

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 25th September, 2018

*(Convened via Kenya Gazette Notice
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*The House met at Uasin Gishu County Assembly
Chamber, Eldoret, at 2.30 p.m.*

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

SITTING OF THE SENATE IN UASIN
GISHU COUNTY ASSEMBLY

Sen. Olekina: Mr. Speaker, Sir, I also rise to thank the people of Uasin Gishu.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, honourable Members! The speed at which you stand will save you.

(Laughter)

Sen. Olekina: Mr. Speaker, Sir, you should tell them that the taller they are, the better. I thank you for this opportunity. It is a great opportunity with the people of Kenya to realise that this House is the House of union - a House that has come to listen to the people.

Earlier on today, I sat across there and the Governor of Baringo sat here, and we got a chance to go through the queries which were raised by the Auditor-General. That gave us an opportunity to speak to them on the importance of them collecting revenue during this time when the national Government is proposing to reduce money which is going to be sent to the county governments. It was important for us to emphasize on the importance of raising local revenue.

It is a shame that during the defunct local authorities, county councils used to raise more revenue than what county governments are doing at the moment. I am quite happy that we have a few governors and speakers of other assemblies.

Mr. Speaker, Sir, I hope that next time the Senate will go to Narok.

The Speaker (Hon. Lusaka): I now give the Floor to Sen. Dullo on the basis of gender balance.

Sen. Olekina: On a point of order, Mr. Deputy Speaker, Sir. I do not intend to derail any debate on this very important Bill. However, I seek your direction because I sit in the Committee on Energy and we have a report which we are about to table today. I wonder, for it to be able to enrich the debate, whether we can wait for this debate to---

This is very important because when you talk about public participation, we invite the public to share their views. These Senators, sitting here, representing 47 counties, it would be important for them to have an opportunity to look at the report and the submissions made by all the stakeholders because this is an important issue we are dealing with. This is a natural resource.

Mr. Deputy Speaker, Sir, if you could just direct, because it will enrich the debate further when we have an opportunity to read the report.

Thank you.

Sen. Olekina: Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity. I rise to support this Bill, albeit with a lot of amendments. I happened to have sat in the Committee that invited stakeholders.

From the outset, going through the Bill Clause by Clause, I second my good friend, Sen. Wetangula, that it might require the entire House to go through it. I will limit my presentation in about nine areas.

This Bill talks about creation of a regulatory body which will be taken care of by the Ministry of Energy. We have two Ministries but it is the Ministry of Petroleum and Mining which takes care of the downstream, midstream and upstream petroleum operations.

We interviewed stakeholders through public participation. That is why it is important that when we call for public participation sessions, we should take into consideration what the general public and stakeholders talk about. That is why from the outset, I said that it will be important for this House to get access to the Committee Report.

I want to be on record that I never agreed with most of the things. In fact, I ended up writing a minority report. It is imperative that the energy sector has its own regulatory body and the Cabinet Secretary for Petroleum and Mining also takes care of the regulatory body that deals with upstream, midstream and downstream petroleum operations.

I want to talk about the issue of contracts. I am sorry I am rushing because of time, but I want to touch on all those areas. The second area that I care so much about is the issue of revenue-sharing contracts and the field development plan which the contractors have to come up with. These are things that have to be ratified by Parliament, so that it takes care of the interest of the people.

The other issue, which is something that every stakeholder spoke about, is to do with direct involvement by county governments. This Bill creates very powerful Cabinet

Secretaries. In this era of devolved Government structure, it is imperative that the people in the county governments and their county governments have a say, so that we can be seen to be dealing with issues that take care of all our interests.

Fourth, is the issue of revenue sharing. I am not from the school of thought that believes that the county governments or the people should have a share of the national Government revenue. I tend to believe that county governments and the people should have a share of the profits that we get from the upstream petroleum operations. It will be good for the people of Kenya to get 70 per cent and people living around places where oil is extracted to get 10 per cent. The issue of saying that people went to Turkana and negotiated for 5 per cent or 25 per cent does not involve the entire country.

The other thing is the issue of permits. From the outset I said this is a terrible Bill. We will bring amendments from Clause 1 all the way to the end because when you talk about permits, there are so many permits which are required, which do not take into consideration---

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

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

We now have Madam Temporary Speaker. There was transition which is confusing.

It is important for me to wrap it up that we have to look at the Bill, taking into consideration the issues of exemption of permits and who will be exempted. There are certain issues which are decided on by the Cabinet Secretary (CS) without consulting the people on the ground. When, say, there will be an issue to be communicated, we do not even find a method that can be used to reach all the people.

There are many amendments that we will bring to this Bill. I do not want to belabour on them. However---

(Loud consultations)

(Sen. Olekina's microphone went off)

Madam Temporary Speaker, could I please have one minute to conclude?

The Temporary Speaker (Sen. (Prof.) Kamar): That is okay. You have one minute.

Sen. Olekina: Madam Temporary Speaker, as I wrap up, I am happy that I am seated in a House which has Members of high intellectual capacity to look at the reports that we have drafted.

Finally, this Government or country must take seriously this issue of national resources. This is because right now in the Maasai Mau, in Olpusimoru, people are dying because of fighting for resources. If we cannot control those issues, what about oil?

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Olekina, you are done. Thank you.

Sen. Olekina: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): What is your point of order, Sen. Olekina?

Sen. Olekina: Madam Temporary Speaker, it is out of order for Sen. (Eng.) Mahamud to insinuate that some of us are opposing the Bill. As a Member of that Committee, I stood here and I pointed out clearly that it was important for this House to have gone through the Committee Reports first before we debated it. That was an earlier intervention that I made. The Speaker then said that since the Bill is in its Second Reading stage, we proceed because during the Third Reading we will bring all the amendments.

The Temporary Speaker (Sen. (Prof.) Kamar): Order, Sen. Olekina! I do not know why you are giving us explanations. We wanted to know what was out of order. Proceed, Sen. Muhamud.