

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 10th July, 2019

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

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

PRAYER

Sen. Olekina: Thank you, Mr. Speaker, Sir. I almost thought that I heard my own things when you gave the Communication. When did the National Assembly consider this House more important for the Miscellaneous Amendment Bills? I wonder.

This is an admission of guilt. We have refused to follow up on certain orders such as the issue of *Huduma Number* because the National Assembly did not forward that Bill to this House for it to be considered. I hope that the President and those who advise him are listening, that if you try to ignore the Senate there is nowhere you will go. Right now, we are in a crisis. This House must stand firm to be able to fight for democracy in this country.

When we came up with the Kenya Constitution 2010 and we set up these two Houses, it was to ensure that the “Wanjikus” are fully protected. A few of us can sit here and pass certain laws without following the law and then take it to the President for assent. The President will assume that even those who are advising him have gone through all processes.

Mr. Speaker, Sir, I encourage you and your office particularly, to ensure that every single Bill which is sent to the President for assent has gone through this House. This is because there is no Bill that does not affect counties.

This is a step in the right direction. Kenyans out there now ought to know that this House will defend democracy. Even if it means us going to court, we will go there to ensure that those laws which were passed without being brought to this House can be brought back so that we consider them.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, there is nothing to celebrate. We cannot celebrate obvious provisions of the Constitution. It is the duty of every citizen of this Republic, particularly those of us who manage such important offices where Kenyans have entrusted in us the responsibility to ensure that we keep doing everything in line with the Constitution, to do so.

As far as this Statute Law (Miscellaneous Amendments) Bill is concerned, I have absolutely nothing to celebrate about it. To follow up on what Sen. Wetangula said, it is

just a continuous admission of liability. However, it is even more serious about this cherry-picking that someone will sit somewhere and decide which law they will send to the Senate.

Mr. Speaker, Sir, I even find it worse that leaders who sit in the National Assembly, who should know better the responsibilities bestowed on this House, are the ones going out there to the public to try and bastardise this House.

This is the message I have for this nation: we are Senators; we are not Senate. We are temporary, transient and sojourners. We are here for a short-term mission. We will complete what we were called to do in this House and get out, but the Senate and Kenya will be there for many years. This is an institution not a personal property of Sen. Murkomen or Sen. Orengo, for that matter.

The point we try to make every day is that we just want to be honest in the work we do and keep doing what we are supposed to do right. We know that when our mission here comes to an end, we will go and do another job elsewhere and do it well. Those who expect that the Senate shall enter into a pigs fight to try to prove who is better than the other; we will not. Instead, our response to all the criticism that comes from out there will be to ensure that we do every work here diligently. We will do that for the record, for now and for the future.

Secondly, if the Constitution requires us to defend the responsibility and the work of the Senate, we will do so even if it means going to court or any institution. When we finish our job, we will leave it to history to judge what we have done.

Mr. Speaker, Sir, I have had personal conversations with a number of my colleagues: no one should feel as if we are under siege by the kind of utterances and conversations that people have out there. We should just continue doing our job. The noise will continue as we do our job. If we have to go to court, we will do so, and quietly continue to do our job. There is no point in us trying to work day and night to try to explain to people who have already closed their ears regarding the responsibility and power bestowed on this House.

Thank you, Mr. Speaker, Sir.

Sen. Olekina: Madam Temporary Speaker, I would like to join you in welcoming the students from Kajiado County. I met the young boys and girls when I was going to the Chamber. I encourage them to aspire to be great leaders because they are the future leaders of this country and they should start learning now. I encourage them and thank their teachers for bringing them. I also encourage more teachers to bring more students. Even the teachers themselves should come and see how we in Parliament represent them.

Madam Temporary Speaker, allow me to contribute in support of the Statement by Sen. Kihika. I request the Committee that will be looking into this Statement to explore ways in which this Government can zero rate the importation of timber for the moratorium to be extended indefinitely until we increase the forest cover in this country.

The ban on logging that was put in place by the Cabinet Secretary (CS), Mr. Keriako Tobiko, has helped improve our environment. Pushing him to end the moratorium will be abetting corruption, destroying our environment and contributing to drought which is affecting our people.

It is true that people who depended on timber are jobless. We can help those people by helping them import timber from neighbouring countries such as Tanzania that

has a big forest cover. They can also plant their own trees and use them for commercial purposes.

The Committee should not ask for the ban on logging to be lifted, but it should encourage Treasury to zero rate the importation of timber. That will enable countries that export timber to get an avenue of selling their products in this country. We must increase our forest cover. If we do not do so, we will perish.

As the Senator for Narok County, I will continue ensuring that all the people who cut trees are put into jail. We recently intercepted a truck that was carrying about 1,000 cedar posts. We all know that cedar trees are endangered species. However, when those people went to court, they were only fined Kshs30,000 and they forfeited the trees. What is Kshs30,000? It is our environment that is important to us.

We should zero rate the importation of timber in this country so as to create jobs for the people who are jobless. We should not lift the ban on logging.

(Question carried by 33 votes to nil)

Sen. Olekina: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration on the County Oversight and Accountability Bill (Senate Bills No.28 of 2018) and its approval thereof without amendment.

mar): Mover.

Sen. Olekina: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report and request Sen. Gideon Moi to second.

Sen. Moi: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Olekina: Madam Temporary Speaker, I beg to move that the County Oversight and Accountability Bill (Senate Bills No.28 of 2018) be now read a Third Time. I request Sen. Madzayo to second.