

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 10<sup>th</sup> April, 2019

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

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have two Communications to make. However, let me allow the hon. Members to walk in and take their seats before I start.

**Sen. Olekina:** Madam Temporary Speaker, I would like to join you in welcoming the students from Siaya County who are here. This is a great opportunity for them to see what transpires in this House. I would like to encourage them to keep on learning about legislative work and laws. The only way that we can move forward in this country is if the citizens are involved in the process of lawmaking.

I thank the teachers for having considered the Senate as a place to bring the students. We should encourage more students to come here. On behalf of the people of the great County of Narok, and my own behalf, I welcome them to the Senate.

**Sen. Poghio:** Madam Temporary Speaker, I join you and fellow colleagues in welcoming the two schools from Siaya County. I wish both the students and teachers well while here in Nairobi. This is the House that takes care of the interests of counties. As young people, they can aspire to be here someday as Senators or staff of the Senate.

Leadership is grown at their age; that is where we begin to see leaders. The only way to show leadership is through discipline, hard work and keeping integrity. If they maintain integrity now, by the time they will be leaders, we will not have to preach to them. I wish the teachers well as they nurture the young ones. They must be the best example for the young people.

Madam Temporary Speaker, with those few remarks, I would like to tell them *Karibu*.

I thank you.

**Sen. (Prof.) Onger:** Madam Temporary Speaker, I would like to add my voice in welcoming students from Lwak Girls Boarding Primary School and Usenge Boys High

School, who are my neighbours in Nyanza. The Senate is a House of records. One day in the history of this country, it will be recorded that you visited the Senate. It will be up to you to account for your conduct after visiting the Senate and knowing how you would like to handle yourselves henceforth. You are the promising future generation of this nation. We, therefore, wish you well. As you sit and listen, you will discover that this is not only a place of records, but order. Order is the order of the day here. We should maintain order nationwide and avoid chaos and confusion.

Madam Temporary Speaker, I thank you for this opportunity.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I rise to support the Statement by Sen. Mwaruma on the issue of land compensation.

I have listened to my colleagues. Recently when the President gave his State of the Nation Address, he requested particularly this House and the National Assembly to consider the Land Index Bill, which has now been sent to mediation. If you go into the history of this Nation, before the Land Acquisition Act was repealed, when the Land Act was passed, the process of compulsory land acquisition and compensation was clearly set out. It never behooves us, and particularly, the Mediation Committee that was set up, to align this legislation to the Constitution.

The Constitution is very clear in Article 113: That, within 30 days, the mediation committee ought to come up with a version of the Land Act that is acceptable to both Houses.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, there is an intervention from Sen. Shiyonga.

**Sen. Shiyonga:** I would like to inform the Senator on the Floor that it is a Petition and not a statement.

**Sen. Olekina:** Madam Temporary Speaker, I stand guided. Yes, I support the Petition. I would like to refer to Article 113 of the Constitution which sets out the clear procedure in terms of the Mediation Committee. For us to be able to assist these residents of Taita Taveta – it is now upon us, Members of this, and particularly the Mediation Committee, for them to move expeditiously so that we can anchor these things in law. If we have a proper legislation that defines the process of land compensation – Article 40 of the Constitution is very clear. Parliament sets out---, for example, right now we are supposed to come up with legislation that will support this issue of land compensation.

So, the only way to assist is that I would request the Committee which will be tasked to look at this issue of land compensation – because every other petition which has been brought into this House – unless we can enact or make sure that we dispense off on that Bill so that the President can enact it into law, there is no way we will solve the problem.

Therefore, as I support this Petition, I request that within the 30 days that the Committee has been set up, they move expeditiously so that it is clear how people we will be compensated for land which is compulsorily acquired.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Before we move to the next order, I have received a second Petition which I have approved that it be dealt with right now. It is a Petition by the residents of Ngare Mara in Isiolo County on illegal encroachment of the community land by the Kenya Army.