

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 11th March, 2020

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

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

PRAYER

PETITION

Sen. Olekina: Mr. Speaker, Sir, it is important that in responding to the prayers, the first thing that should happen is that the auction must be stopped. This is because what is happening is quite suspicious. Most public buildings which are sold are mostly undervalued. Unless this Senate stops that action, people who have been contributing money to better their lives will end up languishing in poverty.

Finally, Mr. Speaker, Sir, I would like to join you in welcoming the students from Tangaza University College, where I made an address, and also the staff of the EALA. I played basketball with them in Tanzania and I am glad that they are in Kenya to see how we carry out our business.

I thank you.

Sen. Zawadi: Asante Bw. Spika, kwa kunipa nafasi hii ili kusema maneno machache kuhusu Malalamishi ambayo yako mbele yetu.

Kwanza, nampongeza Sen. (Prof.) Kamar kwa kuleta Malalamishi haya kwa wakati ufaao. Ni kweli kabisa kwamba watu huwa na miungano kwa ajili ama kusudi la kunufaika.

Nitapeana mfano wa Kilifi. Tulikuwa na mtambo wa korosho na kulikuwa na miungano ama *co-operatives* ambazo zilianzishwa wakati huo. Wengi ambao walikuwa wakichanga pesa walikuwa kina mama kwa sababu mtambo huo uliwaandika kina mama wengi sana. Hata hivyo, pesa yao ilienda hivyo na hakuna anayejua kwa kuwa mtambo wenyewe ulisambaratika. Wahenga walisema; yaliyopita si ndwele, tugange yajayo.

Mambo yaliyoko mbele yetu yanafaa kutiliwa mkazo na kuchukuliwa ya muhimu. Kamati itakayohusika inafaa kufanya haraka kuhakikisha kwamba haitasambaratika kama vile zingine zilivyosambaratika.

Vile vile, ningependa kuzungumza machache kuhusu EALA na pia kuwashukuru wafanyikazi wake kuja kututembelea.

Nikiwa mwanakamati wa Kamati ya Uwuiano na Utengamano, nina jambo la kuzungumzia kuhusu Bunge letu la Afrika Mashariki. Hii ni kwa sababu tulitembelea Bunge lakini tuliwakosa waheshimiwa Wabunge kwa vile walikuwa likizoni wakati huo.

Tulifanya ziara Afrika Mashariki yote. Katika mizunguko yetu tuliona kuna sehemu kadha wa kadha ambazo zinahitaji mkazo. Kwa mfano, tulitembelea Zanzibari, tukakuta maafisa wenu pale hawaiielewi lugha ya Kiswahili kabisa. Afadhali sisi angalau tunajaribu. Tulishangaa jinsi wanavyofanya kazi na watu wengine. Ninawasihi mtilie mkazo Kiswahili ili kiwe kikitumika katika nchi zote za Afrika Mashariki. Hii ni kwa sababu kuna biashara inayoendelea baina ya mataifa haya ya Afrika Mashariki. Kwa hivyo, ninafikiri Kiswahili kingedumu zaidi katika nchi zote husika za Afrika Mashariki.

Kuna mambo mengi ambayo yanaenda sawa na mengine hayaendi sawa---

The Speaker (Hon. Lusaka): Your time is up.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. This is a very sad Petition. It is a sad Petition to the extent that it appears that the members of these SACCO have been ring-fenced by authorities, both at county, national level and to some level of extent, the Judiciary to frustrate them.

Mr. Speaker, Sir, our Constitution is clear and maybe, Sen. (Prof.) Kamar can hear this. Our Constitution allows people to get injunctive relief in anticipation of violation. The court cannot dismiss a suit simply because a procedure was not followed. It is an anticipated violation.

Mr. Speaker, Sir, Schedule IV is clear that the cooperative societies fall under county governments. How is it that the county government allowed the Commissioner of Cooperative Societies, in this Petition, to interfere and attempt to revoke the license of this society? Where I come from in Makueni County, the Commissioner would first report to the Director in Makueni before such an action was taken. However, what is criminal and happens all the time is when somebody has an interest in a property like this belonging to a society, they under-value it for purposes of paper work. The bulk of the money is paid outside the transaction.

How is it that no court can see that when you sell a property like this belonging to 3,000 members, you have violated their rights? How can a Senator who taught in a school and Moi University, where we are proud of the work that he did--- How can the university refuse to remit the deductions of SACCO members? That is the worst. When I say that sometime this country has become the land of Karl Max, it is true because we have the haves and the have nots. The people who matter people most and those who do not matter at all. The rights of 3,000 members are being violated.

This is such a serious Petition on violation of economic and social rights that---

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Olekina?

Sen. Olekina: Mr. Speaker, Sir, it is a point of clarification because I heard my colleague saying that a Senator had refused to remit the deductions. Can he clarify that?

Sen. Olekina: Thank you, Mr. Speaker, Sir. When it comes to tackling issues that affect the *wananchi*, these are some of the things that make me a proud Member of this House. It saddens me when I hear that there are over 3,000 employees and over 10,000 farmers who are now rendered jobless because of actions from NEMA that I consider selective.

We have had serious issues with NEMA. When I sat in the Committee that was investigating the Solai Dam tragedy on a daily basis, NEMA failed Kenyans. When I see that NEMA does not give a hoot about young farmers, the *boda boda*, people who have

small transport businesses and the mama *mboga*, who sell food to the people, it worries me.

Today has been a very interesting day in this House because the first Petition dealt with people's lives being affected. There is a time that I got in touch with NEMA on certain activities of people destroying the environment in Narok. The first response that I got was that they had decentralized their operations. When I hear that the order for the closure of Kibos Sugar Factory came from the headquarters then it is quite suspicious for me.

I now believe it is true that it is a cartel and it is not being done because of the interest of the environment. Let us be honest; NEMA does not give a hoot about the environment. Where I live, a 100 metres away from my house, people are harvesting volcanic ash. When I call NEMA, they say they cannot come.

We have to worry about the poor Kenyans who are on the streets. These are poor Kenyans who cannot supply their cane to a sugar factory because of two things. One, is the fact that NEMA has closed down the factory that has been supporting them. Secondly, because of the laws that govern the sugar industry like zoning, for example, if you are growing your cane in one area, you cannot sell it in another area.

Mr. Speaker, Sir, these are matters which I would like to beseech you to move expeditiously to ensure that once you assign this task to the committees, action is taken immediately. This is because soon, we will have students going home because their parents cannot afford to pay school fees. Our people are dying because they cannot afford to pay medical bills since the economy they depend on has been destroyed.

We cannot allow greed. Whenever we have industries that come and setup, the only thing we should do is to ensure that they employ locals. This industry, Kibos, apart from another one which is in Narok which is employing all foreigners, the one in this area is employing the local people; 3,000 factory employees and 10,000 farmers supply sugarcane there. Where do you want them to go?

These are things that lead to a revolution. We cannot be proud to say that we can afford our lives, drive our 100,000-dollar cars, yet farmers who are working hard, the ones who vote for us, we allow actions of certain individuals, particularly coming from the headquarters, to hurt them.

What business does a person coming from the headquarters have in going down to a centralized operation and closing it down? I am concerned. This is why we need to amend our Standing Orders. This is because earlier on, Sen. Omogeni said that we do not have a certificate of emergency in this House. This is an emergency. We may need to ask ourselves the actions---

The Speaker (Hon. Lusaka): Do you mean certificate of urgency?

Sen. Olekina: Sorry, certificate of urgency. However, this is an emergency because we cannot allow action of an individual to hurt others. What was NEMA doing for that pollution to escalate to that level?

These are things that when you go down there you are told you can operate as long as you give us an envelope then after eight months, it comes back to the same level.

We need to set standards. I also want to appeal to the operators of Kibos - I do not know them - to take care of the environment. If there is anything that you are doing, go through the environmental impact assessment. The law is clear in terms of the procedures that need to be followed and NEMA has to be clear.

If you have decentralised your operations, you have no business issuing orders from the headquarters such that when the inspector - I think his name is Richard Korir - was being given the petition by the farmers, he said that he could not do anything and that the matters should be referred to the headquarters. I will refer the matter to the headquarters and let them respond because the matter has been taken away from him; it is too big. It is all about money.

Mr. Speaker, Sir, I plead with you that you assign this to the Committee and ensure that they move expeditiously. Maybe on Tuesday or even tomorrow, they can make sure they summon the Director General of NEMA and directors of that company so that we can save these poor Kenyans who depend on that factory for sustenance.

The Speaker (Hon. Lusaka): Sen. Farhiya, your headgear blends very well with the seat. I am not sure whether you are there or not.

It is your opportunity.