

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 10th November, 2020

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Lusaka): Finally, Sen. Olekina, kindly, proceed.

Sen. Olekina: Thank you, Mr. Speaker, Sir. Let me begin by thanking Sen. Khaniri for bringing up issues, which will help us bring real solutions to the people of this country.

Mr. Speaker, Sir, earlier on, the Chairperson of the County Public Accounts and Investments Committee (CPAIC), who is my very good friend, talked about us politicising things, saying that the BBI does look into this matter.

As a matter of fact when you look at the proposed Constitution Amendment Bill, Article 3, which is on shared prosperity, it talks about: “The Government shall promote sustainable agriculture.”

Mr. Speaker, Sir, when it comes to agriculture, this is the backbone of this country called Kenya. Some of the facts, which are quite clear is that, the tea industry or sector employs 10 per cent of the total population of this country. Last year alone, the tea sector brought in this country over Kshs200 billion in foreign export. It also brought in about Kshs23 billion in terms of local sales. What does that tell you?

It talks about the issue that Sen. Khaniri has brought out clearly, which deals with the issue of the management of the tea sector. When you look at the tea sector, there are two elements; export, which is good for the foreign income of this country and local sales.

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

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

Madam Deputy Speaker, when you look at the Constitution, you will also realize that agriculture is devolved. This Senate has stood firmly to protect devolution. This Senate, last year, passed a legislation that encourages warehousing through the Warehousing Receipt Bill.

What we ought to be talking about now is how to ensure that our county governments - agriculture is a devolved function - sit down, the County Executive Committees (CECs) Members in charge of trade or agriculture find a way to promote and help these tea farmers instead of us lamenting.

One of the biggest problems that I see and I thank the Cabinet Secretary in charge of Agriculture, hon. Munya is, he said that instead of us talking about all these issues, let us find what the problem is. He pointed out to one particular area. It is the outdated auction system. This auction system is so porous. It allows people to sell their own tea outside the country such that there is no way you can control and tell how much of the tea foreign income we get in this country. Maybe we get more that Kshs211 billion. There is a lot of direct sales.

Madam Deputy Speaker, instead of this House always passing everything to the national Government, it is important for us to say that agriculture is devolved and begin to focus on legislation. When we focus on legislation, we must begin to ensure that what is devolved is fully devolved so that our farmers can benefit.

When we talk about Government policies, they should trickle down to the people on the ground so that they can understand their impact. When we have serious challenges in this country, I worry that 10 per cent of Kenyans are employed in one sector. Maybe they could be more.

I hope that the Committee will take this matter seriously and Sen. Khaniri should take them to task. That is because we are talking about tea today, tomorrow we will be talking about sugarcane. I hope that one day we will be talking about livestock because that is what pastoralists depend on.

I am happy that Sen. Kang'ata is looking at me as I talk. It is because when we talk about the areas that are missing in the Building Bridges Initiative (BBI) proposal, it is that. If you look at the Shared Prosperity, it stops on agriculture. We want livestock to be included because that is what Kenyans depend on.

Therefore, this Committee has to sit down and invite governors then carry out a proper audit in each county. That will help us know how much tea Kericho County produces. How much of the tea that you produce is sold locally and how much is sold in auctions so that we can streamline the sector.

The genius in that sector is amazing. In fact, today I can disclose that there is some company in Kericho that does not only package the traditional tea, but it also packages a different kind of tea that helps us boost our immunity, courtesy of the governor of Kericho. We have the ability.

The problem is that it is not that we do not have laws. If you read the Constitution and the laws that are out there, they have laid out everything on paper. However, is it practically achievable?

We should go back to the Constitution. The framers of the Constitution thought it wise to devolve agriculture because they knew that is what everybody in this country depends on. What we need to do is to push for implementation of these laws and implementation of the Constitution because it is not that we do not have enough laws, it is just that we do not care and only lament.

I listened to Sen. Wetangula talk about the deficit that farmers have, caused by brokers. They are people who go out there and instead of farmers benefitting, the brokers

are the ones who benefit. Therefore, by the time the farmers take their sugarcane to the factory, they do not have any credit left for them to benefit.

We need to sit down and say that the pieces of legislation that we pass in this House are designed to eliminate the brokers who have destroyed the tea sector. They are designed to eliminate the brokers who do nothing. They just sit in Nairobi or other parts of this country, then when the people who voted for Sen. Khaniri are crying and pushing him to come to this House to submit a proposal are harvesting their tea, the brokers go there and, guess what, our hard-working people end up suffering.

Madam Deputy Speaker, I hope that the Committee that you will task to look into the very important Statement that Sen. Khaniri has come up with, they will be guided by what we are losing and what we can actually gain so that we improve the management of the tea sector in this country.

Sen. Mutula Kilonzo Jnr., talked about companies in Dubai that are repackaging our tea. Maybe it is about time that we looked at the role of the Kenya Tea Development Authority (KTDA). We should devolve it and see whether it can find a way out.

Maybe it is about time that we now implement the Warehousing Receipt Bill. I think it is already an Act. We should look at the entire agricultural spectrum and our economy and see how best it can serve our people and how our people can benefit so that we can localize agriculture.

This business where we all sit here in this House and we know that the Senate is the defender of devolution and we always look at the national Government for guidance, we will not achieve anything.

In conclusion, I think it is important that when this Committee sits down to try and figure out what ails this sector, they must also carry out serious statistics. We have very good institutions in this country. The Kenya Bureau of Statistics (KEBS) can give you proper statistics on what each sector in this country produces.

When we talk about guaranteed minimum returns, it is the tea that is being sold in Kenya or in the East African Community being maximized before we even look at the outside. Then, the reforms in a proper auction system. If we agree or rather when this Committee finds that the only way that we can achieve progress in this sector is if the entire tea, which is produced, is only sold through that auction and not sold anywhere else.

When I travel - I travel quite a lot - you find that companies like Starbucks who have individuals who come and buy tea or coffee directly from us. We even have other counties, for example, when we were in Kirinyaga County during the Devolution Conference, the governor of Kirinyaga talked about marketing her own coffee and tea directly to companies in the United States.

When we talk about this, we must be driven by market forces and the rule of supply and demand. That is what will help us. We should keep in mind that most of the land, which is in this country---

The Deputy Speaker (Sen. (Prof.) Kamar): Please wind up.

Sem. Olekina: Madam Deputy Speaker, I know you drive a lot to Eldoret. You never get a chance to go through Kiambu.

Madam Deputy Speaker, I would like to welcome you for a beautiful drive through Two Rivers and cut through Kiambu on your way to Narok. You will be mesmerised. You will see how important tea is.

I am sure I do not need to take you to Kericho. In terms of the ability of the agriculture sector to be able to run this country is far more than what we can be able to account for. I hope that the Committee will visit Narok County. That is because in Narok we produce tea.

Sen. Olekina: Thank you, Madam Deputy Speaker, for giving me this opportunity.

I am surprised. This House should reprimand the conduct of the Cabinet Secretary for Education who is bound by the Public Officer Ethics Act. I wish to remind him that the Act, which he subscribes to and signed to abide by, prohibits that kind of unprofessionalism. It is about time that the public officers, including us, realise that we serve those offices by the will of God and privilege.

The Public Officer Ethics Act (9)(1) states that-

“A public officer shall-

(a) carry out his duties in a way that maintains public confidence in the integrity of his office;

(b) Treat the public and his fellow public officers with the courtesy and respect;

(c) To the extent appropriate to his office, seek to improve the standards of performance and level of professionalism in his organisation.”

I want to remind this House that the Ethics and Anti-Corruption Commission (EACC) wrote to this Senate a few months ago and reprimanded the behaviour of two of our colleagues. It insisted that action had to be taken. It should not be an issue of selective justice. The Ethics and Anti-Corruption Act is very clear. We expect the EACC to take the same steps that they took in our case to reprimand the behaviour of the CS for Education. We must respect each other.

Respect is paramount. There is no point of us serving in these offices if we do not show our children that we can correct people in a professional and respectful manner. I thank Sen. Shiyonga for bringing this Statement. This matter should be carried forward. I notice that my time is being limited yet you did not stipulate my speaking time.

If this Statement requires action by a Committee, then the EACC should be called upon to investigate the CS and ensure that we respect the rule of law. We do not come to Parliament to pass legislation for certain individuals to cherry pick what to respect and what not to respect. These laws are important and mandatory for all of us.

Sen. Olekina: Mr. Temporary Speaker, Sir, following the intervention by Sen. Cherargei, I request you order that the Quorum Bell be rung. I had seen that many Senators had gone to take tea and a small break. This will enable us to finalize this matter.

The Temporary Speaker (Sen. (Dr.) Mwaura): Muda umeyoyoma sana. Naagiza kengele ipigwe kwa dakika moja.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. (Dr.) Mwaura): Waheshimiwa---

(Loud consultations)

Tafadhali tuwe na nidhamu kwenye Bunge la Seneti.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni saa kumi na mbili unusu na hatuna akidi – yaani *quorum* - ya Kikao hiki cha Bunge la Seneti.

Tuko na Maseneta kumi na moja. Kwa hivyo, ninaahirisha kikao hiki cha Seneti mpaka kesho, Jumatano, tarehe kumi na moja, Novemba, 2020, saa nane unusu.

The Senate rose at 6:32 p.m.