke off record)

It is in the record. You did not speak of the percentage. You said, "only". Where did you learn your English, Moses? 'Only' means 100 per cent. He is now trying to amend his statement because he knows that he has misled this House. That is not the point that I am trying to converse. I know for a fact that part of the reason the foreign remittance is high is because we have serious professionals that we have produced, from doctors to engineers, that are serving all over the world.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, hon. Members. Allow the Senate Majority Leader to address this part.

Proceed, Senate Majority Leader.

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Korir and Sen. Orwoba, allow the Senate Majority Leader to proceed without interruption.

Proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I want to conclude. I commend the Senators that are in the House this afternoon, including my friend, Sen. M. Kajwang'. This is the first time I have seen him stay for more than two hours in the House in this session of the Senate. I must commend him. If that is the spirit he wants to pursue in this Third Session, that is the Moses Kajwang' I knew and have been with in the trenches of this House for the last three terms.

With those very many remarks, I beg to move and request the Senator for Kilifi County to second this Motion. He is the longest serving Member of the Senate. He is always here at 2.30 p.m., but sits patiently up to 6.30 p.m. on most afternoons.

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika wa Muda. Aliyoyasema mwisho ni ukweli.

(Laughter)

Kwanza, naunga mkono Hoja hii ya kugeuza Kalenda yetu ya Seneti. Kunazo sababu zinazofanya tugeuze Kalenda hii. Kwanza, ile tarehe iliyowekwa ya Seneti Mashinani imebadilika hadi mwezi wa Kumi na Moja. Vile vile, Maseneta watapata nafasi ya kujiandaa kusafiri kuenda Busia kwa ratiba ya Seneti Mashinani.

Natoa ushauri kwamba ni lazima tuzingatie *seriousness* katika Bunge la Seneti. Kuna hizi tabia tunazozianza za kutoa hoja za nidhamu wakati Seneta mwezako anapooonea na pengine hujapenda anachoongea. Seneta anasimama ama kubofya kile kidude kilichoko mbele yake na kusema anataka kutoa hoja ya nidhamu. Hoja ya nidhamu ninavyoielewa kwa wakati nimekuwa hapa ndani na ndugu yangu, Sen. Cheruiyot na Sen. M. Kajwang', ni kitu cha muhimu.

Bw. Spika wa Muda, hoja ya nidhamu ni kitu muhimu sana na kuingilia mtu katikati akiwa anaongea, inapoteza mwelekeo ama zile fikra alizokua nazo. Tuweze kujizuia na tumwache yule anayeongea, aongee mpaka amalize halafu ndio utajua mwelekeo wake ulikua namna gani. Hoja ya nidhamu ni sawa lakini tuitumie kwa njia ya kisawasawa. Hayo ndio maoni yangu ninayosema.

Cha mwisho ninachoona ni cha muhimu ni kwamba tunaenda Senate Mashinani na kutakua na watu wengi kule. Ukiangalia hapa ndani, utapata Maseneta walio hapa ni wadogo kuliko ile nambari inayotakikana. Nikikumbuka ile Seneti ya kwanza ya 2013, ilikua inajaa sana, mpaka ikifika Saa Kumi na Mbili na Nusu jioni, bado Maseneta wamejaa humu ndani. Ni ukweli kabisa na saa zingine ukweli ukisemwa, unakua uchungu.

Bw. Spika wa Muda, tukiangalia ndani ya hii Seneti, tunaona tumepoteza mwelekeo. Ninaomba ndugu zangu, ni muhimu tukiwa hapa ndani tujifundishe ili waliokuja sasa hivi waweze kujua. Mtu kama Mhe. (Dr.) Boni Khalwale huketi hapa mpaka mwisho kila siku. Hiyo hatuwezi kataa. Ndugu yangu, Mhe, Sifuna, anaketi hapa mpaka mwisho na hatuwezi kataa hiyo.

Ningependa kuuliza wale wengine, haswa Maseneta wapya ni lazima waweze kujua. Hata Sen. Gloria pia yuko pale na yeye huketi mpaka mwisho ikiwa kuna sababu. Lakini ana zile tabia zingine ambapo anaingia hapa ndani---

Sitaendelea na pande hiyo lakini asije na vile vitisho vyake vya kuvaa namna gani na kujipaka rangi sijui gani.

(Laughter)

Bw. Spika wa Muda, ninaunga mkono ndugu yangu aliyeleta hii Hoja ya kusema tugeuze Kalenda na itakua ya matumizi zaidi.

Asante.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I will allow Members to contribute to this Motion. I have a number of Members who have requested to contribute.

Sen. Orwoba Gloria?

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Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. It is important that we contribute to the matters we want to contribute to and I support this proposal because I have seen what recess does. People come back rejuvenated. However, I have also seen that sometimes it is better we stay in the Chamber and have the debates that we need to have.

Coming from a background that believes that all jobs are dignified and must be respected, and as a specially elected Senator, even as I take my recess in the proposed dates that we have, let us go back to talk to the housemaids that Sen. M. Kajwang' was referring to. Those are dignified jobs and those are voters who should be respected.

This is why this proposal that is being brought by the Senate Majority Leader is important, because Sen. M. Kajwang needs to go back home and appreciate the people that voted him in. Some of those people are housemaids and I am sure he has a housemaid in his house.

As I support this proposal, I also remind all Senators that recess should be taken seriously. Now that it has been postponed, when we go for recess, I would like to urge all Senators to go and talk to all the electorates, including the housemaids.

Sen. M. Kajwang': On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. Gloria, allow Sen. M. Kajwang' to raise his point of order.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, it is out of order to impute improper motives on the part of colleagues. We had a debate here, a conversation on statements, a matter that has been prosecuted on the discussion of the Calendar of the Senate.

Sen. Gloria Orwoba is imputing that Senator Kajwang' has got a low opinion on housemaids. I never said that and it is not about sounding.

Mr. Temporary Speaker, Sir, can you direct Sen. Orwoba to stop clout chasing and focus on the matters at hand; and to withdraw the kind of motive that she is trying to impute on my part? It is house girls that feed my children, that feed me and clean my house. I hold them in the highest esteem. The only question here is that we are not producing jobs for the future. That is my problem.

(Applause)

Mr. Temporary Speaker, Sir, please, guide Sen. Gloria to focus on the things that are before us, or else she logs out.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Sen. Gloria, kindly resume and as you submit or contribute to this motion---

Sen. Orwoba: Mr. Temporary Speaker, Sir, I am contributing to the Motion. The Motion is about the Calendar of the Senate.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Gloria, allow the Chair to conclude the direction he was giving. Continue submitting to the Motion, but refrain from making reference aligned to the extent that is not within the Motion on the adjournment of the House.

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Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I stand guided. The Motion is about our Calendar and in that Calendar, we have recess. We have seen that most of the times, people think that during recess, we go to sleep. However, recess is about going back to your constituency of the people who elected you, so that you can touch base with them.

Amongst those people are plumbers, *mama mbogas* and housemaids. I am just encouraging all the Senators in the House that when they go for recess, they should not forget their house girls because those are dignified jobs. As I was contributing to that Motion, I wanted to place the importance of all jobs - Senators, National Assembly Members of Parliament (MPs) including your job in the Speaker's Panel.

This is being addressed in the Calendar that we have there because the purpose of recess is so that we can touch base with the people who sent us here to represent them. As a specially elected Senator to represent women, most of us fall under the cadre of house girls. Therefore, I am speaking to this constituency of people because we respect them. Even if we have to export a million house girls to Dubai or to wherever---

I have lived in Denmark and some of these house girls are paid more than we pay the Senators in this House. Therefore, we should remember that for every argument we bring to this House---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Gloria?

Sen. Orwoba: I will conclude by saying that I support the Motion.

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

Sen. Sifuna: Mr. Temporary Speaker, Sir, let me begin by saying that I share in the frustrations that have been expressed by the Senate Majority Leader, because I sit with him in the SBC and so do you. If you look at the matters that are in the Order Paper, it is sometimes very difficult for us to clean the Order Paper, and I am sure that each one of us is interested in making sure that their business moves.

At least I can speak for those Senators on the Minority side. We have tried to develop a system where they tell us in the leadership, especially the Whips, when people are travelling, when it is likely that we can have matters put to a vote and so on. Of course, this Calendar alteration has been necessitated by the matters that came before us during recess.

After the two-week extension to the recess, I expected that at least yesterday, we would have a full House, so that we could transact some of the business. This was a bit disappointing.

I am happy that the Speaker on the Chair today was here with me yesterday, and we prosecuted the matter until the last Order. As described by the Majority Leader, the House was quite empty. Sometimes, I also wonder if there is another senate somewhere. You could be sitting here thinking that you are in the Senate, yet the quorum is elsewhere.

I also sometimes ask Sen. Oketch Gicheru to take me to the places he visits in the afternoons.

(Laughter)

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It is not the Whips' job to carry Senators physically on their backs and deliver them to the House. Sen. (Dr.) Khalwale can bear me witness.

Sen. Oketch Gicheru: Point of Order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, resume your seat. What is your point of order, Sen. Oketch Gicheru?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I do not know what is happening with the leadership today. The leadership keeps imputing improper motives on Members.

The statement was made on a lighter note. However, the problem is that anything said on the HANSARD cannot be on a lighter note outside there.

It is wrong for my Deputy Minority Whip to tell the nation that I am not here in the afternoon. When his own Bill was here yesterday, I sat here and contributed to this Bill for 20 minutes. If you check the number of times the Deputy Minority Whip has been in this House, in the HANSARD, in the afternoon compared to Sen. Oketch Gicheru, you will find that I have been here 80 times more than the deputy.

Something called Mzalendo Trust gave a score to Senators in this House. It showed that Sen. Cherarkey was the most available person in this House, followed by yours truly, Sen. Oketch Gicheru. I wish my good friend, Sen. Sifuna, could withdraw that statement. Also, I appreciate that I supported him yesterday until the last minute.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, resume your contribution.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I am pretty surprised by the path that Sen. Oketch Gicheru has taken because I also take him to nice places, especially in the evenings. So, do not take it personally if I ask that you show me where you usually go in the afternoon.

I want to conclude that this Calendar is extremely tight because of the slow pace at which business moves. If we can commit, I wanted to suggest to the Majority Leader that we should designate special days for putting the questions and divisions, so that it is mandatory for people to attend. That way, all our Bills move.

I can see that many of the Bills on the Order Paper are Members' Bills. We have already been in this House for two years. At this particular time, you must demonstrate the legislative work you have done.

So, when we say these things, it is not to impute negativity on our colleagues. We know that the Senator's life is a harrowing job. I understand that. I am sensitive to those who travel long distances to Nairobi for House business. However, at the end of the day, being in the House benefits all of us.

I have a different perspective on a few things from what the Majority Leader said. I had the opportunity to sit with a few members of the diaspora. Diaspora remittances are higher than any other industry in this country because we are not creating jobs here. The Kenya Kwanza Government has acknowledged that by trying to put certain things in place.

Even yesterday, when we debated having cheaper electricity and putting infrastructure in place, we realized that other countries have done the same to encourage investment in their countries, resulting in jobs.

So, it is not that we are exporting labour. We have been unable to create opportunities for people here. If you speak to the people who have spent their lives in the Middle East, Eastern Europe, or the U.S. doing manual jobs, they would like to come back home.

That is the message they told me to carry when I came back; that they would like to return home. They would like to retire in Kenya. They would also like to retire and find opportunities to do the same jobs they are doing here in Kenya and be around their families.

Lastly, I have challenged my friend, the Majority Leader, that we need to maintain the spirit we had when we discussed that Motion on nationhood and the state of the nation. It would feel bad if we lost that spirit.

If something is wrong, then it is wrong. I do not think there is anybody who can be proud of the country we live in. When you see the images we saw yesterday on the news; police officers are bludgeoning a student at the university, and a police officer just casually drops a tear gas canister where the young man is lying.

I do not think anybody or any of us can be proud to live in such a country. We need to go back to that spirit, that as we conduct our affairs here, we can set the objective truth and put our country right.

I thank you, Mr. Temporary Speaker, Sir.

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

Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. This is a Procedural Motion, and I support the Majority Leader in this Procedural Motion on the review of our Calendar.

I agree and share the frustrations. The Minority Leader and Majority Leader are here. Is there a possibility of developing a system within the caucuses of both minority and majority to alert members? Looking at the Order Paper, 90 per cent of the people who own Bills are not in the House. This means that if those people are not here, we cannot proceed. This means that the House will adjourn prematurely, and we know the effect of prematurity.

Secondly, Sen. Faki raised an issue of resources within the running of Committees. You know that the Senate has a pending Bill of Kshs450 million. You sit in the Liaison Committee. You are aware that because of budget constraints, every Committee will get Kshs7 million for domestic travel.

How will our facilitation to Busia be? The Senate seems to be struggling with facilitation and finances. We applaud Senate *Mashinani* because we want to understand the people; we are a by-product or the product of devolution.

When we go to Busia, people should understand the Senate's workings, functionality, and ability through Senate *Mashinani*. We must be told whether we are well-resourced enough to afford a sitting.

I had made proper arrangements because, according to the Calendar I was given, I was to be in Busia on 23rd September. You can imagine the financial and emotional anguish I would go through in reorganising the diary.

My cows are calving that season, so balancing being in Busia, caring for my cows, and harvesting maize will be hard. We also have small matters regarding sugar levels.

I want to appeal to the Senate Business Committee because some of us do not have the privilege of sitting there. Can they find a way to engage Members? We do not need this conversation, and I want to protect Members.

For most Members who step out, especially in the afternoon sessions, I want to inform the Majority Leader that they always go to the Senate Lounge. Some of them have health challenges; maybe they want to use restrooms, make phone calls to follow issues with their members of the public in various counties, consult other stakeholders like Cabinet Secretaries, consult their party leaders, like the Secretary General of ODM, or maybe there is a matter on the Floor of the House.

Mr. Temporary Speaker, Sir, when you see Sen. Oketch Gicheru stepping out of the Senate, I usually get you calling people in Bomet County to clarify a few issues before you come and cooperate.

If the Majority Leader had imagined other things that Members would be doing, I could have confirmed that they would be doing good things in the Senate Lounge. When they are taking tea and *mandazi* and consulting, sometimes you could get an emergency from your family and you cannot make phone calls on the Floor of the House.

Some people rise and you have to appreciate that as young legislators, we have more business than 'youth' leaders such as Sen. (Dr.) Oburu Odinga.

You know, most of them have, *eh, wame kigoto*, and how do you say it in English? Most of them---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, kindly refrain from that language. Please, use parliamentary language.

Sen. Cherarkey: Sorry. They have finished giving birth. So, they do not have many problems as young legislators, for example, Sen. Eddie. Some of them are still trying to find relevance and footing in politics in this country. So, I agree with the Senate Majority Leader. We need to mobilize ourselves as the Kenya-Kwanza Caucus.

If Sen. Cherarkey, Sen. Sigei, or Sen. Karen Nyamu have a business, be alert in advance. Secretariat, this is a special appeal. Most of our colleagues who have Bills, sometimes, do not have moving notes.

I want to ask your office of the Speaker to also come in handy and assist Members who have Bills but do not have moving notes. When you ask them if they are ready to move their Bills, they are not even ready to do so.

I challenge the Senate Majority Leader, as Sen. Eddie has said, from the House leadership, and chairpersons of the committees, to lead by example and be present in the House.

I challenge the Senate Majority Leader to work closely and encourage the Deputy Majority Leader to be always here, so that we can get that inspiration. If the Majority Leader and Deputy are not here, the people who are ordinary Members might not have

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the motivation to be here. She is always here, but sometimes she is held up in other parliamentary duties.

So, we need at the end of the day to ensure that, as leaders, we lead a way forward and allow that cohesiveness. If we can borrow the spirit of the Senate Minority Leader, I can tell you that the Senate will change. We have agreed to move forward to ensure that this Motion is passed.

I support.

Sen. Tabitha Keroche: Thank you, Mr. Temporary Speaker, Sir for also giving me this opportunity. I rise also to support the alteration of the Senate Calendar for Part IV of the Third Session. I think the Senators should work on targets to ensure that the business meant for 2024 is complete before the end of the year.

I like the way the Senate Majority Leader has said that we need to alter the Calendar to ensure that we finish the business.

I was surprised to see Sen. M. Kajwang' describing the job of housemaids despite being a well-exposed man. I know he moves around the world. As such, he knows that the housemaids of Canada and those of the UK drive cars. They work on an hourly basis. One cannot afford to pay them in Kenya.

So, when you send them there, they will get better pay. When they come back, they will help their families and we will see progress in this country. What we should be working on is to ensure we grow our economy to meet those standards.

I should be fighting for better pay for our maids here. You can imagine how many hours they work. In those countries they work hourly and earn more than Kshs100,000; I think more than teachers.

So, I think when we were forming Kenya Kwanza, we were saying, *Kazi ni Kazi*. We will ensure we dignify all the jobs that are here. We should work very hard to ensure we grow our economy, so that we can meet the international standards.

We are sending ourselves out there because our economy has an issue. Let us fix our economy. That way, our maids, teachers and parliamentarians can all be equal. Here in Kenya, we have that gap. However, abroad, there is no difference. Whether you are working as a maid, waiter or a manager, you earn the same and park the same cars outside there. That is how we should make Kenya. We need to grow our businesses, and manufacturing and create an environment for businesses to thrive in Kenya.

So, Sen. M. Kajwang', you have travelled. Do not lie to people that you do not know the work of the maid. When we send somebody to Germany to be a maid, they are highly paid, more than the District County Commissioners (DCCs) and the County Commanders (CCs) of this country. When they bring their money here, you can see the difference. You will never even know they were maids.

However, here in ours, you are thinking the maid in your house is the same as abroad. I, however, know one day, even our maids here in Kenya will match the international.

So, I support the alteration of this Calendar, so that we ensure that we can finish the business meant for 2024. It will be so sad that we can forward business meant for this year to 2025.

I also think it is not right for the Senator of Nandi to stand in front here and lie to the whole of Kenya that Sen. Keroche is not in this House. I am very sure if we compare who is usually in this House more than the other, it is Sen. Keroche and not Senator of Nandi. I know the Nandi and the Nakuru people can confirm that.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Sen. Kajwang?

Sen. M. Kajwang': Right of reply.

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

Sen. M. Kajwang': Mr. Temporary Speaker, Sir---

(Sen. Kinyua stood in his place)

The Temporary Speaker (Sen. Wakili Sigei): Resume your seat, Sen. Kinyua. Take your seat, Sen. Kinyua. Please, take your seat.

Sen. Kajwang, proceed.

(Sen. Kinyua resumed his seat)

Sen. M. Kajwang': This being a Procedural Motion, I intended to make very minimal remarks until Sen. Keroche spoke and mentioned Sen. Kajwang and Sen. Cherarkey. Let me start with the easier part.

The easier part is to support this Motion and remind the House that we have a lot of work to do. We have a very short time to the end of the Session. In the next few months, we will be hosting the East African Legislative Assembly Games here in Kenya. We know how disruptive that is.

In the next few months, we will be having the Conference of Parties on Climate Change in Baku, Azerbaijan. In the next couple of days, a few of our colleagues will be going to the UN General Assembly. The schedule towards the end of the year is very packed.

We hope that we will also be discussing the Formula on Revenue Allocation. For those of us who have been here, that has been one of the most contentious issues. I am happy the Senate Majority Leader corrects me that it will come in the next Session.

We will be talking about our appointee to the Salaries and Remuneration Commission (SRC). So, there is a lot of work, not to mention Senate *Mashinani*, which is usually one week of serious work outside Nairobi.

I am proud of the Senate that even when we were on recess, the Senate kept the nation informed on the things that are happening in dark places in this country.

If it was not for this Senate, and the Committee of Roads and Transportation that is chaired by Sen. Karungo Wa Thang'wa, and the Senator of Kisii amongst others, this country would not have understood the problems at our airports and the issue of Adani Energy Solutions Limited. Everywhere we go, we are told that the Senate is doing a good job of keeping the Government in check.

I congratulate all those Senators who have come out to speak about the excesses of those in power. During the recess, the Senate has held to account governors, those

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imperial lords in our counties. When they come to the Senate, we have held them to account and put them in their place.

I am so happy that yesterday, when the first Broad-Based Government (BBG) Cabinet sat, one of the first things that they communicated in their resolution was the invocation of the constitutional principle, where if someone makes a decision that leads to the loss of public funds, that person is held liable.

For the first time, I saw from the Cabinet a statement that public officers who contribute to the loss of public funds shall be surcharged and held individually responsible.

Even when this Parliament was attacked by young people who were not coming to attack us, but to have a conversation with us, it was the Senate that insisted that we had to continue with our sessions.

I urge the Senate Business Committee (SBC) that there are certain Motions and certain Bills that have been in the Order Paper for quite some time. We need to prioritise them, so that even Senators can report progress.

Mr. Temporary Speaker, Sir, I want to congratulate Sen. Cherarkey. The other day, I saw that he is one of those Senators who has brought more legislative proposals and Statements to this House. I believe all of us have burning and pressing issues that can be brought to the Floor of this House. As a House, let us agree to sort out this issue of the oversight mechanisms for Senators.

I do not want to call it an oversight fund, because it is not money that you would call a fund. It is oversight mechanisms and arrangements or giving Senators the instruments and tools that can allow them to go around and carry out their constitutional mandate. Right now, as we speak, Sen. Okiya Omtatah has been forced to go to court to compel a county government to produce accountability records.

We need to give ourselves teeth. No one is going to give it to us. If other parties were to have their way, they would de-tooth the Senate. If we donate our powers or the space to any other institution, they are not going to give us more. They are going to take away from the Senate. We must find a bipartisan way of sorting out this issue of oversight arrangements, so that in between our sessions - because on Friday, Saturday and Sunday, we are out there in the counties - we should be able to facilitate Senators to carry out their constitutional duties.

Mr. Temporary Speaker, Sir, as I finalise, because this was a procedural Motion, this Senate is expected to have a fairly adult conversation on issues affecting this nation. The issue of jobs has come up. I do not want to take a personal approach to it. I am glad that Sen. Tabitha Keroche is in this House. Perhaps, I might not know about every other Senator, but I believe that she is one of those who are creating jobs in this Republic.

I want to disclose this. When Sen. Tabitha Keroche joined this House, she talked to most of the Senators. She talked to me and told me she was expanding her operations. She asked if I could get her someone with certain qualifications, so that she could consider them to push my organization to the next level. Very few entrepreneurs will tell you that.

Very few entrepreneurs will reach out to colleagues and tell them, they are expanding; I am scaling up; if you have someone, recommend them to me, because some

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people will go to their relatives and family. Those are the ones who kill the industry. Sen. Tabitha Keroche, I am very proud of you, and what you have been able to achieve in a tough environment.

We cannot be lenient with a government that spends money on training and education and then does not spend time and money to create employment opportunities for those people. We cannot mince words. We must tell the government the truth as it is. Why can we not enable more people to be industrialists and entrepreneurs like Sen. Tabitha Keroche? Why should we spend money on an education system that gobbles up the bulk of our budget for us to then spend more money to go look for jobs for those people out there?

Mr. Temporary Speaker, Sir, the labour market follows the rules of supply and demand. If you have an excess supply of labour, it means that you have already satisfied the conditions and demand for the local market, so you can now go to Germany to look for more jobs for your people. We are here as the Senate; the 'Upper' House, trying to be apologetic over a government that has failed to create jobs for our people.

Whether we are exporting nuclear scientists, tech professionals or exporting lawyers; we are in an environment in this country where you have doctors without jobs yet, and the doctor-patient ratio is not where it is supposed to be. You have a situation where you have lawyers who are tarmacking---

The Temporary Speaker (Sen. Wakili Sigei): A moment, Sen. M. Kajwang'. What is your point of order, Sen. Orwoba?

Sen. Orwoba: Mr. Temporary Speaker, Sir, I rise on a point of order on statement of fact under Standing Order No.105. I have heard Sen. M. Kajwang' saying that this Government is not creating jobs and it is not intentional in solving that issue. It is open knowledge and it is in the public that we have various funds. We have the *Uwezo* Fund and Women Fund. All those funds are intentional in ensuring that we create enterprises.

Mr. Temporary Speaker, Sir, for us to create jobs, we must push enterprises. We even have a new ministry of micro and small enterprises---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Orwoba, you have made your point.

Sen. Orwoba: Is it in order for someone to stand and say that this government has no intention of creating jobs, when we are spending a lot of enterprises including the Hustler Fund. He should maybe say that we have done it at 50 or 30 per cent, but not that we have not done it as a government.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Orwoba, resume your seat. As you conclude, Sen. M. Kajwang', be confined to matters of facts.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I invite the House to peruse publicly available documents; the report of the Kenya Institute of Public Policy and Research, (KIPPRA), the report of the Kenya National Bureau of Statistics (KNBS). The numbers are there. The unemployment rate is there. The Federation of Kenya Employers (FKE) and the rate of unemployment is there. It is not getting any better. That is why you have now a policy of growing diaspora remittances.

As I said, the product that you are calling diaspora remittance is human capital. When we went to the United States, in the State of Minnesota, we found highly trained Kenyan doctors running the medical services in that country. That is how it used to be in the past. They did not go there yesterday; they went there 20 years ago. That is how it used to be in the past. We would produce doctors and export them

We used to produce engineers and export them. The London Metropolitan Transport System was designed and is supported by a Kenyan, produced and educated here in Kenya. In Minnesota, we heard that the head of nursing and medical services is trained at the University of Nairobi and did his internship in Kenya. That is a kind of export that we should be doing.

Mr. Temporary Speaker, Sir, even when it comes to coffee, we export prime coffee. We export prime tea. That is what Kenya has been known for and it should be known for. That is what our Government should strive to be known for, that we are exporting professionals of the highest calibre who can bring back home skills that can drive this economy. I am not afraid to say that it is demeaning for someone who went to the university to go to Qatar and be subjected to house calls, when that person studied architecture, law, or engineering. Let us not be apologetic. Let us not be embarrassed to call it what it is.

Sen. Orwoba told us that there was no withdrawal, so nine months from today there will be something. I do not think that she will be happy if the baby she will raise and take to school to study engineering becomes a housemaid. Let us not be mediocre. Let us tell the Government not to treat Kenyans in a mediocre fashion. We have the capacity to be the Silicon Savannah. We have the capacity to export Information Technology (IT) and legal labour.

The President should not be using taxpayers' money to go and look for guards and house girl's jobs. We are not demeaning them. Let him create those opportunities here at home.

I beg to support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, you definitely cannot---

Sen. (Dr.) Khalwale: I rise, under Standing Order No.66(2), to request that since we have now become repetitive on this procedural Motion, you invite the Mover to reply. We want to do some other business.

(Sen. Orwoba spoke off record)

Sen. Sifuna: Throw these people out.

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Orwoba and Sen. Sifuna. Order, Hon. Members.

Pursuant to the provisions of Standing Order No.109, I call upon the Mover to reply so that we can make progress on this Motion.

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

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(Question that, the Mover be now called upon to reply put and agreed to)

Senate Majority Leader, proceed to reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I thank colleagues who have taken time to speak and support this Motion. A commitment has been made this afternoon by colleagues that they will try and attend these sessions every afternoon. They will debate, engage, choose to be informed and not spew ignorance or half truths.

I appreciate the interest with which many of our colleagues have on the Government programmes of Kenya Kwanza. I would like to tell Sen. Moses Kajwang' that he is looking for the information on Bilateral Labour Agreements in the wrong places. Such information as the jobs that the President has secured cannot be found in the postings that he is referring to such as the Kenya National Bureau of Statistics (KNBS).

Mr. Temporary Speaker, Sir, I as well appreciate the commitment that has come from Sen. Cherarkey and Sen. Eddy; that despite their young age and interest within and without this House, they will always stay between 2.30 p.m. and 6.30 p.m. in following what the leadership is urging them to do. That is how they will become leaders in this House in the future due to their dedication.

With those very many remarks, I beg to reply.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order No.84(1), the matter does not affect counties. I will now put the question.

(Sen. (Dr.) Khalwale stood in his place)

Sen. Boni Khalwale, kindly take your seat.

(Question put and agreed to)

Could you please call the next Order No.11?
Senate Majority Leader, proceed.

MOTION

ALTERATION OF DATES FOR THE SITTINGS OF THE SENATE IN BUSIA COUNTY

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion-

THAT, AWARE that on the 11th July 2024, pursuant to Article 126(1) of the Constitution, the Senate resolved to hold its Plenary and Committee sittings in Busia County from 23rd to 27th September 2024;

ACKNOWLEDGING THE recommendation of the Senate Business Committee to alter the dates for holding the sittings in Busia

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County and the need to put in place necessary measures for successful sittings;

NOW THEREFORE, the Senate resolves to alter the dates for the Senate Mashinani in Busia County from 23rd to 27th September, 2024 to the 28th October to 1st November 2024.

Mr. Temporary Speaker, Sir, this is a move by about four weeks. I had explained earlier that there are certain contingency plans that have not been concluded between us and the County of Busia.

You understand that a visit in the Senate *Mashinani* programme involves so many other plans. In fact, this programme is so elaborately organised that it has now attracted global recognition.

At the beginning of next month, the Minority Leader and yours truly have been invited to Athens, Greece, to receive an award on behalf of the Senate of the Republic of Kenya for innovative practises in entrenchment of democracy, courtesy of the Senate *Mashinani* programme.

Therefore, the Secretariat and the technical people that are putting together this programme have asked that we delay our going to Busia by four weeks, so that we can have an even better Senate *Mashinani* than what we had in Turkana, Uasin Gishu and Kitui Counties. This is so that we make it better and make the people of Busia feel and interact with the Senate of the Republic of Kenya.

Mr. Temporary Speaker, Sir, therefore, this is a fairly straightforward matter. I do not intend to take long on it. We have spent the afternoon debating and informing each other on various things. I do not want to speak much on this particular matter.

I invite the Senator for Migori County, Sen. Eddy Oketch Gicheru, to second.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, it is an honour to second this Motion. I think it is in order given that in the wisdom of the leadership of the House, there are some assessments that have been done with regard to probably resource constraints that definitely, we need to look into.

It is true that even now, the Senate operations money has not come to the Senators. Actually, we are struggling to keep our operations going because of some challenges with the exchequer releases. It is indeed true that some adjustments need to be made.

However, even as we hope for these adjustments, apart from just taking the proceedings of the Senate to the grassroots level, my senior, the Senate Majority Leader, Sen. Cheruiyot, it is also important to say that this is an opportunity to go and learn of opportunities that exist in the grassroots to inform this Senate in terms of the policies that need to be advancing.

For instance, I have had an elaborate conversation around this issue of job creation. Sometimes, when you go to these grassroots communities and genuinely engage yourself in the economic ecosystem in those regions, you will identify areas that should inform our policy framework and the kind of legislation we need to pass in this House that can interact with issues of job creation.

For instance, I know that Sen. Cheruiyot likes *mursik* so much. When he goes to Busia, which is very close to the great County of Kisumu and also extends to the border of Kenya-Uganda, you will realise that the economy of fish is very big.

We have seen people fighting over menial jobs that are created abroad. Sometimes, even when you talk about absolute numbers on those jobs, you might find that the so-called maids that we are exporting are only 100 or 200. The other day, I saw the Prime Cabinet Secretary launching about 167 teachers to go and work abroad.

In those local communities exists a very big opportunity to create many jobs for young people.

Mr. Temporary Speaker, Sir, I want to invite particularly the Majority Leader that when you are in Busia, take a keen look at the fish economy in that region. On fish economy in this country, we are told by experts, the Gatsby research to be specific, that the gap we have in this country in terms of demand for fish is about 600,000 metric tons. Locally, we only produce about 200,000 metric tons.

About 400,000 metric tons is being filled in by our neighbors in Uganda where we will spend our time in Busia and China. Gatsby also indicated that Lake Victoria alone has the capacity of holding the entire 400,000 metric tons in terms of fish production. Not just fish production on wild catch but also growing fish through cage farming.

When you go to the neighborhood region called the Homa Bay County, there is a farm called Victory Farms which is currently doing about 10,000 metric tons and is considered the biggest in that region. Can you imagine that with only 10,000 metric tons of fish production per year, Victory Farm employs 1,000 people in their farm as permanent and casuals.

They have also been able to create 200 outlets that employ another 700 people. If one investor in that region can put about an economy that employs 1,700, why should we be fighting about jobs abroad?

Think about companies like Rio Fish, the biggest aggregator of fish in Homa Bay County. They do about 300 metric tons. We are talking about a gap of 400,000 metric tons and Rio Fish can employ a further 600 people through their casuals and permanent opportunities.

What am I saying here, as I finish? I am saying that as you go to that special community, let us fetch for those opportunities that we can be able to come and legislate in terms of creating job opportunities for our people. I believe that Busia will be an eye-opener for the Senate when we go there.

I support this and I hope that Senate will get the resources needed to make sure that Senators can spend time in Busia for those five days that we will be in Busia. Most importantly, I hope that the same character of people missing in sessions here will not extend to people missing in Busia because that will be a learning opportunity for Senators to see and bring back.

I second and appreciate the fact that this has been considered and will be in our calendar this year.

I thank you.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, considering that this particular Motion is similar to the earlier Motion, there are Members who had requested in the earlier debate to speak to this Motion. I will allow only two Members and under two minutes each to contribute to this Motion.

Proceed, Sen. John Kinyua.

Sen. Kinyua: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Nasimama kuunga mkono kubadilisha kwa tarehe ya kuwa na kikao katika Kaunti ya Busia.

Hii inapatia Seneti fursa ya kutembea mashinani ili kuchangamkia mambo yanayowahusu watu katika ile kaunti. Haijapotea kwangu kwamba Seneti hii imetembea katika kaunti nyingi. Tumetembea Kaunti ya Kitui ambapo tuliona kwamba Gavana alikuwa ametengeneza kiwanda cha kutengeneza nguo wakati ule.

Tulienda Uasin Gishu tukaona wakulima wamejawa na ghadhabu wakati ule wakisema kwamba wanataka bei yao ya mahindi iangaliwe. Nakumbuka Mhe. Murkomen aliambiwa “wacha Kiingereza. Una Kiingereza kizuri lakini leo ongea mahindi.”

Tukienda mashinani tunaweza kupata haya mambo moja kwa moja kutoka kwa wananchi. Vile vile, tulitembelea hospitali ya Moi Referral Hospital na tukaona shida zinazowakumba.

Hivi juzi tumekuwa katika Kaunti ya Turkana. Kama kamati, tuliweza kuona vile stima inavyotengenezwa pale na maswali mengi yaliibuka.

Kwa hivyo, vikao katika gatuji zetu vinapatia Seneti fursa ya kuungana na wananchi, kuulizwa maswali na wananchi moja kwa moja na kuona mambo inavyotendeka pale mashinani. Shughuli yetu kubwa kama Seneti ni kuangalia mambo pale mashinani.

Naunga mkono kubadilishwa kwa tarehe ijapokuwa nilikuwa nimejipanga vizuri kwa zile tarehe zilikuwa zimewekwa. Mzungu anasema kwamba ni mtu mpumbavu tu asiyebadilisha mawazo.

Asante.

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion to postpone Senate Mashinani to Busia from next week, Monday, 23rd September, 2024 to 28th October, 2024. We know the challenges that we are facing. I believe that is the reason why, in its wisdom, the Senate Business Committee (SBC) decided that we reschedule the sittings of the Senate in Busia County by five weeks.

I know that majority of the Members, including what Sen. Cherarkey had said, had made arrangements and even booked where they were to put up but I believe the facilities will allow them to utilize in the new dates. I also wanted to inform Members that the bottom-up economic transformation agenda has done very well and Members need to follow.

There are many employment opportunities that have been created. For close to a week, the Kenya Kwanza Government has put in papers for people to see opportunities that have been created. In the affordable housing alone, the Government has created over 112,000 job opportunities.

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While we were in Turkana last year for Senate *Mashinani*, as the ICT Committee, we launched free Wireless Wi-Fi in two markets. That has created opportunities for the youth to do online jobs. We also had an opportunity to check the Lake Turkana wind power in Loyiangalani. Those are the experiences that we get from the Senate *Mashinani*.

Mr. Temporary Speaker, Sir, there are industrial parks being put up at the counties. These are also opportunities that the Kenya Kwanza Government has enabled the counties to generate additional opportunities. Even in the position of the Minority, you need to talk about the positives that have been there despite the challenges that we are going through. We need to give credit where it is due.

Every ward in the 290 constituencies will have innovation apps that will also create opportunities for the youth. Apart from having 290 centre managers in the innovation apps, it will also give the Gen Zs an opportunity to access free internet. With this free Internet, they will do research and have online opportunities even at night.

Mr. Temporary Speaker, Sir, I support that we push forward the sittings of the Senate *Mashinani* in Busia, so that we prepare ourselves. It is also important for the leadership of the House to ensure that business that has been generated for this particular Third Session is completed, so that when we go for the long recess in December, we come back next year and begin on a clean slate.

The Senate Majority Leader said that most Members are usually not in in the afternoon. It is important to let him know that our other job is representation. We also go to offices to look for opportunities for our electorate. That is why once in a while, Members are not in the House because they also do the other part of the job that we are given by the electorate.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, pursuant to the directives that I gave earlier on, I will now close the debate on that particular Motion and call upon the Mover, who is the Senate Majority Leader, to reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I thank Members who have taken time to speak to this important Motion. I hope we can garner the support of the requisite number of colleagues, so that we go to Busia in November and get to learn, interact, and deliver a Senate *Mashinani* to the people of Busia County that is far much better than what the other three Senate *Mashinani* episodes offered.

It is my sincere hope that at that particular time, Kenyans will appreciate more the work of the Senate, unlike previously in the past, where we have had different varying experiences. They will also get to see what we do in real-time.

When Sen. Kinyua was speaking, he mentioned something that pricked my curiosity. When we were in Kitui, we visited--- I cannot remember the exact name. I wish Sen. Wambua was here to remind me.

It was Kitui County Textile Centre (KICOTEC). I would like to know how it is doing in this particular day and age. Remember, right now, the national Government is moving to offload its involvement in business, hence the conversation of privatisation of sugar mills and many other institutions in which the Government has an interest.

I am seeing an emerging trend where Governors – I do not know but perhaps they are informed by scientific evidence or project viability proposals – are setting up industries to be run and managed by county governments. If the national Government is struggling to manage some of the industries, tell me how good our counties will be to manage many of these?

I just thought of that particular industry. I see many county governments putting up this or the other industry. It will be a good study, and perhaps, we can be informed later on.

If there are any industries that have been set up by the county government of Busia, it will be good to not only visit the factories but also assess their books and see how profitable they are, their sustainability plans, and governance issues that have arisen so far as part of our campaign to entrench devolution in this land.

With those many remarks, I beg to reply.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I make a determination that pursuant to Standing Order No.84(1), the matter does not affect counties, and similarly ascertain that we have the requisite quorum on this particular Motion.

Hon. Members, I will therefore put the question.

(Question put and agree to)

Hon. Members, I will rearrange the Order Paper. We will defer Order Nos.12 to 27 so that we go to Order No.29.

MOTION

ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor-General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the financial year 2019/2020 laid on the Table of the Senate on Thursday, 7th March, 2024.

(Motion deferred)

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT)
(NO. 2) BILL (SENATE BILLS NO.52 OF 2023)

(Bill deferred)

BILL

Second Reading

THE LOCAL CONTENT BILL
(SENATE BILLS NO.50 OF 2023)

(Bill deferred)

BILL

Second Reading

THE EARLY CHILDHOOD EDUCATION (AMENDMENT)
BILL (SENATE BILLS NO.54 OF 2023)

(Bill deferred)

BILL

Second Reading

THE LAND (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.40 OF 2022)

(Bill deferred)

BILL

Second Reading

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL
(SENATE BILLS NO.12 OF 2024)

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(Bill deferred)

BILL

Second Reading

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MATERNAL, NEWBORN, AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE METEOROLOGY BILL
(SENATE BILLS NO. 45 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

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(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE CANCER PREVENTION AND CONTROL (AMENDMENT)
(No.2) BILL (NATIONAL ASSEMBLY BILLS No.45 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS No.40 OF 2023)

(Committee of the Whole deferred)

BILL

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS No.46 OF 2023)

(Bill deferred)

BILL

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS No.49 OF 2023)

(Bill deferred)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mariam Omar, please, approach the Chair.

(Sen. Mariam Omar consulted with the Temporary Speaker)

BILL

Second Reading

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THE NATIONAL DISASTER MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023) be now read a Second Time.

This is not the first time that this Bill is coming to this House. In 2014 or 2015, when we had the Westgate Attack, the idea to have an agency that coordinates our disaster response was mooted.

Reading afterwards about that disaster, it was said that the first responders spent quite a substantial amount of time arguing on basic protocols on how to respond to disasters such as those and many others. There was an argument on who should do what, which commander cannot take orders from the other, and such issues. Therefore, the idea is to have an institution that coordinates our disaster risk management.

It is unfortunate that it has taken this long. This is now introduced as a National Assembly Bill because many times, the Senate is magnanimous and rises beyond petty institutional ego wars.

We proceed to consider this particular Bill, although I know for a fact and Sen. M. Kajwang' will bear me witness, that the initial drafter of this Bill was the Senate of the Republic of Kenya through Members of this House. This Bill, as presently presented to this House, was published in the Kenya Gazette Supplement No.80 of 2023, on 31st May, 2023, and read for the First Time here in the Senate on 3rd July, 2024.

As I have pointed out, the principal object of this Bill is to provide a legal framework for the coordination of disaster risk management activities at both levels of Government. It is important to point out that this has evolved because at that particular time---

If you follow through many legislations or if you are a keen follower of our legislative processes, you know that even at that particular time, even though we were in the devolution cycle, we did not do legislations with county governments in mind. I appreciate the improvement that has come of late where when you replicate or do a body at the national level, you try, much as there is still a lot more to be done, and replicate a similar institution at the county level.

I agree most of the times. I know I am the Mover of this Bill. Therefore, I should move the Bill as is and leave it to the House to inform the second and final stages on how to amend and perhaps make the Bill better because a good idea can always give way to a better idea.

I must put a disclaimer that I have insisted and have sent this to all authorities including the highest office of the land, that I am not comfortable at all with the creation of any new agency in this country. We have sufficient agencies to do all or anything that arises.

Therefore, if there is thinking that a certain new agency needs to be brought on board like now this particular National Disaster Risk Management Agency, then such legislations must be accompanied by transition clauses of which other institutions we are

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folding up. Otherwise, if we continue with this practice, to the best of my account, we have more than 350 state agencies. You even wonder what they are doing.

We have county governments, ministries and state departments. I want to challenge the Committee that is considering this legislation, to particularly point out and establish many of these institutions that we are trying to help them coordinate and come together on the transitional amendments that shall come out of this Bill. We need to wound up those institutions so that even that can be part and parcel of this institution.

Mr. Temporary Speaker, Sir, we keep on talking about the wage bill and the struggle that we are talking about a few minutes ago on why we are not creating jobs locally. It is because it is extremely expensive to run the Government of Kenya. Part of the reason that makes it expensive to run Government is because of recurrent expenditure.

We are employing too few people at the expense of million others. I hope that when our committees retire to bring a report to this House on this particular Bill, they will be guiding the House towards the merger of different agencies. I know there are different agencies that respond to the various disasters such as national drought and so on. If we are creating an agency, then all those institutions must be folded up and come into this one institution that responds to disasters.

The Bill further seeks to establish the county disaster risk management committees in each of our counties, as the role of disaster risk management is a shared function between the national and county governments under the Fourth Schedule of our Constitution. That is a fact because there are certain disasters that occur at the county level, which our county governments have ability to assess the risk and mitigate.

The main premise of this Bill is to approach disaster risk management in a manner that seeks to respond to effectively in a timely manner to any disaster and to prevent the adverse effects of disaster recovery as far as possible and the livelihood of the communities that are affected by these disasters.

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

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

Consequently, Madam Temporary Speaker, the establishment of a comprehensive framework will outline the strategies on how to mitigate, respond and recovery that will better protect our citizens and infrastructure. We risk leaving people we represent in this House to the devastating impacts of disasters. It is imperative that we prioritize the passage of this Bill to safeguard the well-being of our country and the people we represent in this House.

Part One of the Bill is all about preliminary provisions of the name, the title and the object of the Act. Part Two of the Bill establishes the institutional framework on disaster risk management which includes the National Disaster Risk Management Authority; the Authority that I have spoken into and I have said I expect that before the final passage of this Bill that we must include transitional clause, just like we did for the

Social Health Insurance Fund (SHIF) and transiting the National Health Insurance Fund (NHIF).

I am very clear in my mind that this country does not need any new agency or institution. We can only make better that which we have. If we are creating a new authority, it is on the understanding and the premise that there are other institutions that we are either winding up completely or transitioning its people and operations into the new agency. T

This is to ensure that you do not end up with a continuous recurring bill of close to a trillion Kenyan shillings, by just paying a few Government workers while a million others continue to languish in poverty for lack of opportunity because you are not able to manage.

We must make Government lean and efficient. Part of it is to look keenly and read through. In fact, I wish the Members of the National Cohesion, Equal Opportunity and Regional Integration Committee were part and parcel of us. We said it in the bipartisan Motion that we passed here when we had the challenges in June. Like somebody observed this afternoon, we had given our committees 30 days to look into the resolutions that were in that bipartisan Motion.

I hope our committee's chairpersons can soon start telling us how far they are in implementing the resolutions that this House had passed at that time. It will be a waste of the country's emotion and time, having spent the time we spent here speaking so candidly to each other, to only let them lie in the HANSARD. I expect each chairperson we tasked with the various responsibilities will begin reporting back to the Senate the actions they have taken as directed by that Motion when we spoke here in June. I was speaking to Clause 2 of the Bill.

Madam Temporary Speaker, Clause 3 of the Bill contains provisions on dealing with the manner in which disasters may be classified and establishment of the disaster electric information system. These are ways which are able to detect disaster and the risk that is available. Technology on ways which can point out and signal people way ahead of time is available worldwide, including here in Kenya. If we had such detection mechanism systems, we would have sent early warnings to the people that were victims of floods in April this year and informed them to move away from those floods and save life.

Clause 4 contains the provisions on institutional framework at the county level. This is important. I am happy about this because it speaks to the growth of the Senate as a legislature and the office of the drafters of this legislation, that there is an appreciation in the country that there are two levels of Government. This was a rare occurrence in the 12th Parliament. Many times, we would pass legislation and leave it to fight.

Our understanding and appreciation of devolution then was that you either do a silo law for the national Government and one for county governments. However, this interdependence and coordination of the two levels of Government is a welcome improvement.

Clause 4 speaks to the issue of setting up of this institution at the county level, where the risk management committees act as a focal point for coordination of disaster

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risk management activities at the county level. It gives information either to the national office or the county governor's office for mitigation of risk and response to disaster.

Clause 5 contains the financial provisions, which include the funds of the Authority, annual estimates, as well as accounts and audit of the Authority. This is where I disagree greatly with our colleagues in the National Assembly, with tremendous respect to them. They are the House that handles the budget. They know the fiscal difficulties that this country continues to have, yet they send to this House a Bill that creates an extra Authority, without deference to what you do with the other institutions that are already doing work that is similar to this.

I expected that a House that interacts with the budget of the Republic of Kenya, appreciating the difficulty and the challenges that we are in presently as a country to, at least, have accompanied--- because finances are not infinite. These resources are scarce. If you are putting finances to a place, then it follows naturally that another place must lose. It is this idea that resources are infinite. I am sorry to say this, but there is lack of appreciation on our colleagues in the National Assembly that there is a limit to which you can create authorities and continue to charge the Exchequer, without putting a strain to the economy of this Republic.

Madam Temporary Speaker, I expect that any time you propose an authority or to remove it, unless there is no other authority or state agency, including a ministry that speaks or addresses matters that are being proposed in that agency and because it is an addition on one side and a subtraction on the other, these resources have become scarce. Therefore, I expect a lot of work to be done on Part V of the Bill by Members of our Committee.

Part VI contains miscellaneous provisions on the protection of information held by the Authority and county committees. These also create offenses and prescribes penalties there too. I have seen an example when the national Government has issued directives.

You remember that here in Nairobi, which Sen. Sifuna represents, there are many people that died along the banks of Nairobi River when it burst its banks. When the Government issued directives the other day that we need to move people who are living within the river bank, you find some third-grade politicians, some occupying very high offices in this country reducing it to be an issue about tribe.

How tragic can it be? I do not think that the people who died in the April belong to any particular tribe. Those are Kenyans and we expect that any responsible leader will guide those people and tell them that they are endangering their lives. Let the Government provide alternative places for those people to live.

Those are the offenses that are being referred to in this particular Bill after identifying the risk. It is also dangerous for you to be informed that there is a risk here do not occupy a particular part and you continue to defy. We must provide sanctions to Kenyans who want to continue to do such things, or even institutions, that continue to endanger the lives of people.

Madam Temporary Speaker, it is only in Nairobi and in this country where you find a government agency or a government department, going ahead to dig a huge trench on a part of a road where citizens are used to passing, with no warnings and they leave

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for the night. In the course of the night, when people are walking or jogging, they fall into the ditch. Some even die or get injured and yet there are no sanctions against such institutions.

That is part of the risk occurrences that we need to point out, so that any agency that causes harm to people by creating a risk and not providing a proper mechanism through which you ensure that you do not put the lives of others at risk while undergoing either repairs or creating something; we need to sanction such institutions. That is part of what is being provided in Part VI.

Madam Temporary Speaker, Part VII contains the provisions of delegated powers. In terms of these powers, the Cabinet Secretary responsible for matters of disaster risk management may, in consultation with the CoG make regulations generally for the better carrying effect of the provisions of this Act.

As I conclude, I wish to say that this is a very important Bill and I urge hon. Senators to read, internalize and improve on it, so that we can conclude on it and ensure that our citizens live in a safer country.

With those remarks, I beg to move and request the Senate Majority Whip, Sen. (Dr.) Khalwale to second.

The Temporary Speaker (Sen. Mumma): Senator (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I rise to second the Leader of the Majority having ably moved this Bill and I do so as moved.

I am doing this not as an opportunity to express my personal thinking of whether this legislation is good or bad but because we have a constitutional mandate to ensure that a Bill which has come from the National Assembly must be dealt with. I therefore second and I want to put all my hopes not only in the debate in this House, but on the proceedings that will take place in the Committee when deliberating on this because creating yet another authority will come with expense.

I have gone through it. It involves creating boards. All boards come with expenses. They have put together a proposal for their chairpersons, director generals, and board members, who will all be deserving of payment.

This is a responsibility that, in my view, can be taken by the Ministry, the departments, and the agencies responsible for disaster management. I say this with due respect because I know that today you might be sitting pretty, next week, next month, even up to the whole year, and nothing happens. However, when it strikes, it can be extremely devastating.

I, therefore, feel, think, and believe that we should streamline the running of the agencies and departments responsible for disaster management because it is not something that will happen on a day-to-day, week-to-week, or month-to-week basis. So, disaster management preparedness can be in the Ministry but not in Authority.

Now, all these people will be reporting on duty from 8.00 a.m. to 5.00 p.m., Monday through Friday, week to week, month to month, doing what? We can put our resources to better use.

However, because we have a committee that will sit on this matter, maybe for the first time, it should be the decision of this Senate that we completely disagree with the need to establish an authority for this purpose, disagree with the National Assembly, and

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then the mediation committee will eventually come together and streamline the way Government does its work without necessarily putting together another authority.

Madam Temporary Speaker, having said that I hope that the Committee will see how flawed it is that counties that are the seat or the home of disasters have been allowed, for example, in this Bill, to have only one person representing the interests of the 47 counties on the board. If we have recognized that disasters take place in counties, then we must allow counties to have proper representation; even then, there will be a need for this authority to be in place.

Having made those reservations clear, I conclude by seconding the Motion.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Madam Temporary Speaker, thank you for giving me the opportunity to comment on this Bill, which proposes to create yet another body to examine our national disaster management issues.

I am persuaded that, in the spirit of what the Senator of Kakamega has presented, we want to avoid as much as possible any tussle or lack of collaboration with the National Assembly in the Bills that come from the National Assembly. Therefore, sometimes it is important to support some of these Bills.

However, I appreciate the thought process that the Senator of Kakamega has expressed himself on this Bill. Disaster is not something that you can put an omnibus Bill on.

Disasters, by nature and by design, occur at different levels. We have natural disasters, which you can call the vagaries of nature, and we have human-made disasters.

All these disasters that we see happening in this country have their specific causative factors and their specific response mechanism. In fact, in some cases, even preparedness that they must have.

Creating another body to come to take each cluster and then put all of them together under one body will do a disservice to how, as a country, we approach disaster readiness and response. Let us take an example of a drought. The strategy for dealing with drought in the country cannot be given to one authority to figure it out.

It is just very simple as such because we will need a scientific approach to that particular disaster of drought. Sometimes in some places, you will need to predict and advise farmers if, for instance, they need to change the season for planting, and the kind of seeds to plant.

In some cases, if we have severe drought, we need to look for opportunities for resilient seeds from abroad or food to intervene for those who have gone without food. It will mean that naturally, a drought-response agency should be in place to respond to that particular drought problem. For instance, how would fire disasters that we keep seeing in Nairobi depend on a national authority to respond to them properly? I have seen the Governor of Nairobi struggle even to identify the causative factors of fire in Nairobi. The fire disasters are causing a lot of havoc, health hazards and even waste of property in the County of Nairobi.

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For you to scientifically deal with fire disasters that we are seeing in Nairobi, perhaps it is not the same way you are going to deal with a fire that is happening in Migori County, which could be an issue of forest fires that are caused by charcoal burners. These cannot be vested in an authority.

I am very disappointed with this Bill. It classifies terrorism as a human-caused disaster and then gives it to the Authority to deal with issues of counterterrorism. It is now the responsibility of the National Authority to figure out the nuance of dealing with terrorism, which is an issue that should be dealt with by the Ministry of Interior and National Administration, and the Ministry of Defense. How do you vest this in an Authority called National Disaster Management Authority? It defeats logic.

My proposal would be to have a Ministry of Special Programmes. That Ministry should classify all departmental agencies that can deal with specific clusters of disaster that we are experiencing in this country and devise prompt and most modern ways of engaging with those that happen within our borders to the extent that we can have a cut-throat strategy, operationally, to respond to disasters in this country.

We saw during floods people running helter-skelter. There was this notion that you feel like if floods were happening in the country, then the order of response must come from the presidency and trickle down to all Members of the County Assembly (MCAs) and then to the governors.

We saw some of the worst responses to serious issues of floods in this country. If they were left to ministerial departments and to some extent to several counties to devise their ways of dealing with disasters that come in their area, I believe that we could have had a very proper response and apt operation to not only deal with the response mechanisms to some of these issues but even recovery.

Even with recovery, you will understand that when disasters happen in this country, the political notion of responding to them immediately with some kind of bravado and public relations (PR) mechanisms to the extent that within that one week that a disaster happens, everybody is active including the President, governors and every politician. Everybody is talking about it. Even corporations are active raising money to respond.

However, what happens to the true recovery of people who have been faced with those disasters? Are we able to speak authoritatively to the fact that the lives of those who were affected by the floods in Tana River County are better because of response that we had in this country? Are we able to speak authoritatively about families that were affected by serious floods in Nyatike Constituency in Migori County in places like Kaputo or Luanda where I come from?

Just because the Government responded by giving them some donations in terms of food, blankets and a few things here and there, has that solved their problems from the impact of those floods?

Are we able to say authoritatively that from floods that we faced in Budalangi, which we keep on facing year-in, year-out, because of the simple collective national response that we have of giving people response mechanisms and charitable goods like food and blankets, their lives are better? No, they are not.

Those people are still suffering and some of them do not even have shelter because there was no response connected to recovery of these people. There are people in Mathare, Mukuru kwa Njenga and Mavoko who are still facing serious impact of floods that we had. Why is that so? We ended up centralizing the notion of disaster response. It is a response that helps you eat today but does not know how you survive tomorrow.

For you to survive tomorrow, there has to be a proper recovery plan. The plan can only happen if you avoid putting all these clusters of disasters in this country under one omnibus authority that then is supposed to respond to them. Therefore, this Bill is dangerous because apart from just wasting taxpayers' money and creating jobs for people, it will be the one big hindrance that will make sure we never properly prepare and respond to disasters in this country.

I am disappointed that there are even proposals in this Bill that the Authority can run as a corporation. Basically, you are saying that this Authority should actually be registered as a corporation under the Registrar of Companies. Under Clause 2 of this Bill, when you start arguing that this Authority will have the powers to own property, both movable and immovable, to open bank accounts, to start borrowing and to also do lending; you are creating a corporation in this country to deal with the disaster.

How else can I speak about disaster without thinking about this commercialisation of people who are going to suffer in this disaster? If you are proposing to run a corporation that will deal with this disaster of whichever kind in the country, then what you are doing is, basically, creating a corporation that is supposed to mortgage our sufferings as a people of Kenya during a disaster and make any money from it.

I wish that we could do a proper response to disaster by making sure that we pass regulations that empower different agencies that are dealing with different clusters of disasters in their own way.

As I conclude; I promised in this House time without number that any Bill that seeks to centralise any operation on the basic needs of Kenyans; most of the time when disasters happen, they touch on serious basic needs--- Clause 4, talks about counties being given some committees that are only responsive to this large Authority that has got a serious board.

There is no coherence in terms of how that function arms, how those counties get funded yet, you are giving power to the national authority to borrow, lend, own assets and get its own independent budget by denying counties. It is something I will never support.

This is because when those disasters happen in Migori and Kakamega counties, the point of call starts with the Members of County Assemblies (MCA); the people who are with the people on the ground to the extent that when a fire happens in Nairobi City County or Kuria, where I come from, the first person that the people will call is the MCA. Then, the MCA will look for the MP who will then look for the governor and the women rep.

The local leadership will coalesce around responding to this problem. The moment you deny them the functional capacity in terms of resources, to think about how they respond to this properly, then, it becomes a problem.

Let us rethink how we want to deal with disaster issues at the county level to the extent that, we will be happy to see counties being self-reliant, self-sufficient and with incredible capacity to deal with any kind of fast natural disaster that they experience.

The truth is, when these natural disasters happen, in most cases, they do not happen in an equation where they affect the entire nation. For instance, when you look at the issue of floods; yes, it was a national conversation, but the impact was felt in very specific counties.

I have counted a number of counties that experienced these floods to unimaginable levels. For example, Tana River, Migori, Nairobi and Busia experienced incredible floods, but that was not experienced in other counties such as Vihiga and Kakamega counties. If you put an omnibus institution that then wants to deal with disaster at that national level, what then happens to immediate and sustainable response to those disasters when they occur in those particular communities?

Madam Temporary Speaker, this is one area that should embrace the spirit of devolution. When there are resources and strategies to operationalise preparedness, response and recovery mechanisms in terms of disaster, it is something that must be absolutely decentralised and devolved to the grassroots levels.

Therefore, I appreciate the spirit of this Bill and the attempt to put in place a way of responding to disasters. However, functionally, this Bill should not see the light of day because it is just going to create more jobs that are going to cost taxpayers money and centralise a critical agency that is supposed to be devolved.

More importantly, it is going to form a canopy against a number of cluster organisations that deal with specific areas of disaster response such as drought, fire, terrorism and others that need to have independent agencies that can deal with them.

I appreciate the fact that it is in the Senate, but I urge the Members of the Senate to rethink such Bills that perhaps, are going to centralise very important functions. Therefore, with a lot of humility, respect and appreciation of the work that has gone into this Bill, I do not support this Bill.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Sifuna, proceed.

Sen. Sifuna: Thank you, Madam Temporary Speaker. I rise to give my views on the Bill. I have identified what I consider positives in the Bill and those that, in all honesty, I have problems with. I will not take the path that has been taken by the Senator for Migori to wholesale condemn the Bill because in my view, there are some good provisions.

Madam Temporary Speaker, let me start with the things that I consider positive. If you look at Clause 4 of the proposed Bill; what they set out and call guiding principles of disaster risk management. There is something they call an all-hazards approach to disaster management.

We have had disasters here in Nairobi. If people hear that there is fire in a market or as the one that happened recently in Mukuru kwa Njenga, everybody's mind is tuned to treating burn victims. They forget that these people's houses have been affected and their personal properties destroyed. They have no places to sleep with children going to school whose books and clothes have been destroyed. I am hoping that if this will be the

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guiding principle to disaster management, we must identify all hazards that result from a disaster.

The next one I like is under subclause (2) which is enhancing the capacity of the local communities as the frontline to disaster risk management. Many speakers here have given examples of the disasters that have happened in Nairobi. Take an example of the floods that we experienced. If you speak to the people living in those structures along the rivers, no person puts themselves at risk voluntarily. They have been forced into some of these risky accommodations because of their financial standing.

The accommodations closer to the river, on top of bridges and all the other unsafe areas are cheaper. If you ask for the rental prices of those accommodations, you will find that they are cheaper than the others.

Madam Temporary Speaker, if you speak to the communities there and tell them that this is not an area you should be occupying, you will find that many of them are willing to cooperate.

If you enhance the capacity of the local communities there and train them as is proposed in the Bill as frontline actors in disaster risk management, it would be something positive. We should be looking more at the preventive side other than being reactionary and coming down to offer assistance when the disaster has happened.

Then there is a third one of transparency and accountability. After the floods that we experienced here in Nairobi, many homes were affected, especially in Mathare and Ruaraka. One of the things that we have continued to say, as a leadership in Nairobi, is that there was no transparency on how even Government response was coordinated and what was required of the communities to do.

If you speak to the Member of Parliament for Ruaraka, Hon. T.J. Kajwang', he is still livid because, initially, the communication that came from the Government was that they were going to demolish structures up to 30 meters away from the highwater line. How that moved to 50 meters and then to 60 meters and structures being demolished way beyond what we had been told is the area that will be affected is something that nobody gives us an answer.

We would like that there be transparency and accountability in disaster management and approach to disaster risk management. Then there is the question of the protection of the vulnerable. I like this as a guiding principle, the old, the disabled, the women and the children in these areas must be treated very specially.

Under subclause (5); support of the national Government to the county governments, including the local communities in disaster risk management; if you look at the Fourth Schedule of the Constitution, this is one of those functions that is co-shared. If you look at function number 24, disaster management is listed as a national Government function. Under function 12 of the county governments, firefighting and disaster management is a function of the county governments.

Madam Temporary Speaker, that support is critical. I will discuss some of the challenges when it comes to the support from the national Government to county governments. We are hoping that there will be greater synergy in making sure that these disasters are managed prudently.

Madam Temporary Speaker, the next thing that I consider positive in this proposed Bill is found in Clause 48 which introduces a fine for people who make false claims. There are people who claim to be victims yet they are not. We have seen this spectre even here in Nairobi.

The heads of *Nyumba Kumi*, chiefs and the local administration have tried their best but there is this spectre here in Nairobi. The problems of the people are so entrenched and bigger than what is actually put out there.

There could be someone living in another constituency, separate from where it happened such as the Mradi Fire. If you call a meeting at the chief's office asking everybody affected by the fire to go for assistance, you will find people who are not even living in Mradi also showing up. Sometimes we should not blame them because they know that at least when they go to those centres, there will be something to take home such as food.

At the end of the day, we want people to know that it is going to be a criminal offence for you to make false claims. If you have not been affected, please, allow those who have been affected to be helped without you going to reduce the share of help that is supposed to get to the victims.

There is a proposal to have Kshs1 million fine for false claims or a one-year jail term, or both, for people who make false claims. We must address the broader question of the state of our people because, as I have said, it is not always the intention of people to make false claims. They find themselves having to do it in order to survive.

Another one, and this is the last positive that I have seen, is that under Clause 50, the Bill proposes a Kshs10 million fine or a 10-year jail term for people who misappropriate relief food and equipment. That is another problem. There are people in possession of relief food and those who are given equipment to help. However, you will find them selling relief food on the market. You will find people selling mosquito nets, mattresses and other items meant for victims.

I want to thank the Senator for Migori because in our Orange Democratic Movement (ODM) Party meetings, he is our disaster manager and he has done a fantastic job because there have been no complaints. In fact, he has done a good job such that even the Kenya Red Cross Society (KRCS) is jealous of the work that has been done by the Senator for Migori.

There have been no complaints. As the Secretary General (SG), I am here to assure the House that I have not had any complaints regarding the job that was done by Sen. Eddie during the disaster response by the ODM. Those few who want to take away what has been donated by Kenyans in good faith to help fellow countrymen will face a jail term of 10 years or a fine of Kshs10 million, or both.

Madam Temporary Speaker, if you allow me, I will touch very quickly on issues that I consider negative. The first negative has been touched on by Senators who have contributed before me. It is the desire to always come up with new authorities, boards or structures at the national level.

In Clause 5, there is a new authority that has been created for disaster management. This is a big problem for me. I always look at the composition of those authorities and I have always had a problem with them. If the role of disaster

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management is shared, you should see that reflected even in the composition of the board or the authority. However, if look at Clause 9 on the composition of the authority, five out of the nine members are direct national Government appointees, yet this is a shared function.

There is only one representative from the Council of Governors (CoG). That is an imbalance that we continue to protest as a Senate. We feel that if a function is shared, then it should reflect even in the balance of the numbers in the management of the authority.

Clause 29 attempts to classify disasters as either national or county. I do not see the wisdom behind classification of a disaster. If you look at Clause 29(4), it attempts to classify a county disaster as a disaster that only affects it. If it affects a single county, then that is a county disaster.

This is totally unnecessary. You cannot tell me, for instance, the disaster that befell the people of Maai Mahiu, because it was confined to one county, it is a disaster that should be relegated to a county disaster status or the Solai Dam Tragedy or Hillside Academy Endarasha fire tragedy or Toi Market or Westgate or Garissa University. Those are disasters that require national attention.

Madam Temporary Speaker, I say this because if you go to Clause 30 of the proposed Bill, it only applies when it comes to something classified as a national disaster. It is only in those instances that the President can then declare a state of disaster in the country, that then allows the release of resources, equipment and even essential goods, to be able to help those people.

Madam Temporary Speaker, I think this is superfluous. There is no need for us to classify disasters. Let each disaster be judged on a case-to-case basis. All the resources of the country should be available to help our people, whether the disaster crosses boundaries of counties or not.

Madam Temporary Speaker, the next one is on the qualifications of the people who are supposed to man their authority and what they call the County Disaster Risk Centres. We had a very hilarious exchange here in Nairobi with the County Disaster Management Team. When you look at the qualifications of the people managing, say, fire in Nairobi, we had a very clear mismatch of skill and responsibility.

We had people with degrees in theology and you hear he is the one who is the head of fire response in Nairobi. We are not saying that people with degrees in theology are bad people. For instance, I hear the Senator for Kitui, is a bishop. However, we need professionals because our universities are churning out professionals in disaster management.

If you look at Clause 10 of the proposed Bill, the chair of the board under Clause 10, there is no requirement that that person be an expert in disaster management. They just require a bachelor's degree from a university recognized in Kenya. That is going to be a problem if you follow the conversation that Sen. M. Kajwang' was bringing here on the quality of education and the professionals that we are putting out.

Why can we not make it clear, if it is disaster risk management, there are universities, students and qualified professionals in this particular field; let them be the

ones to do this. We cannot open this to everyone, including lawyers like myself. I know the Law Society of Kenya (LSK) will come for me but it is the truth.

If you look at Clause 20 (1) on the qualifications for the Director General of the Authority, in fact, on this one, they do not even ask for a degree. It just says 'he shall be competitively recruited.' We are going to run into problems.

If you go to Clause 36 (2) and (3), on the head of the County Disaster Risk Centre, they just say 'he or she must be a person who holds a bachelor's degree from a university.' I would prefer that we specify that these people must have training and knowledge in disaster management because these are courses that are offered by our universities.

I want to go to Clause 49 which attempts to create an offense for making or circulating false alarms. I know that it might have been well intended but this is a clause that I believe is subject to abuse. We must measure between the constitutional right to free speech and trying to fetter on that particular right by introducing very dangerous provisions such as this.

On the other hand, you might find yourself not being an originator of a message on WhatsApp, for instance, that there has been a fire in Mradi. In fact, the way we knew about the fire in Mradi, most of us saw the information on social media, platforms such as WhatsApp, Twitter and Facebook. You can imagine you creating an offense, that if somebody posted something saying "there has been a fire in Mradi" and then the clause talks about if it is not in the magnitude that you have said it is, that is now going to be an offense.

I believe this is a dangerous trend and especially in this regime that looks for excuses to arrest people. This is a very dangerous tool in the hands of Kenya Kwanza Government.

Finally, I want to go to Clause 53 (1), which provides that the people who are working currently at the National Disaster Operations Centre and the National Disaster Management Unit will be seconded to the Authority for three years. I do not understand and would like somebody to explain to me why a period of three years.

These are people who are already working there. That if you do not wish to join the authority for those three years, you can go back to your parent institution or apply afresh to the Authority for you to be employed as a worker there.

That is another dangerous tool, especially in the hands of a Government that we do not trust; a Government that has shown that if you are not a shareholder and apply for a job and your name is Wafula, you will be told you have no shares in the Government and be thrown aside.

This is not a tool I would want in the hands of Kenya Kwanzaa Government or any other government. Let it be clear that the people working in these two institutions will transition to the authority without any hindrance whatsoever. This is because they have been doing this job and should be absorbed.

Madam Temporary Speaker, with those many remarks, I do not know if I should say I support or I do not because I have problems and I have also seen positive things. I am hoping that when it comes to the Committee Stag, I will be proposing those amendments to deal with those issues that I have raised.

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I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Murgor, proceed.

Sen. Murgor: Thank you very much, Madam Temporary Speaker. I join my colleagues in airing my views. I support the Bill even though I have suggestions to make. I know that disasters are sometimes weather-based and may occur in a year, but not occur in the following year. It is different from one area to another because of that. In some areas that are dry as West Pokot and many other places, it is very difficult to manage disaster when it is based on water or rain.

When floods take place, it is very difficult because sometimes, it gets to a bare ground that does not have trees to keep the water from catching momentum or speed. There is no grass on the banks of the river therefore, a river breaks its banks and goes into homes and so on. It is therefore very unpredictable to know what is going to happen in a season of rain or drought.

It is also regional, so there is needs for a study. For example, a colleague has mentioned that Budalangi is predictable and not unpredictable. However, because of the history that a place such as that has, the technicality that there is can prepare the people that live in that area so that it is managed according to the history of that place.

It requires a mechanism, some of which require education. In my opinion, the national Government should prepare the policies nationally and then devolve to county levels who will be the ones that will implement them. This is because they are probably some of the areas that are affected by these conditions according to history and geographical settings from place to place.

Madam Temporary Speaker, the county should be prepared and be given the capacity to manage because they are the ones living with the people that are affected. Remember in West Pokot, there was a landslide that affected many areas, more than divisions and it washed out homes, people and killed many people. It was the county government that first responded before everybody else did therefore, putting the county government in a position that should be empowered to be able to respond to such disasters when they happen.

There are challenges that come along with that and one of these challenges is the speed at which the Government responds, either nationally or at the county level. Sometimes, the faster the action is taken, the better and the sooner it will help the people that are affected. However, sometimes, there is slowness and the slow pace we take leaves people devastated and vulnerable because we have taken long to respond.

Madam Temporary Speaker, some of the shortcomings include corruption. Someone talked about stealing food and selling it. A lot of that happens when there is a disaster and contributions have been made including blankets and food. People take advantage of that. They take that stuff for themselves instead of distributing and making sure that they go to the people who deserve them. A disaster sometimes creates another disaster when the contributions that are made are not given to the victims.

When we think about managing a disaster, we should also learn how to be transparent so that we manage corruption. This is because there is a lot of exchange of hands that takes place at that time which is not needed, such that, whatever is meant to

reach a certain group does not reach them because people have taken advantage of that situation.

Madam Temporary Speaker, some of these disasters happen because we have created that situation. Cutting of trees for purposes of burning charcoal has also brought about some of the disasters that are taking place. Also, felling trees along the rivers has made the situation worse because when it rains, many rivers flood and break banks. Without trees along the river banks, the water just goes into people's *shambas* and homes.

You can imagine the nightmare of a flooded river that has broken its banks at night flooding people's homes. It is terrible seeing your floor wet and your bed getting swept by water because the whole area is flooded. You do not know where to run to because, even if you got out of the house, you could be running into a bigger problem because you cannot see.

Madam Temporary Speaker, some of the effectiveness is sometimes credited to churches and Non-Governmental Organizations (NGOs).

The Temporary Speaker (Sen. Mumma): Sen. Murgor, when this debate resumes, you have 11 minutes left.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 19th September, 2024, at 2.30 p.m.

The Senate rose at 6.30 p.m.