

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 19<sup>th</sup> June, 2018

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

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

##### THE CPA KENYA BRANCH ANNUAL GENERAL MEETING, 2018

**The Speaker** (Hon. Lusaka): Hon. Senators, I have a Communication to make concerning the Commonwealth Parliamentary Association (CPA).

The CPA which was established in 1948 brings together 187 legislatures from 53 member countries of the Commonwealth. The principal objectives of the CPA include the alleviation of poverty and the promotion of-

(a) just and honest governments and the separation of powers among the three branches of government,

(b) fundamental human rights;

(c) international peace and order;

(d) global economic development;

(e) the rule of law;

(f) equal rights and representation for all citizens of both genders; and

(g) the right to participate in free and democratic political processes.

Hon. Senators, to achieve these objectives, the CPA organizes forums and invites parliamentarians, parliamentary staff and experts in various fields to identify and deliberate on good practices and new policy options which legislatures could adopt and/or advocate for in their respective countries' governance practices.

The Association is organized in branches at national level, and each branch of the Association is autonomous, raises its own finances and pays an annual subscription to the CPA headquarters.

Hon. Senators, Kenya is one of the CPA branches and as per the Commonwealth Parliamentary Association Kenya Branch Rules adopted by the Executive Committee on 14th July, 2014, the CPA – Kenya Branch is now required to conduct an Annual General Meeting to, among other things, decide on any questions that may have been proposed

regarding the affairs of the Branch or Association, including the election of the Branch Executive Committee Members.

In this regard, I would like to invite and kindly request you to avail yourselves for the Annual General Meeting which will be held on Thursday, 21st June, 2018 in the National Assembly Chamber, from 11:00 a.m.

I thank you.

BREAKFAST MEETING TO DISCUSS IMPLICATIONS OF  
THE 2018/2019 NATIONAL BUDGET

**The Speaker** (Hon. Lusaka): Hon. Senators, Following the reading of the highlights of the 2018/2019 National Budget by the Cabinet Secretary for the National Treasury on Thursday, 14<sup>th</sup> June, 2018, the Senate has scheduled a breakfast conversation on the 2018/2019 National Budget.

Hon. Senators, the topics to be covered during the meeting include:

- (1) A county perspective on the Budget: revenue generation, budget management and control, and attracting investment;
- (2) The Budget's objectives and expected impact on women, youth, persons with disabilities and other vulnerable groups; and
- (3) Some highlights on tax measures and their impact on investment and revenue collection.

As Hon. Senators will observe, these topics are at the centre of the Senate's role in protecting the counties, the interest of the counties and their governments.

Hon. Senators, this is to invite all Senators to the breakfast meeting. Breakfast will be served in the Main Restaurant, New Wing, Parliament Building and the meeting will take place in the Senate Chamber, on Wednesday, 20th June, 2018 from 7.30 a.m.

I encourage all Senators to take note and plan to attend. Kindly confirm your participation with the Office of the Clerk of the Senate for planning purposes.

I thank you.

DEMISE OF SEN. BEN OLUOCH OKELLO,  
SENATOR FOR MIGORI COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, it is with a deep sense of sorrow that I, early this morning, learnt about the passing on of Sen. Ben Oluoch Okello, Senator for Migori County.

Sen. Oluoch was born in 1966 in Rongo, Migori County. The late Sen. Oluoch was educated at Kanyimach Primary school and proceeded to Taranganya Secondary School. He then trained at the Kenya Institute of Mass Communication (KIMC) in 1984 and proceeded to the University of Nairobi where he obtained a Diploma in Supply and Marketing in 2003, a Bachelor of Arts in Radio Broadcasting in 2013 and was currently awaiting graduation for his Masters in Arts.

Hon. Senators, Sen. Oluoch made his maiden Speech on 26<sup>th</sup> September, 2017 where his dedication and commitment to his County and its people was abundantly clear. In part of his maiden speech, he said:

“I would also like to thank the Almighty God for allowing me to be a Member of this great House, which is considered the “Upper House”. I want to thank the people of Migori County for bestowing this honour on me. I promise that I will ask about the resources allocated to Migori County because this is the House where that takes place. I also want to thank my party for giving me this opportunity to serve the country as the Senator for Migori County.”

The late Sen. Oluoch served in various Senate Committees including - the Committee on Agriculture, Livestock and Fisheries; the Committee on Health; and the Committee on National Cohesion, Equal Opportunity and Regional Integration. Although his service in the Senate has been short-lived, the Senate is greatly honoured to have had him in our ranks and will greatly miss him. We however rest in the assurance that his memory will live on in the hearts of his family and friends and the millions of Kenyans in Migori County and elsewhere who listened to him every morning.

Sen. Oluoch will be remembered as an ordinary man who became an extraordinary leader; a broadcaster who beat all odds to rise to the apex of national leadership, and a Senator who inspired us all to be better citizens.

The late Senator was elected Migori Senator on an Orange Democratic Movement (ODM) ticket in the August 2017 elections. Before joining politics, the late Senator worked as a radio producer and presenter at the Kenya Broadcasting Corporation’s - Luo service, from 1988 to 2003. He then joined the Royal Media Services as Head of Ramogi Radio in 2003 and rose to the position of Senior Producer in Ramogi FM in 2007, where he stayed until 2017 when he resigned to join politics.

Hon. Senators, the country has lost a servant leader, a ‘man of the people’ and an orator of great eloquence whose contribution in the media, where they fondly referred to him as B.O.O, will greatly be missed.

On behalf of all Senators, the staff of the Senate, and on my own behalf, I wish to convey my deepest condolences to his family, friends and the people of Migori County.

May the Almighty God grant comfort to his family, friends, relatives and the good people of Migori County, during this very painful and sorrowful period. May the Lord give them the strength to bear the tragic loss of their loved one. May the Lord, rest his soul in eternal peace.

Hon. Senators in honour of our departed colleague, I request that we all rise in our places and observe a minute of silence.

I thank you.

*(Hon. Senators stood up in their places  
and observed a minute of silence)*

**The Speaker** (Hon. Lusaka): Hon. Senators, thank you; you may be seated.

**POINT OF ORDER**

## TRIBUTE TO THE LATE SEN. BEN OLUOCH OKELLO

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, thank you for giving me this opportunity to join you in condoling the family of Sen. Ben Oluoch Okello. On behalf of my family and persons with disabilities in this nation, I say sorry to the family and friends of Sen. Okello. I also pass my condolences to the people of entire Migori County for losing a person who had a passion to serve them. He had a vision for them. It is sad that the cruel hand of death had to take a toll on him at this particular time when he had a vision for his people.

I hope that God will give a replacement that is going to ensure that the vision of the Senator is passed on so that his legacy is seen. I empathize with Hellen, Ruth and the children of the late Senator because there is a big gap that has been left by the Senator. I am sure that the Senate will intervene so that the children and the family are helped because there is a big gap that has been left.

Mr. Speaker, Sir, this is a Senator who was committed and had a vision. He had even enrolled for his Masters Degree. It is so unfortunate that he was fully-fledged. He was marked for leadership but it had to go the way God wanted. Death is very painful. However, when it happens, there is nothing that we can do. We just have to accept what God has allowed. God has given us life, but it is painful when he decides to take it away. We have to accept the painful result of death. We cannot meet our maker without going through the cruel hand of death.

Mr. Speaker, Sir, I fully join you in condoling his family and the Orange Democratic Movement (ODM) party that gave him the ticket to contest the elective position in the Senate. Going for an elective position in Migori County was not an easy task, but he braved his way and managed to garner a lot of votes.

May God rest his soul in peace.

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I stand to convey my personal condolences, those of the people of Nyeri County and the entire country. I received quite a number of messages this morning when I conveyed my condolences through *Kameme FM*. To me, that signified that we are one.

Our late brother passed on because of cancer complications. In this House, we lead the people of this country. In fact, we are the shepherds of the people of this country and we are supposed to take care of them.

Cancer today is a major killer in this country. It has taken away our brother and many others. We are talking of our brother and there could be many others out there suffering from it, but we do not know them.

As we mourn our brother today, we are being told that some people have imported sugar with elements of mercury and copper. These are two metallic elements that are actually very poisonous to the human body. It is time this nation reckoned with itself, knelt down and asked God what is wrong with it? We should pray to God to save our souls because none of us is safe.

Yesterday, I was told about a case by a friend who went to Mombasa Road and he came across people repackaging expired drugs in a godown. He alerted the people he

thought would do something to save the situation. However, they said that did not fall within their line of duty, but under the Pharmacy and Poisons Board. If expired drugs can be repackaged and we buy them expensively, then we, as a country, need to relook at ourselves.

Today I talked about fighting corruption and I said it will not be easy to fight it. I warned this country that if we do not succeed in fighting this devil and crushing it, it will emerge with seven legions.

As we mourn our brother, let us reckon, kneel down and ask ourselves what kind of country are we living in. A country where we are consuming sugar laced with mercy and copper elements---

**The Speaker** (Hon. Lusaka): Hon. Senator, be brief in your eulogy so that other members may get a chance to mourn our brother.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, please give me two more minutes.

It is a pity that children are consuming that kind of poison.

As we mourn our brother, I ask the Almighty God to keep his soul in eternal peace. We pray for the family and ask God to take care of them as He took care of David and blessed him with another son when his son passed on.

**Sen. Khaniri:** Mr. Speaker, Sir, thank you for the opportunity. Indeed, it is with a very heavy heart that I rise to join you and my colleagues who have spoken earlier in condoling the family of our departed brother, Sen. Ben Oluoch Okello.

It is so sad that Sen. Okello has gone too soon. He has died a young man and very early in his term in office as the Senator for Migori County.

On behalf of my family, the people of the great Vihiga County and myself, *pole* to the family of the departed colleague, the people of Migori County and the Senate fraternity. I assure the family and the people of Migori County that, I and, we indeed, as the Senate, will stand with them during this difficult time of mourning their loved one.

Personally, I never got the opportunity to know our colleague very well because we all know soon after we were sworn in, he was taken ill and hospitalized. Therefore, we never had much time to interact with him. However, we knew him from his days at *Ramogi FM* as a very vibrant radio presenter and very innovative young man. The people of Migori County had very high expectations in their leader telling from his maiden speech. I think he also had a passion to serve them. I know they will miss his service, but we wish them well.

Sen. Okello represented Migori County people and part of them originated from Vihiga County. These are the people of Kanyamkago and Bware. *Pole sana* to them.

May God rest his soul in eternal peace till we meet again. Fair thee well our dear colleague.

**The Senate Minority Leader** (Sen. Orenge): Thank you, Mr. Speaker, Sir. I also join the House and the Speaker in expressing our sense of loss and sorrow of one of us.

It is a shock in the sense that Sen. Okello did not serve even a substantial fraction of his tenure because within few days when he was elected, he began to feel unwell.

He comes from a County which is very dynamic and almost cosmopolitan. It has nearly every representation of the face of Kenya where many communities live. Be it people from that part of the world that you find a lot of business opportunity and also people from across the borders. So, he was a leader in a very dynamic county; and he had

to appeal to a broad section of people in order to get elected. He is one of the few people that I can say – I said this at the Lee Funeral Home – was elected because of what he was.

He came to be known particularly in the western part of Kenya for his broadcasting profession. He was a presenter in Kenya Broadcasting Cooperation (KBC) and Royal Medial Services (RMS), particularly the platform known as Ramogi FM. He was not only an opinion shaper, but engaged leaders from all walks of life to ensure that the space we have fought for in terms of democracy was effectively used.

I can report that unlike most of us who had to spend a lot of money to get elected or rely on our political parties, he did not spend a lot of money. I say this with a lot of respect because he was nominated by the Orange Democratic Movement (ODM), which is quite a popular party. He was elected for who he is. He spent some resources, but not the kind to be spent to win a Senate seat. This is because people believed in him. Therefore, even if there were to be a re-election in that seat, Sen. Ben Oluoch Okello would again be re-elected. His tenure was very short and I remember the seat he used to occupy. So long as it is not occupied, it will be a constant reminder of our brother and friend who has left us.

Mr. Speaker, Sir, the other thing that has encouraged me is that during the time of his illness, the House and, you in particular, acted in unison and a bi-partisan way. You have been close to the family and they have been calling you directly. You have been to the hospital and his widows have come to see you. Even today, at the earliest moment, you mobilized Senators to go and condole with the family at the Lee Funeral Home. That is encouraging. Sometimes, a death like this can bring opportunities for building bridges, if I can use the words that are now popular.

I saw some of us, who do not necessarily belong to our coalition, speak at the Lee Funeral Home as if they were part of the family. I am sure that the widows and members of the family feel that Kenya is one country. All of us were not able to go there, but it was quite a representative of the country. I always wish this country was united in politics the way we tend to be united in death. *Lakini ikija kwa siasa, saa zingine sijui kama tunabomoa au kujenga.*

**The Speaker** (Hon. Lusaka): Order, Senate Minority Leader. You are mixing the languages.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, that was an excerpt. Thank you for your correction.

I also know that the House plans to go there tomorrow. I hope that has been relayed because I came a little late. I am also appealing to Members to appear there because that will send a good signal in terms of what is happening to the country.

Finally, our departed brother had been taken to India several times. At this stage of our development, we should be able to deal with what he was taken to India for. Whenever we travel we see so many Kenyans boarding planes to Southern India, New Delhi and Mumbai to seek medical treatment. Considering the kind of doctors that we have in this country, who are probably as good as any that we can get and the institutions that we have, it is time to seriously think about developing capacities in medical institutions that can take care of our people.

As we say this, we now hear about grand corruption in the Ministry of Health worth about Kshs8 billion. Such an amount of money can be distributed to each county to

offer affordable healthcare and effectively look after people. That can be done without this kind of wastage that we are experiencing in the country.

Every time we lose somebody who went for treatment overseas, we tend to say that Kenya will try as much as possible to make sure that we have the appropriate facilities to look after our people. I hope that in the death of our colleague, those who are in the health sector will take note that it is not appropriate to see Kenyans going to seek for treatment abroad at this time and age. I love Cuba and its people, but although it is necessary to bring Cuban doctors for the shortfall, at this stage after 50 years of our Independence, we should think about this more seriously.

Mr. Speaker, Sir, I hope that in the spirit with which we have condoled with the family, when the time for going to Migori County comes, the whole Senate will show solidarity with the people of the county and the family of the late Sen. Ben Oluoch Okello. May God rest his soul in eternal peace.

Thank you, Mr. Speaker, Sir.

**Sen. Poghisio:** Thank you, Mr. Speaker, Sir. It is sad and gloomy in this Chamber because we feel the loss of our departed friend and colleague, Sen. Ben Oluoch. When I was a Minister in the Ministry of Information, Communications and Technology (ICT), we shared with him the broadcasting and media space. He had made a name in that particular sphere.

We then met here briefly, he was taken ill and now we have lost him. On my own behalf and that of the people of West Pokot County, I convey my earnest condolences to the family and friends of our departed friend; the people of Migori County and the neighbouring areas whom he served, and also the whole of Kenya. This is because his voice was heard all over the country and will be missed greatly.

Mr. Speaker, Sir, I do not need to belabour the point that cancer has become the biggest killer in this country. As a House, we must go after and pursue it. As my friends that have spoken ahead of me have said, we have the ability to make our medical service better for ourselves and also for the future generations.

We have lost a potential leader who would probably have been a game changer in the way things are done in his county, since people voted for him. We have lost him and we just ask that we may unite to bring comfort to the family and to the people of Migori County. We assure them that this House stands united in that promise.

Mr. Speaker, Sir, I particularly want to thank you in the way that you have coordinated for us to help with whatever was needed. You have been at the forefront in dealing with this family at this time of their loss.

We thank the rest of the Members, particularly those who managed to show up today. I hope that our plans to go to Migori County will be met and that we will come together again. It is a great loss to the Senate. As we say, God rest his soul in eternal peace and give us his grace. Thank you.

**The Speaker** (Hon. Lusaka): Let us have Sen. Kwamboka.

**Sen. Kwamboka:** Thank you, Mr. Speaker, Sir. I join my colleagues in condoling with the family of the late Sen. Okello. It is a sad day, especially to my party leader the Right hon. Raila Odinga and to the Orange Democratic Movement (ODM) fraternity. On behalf of the Nairobi City County and as the Secretary General of the ODM Party, we say *pole* and we are together with the people of Migori County.

The late Sen. Okello was a very loyal and active member of our party. During the reform days of the “Independent Electoral and Boundaries Commission (IEBC) must go”, he was among the front-liners. We have lost a great leader. Rest in peace, Sen. Okello.

Thank you Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Let us have Sen. Kinyua.

**Sen. Kinyua:** Asante sana, Bw. Spika. Nataka kujumuika na wenzangu kutuma risala zangu za rambirambi kwa familia ya Sen. Okello pamoja na watu wa Kaunti ya Migori. Yeye ni mtu ambaye alikuwa amechaguliwa pale na aliyejitolea kuwafanyia wananchi kazi. Tutaungana na watu wa Kaunti ya Migori na kushirikiana nao wakati huu mgumu.

Hili ni pigo kubwa sana. Hili linapaswa kuwa funzo kwetu kuhusu huu ugonjwa wa saratani. Ugonjwa huu umekuwa changamoto na kizungumkuti kwa kuwa kila wakati unawaangamiza Wakenya. Baada ya miaka 50 ya Uhuru, bado tuko pale pale kana kwamba tunachechemea. Wakenya wengi wanasafiri kutafuta matibabu katika nchi za Ulaya, India na pahali pengine wakitafuta tiba ya huo ugonjwa.

Hata wakati huu tunapoomboleza mwenda zake, Sen. Okello, linapaswa liwe funzo kwetu viongozi na Serikalli. Tuseme ya kwamba yeye awe kama funzo kwetu ili Wakenya waache kupoteza maisha yao. Hii ni kwa sababu pesa nyingi zinatumika watu wakijaribu kupigana na ugonjwa huu. Ninajua ya kwamba yuko mwenzangu pale katika Bunge la Taifa ambaye ameleta mswada wakusema kuwa saratani ifanywe janga la kitaifa. Mimi nina kubaliana naye mia kwa mia ili tuweze kujikakamua. Nina imani ya kwamba tukifanya namna hiyo Kenya itakuwa nchi nzuri ya kuishi.

Naungana na watu wa Kaunti ya Migori kuleta risala zangu na za watu wa Kaunti ya Laikipia. Tutaungana na familia hiyo na watu wa Kaunti ya Migori leo na mpaka wakati wamwisho wa kumpumzisha mwenda zake, Sen. Okello. Asante Bw. Spika.

**The Speaker** (Hon. Lusaka): Let us have Sen. Malala.

**Sen. Malalah:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to express my heartfelt condolences to the family of the late Sen. Okello. It was with profound sorrow that I learnt of the demise of my colleague. I must state here that we are in a sad moment. A dark cloud of gloom is hanging precariously above this House. We have lost a great man and legislator. We ask God to comfort the family in these stormy times, provide shelter and comfort them. Let us all pray for the family for the loss of Sen. Okello.

Mr. Speaker, Sir, I have personally lost a father figure. When I came to this House, I saw my colleague, Sen. Okello, as a friend and a father figure. I remember him being a news anchor in the Ramogi FM. One of his programmes was giving Bibles every morning to his listeners. This is evident enough that he is resting in Heaven. I am certain of that because of his mannerisms.

My colleagues have addressed the issue of cancer being the menace that is consuming our population in Kenya. As a House, we need to come up with measures to curb the ever spreading menace. We need to come up with solutions such as establishing cancer centres in all our counties. We are the defenders of counties and we need to defend the populations that live there. I would be very grateful if this House adopts a policy whereby every county will be mandated to come up with a cancer centre.



Mr. Speaker, Sir, it must not be gainsaid that Sen. Okello was a humble servant of God and we shall forever remember him. His contribution to the people of Migori County will forever be inscribed in our hearts. I take this opportunity to join the people of Migori County and the National Super Alliance (NASA) fraternity in mourning the hero of our years.

Rest in peace my brother Sen. Okello. Allow me to say: 'nindgikwe'. Thank you.

**The Speaker** (Hon. Lusaka): Whatever that means, I hope you are not abusing Members. Let us have Sen. (Rev.) Waqo.

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir, for allowing me to stand and condole with the family of Sen. Okello. I send my condolences to the family and the great people of Migori County. It is a sad day for us, as Senators. I have personally not interacted much with the Senator. However, from what I have heard and the fact that he was one of us, I feel for the family and pray that God at this time will comfort them and provide for their needs.

It is less than one year since the people of Migori County elected Sen. Okello. Unfortunately, because of this cancer issue in Kenya, we have lost him. I am sure that during the last one year, he must have gone through so many things and suffered in many ways. The family, friends and many of us, as Senators, may have shared the pain with him. At this particular time, the family needs us.

It is such a time as this that the family waits for friends and others to come and tell them about their beloved one because he is no longer with them. Now that we are there, just as we did this morning, let us make sure that we stand with the family, especially the widows, and also give them the hope that they have in God. The Bible says that God's timing is always the best. He has not given much of his talents and dreams to his people, but God will raise another leader who will take his dream ahead.

I join other Senators in saying that the problem of cancer is a real issue. It is taking a toll on both the young and old. It is high time we critically thought about the whole issue so that we can save generations to come. I do not want to talk about the current challenges with sugar and other things, but as leaders, we have the opportunity to save this situation and to save Kenya.

We have an opportunity to stand and think of how best we can help those people who are already suffering from cancer. I am sure every one of us knows at least one person in every village who is suffering from cancer. Let us stand up and support them. Let us see how best we can help those who are already suffering and see how we can minimize the problem.

Those who are already suffering from cancer go through a lot of pain. Some of them have no money. As we send our condolences and stand with the family, let us also think of the larger number of Kenyans, especially women. Just about four days ago, I read somewhere that women suffer most. Let us see how best we can help our society.

May the Lord comfort the family. Thank you.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Omogeni Erick Okong'o.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir. Let me also join my colleagues in registering my condolences to the family of the late Sen. Ben Oluoch Okello, and to the people of Migori County. I was privileged to have served in the Committee on Health together with Sen. Ben Oluoch Okello. One of his last duties as a Senator was when he

attended the Committee on Health when we were interrogating the Kenya Medical Supplies Agency (KEMSA) on expired drugs.

I remember the late Sen. Okello used to sit on the left side of this House. I can only say that he was a humble man. For all the time I knew him, he was indeed a dignified man. I was also privileged to have met the late Sen. Okello sometimes last year before he was elected as a Senator. We were just looking for a master of ceremony to preside in a funeral in Kisumu. The people of Kisumu, though knew that Sen. Okello hailed from Migori, they wanted to import him all the way from Migori to Kisumu to preside as a master of ceremony. That tells you how talented Sen. Okello was in the area of communication.

Mr. Speaker, Sir, as we mourn our colleague whom we have reliably been informed died of cancer, we should also reflect as a country what steps we are taking to take care of Kenyans who are suffering from cancer. If we were to follow the history of Sen. Ben Oluoch Okello, he has travelled all the way to India in search of good medical attention for cancer. He has spent several days admitted at M.P. Shah Hospital. That should tell us as Honorable Members of this House that treating cancer can be expensive. It can drain and cripple families financially.

This should be the time for this country to reflect on what we can do as a nation to cushion families that have people suffering from cancer. It is sad that this country has got no policy in place to assist families that have patients suffering from cancer to have access to free medical attention. If you are not privileged to have a good medical cover or you are not financially stable, and you are diagnosed with cancer, chances are that you will be facing death in painful circumstances.

There are many people suffering from throat cancer who have had early diagnosis. With good medical attention, they have received treatment and recovered. What that should tell us is that as a country, we are doing poorly in terms of early diagnosis of cancer. As people who are supposed to protect the interests of the counties, this is an issue that should be of great priority to us as Senators, so that most counties can have mechanism for early diagnosis and treatment of cancer.

As I conclude, on behalf of myself, my family and the people of the great County of Nyamira, I say *pole* to the family of the late Sen. Okello. I leave the widows and the children with words of comfort from the Book of Jeremiah 29:11 that God indeed has good plans for the future of the family that has been left behind.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Kimani Wamatangi.

**Sen. Wamatangi:** Thank you, Mr. Speaker, Sir. I also join my colleagues this afternoon in condoling our colleague, my friend and a friend to all of us; the late Sen. Ben Okello.

I remember when we got elected after the elections, during the time when we were all getting acquainted with the procedures of Parliament while filling in the forms out here, I had my first opportunity to meet the late Senator. As most of my colleagues have said, it was evident that the late Sen. Ben Oluoch Okello was a man of composure. He was collected, cool and confident.

I remember having an exchange with him just before I got to know which county he was representing. When he told me that he was elected in Migori County, I reflected and remembered that he had to battle during the election campaigns with a formidable

rival, the former Senator for Migori County, Sen. (Dr.) Machage. I imagined the kind of fight I had to put up in Kiambu County just to get re-elected.

This morning as I was participating in a television show, early in the morning, that is when the news broke out around 6.00 a.m. that the Senator had passed on. I was amongst the few then who gave their condolences. In reflection, I was imagining sometimes how lucky and blessed we are and we forget it. A Senator like the late Sen. Ben Oluoch Okello went to an election, fought the way we did, and took on the success and glory, but he had no opportunity to enjoy or implement any of the political plans he may have had for the people of Migori County.

When I went to compete for the senatorial seat of Kiambu County, I had a vision and plans for the constituents; so did the late Sen. Okello. Therefore, I take this opportunity on my own behalf and on the behalf of the people of Kiambu County to convey my condolences to his family and friends. May God rest his soul in eternal peace and may there be a replacement as determined as the late Sen. Okello.

Let all of us be reminded as we all say; "Man proposes, God disposes." We should remember to thank God that we are here.

Mr. Speaker, Sir, I remember when the HIV/AIDS pandemic broke out; how it traumatised the whole world. Indeed, the Kenya medical practitioners and researchers were amongst those that put in the best of research and work in finding out how best we could tackle it. We all remember the input of people like Prof. Arthur Obel and other Kenyans.

What are we doing as a country as far as the cancer problem is concerned? Have we done enough? Is there a much better thing that we can do? Should we not invest more in research and empower our doctors and researchers to come up with solutions that would help this country tackle the problem of cancer?

Let me also echo the same sentiments as my colleagues, I believe it is high time we started sensitising and campaigning seriously amongst our people on the importance of early screening and medical tests. This will ensure that cancer and other medical conditions will be detected early. We know of prominent people and other people who have been diagnosed and treated early.

I condole with the family of the late Sen. Okello and the people of Migori County. We stand with them in this trying time. May the Almighty God give them peace.

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in paying tribute to the late Sen. Ben Okello, the Senator for Migori County.

On my own behalf and my family, I sincerely wish the family of the late Senator, God's protection and comfort during this trying moment that they are going through as they mourn Sen. Okello.

The first time I interacted with Sen. Okello was in the Standing Committee on Health and the Committee on Agriculture, Livestock and Fisheries. He was a Member of the two Committees. He was a great Senator who contributed a lot in the two Committees. To me, this is really a touching moment.

When I went to the hospital to see him, I was a bit low because he was in a touching state. I felt so touched, especially seeing members of his family. As a believer, I thought he would come out of that state. However, it was the wish of God to take him

away from us. We leave everything to God. As I said, we pray to God to protect and comfort the family during this trying moment because His love is enormous.

May he rest in eternal peace.

**Sen. Moi:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to express condolences on my own behalf, my family and the people of Baringo County to the family of our late colleague, Sen. Okello, especially to Hellen and Ruth.

I also did not have an opportunity to interact with him much, except for one or two occasions when we had some serious conversations. I found him a very eloquent, intelligent and a decent human being. At this time, our hearts go out to his family. I would like to tell them that our prayers and thoughts are with them. I would also like to thank the Speaker and your secretariat for the job that you have done to ease the burden for the family of the late Sen. Okello.

May the Lord rest his soul in eternal peace.

**Sen. Pareno:** Thank you, Mr. Speaker, Sir, for allowing me to join you and the rest of the Senate in giving our condolences to the family of the late Sen. Okello.

I had an interaction with the late Senator. It is sad that, at this moment, we are calling him the late when just the other day, he was with us and was so full of life. In fact, I was just looking at the empty chair where he used to sit and we will really miss him.

I interacted with the late Sen. Okello when he applied to become a candidate for the Orange Democratic Movement (ODM) Party for the senatorial seat of Migori County. Out of the 11 candidates who contested for the seat during our party's primaries, he emerged the winner. Among these 11 candidates were prominent lawyers and other people of substance in the society. Despite all that, he turned out to be the best among the best.

I condole with the people of Migori County for having lost a person they loved most. I also condole with my party, ODM, for this loss of this Senator.

In that race of those 11 candidates during the ODM party primaries, Sen. Okello garnered more than 64,000 votes. The runners up garnered not more than 30,000 votes. That tells you how popular he was and how much he was loved. I know the people of Migori County will miss him just as much as my party, ODM, the Senate and his colleagues.

We have lost a dedicated leader and servant to this nation. We have lost a very humble and respectful man, a father, a son and a husband.

May his soul rest in eternal peace. I pray for God's love to his family. We stand by them at this trying moment.

Thank you, Mr. Speaker, Sir.

**Sen. (Prof.) Kindiki:** Thank you, Mr. Speaker, Sir. I equally take this opportunity to send my condolences to the family and friends as well as the constituents of the late Sen. Okello.

Unfortunately, for most of us, we did not have adequate time to fraternise and get to know much about the late Sen. Okello. However, from what we have heard from those who knew and interacted with him, he was a great, focused and very balanced man.

It is unfortunate that we have lost him to a devastating disease called cancer that has claimed so many Kenyans so far. I hope that God will give our scientists, researchers and experts knowledge and wisdom, and reveal to them the scientific solution to this

problem. We pray for those who are affected and infected with cancer that God will heal them, as we look for human solutions in the long term.

Mr. Speaker, Sir, I just want to say *pole*. I hope that God will remind all of us how finite and brittle human life is, so that we can apply our days on earth with wisdom.

I condole.

**The Speaker** (Hon. Lusaka): Yes, Sen. Wako.

**Sen. Wako:** Mr. Speaker, Sir, on behalf of myself, my family and the people of Busia, I send my sincere condolences to the family of Sen. Ben Oluoch Okello. I did not know the late Senator well or if at all. I did not listen to Radio Ramogi, but when he came to this House, he used to sit there. As it is my normal habit, I do not take too much interest in those people who talk a lot in the House, but in those who are a bit quiet. On a number of occasions when we were barely five people in this House - everybody had gone out - the quiet Senator for Migori would be seated there. I would go chat with him, go out and when I came in again, I would chat with him. Therefore, I can confidently say that precious in the sight of God are the deaths of the saints.

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

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

I did some research on him because of his quiet nature and I discovered how popular he was in South Nyanza. I am aware that he has left a very young family, with very many children who are still going to school. He has passed on at the age of 52 years. Therefore, it is for us to stand firm in solidarity with his family in a meaningful way.

I am glad that the Parliamentary Service Commission has tried its best on the issue of medical expenses. However, that family will need a lot of assistance. The young children will need a lot of assistance if they are to realise the potential that their father wanted them to have.

Mr. Deputy Speaker, Sir, there have been contributions on the issue of Cancer, which is now everywhere. In fact, we hear more about Cancer than the HIV/AIDS that we used to hear about. Most people pass away today because of Cancer. The time has now come for us to deal with this menace of Cancer. One way of dealing with this menace is to have Cancer centres in every county, so that we can have early detection of the disease. If some cancers are diagnosed early enough, they can be treated and that is the way to go. It could be a challenge to our Committee on Health to see how that can be achieved, so that we move from rhetoric to action on it.

To the family of the late Sen. Ben Oluoch Okello, please, accept our condolences. We pray to the Almighty God to give you strength during this time of sorrow. We also pray to the Almighty God to continue showering you with blessings. May the soul of our late colleague rest in eternal peace.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Wako.

Sen. (Dr.) Milgo.

**Sen. (Dr.) Milgo:** Mr. Deputy Speaker, Sir, on my own behalf, my family and the people of Bomet County, I take this opportunity to condole with the family of our dear

late Sen. Ben Oluoch. Although I did not interact with the late Senator a lot, from what that has been said it shows that he was a great man. His life has been nipped in the bud from assisting and working for the people of Migori County, and more particularly, his own family.

Mr. Deputy Speaker, Sir, as we condole the family of Sen. Ben Oluoch, I wish to say that Cancer is a disease that does not only take lives, but also resources. Therefore, as my colleagues have said, it is the high time that we ensure that there are cancer centres in all counties, which will assist people in the treatment of cancer.

Many people cannot afford to go to India or other countries to be treated. As a result, a number of us have suffered. If you go to the counties you will realise that one out of three deaths is caused by cancer. It is high time we sat down and reasoned together. Maybe, through legislation, we can ensure that the necessary equipment is put in the counties. This will ensure that those who are suffering right now shall have relief.

Mr. Deputy Speaker, Sir, it is unfortunate that sugar which contains mercury, a carcinogenic agent, was found in some go-downs. If the culprits are found, they should be charged with a capital offence. They should be brought to book and whatever they have done taken seriously. Maybe, in the next five to ten years, there will be mass effects of what is happening right now.

May the soul of our late colleague, Sen. Ben Oluoch, rest in eternal peace.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Yes, Sen. Wetangula.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, thank you for giving me a minute to also condole the family of our late brother, colleague and friend, Sen. Ben Oluoch. On my own behalf, my family, the people of Bungoma County and the fraternity of Ford Kenya Party, I wish to send my sincere condolences to the family of Sen. Ben Oluoch.

The Senate of the Republic of Kenya records Sen. Ben Oluoch as the fourth colleague to lose while in session, after the late Sen. Mutula Kilonzo, Sen. Boy Juma Boy and the late Sen. Otieno Kajwang. We will definitely and surely miss Sen. Ben Oluoch for his unassuming character, humble demeanour and friendly disposition towards every colleague. He has not had enough time to make an indelible mark on the footprints of this Senate, but the few times he spoke here or interacted with us at individual levels, he displayed a flair of intelligence, commitment and patriotism that is not common in many of us.

We have lost Ben Oluoch because of what has publicly been said to be cancer and I join those who have contributed ahead of me to call for a concerted effort not only to arrest the scourge of cancer but all other diseases in the country that kill people in every direction. Malaria, dysentery and diarrhoea are resurging back yet these are preventable diseases but they are now killing Kenyans in their thousands.

We would like to see our health sector revamped and run in a manner that is better than it is currently being done with all manner of allegations about misconduct and professional misbehaviour to the extent that medics are stealing from the dead.

May the good Lord rest Ben Oluoch's soul in eternal peace.

**Sen. Wario:** Mr. Deputy Speaker, Sir, I would like to join my colleagues, on behalf of myself, my family and the people of Tana River County that I represent, to send my sincere condolences to the family of the late Ben Oluoch who passed away.

I did not get time to interact with him but from how I viewed him when he was just seated next to me here, he seemed to be a very humble man who behaved in a gentle manner. Therefore, I would like to send my condolences---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator, the late Ben Okello never sat next to you. Maybe he sat near you but not next to you. You have to be factual.

**Sen. Wario:** Mr. Deputy Speaker, Sir, he did not sit next to me but on my extreme right from the entrance.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very extreme on the opposite side.

**Sen. Wario:** Therefore, I condole with the family.

**Sen. M. Kajwang':** Mr. Deputy Speaker, Sir, it is a sad day. Allow me to join you and the entire House to convey my condolences to the family, friends, the people of Migori and particularly the people of the little village of Kanyimach where Ben Oluoch Okello was born and brought up.

Between Migori and Homa Bay, there is very little distinction besides the borders that have been imposed because in Migori, people of Kadem and Karungu do not marry the people of Ndhiwa straddle two counties. I feel like I have lost a fellow leader but more importantly I have lost a friend.

Sen. Wetangula has already spoken to it but the chair I sit on was where the late Otieno Kajwang' sat and the chair that Sen. (Prof.) Ongeru sits on is where the late Boy Juma Boy used to sit. Sen. Mutula Kilonzo Snr. left just before the other two. So, this is the fourth loss of a Member of this important House. It does not mean that Members of the Senate are immune to death because we are Kenyans just like anybody else.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator, I am just worried about the chairs and where Senators are sitting. You could send the wrong messages home.

**Sen. M. Kajwang':** Mr. Deputy Speaker, Sir, I had no intentions of scaring Sen. (Prof.) Ongeru.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Prof.) Ongeru might want to change. Proceed Senator.

**Sen. M. Kajwang':** We believe that God's time and plan is the best. So, irrespective of where we sit, we still hold dear our colleagues who have gone before us.

I knew the late Ben Oluoch Okello more than many Senators here because we have been friends for quite some time. Those who listened to the Luo Language and Radio Ramogi would definitely know Ben Oluoch Okello. He hosted a show that started at 6.00 a.m. and ran all the way to 10.00 a.m. every day.

The power of vernacular radio is unparalleled. In this country, if you want to send a strong political message, you do it on vernacular radio. The timing of that show made sure that fishermen, as they came back from their nightly duties, would tune in. It made sure that those who were ploughing in the fields would tune in their radios as they did their work. It made sure that women going to the market for the day would also tune in. So, he was a great influencer but it is unfortunate that that prowess and the skills were never displayed adequately here.

They say that when you get an opportunity to do good things, do them while you are still alive. Every morning, the late Ben Oluoch Okello had a Bible trivia as part of his show where he would ask questions about certain verses and personalities in the Bible

and he would donate Bibles every single morning. If indeed there was something you can do to buy your way into heaven, maybe giving out Bibles could be one of them. I do believe that he will be paid not just in death but even the people he has left behind.

Many of us have spoken about cancer. I do not want to become an expert all of a sudden but it is important to express gratitude. I was at Lee Funeral Home just before the Speaker and the Senate team had left. The family of the late would wish to express gratitude – this needs to be recorded – to the Speaker, the Clerk and the entire Senate, because if the late Ben Oluoch Okello did not have the kind of medical cover and the kind of care and attention that he was given by this Parliament, we probably could not have known him much earlier.

Obviously it is God's plan but the Speaker, the Clerk and everyone played a great role in making sure that the late Ben Oluoch Okello got the best treatment that money could afford. He was more fortunate than the millions of people that he represented in Migori because we invested a lot of money in cancer diagnosis but we have not put money in cancer treatment. Let it be on record that the family, because they are unable to come to this House, will forever be indebted to this House for the love and care that we have shown him.

Finally, I want to assure the people of Migori that in the intermediate period, there should not be a vacuum in terms of representation because the 46 elected Senators and the other Senators who form part of this House should take it upon themselves to articulate and bring issues that are of concern to the people of Migori.

As the late Ben Oluoch Okello will be laid to rest on the appointed day, we hope that he will send our regards and salutations, the way it used to be done in the olden days, to the ancestors, Senators and leaders that went before us. Let us also reflect, at this time when we are talking about corruption and lifestyle audit, and ask ourselves the question that was well put by Leo Tolstoy when he asked; how much land does a man need? At the end of the day and at the end of the struggle, all that a man needs is six feet wide and six feet deep.

My condolences to the family and the people of Migori. I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you Sen. M. Kajwang'. Next is Sen. Mwangi.

**Sen. Mwangi:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to express my condolences, alongside other Senators, to the family of the late Ben Okello and the people of Migori.

It is unfortunate that we have lost a great Senator. Cancer has become a killer disease and it is the only known quick killer in this country and across the globe. Having lost a Senator, we want to send a message to the Government that we should have adequate cancer centres in the country. We have so many people who are dying of cancer. We have taken so many people to India to be treated for cancer and they have ultimately died. We should take it upon ourselves to impress upon the Government of the need to build cancer centres so that we can reduce deaths of useful Kenyans like the Senator for Migori County.

Mr. Deputy Speaker, Sir, we have a problem of this sugar that has been brought to the country and it has been identified as having mercury. It is well known that mercury is



a contributor to cancer. This claim should be investigated as we do not want many people to use that sugar because they risk getting cancer and ultimately, we know what happens when you get cancer because it is a killer disease.

A lot of this sugar has been taken to the former Central Province, and particularly in Olkaria in Nyandarua and some parts of Kiambu County. The Government should get this sugar out of Nyandarua before people start consuming it and we end up losing lives. We are wondering why this sugar was taken there.

We do not want to be coming here very sad because our people are dead. We should protect them from getting cancer in instances where it is possible to do so.

Mr. Deputy Speaker, Sir, I condole.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to condole my friend, Senator Okello.

I first met Sen. Okello at the Serena Hotel with his beautiful wife and we shared a cup of coffee immediately after we were both declared winners in the General Election. I found him to be a very intelligent and interesting person who was determined to work for the great people of Migori.

Mr. Deputy Speaker, Sir, the late Sen. Okello fought a brave and strong battle against cancer but he lost. This is a lesson that we all have to learn. I believe we invest 20 percent of our national budget in healthcare. The biggest question to ask is this: Do we even have a Cancer Research Fund in this country yet cancer is now undoubtedly the number one killer?

Cancer is consuming our population and if we had the Cancer Research Fund, how much of it would we invest in early detection? How much of it would we invest in better treatment of cancer around our country?

Mr. Deputy Speaker, Sir, the death of our colleague gives us an opportunity to interrogate this epidemic. I remember reading in history that way back in the 1800s when there was an epidemic of cholera, people in the United States and the United Kingdom went back to look at the way they lived without genetically modified food. That is the question we ought to ask ourselves.

Mr. Deputy Speaker, Sir, we now have data of food that can help prevent cancer. Our markets are now open and anyone is free to bring in any food. There are known pesticides that cause cancer but we are so gullible that we are welcoming so much and we do not take precautions. The high statistics of the people who are being killed by cancer is mostly caused by negligence by our Kenya Bureau of Standards authorities (KeBS). When you hear that counterfeit goods are being sold in the market, most of the people who end up suffering are in the rural areas. They cannot afford to be screened for the early detection of cancer.

It behooves us now to interrogate and maybe move a Motion in this House that will force the Ministry of Health to set up a Cancer Research Fund from which funds will be set aside to educate our public on how they can detect cancer and embark on early treatment.

Mr. Deputy Speaker, Sir, many Kenyans travel to India and other countries for cancer treatment yet we have Level Five hospitals here locally. We have hospitals here where people from Southern Sudan, Rwanda, Uganda and other neighbouring countries go to be treated, because they believe that our hospitals are the best. But we, as Kenyans,

especially Members of Parliament, do not have faith in our healthcare system. So, we continue to pay for expensive trips to India and America. No wonder we can never really take our time and ask ourselves these hard questions: What are we doing wrong? What pesticides are our people being exposed to that are exposing us to cancer?

Mr. Deputy Speaker, Sir, if you go to Narok County, there is a place called Emburbutia or Caanan, in Loita Forest, people die there on a daily basis of cancer and kidney failure because of what they are exposed to. It is high time, with the death of our colleague, for us to really ask ourselves these hard questions: How do we deal with cancer? If we are serious about saving lives in the memory of our departed brother, we should set up the Cancer Research Fund. I hope the Treasury is listening because if we establish that Fund, we can allocate money to it and educate our people on how to detect and prevent cancer.

We have data on foods like broccoli, cabbage, that you can eat to prevent cancer. We need to impart this information to our people. The reason why this House is in a somber mood today is because one of us has left us. Kenyans are dying on a daily basis of this epidemic called cancer yet there is nothing we are doing. It is about time that we helped those people who cannot be given an opportunity like the one we are giving our departed brother. We can help them avoid cancer by equipping our hospitals for cancer to be detected early.

It is time that this Parliament concentrated on developing legislation to that end. Last week, I spoke of a Coroners Bill that was passed by the National Assembly. If that Bill is fully implemented, it will give us an opportunity to detect the strains of cancer or the type of diseases that are killing Kenyans. Kenyans agree and accept when someone dies but if we want to change, it is about time that we invested our money and time in developing legislations that can help us pursue and follow through to see what type of diseases are killing Kenyans because, just being told that your colleague has died because of cancer does not help us.

We have Acts of Parliament but the problem is that we do not implement them. If we implement the Coroners Bill, when someone dies and a postmortem is done, we can tell the type of cancer that has killed that person. It is a sad day today and I hope that the people of Migori County will know that we are all passersby for it is like running a race. Our dear brother happened to be in front of us and he won today but it could be me tomorrow.

For posterity and continuity in this country, we must interrogate the amount of money that we invest in healthcare. It is not enough for us to lease expensive medical equipment yet no one is using them. For us, when we fall sick, we board a plane and either go to India, the United States of America or Pakistan because we can afford that but let us now try to focus on how we can help our brothers and sisters who cannot even afford to come to a hospital in Nairobi.

With those many remarks, I pray that the Almighty God rests my dear brother, Sen. Okello, in peace.

**Sen. Farhiya:** Thank you Mr. Deputy Speaker, Sir, for giving me the opportunity to condole the family. On my own behalf, that of my family and those of the people of Wajir County, I wish to convey my condolences to the family of Sen. Okello. Sen. Okello was a very strong man. When he came to the House, those of us who were not close to

him were not able to tell that he was sick; an indication of a strong man and a fighter who will be missed tremendously in this House.

Cancer is killing people and I have also lost four close relatives as a result of cancer. I do not know how long we will keep on talking about cancer with no solution in sight on how to tackle the menace. We have heard about corruption and how it unfolds and have also heard of expired foodstuff and drugs which are part of the problems causing cancer. I do not understand how desperate some people's need for money can be for them to want to kill fellow human beings. I just do not understand that.

Mr. Deputy Speaker, Sir, just as Sen. Olekina said, this Senate needs to develop legislation that criminalizes corruption to a point where it is considered a capital offence. In our Committee on Finance and Budget, in discussion with the Commission on Revenue Allocation (CRA), we proposed that we should set up two cancer centers but that was taken out of the budget with the submission that this time round, the money was not enough.

We should use resources in the right way and manner to benefit our people at the right time when they need them and not when they are gone, like our departed colleague.

With those few remarks, I wish to condole the bereaved family.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senator. Sen. Boy.

**Sen. Boy:** Ahsante sana, Bw. Naibu Spika. Ninakushukuru kwa kupata fursa hii siku ya leo kuungana na Maseneta wenzangu kuomboleza kifo cha Seneta mwenzetu, Sen. Okello. Siku ya leo ni siku ya huzuni sana. Mheshimiwa Oliech alikuwa ni Seneta mwenzetu ambaye---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator! Ni Sen. Oluoch Okello.

**Sen. Boy:** Sen. Oluoch Okello.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Ndio, na sio Oliech.

**Sen. Boy:** Ahsante sana, Bw. Naibu Spika. Alikuwa ni Seneta mwenzetu ambaye nilionana naye wakati tulipokuwa tukiapishwa humu ndani na tukawa tumekaribiana sana. Lakini kama inavyosemwa, Mwenyezi Mungu ndiye mwenye uwezo. Mwenzetu alipigana na haya maradhi ya *cancer* sana, lakini Mwenyezi Mungu naye pia alichukua kiumbe chake kwa wakati huo.

Kwa hivyo, kwa niaba yangu, niaba ya familia yangu na watu wa kaunti ya Kwale, natuma risala za rambirambi kwa familia ya Bw. Seneta mwenda zake, Sen. Okello.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Ahsante sana. Sen. Omanga.

**Sen. Omanga:** Ahsante sana Bw. Naibu Spika kwa kunipa fursa hii kuungana na wenzangu kumuomboleza mwenzetu aliyetuaga, Sen. Okello.

Mara ya mwisho kupatana na Seneta mwenzangu, Sen. Okello, ilikuwa wakati alipokuwa akinihoji kwenye radio alipokuwa anatangaza. "Alinipumbuaza" kwa ustadhi wake wa utangazaji kule kwenye radio Ramogi. Kweli tumempoteza Mkenya---

**Sen. Faki:** On a point of order Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it Sen. Faki?

*(Sen. Faki spoke off record)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator, start now.

**Sen. Faki:** Jambo la nidhamu, Bw. Naibu Spika. Mwendangu amesema kwamba, Seneta marehemu, Sen. Okello, “alimupumbuaza”. Sijui hiyo “kupumbuaza” ni lugha gani.

**Sen. Omanga:** Bw. Naibu Spika, ninamaanisha ya kwamba alinishangaza kwa ustadhi wake wa utangazaji.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Is that okay Sen. Faki?

**Sen. Faki:** It is okay.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Do not discourage Sen. Omanga. If you consider the distance between where she comes from and where Kiswahili was born, she has tried.

**Sen. Omanga:** Bw. Naibu wa Spika, tumempoteza mwenzetu kutokana na saratani ya koo. Ameugua ugonjwa huu kwa muda. Nilipokuwa mchanga tukiwa shuleni, tulifahamishwa kwamba vyuo vikuu vilikuwa na mafunzo ya uchunguzi wa magonjwa ya zinaa kama ukimwi. Hata hivyo, kwa sasa tuna ugonjwa wa saratani na vyuo vyetu vikuu havijaanzisha “malabaratori” kama hayo ambayo yalianzishwa wakati ...

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Ni maabara.

**Sen. Faki:** On a point of information Deputy Speaker?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed.

**Sen. Faki:** Asante, Bw. Naibu wa Spika, jina mwafaka la Kiswahili ni maabara, si malabaratori.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Endelea na mchango wako, Sen. Omanga. Kumbuka, huna budi kuendelea na lugha hiyo mpaka mwisho kwa sababu huwezi kubadilisha lugha katikati ya mchango wako.

**Sen. Omanga:** Asante, Bw. Naibu wa Spika, ninaomba unilinde---

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Endelea Seneta.

**Sen. Omanga:** Bw. Naibu wa Spika, ni vizuri tuanzishe maabara ya kutafiti ugonjwa huu wa saratani katika vyuo vyetu vikuu. Ugonjwa huu umeenea sana nchini Kenya.

Ningependa kuiombea familia ya mwendazake faraja wakati huu wa majonzi.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have really tried Sen. Omanga, despite coming from near the burial ground of that language.

**The Senate Minority Leader** (Sen. Orengo): On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Orengo, what is out of order?

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, you said that the gracious lady Senator comes from near the burial ground of the Swahili Language and not from the burial ground. So, is it getting closer to me?

*(Laughter)*

*Nafikiria Kiswahi changu si kibaya sana.*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! You are at par with the distinguished Senator in terms of geographical proximity. However, Sen. Orengo, you know the old anecdote about where Kiswahili was born, where it was raised, where it fell ill and where it was buried all the way from Zanzibar to Congo. So, if Sen Millicent Omanga is closer to Congo than to Zanzibar, definitely you cannot escape that categorization.

Maybe you are suspecting that the burial ground is in Siaya, it is not. It is further afield in Lubumbashi and Kinshasa.

Let us now have Sen. Ongeru.

**Sen. (Prof.) Ongeru:** Thank you, Mr. Deputy Speaker, Sir. I rise to give my condolences and on behalf of Kisii County to the County of Migori that is our close neighbour. We share a common border, common facilities and a common road.

Sen. Okello was a wonderful man who was full of fortitude and always stood his ground. He always stood on the right side of things. If there was something that he did not like, he would openly say it; he did that many times.

In my recent memory, when we were going through the usual political nominations and elections last year, he kept on sending me messages complaining about the way, in our party, we were not doing one or two things in the right way. As we kept on communicating, I figured that he had a strong conviction that he would win the Migori County senate seat. Those who had underrated him did not know the power of the people of Migori County who ended up electing him with a landslide victory to this Senate.

I remember during the campaign period, he would cross over to my county with his campaign team to strategise for the next move on how the elections will be. Recently in this House, he sat in that little corner, quiet but deep in thoughts.

What has taken the life of Sen. Okello away is the cancer menace. It is a menace in this country. From my previous knowledge, I know, we used to categorise the obvious and common diseases that wiped out Kenyans as diarrhea and vomiting, infectious diseases and others. Cancer was below the top ten diseases. Of late, this country has had a surge in cancer cases. In fact, today, in Kenya, cancer is number one in terms of prevalence rates, therefore, requiring enormous costs and expenses in dealing with it.

As you may all know, cancer is a disease where the normal body cells are affected by a trigger of carcinogenic agents. When these agents hit a certain part of the body, the body will try to respond in a protective manner. When it does so, unfortunately the situation gets out of hand because of abnormal proliferation of cells that do not perform any work that is useful to the body thus becoming inefficient and cancerous.

There are many carcinogenic agents that have been pinned down through food or elements such as mercury. I want to say this with a heavy heart. One of the delicacies on peoples' table is sugar. When you have incomplete processing of sugar, you will have a product that has not gone through proper processing. As we know, mercury is needed as part of this processing to moderate the pH of sugar. When this is incompletely done, you will be left with a colourless and odourless substance called mercury chloride which is toxic and carcinogenic to the body.

Therefore, the stories about sugar that is not properly processed being found in or markets raises a moral question. The fundamental question is: are we feeding our people with carcinogenic agents? This is not to claim that, that is the only cause, but it is a

possibility. Some of the elements that we have in the market may be the genesis of the carcinogenic agents that are causing untold misery to the Kenyan population.

At some point I thought that we should raise a Motion in this House because it is a runaway disease and its cost is enormous. Whether at the county or households level, people are unable to access adequate treatment. Some of the cancer screening equipment that has been brought into the country cannot screen the body and detect cancer at the earliest opportunity. One of the reasons people rush to India – and my late brother, Sen. Ben Okello, went to India – is because they have those machines that screen the body and detect even the earliest cancer element within the body. One can, therefore, get treatment in time to be saved.

It is a tedious and painful process. When I heard that he had this type of Cancer, I could visualise in my mind what must have been going through him and what kind of difficulties he had, particularly, in swallowing and other things. He has died in pain without complaining. He has died being honest and dutiful to his job. He had a conscience about how the nation, and more so, his county should behave.

Therefore, we are mourning the passing on of an individual and it is my hope and expectation that all of us will rally together to support his family which has been left unattended. We were at the mortuary this morning and he has a very young family. Right now they are just “seeing blank” because they do not know the next step to take or what will happen next. Apart from being able to send him off in comfort and good style, we also have a duty, as this House, to the family and how it should be catered for in terms of their future survival.

Above all, his death sends a powerful message that this country must have a second look at the issue of Cancer and the cancer causing agents that are now everywhere. Quote any metals, whether you talk of mercury, zinc or other food stuffs, including some sausages that we eat--- Some of them have carcinogenic agents and we need to address the issue. As we look at our lifestyles, we should also look at how we eat. This is because our eating habits may generate cancer cells.

Mr. Deputy Speaker, Sir, I have taken advantage to speak at length because of my privilege of knowing this subject and knowing that I can share this with my colleagues. We need to do early and thorough screening. Tomorrow when Members request the Parliamentary Service Commission that they want to go out of the country for thorough screening, which is normally dismissed as being available in the country, they are right because certain machines may not capture the early elements of cancer.

Somebody may go through a screening method here and be cleared that he is well. However, three to six months down the road, they develop cancer. By the time they go back for screening, they are found to be in Stage Three of cancer and told that it is too late, yet they had been to a facility that ought to have screened for this cancer.

That is why I want us to know the type of specialists for cancer screening, so that we have a proper cancer screening and a Cancer board, which will determine and agree the type of dosages that an individual must get to be able to survive. Many people have been managed well, even at second or third stage of cancer and have recovered. I am also appealing to the Parliamentary Service Commission that when Senators and Members of the National Assembly request to travel out of the country for a complete and proper body check, it should not be seen as a leisure travel. Let it be seen as one of those

approaches to forestall a catastrophe that will lead to loss of life, like we have just lost our brother.

With those few remarks, I condole with the family and take consolation and comfort that he is one man who was well grounded in the Bible and church. God might have taken him in time to spare him from further agony or such things.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Prof.) Ongeru, for those remarks. I gave you a little more time than the others because of your experience and expertise, and it was not in vain. This is because you have assisted the Chair to understand the connection between mercury and sugar. We were not getting the connection between the contraband sugar and the presence of mercury. We hope that the relevant Committees are taking up some of these national issues. The information that we have is that Senate Committees are doing a wonderful job. So, we hope that some of these issues will be taken up by Committees, even without a Motion, to allow us continue discharging our duties well.

Senators, we have a few more colleagues who need to talk. I request that we stick to the condolences. Looking at the time, I request each one to take a maximum of five minutes, so that all of us can talk on this critical issue about the loss of our colleague.

That said, let us have Sen. Were.

**Sen. Were:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to condole with the family of our colleague, Sen. Ben Oluoch Okello. The last few weeks have been difficult for the late Sen. Okello and his family. I would like to thank the Speaker, the Clerk, and colleagues from both sides of the House for having stood by him and his family, as they went through his illness. I would like to pass my condolence to Ms. Hellen, Ms. Ruth and the children. All I can tell them is that it is well.

Having said that, I would like to point out that Cancer now needs to be looked at more carefully and with concerted efforts. There was a time in this country when Tuberculosis (TB) was killing people the way Cancer is doing now. There were concerted efforts from the Government and international agencies on how to deal with this matter. I think we have reached that point where Cancer is a concern and we need to declare war on it. The death of Sen. Oluoch shows us that we are not special and any different from other Kenyans who have been attacked by this disease. So, we need to take the disease more seriously.

Above all, I would also like to appeal to the Senators - we are only 67 - that we need to fraternize and understand each other more, so that when a colleague is going through a problem, we can assist early enough. We all know that the higher you go - not the cooler it becomes - but the lonelier it becomes. So, I would like us to reach out, in whichever form, and fraternize more with each other. We could arrest some of these things early.

Mr. Deputy Speaker, Sir, thank you for the opportunity to pass my condolences.

**Sen. Madzayo:** Asante, Bw. Naibu Spika, kwa kunipa nafasi hii ili nitoe rambirambi zangu kwa familia ya mwenda zake, haswa kwa mjane, watoto, jamii yote ya Kaunti ya Migori, marafiki na watu wote wa Nyanza kwa jumla.

Nilimwona Sen. Ben Oluoch wiki tatu zilizopita akiwa kwa hali mbaya lakini tulitumaini kwamba ndugu yetu atarudi katika Bunge la Seneti aweze kutusaidia kwa

ujenzi wa taifa. Lakini haikuwa hivyo. Sisi pamoja na familia yake tulimpenda zaidi lakini Mwenyenzi Mungu ana mipango yake kwa kila mwanadamu.

Bw. Naibu Spika, ni jambo la kusikitisha kumpoteza baba aliyetegemewa na kila mtu. Nilipokuwa hospitalini, nilijua ya kwamba yeye ndiye aliyekuwa anategemewa na familia yake. Bibi yake hana kazi na watoto hawana majukumu au kazi. Hili ni jambo la kusikitisha kwa sababu wamepigwa na pigo kubwa katika familia. Hayo hayakuwa matarajio ya watoto wake ambao wengine wako katika vyuo vikuu. Ninatuma rambirambi zangu kwa familia. Vile vile, hatukuweza kupata nafasi ya kuona ujasiri wake hapa ndani ya Bunge la Seneti.

Nayakumbuka maneno mazito aliyoyasema Prof. (Gov.) Anyang'-Nyong'o ambaye alikuwa Seneta wa Jamhuri ya Kenya lakini hivi sasa, yeye ni Gavana wa Kisumu. Aliugua maradhi haya lakini aliyatibu kwa sababu yalitambuliwa mapewa. Lakini, yeye alikuwa na bahati kwa sababu alikuwa Waziri wa Afya na alikuwa na nafasi ya kwenda kutafuta matibabu na kuweza kujua ugonjwa wa saratani umefika awamu gani. Ni wagapi watapata bahati kama yake na kuweza kutibu ugonjwa huu mara moja?

Bw. Naibu Spika, ni jukumu la Serikali kutafuta mipango mwafaka kuhakikisha kwamba watu wamepimwa ili wajue kama wanasaratani badala ya kusubiri na kuanza kutibu wakati ugongwa umeenda mbali kama inavyofanyika katika nchi za ulaya. Afrika Kusini pia wanakagua watu wao ili kutambua kama wanaugonjwa wa saratani nakutafuta kinga za kuzuia ugonjwa huu.

Kuna umuhimu wa Serikali yetu kuchukua nafasi hiyo ili watu wasitibiwe na mwishowe kufa. Ni heri tutumie pesa nyingi kununua vifaa ambavyo vinaweza kulinda ugonjwa huu usiingie kwenye mwili ama upatikane mapema hili uweze kutibiwa haraka. Watalaam wanasema ugonjwa huu una na awamu ya kwanza, ya pili, ya tatu na ya nne kama alivyosema Sen. (Prof.) Ongeru. Mtu akiupata katika awamu ya tano atakuwa anakaribia kufa na hakuna dawa zozote zitakazomfaa.

Ni jukumu la Serikali kuhakikisha kwamba imechukuwa mipango---

*(The red timer went off)*

**The Deputy Speaker** (Sen.(Prof.) Kindiki): Sen. Madzayo, I will add you one more minute.

**Sen. Madzayo:** Asante Bw. Naibu Spika. Ninafuraha ukiwa kwenye kiti kwa sababu utanipa nafasi nyingine.

Kama vile Waziri Matiang'I alisema, sukari haramu ina *mercury*. Nimeona watu kutoka Kaunti moja ya Kisii wakisema wameletewa sukari bali hii sio sukari peke yake. Sukari hii ilingia katika *Port* ya Mombasa na imeuzwa Busia na kila mahali. Inawezwa kuwa iko Kilifi pia. Kwa nini wanabiashara kama wale wanaharibu maisha ya Wakenya wote bila kujali kwa sababu wanapata pesa kupitia uuzaji wa sukari ambayo wameleta kwa njia ya nyuma?

Mahakama inafaa iwachukuliwe hatua wote wanashtakiwa kwa makosa kama hayo. Tunataka Waziri Matiang'I afanye bidii ili watu hawa washikwe na wapelekwe kortini, wachukuliwe mkondo wa sheria na hatimaye wafungwe.

**The Deputy Speaker** (Sen.(Prof.) Kindiki): Asante, Sen. Madzayo. Sen. Cherargei, you are next and you are on the wrong side of the isle.



*(Sen. Cherargei consulted with Senators  
on the Opposition side)*

**Sen. Faki:** Asante Bw. Naibu Spika kwa kunipa fursa hii kuomboleza na familia, ndugu, marafiki, wakaazi na wapiga kura wa Migori, Spika wa Seneti pamoja na Maseneta wote wa Jamhuri ya Kenya kutokana n akifo cha mwenzetu, Mheshimiwa, Sen. Ben Oluoch Okello.

Sen. Ben Oluoch alikuwa ni Seneta wa mara ya kwanza kama mimi na wengine ambao tuko hapa na kwa hivyo, kifo chake ni pigo kwetu pamoja na Seneti nzima ya Jamhuri ya Kenya.

Bw. Naibu Spika, nilimjua Sen. Ben Okello wakati tulipoingia mara ya kwanza katika Bunge la Seneti mnamo mwezi wa sita, mwaka wa elfu mbili na kumi na saba. Kwa kauli, alikuwa ni mtu mkimya lakini mwenye tajiriba kubwa kama mwanahabari na msimamizi wa *show* ya Ramogi Radio ambayo iko katika kundi la redio za kienyeji katika nchi yetu ya Kenya. kifo chake kinatukumbusha kwamba ugonjwa wa saratani umekuwa ni adui mkubwa katika Jamhuri yetu ya Kenya.

Mawazo yangu yako na wanaougua ugonjwa huu na hawana huwezo wa kupata matibabu kama aliyoyapata mwendazake, Sen. Ben Okello Oluoch. Mawazo yangu pia yako katika familia ambazo zinauguza wagonjwa wa saratani katika hali tofauti tofauti, iwapo ni saratani ya koo, ya titi, ya tumbo na mengineo ambayo yanaathiri Wakenya kwa jumla. Hivyo basi, iko haja ya Serikali kuweka mikakati ya kuhakikisha kwamba tunakinga magonjwa ya saratani kuliko kutibu kwa sababu tumeona kwamba kuyatibu ni ghali na Wakenya wengi hawapati fursa ya kupata matibabu ya kisasa ambayo yata hakikisha kwamba ugonjwa huu unaangamizwa.

Inabidi Serikali itoe mikakati ya kuhakikisha kwamba tunalindwa na kujikinga na saratani kuliko ilivyo sasa. Kwa mfano, moja ya kinga ya saratani ni kufanya mazoezi ya mara kwa mara na kuhakikisha mwili unapata mazoezi. Hili ni jambo moja ambalo Serikali inaweza kufanya ili kuhakikisha kwamba watu wanahimizwa kufanya mazoezi ya mwili ili kujikinga na saratani.

Habari zilikoko katika vyombo vya habari ni kwamba ile sukari ambayo iliingizwa katika nchi ya Kenya imepatikana na viini vya saratani. Ni lazima Kenya Plant Health Inspectorate Services (KEPHIS) ambayo inachunguza bidhaa zote zinazolingia katika nchi ya Kenya iwe macho kuhakikisha kwamba hatuingizi vyakula ambavyo vitakuja dhuru afya za Wakenya. Hii ni kama kujipa sumu, iwapo shirika kama hili halitafanya kazi yake kuhakikisha kwamba chakula kinacholingia katika nchi ya Kenya ni salama kwa matumizi ya binadamu na hata mifugo watakaokila.

Bw. Spika, mpira uko katika mikono ya Serikali kuhakikisha kwamba ina linda maisha ya Wakenya na kwamba, chakula kinacholiwa ni safi kwa mwanadamu na Wanyama. Vilevile, ihakikishe kwamba Wakenya tunapata huduma sawa sawa za afya ili magonjwa kama haya yasiwe donda ndugu katika nchi yetu.

Tunapo omboleza na ndugu zetu wa Kaunti ya Migori na wengineo ambao wameathirika na maradhi ya saratani, ni jukumu letu kama Wabunge kusaidia Serikali kuweka mikakati ya kutosha ili kuhakikisha kwamba Wakenya wako salama kutokana na magonjwa kama hayo.

Bw. Naibu Spika, ninakushukuru kwa kunipa fursa hii. Tunaomboleza kifo cha ndugu yetu mwenzake Sen. Okello. Asante.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Asante sana, Sen. Faki. Let us have Sen. Cherargei.

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity. On my own behalf, that of my family and the people of Nandi County, I join my colleagues in passing our deepest condolences and sympathies to the family of our brother Sen. Okello.

I knew Sen. Okello when there was a very tense moment in this country, especially after the nullified Presidential elections. We happened to have been invited on the same show at the *Kenya Television Network* (KTN). Despite our political differences, I saw a leader and somebody who was mature and magnanimous. This was despite the fact that there was a lot of tension in the country over the general elections and the country was yet to begin the healing process that we are in today.

Mr. Deputy Speaker, Sir, cancer has claimed many lives in this country whereas, universal healthcare is one of the President's Big Four Agenda. The Government has proposed that every county should be given a cancer screening centre. Everyone in Kenya, not only leaders, should always create time to ensure that we have thorough check ups. This is because a healthy nation is a wealthy nation. When we have a nation whose citizenry is not in good health, it will not assist us to create wealth.

Mr. Deputy Speaker, Sir, I join my colleagues and request that all us of give a befitting send off to our colleague. I thank the people of Migori County because when I saw them speaking today on the media, they felt that it was very unfortunate that they did not have the opportunity to be served by their Senator during his tenure in leadership.

I learnt from them that he was a man who was always accessible. It is a challenge to us as leaders that we should always be accessible so that we can understand the challenges and problems that citizens face at any given time. We wish the family well. We are praying for them, our thoughts are with them and we will stand with them.

We want to request - some of my colleagues have mentioned it - that we should also ensure the family is sustained. We know that cancer consumes a lot of resources and I can assure you that the family is suffering financially. As a Senate, we must find a way to help. I have seen a Member of the Parliamentary Service Commission (PSC), the Senator for Vihiga County, Sen. Khaniri here. Together, we should ensure that the family is well catered for as we lay our departed colleague to rest.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us have Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Deputy Speaker, Sir. On my own behalf, that of my family and the people of Kitui County, I also pass my very sincere condolences to the family, friends, relatives and constituents of our departed brother, the Senator for Migori County, Sen. Okello.

A few months ago in December, both the Senate and National Assembly set aside time to mourn the passing on of my brother hon. Nyenze whom we lost through cancer. A few months later, another Member of Parliament for Baringo South Constituency in the Rift valley, lost her life through cancer. We are mourning the death of our colleague today, at a time that this country is awash with very sad news of unscrupulous business

people importing sugar said to be laced with cancer causing agents in hundreds of thousands of bags.

Mr. Deputy Speaker, Sir, as I mourn my colleague both in the House and in the profession of journalism, such people must really face the full force of the law. They are not just benefitting themselves and their cronies but causing death. That is exactly what they are doing; they are killing us.

I urge the investigating agents in this country to take this matter of contraband sugar a little more seriously. We see sugar all over the country having been illegally imported. It is said to be laced with mercury and nobody knows how many years we have consumed it. Nobody knows the number of Kenyans who have developed cancer as a result of consuming that sugar. I would urge that once investigations are completed and the culprits are brought to book, they should get to bear the full force of the law.

Secondly, we keep encouraging ourselves and our countrymen and women to eat healthy. We are also advised to eat a lot of greens. Unfortunately, a big population of the residents of Nairobi and its environs are consuming greens irrigated using water that is seriously contaminated with industrial waste. As we mourn victims of cancer, one after another, we must get to a point - I thought that is where we are now - to say "enough is enough". We should begin to deal with the real causes of cancer including banning irrigation of consumables using water that is contaminated with industrial waste.

Mr. Deputy Speaker, Sir, one does not need to be a rocket scientist to realise that almost more than 75 per cent of all the green vegetables that we consume from the supermarkets and kiosks in this City are sourced from waters that are dangerous to human life. Someone just needs to enforce some of these things so that we stop losing lives in the magnitude that we are losing.

With those remarks, I condole the family of my colleague. Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed, Sen. Kang'ata.

**Sen. Kang'ata:** Thank you, Mr. Deputy Speaker, Sir, for granting me this opportunity to condole the family of Sen. Ben Oluoch Okello, the Senator for Migori County who has departed us. The Senator was a very good friend of mine. He was among the very few Senators who used to attend this Chamber during the time when the National Super Alliance (NASA) was "resisting". He would come and make cogent contribution. People were so happy about him. He came out as a very eloquent person who had a lot of passion for the people of Migori County. To that extent, I convey my condolences to his family.

Secondly, it is time now we, as a country invested a lot of resources in health care. This country has about 10,000 registered doctors in a population of about 48 million. According to various United Nations statistics models, we require about a minimum of 80,000 doctors so that we reach the recommended doctor-patient ratio in this country. We are yet to reach that stage.

First, we are not opening more medical schools. The last time I checked, I may be wrong, we only had University of Nairobi, Kenyatta University, Moi University and Maseno University teaching medicine. We need as a matter of policy to come up with a framework where among all the 70 and above public universities that we currently have, to have a medical school so that we churn out as many doctors as possible. Those doctors will give primary health care.

Mr. Deputy Speaker, Sir, I am told that if you diagnose a person with cancer cells at stage one and two, that situation can be arrested. However, the problem is always misdiagnosis or late diagnosis. Therefore, to preempt other Oluochs, Wanjirus and Koechs from passing on because of this disease, it is time we invested more in human capital in the area of medicine.

We are now importing doctors from Cuba. However, one of the reasons why the Cuban system is very successful is because they have many doctors who provide primary health care. In this country, we have clinical officers who are not being employed. It is unfair for this country not to employ people who have diploma or degree in medicine. Incidentally, for a very long time when you went to a public university in this country, the only course that the Government gave a guarantee of employment was medicine. Currently, we have a situation where counties are not absorbing our doctors. It is no longer automatic that you get employment once you get out of medical school.

Mr. Deputy Speaker, Sir, I have a young man from my county. He got Grade “A” stand at Njiris School. He was the number one pupil in primary school. He went and did medicine, but he has not been absorbed in any county in a country with a dire health problems. That is very unfair and wrong to have jobless and bright medical personnel and people who were the best when we were at the university or other levels. This death should inspire the Senate to do more and come up with policies and changes that are going to ensure our counties employ more doctors and health workers, including nurses.

The Abuja Declaration says that at least 15 per cent of our national revenue should go to health care. We have not met that threshold. For instance, in my county, we have a situation where many hospitals do not have medicine. The medical personnel are not being paid on time. That is wrong. We, as a Senate, need to highlight these issues. We need to call governors to account and tell them no--

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Kang’ata, you have one minute to conclude.

**Sen. Kang’ata:** Thank you, Mr. Deputy Speaker, Sir. Why is it that medical personnel are not being paid on time like in my county? We need to motivate our medical personnel to ensure our health sector is one of the best in this region. That is the only way we can ensure the death of Sen. Okello is not in vain.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): May the soul of our brother and colleague, Sen. Ben Oluoch Okello rest in peace.

Next Order!

## PETITIONS

### SETTLEMENT OF AWARDS TO EX-KENYA AIR FORCE OFFICERS AND SERVICEMEN

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. David G. Njau on behalf of ex-Kenya Air Force officers. As you are aware under Article 119 (1) of the Constitution and I quote:-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Hon. Senators, the salient issues raised in the said Petition are:-

(i) THAT the petitioners are ex-officers and servicemen of the Kenya Air Force who served until the time of the attempted coup of 1<sup>st</sup> August, 1982;

(ii) THAT following the said attempt, they were arrested, tortured, detained and imprisoned for periods spanning from six months to several years and then dismissed unlawfully and unconstitutionally from the Kenya Air Force without compensation;

(iii) THAT the petitioners filed Petitions at the High Court of Kenya and were awarded different settlements by different judges on diverse dates;

(iv) THAT after the awards, the ex-officers applied and got certificate of decrees, certificate of taxation and certificate of order against the Government to make payment of the said compensation awards;

(v) THAT their lawyers have written several demands and reminders to the office of the Attorney General and copied to the Department of Defense which have gone unheeded for several years; and

(vi) THAT the petitioners have further petitioned the Office of the Ombudsman with no results to date.

The petitioners, therefore, pray that the Senate jointly investigates this matter with a view to compelling the State to make good the court awards and settle the compensation awarded together with the interest accrued thereof.

Hon. Senators, pursuant to Standing Order 225, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Hon. Senators, looking at the time, we may not have all the time. However, as I have said, because that Standing Orders allow, I will allow only a few observations. This is because we have another Petition and many other items on today's Order Paper.

Much of today's time has been taken rightfully by the process of eulogizing our departed colleague.

Proceed, Sen. Madzayo.

**Sen. Madzayo:** Asante, Bw. Naibu Spika, kwa kunipa nafasi hii. Ni jambo la kusikitisha sana katika Jamhuri yetu ya Kenya, hususan wakati huu ambapo watu wamefanya 'handshake' na kuna uwiano mwema ya kwamba kuwe na amani na uchumi wetu upande juu ili watu wapate manufaa ya maisha bora.

Bw. Naibu Spika, kitu cha kwanza ni kumshika Mkenya mwenye kosa na kumweka ndani ya korokoro aidha akiwa ni askari au raia. Wakenya wote ama watu wa nchi yoyote tunajua kwamba lazima sheria ifuate mkondo wake. Kwanza nataka kuwapaa kongole maafisa wa jeshi waliokuwa wakitetea nchi yetu na tumeona kuwa wengi wao wamekufa wakiitetea nchi yetu ya Kenya. Ni jambo la aibu hivi sasa kukumbuka yaliyotendeka wakati huo. Wanajeshi walishikwa, wakatupwa ndani ya korokoro na wakateswa zaidi. Hatimaye walipotolewa, wakafutwa kazi. Sasa, utapata kwamba mtu anaadhibiwa mara mbili; kwanza anatolewa jeshini na kuwekwa ndani. Kitu cha pili, anapoteza kazi yake.

Bw. Naibu Spika, ni jambo la kusikitisha kwa mtu kupoteza kazi yake, kwa sababu ni kukaribisha umaskini ndani ya nyumba. Vile vile, ni jambo la kisikitisha kwamba baada yao kwenda kortini kutafuta haki zao, tumeona kwamba haki haitendwi na Serikali. Wamepata *orders* kortini iliyoamrisha Serikali iwajibike na kuwalipa. Hata

kama Serikali haikubaliani na uamuzi wa korti, wanafaa kulipa kwanza, halafu watafute nafasi ya kukata rufaa baadaye.

Lakini tunaona Serikali imelegeza miguu, mikono na mwili mzima na kukataa kutii amri ya korti. Ikiwa Serikali itakataa kutii amri ya korti, basi tunasema kuwa hakuna Serikali katika ulimwengu itakayo weza kuendesha Serikali yake ama baadhi ya vitu ambavyo inatajikana kuwafanyia wananchi wake iwapo haitatii amri ya korti.

Bw. Naibu Spika, ni jambo la kisikitisha tukiona kwamba hivi sasa wameenda kortini, wakapata *orders* kuamrisha walipwe zile pesa, ambazo ni haki yao. Lakini mpaka sasa, hilo halijafanyika hadi wengine wamekuwa wazee, mababu na hata vikongwe. Niko na hakika kwamba hata wengine walikufa. Pengine pesa hizi zingeenda kwa jamii zao ziwasaidie.

Bw. Naibu Spika, ni jukumu la Serikali kutii *order* ya korti. Ikiwa *Petition* kama hii itakuja---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sio agizo la korti; ni agizo la mahakama.

**Sen. Madzayo:** Ndio; kutii agizo la mahakama. Bw. Naibu Spika, nakushukuru kwa kunikosoa. Ijapokuwa ulizaliwa kule Milimani, lakini naona Kiswahili kidogo---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Madzayo!

*(Laughter)*

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Kama nilivyokuwa nikisema hapo awali, ni lazima Serikali yetu ijukumike ili kuhakikisha kwamba malipo haya yamefanyika. Lakini bado uchunguzi utafanywa na kamati yetu, ikiwa itawezekana, na waje na *recommendations*, lakini mimi nayaangalia mambo haya kama jaji katika mahakama ya wafanyi kazi. Ni jambo la kisikitisha katika Kenya hivi leo, tukiona ya kwamba Serikali yenyewe ndiyo inachukua mkondo wa kwanza kukataa kutii amri ya korti.

Asante, Bw. Naibu Spika.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Madzayo. People are born in health facilities not in mountains and valleys. You, therefore, almost lost the track, but you have redeemed yourself.

Senators, the rate of interest is high and I have already communicated the constraints of time we have. I will, therefore, give the rest of the speakers a maximum of three minutes each and I will start with the Senate Minority Leader, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I will be very brief. Thank you for giving me this opportunity. After hearing Sen. Madzayo, who was a judge in our judicial system, one cannot really say more. However, I wanted to emphasise that our constitutional democracy is based on certain foundational values, and one of them is the rule of law. Article 10 of the Constitution is very clear on this particular national foundational value and principle of governance in accordance with the Constitution.

Mr. Deputy Speaker, Sir, it is becoming a worrying trend in the law enforcement system in the courts in the Judiciary that orders are made which are not obeyed. The Government should be the first to not only promote the rule of law by advocating it, but

also by actually obeying the court orders. If one had to come out with a list or an inventory of orders which have been made by courts of law but which have not been complied with by the Government, it would be recorded in volumes.

This plight of these ex-army officers has gone on for far too long. I have seen them in the law courts, in the streets and here, coming to ask the Members of Parliament (MPs) to try and support their case. I am not surprised that they have now come by way of a Petition.

What worries me, Mr. Deputy Speaker, Sir, is that when a court makes an order and it is not obeyed, the matter is brought before the Senate, which would express itself on the matter. However, the Senate cannot force the Government to comply with those orders. This leaves citizens helpless because it means that the law cannot help them. In those kinds of circumstances, we may be creating a situation where people can think of alternative means of trying to secure their interests under the law.

I know of a particular MP who was detained for nearly 10 years and he was in the courts for several years. After getting the court order, he could not get his compensation, as awarded by the court, for many years. The former MP moved into a shack of 10 by 10, and it was really a deplorable situation.

Mr. Deputy Speaker, Sir, I want to thank Sen. Haji, when he was a Minister of Internal Security because he got involved in the matter, together with the Attorney General emeritus and that money was paid. However, the long and short of it is that court orders must be obeyed, whatever the consequences. If one does not want to obey the court order, then the remedy of appeal is always there.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senate Minority Leader. Proceed, Sen. Pareno. You strictly have three minutes.

**Sen. Pareno:** Thank you, Mr. Deputy Speaker, Sir. This Petition clearly shows us how much impunity we have in this country. It is sad that the impunity starts from the Government of the day itself. I am just wondering; if this impunity is there from the Government, how will the Government then ensure that citizens will listen to it or will do what is right?

It is no wonder we have the kind of corruption that we have in this country. It is because the people do what they do; they loot this country almost to its knees and they do not worry because there is nothing that can happen to them.

Mr. Deputy Speaker, Sir, these petitioners believe in this Senate and they are coming to us as a last resort. They have gone to the Ombudsman and they have written letters to the Attorney-General. Where is the Attorney-General of this country, who should guide the Government on what to do when it comes to court orders? He is a lawyer and, probably, a pastor; because he even started with pastoring. There are lawyers who should advise this Government.

Mr. Deputy Speaker, Sir, this Petition clearly shows that they have been heard by courts of law, their allegations have been found true, they have been awarded for the damages suffered; and it is only execution that cannot be done against the government. Shame on this Government that disobeys its own people! Shame that we cannot even obey court orders!

*(Sen. Kang'ata stood up)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Kang'ata!

*(Sen. Kang'ata spoke off-record)*

**An hon. Senator:** Handshake!

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! I did not say talk. I have not seen anybody shaking hands in this Chamber and therefore, whatever you are calling handshake must be contextualised to this business.

Senators, I will only allow two more contributions because we also have another Petition. Since, Sen. Pareno asked, 'where is the Attorney-General?' the Attorney-General is in town, but we have a former Attorney-General in this House. Sen. Wako, Where Is the Attorney-General?

**Sen. Wako:** Mr. Deputy Speaker, Sir, the Attorney-General (AG) *Emeritus* is here. The AG *Emeritus* can speak with authority on this matter. If I may explain, previously the problem was that there were no allocations for payments of court awards. Whenever one got the judgement you then write to the Ministry concerned and then the Ministry would write to the Treasury to pay out of the Contingency Fund.

Nonetheless, during my tenure, we informed the accounting officers that they must make some sort of approximation or budgetary item on payment of court decrees. I issued a circular to that effect because we are a country ruled by the rule of law, which demands that we obey the law. The first institution to show an example of obeying the law is the Government of the day. The Government demonstrates that it adheres to the rule of law by obeying court orders. Therefore, it happened, but after that, the award became bigger, astronomical, more than it was expected and then we went back to square one.

What I noticed from this particular Petition is that they took no legal action after obtaining the Certificate of Order against the Government. One of the most effective ways of getting payment after obtaining the Certificate of Order against the Government--

*(Loud Consultations)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Madzayo and company!

**Sen. Wako:** Mr. Deputy Speaker, Sir, the most effective way is to apply for an Order of *Mandumus*, which will now say to the Accounting Officer: "Pursuant to the Certificate of Order against the Government, you must now direct the Accounting Officer to pay". That now becomes an order of the court to the Accounting Officer, specifically to pay. If the Accounting Officer does not obey that order from the court, issued pursuant to Order of *Mandumus*, the Accounting Officer—

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Time has arrested you, Sen. Wako. One minute added.



**Sen. Wako:** Mr. Deputy Speaker, Sir, you then apply for *mandumus* that you must either pay or be arrested. Normally, when the Accounting Officer gets that order of either pay or is arrested, he goes to Treasury and pleads and money is paid.

I would advise these people who have petitioned that they can do many other things. Nevertheless, let them go to the firm of the Deputy Leader of Majority who said this morning that she still has a law firm. Maybe she can go there and file the applications of *mandumus*, to execute the order of 'pay or arrest' and then I can get commission.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator! Are you touting for business? Sen. Madzayo, what is it?

**Sen. Madzayo:** On a point of order, Mr. Deputy Speaker, Sir. The Attorney-General *Emeritus* knowing very well there are quite a number of lawyers including the Leader of Minority, myself and the rest---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Order! I am the Chair.

**Sen. Madzayo:** Of course, and the Chair who is basically a law professor.

Mr. Deputy Speaker, Sir, is he in order to start soliciting for jobs for his friends? Unfortunately, the Senator who is the Majority Leader happens to be a very close friend of AG *Emeritus*.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Wako, are you in order?

**Sen. Wako:** He is not my friend. He is my enemy because he sits opposite me.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Wako! Are there enemies in this Chamber? Is it in order to declare a Senator an enemy?

**Sen. Wako:** Mr. Deputy Speaker, Sir, it may be a bit lose but we oppose each other.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): He is your opponent.

**Sen. Wako:** Mr. Deputy Speaker, Sir, he is my opponent and not my friend. That was really with a light touch. What I was really saying is that, they can go to an advocate; in fact, there are advocates who can immediately apply for an Order of *Mandumus*. Since they have the certificate of order against the Government, let him apply for *Mandumus*. I am quite sure that if that Accounting Officer gets that order, he will go and plead and sleep at Treasury until he gets the money to pay.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Okay, Sen. Wako. Since, you are a senior counsel I will let you get away with that. Otherwise, I would have been very hard on you. Since, you should not start advising Kenyans where to get legal services. You cannot use the Senate airtime to market a law firm or any other business for that matter.

Order, Senators! We are constrained by time. I will allow Sen. Olekina two minutes and then we end it there. We have another Petition coming; we will also have observations in the next Petition.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, this is the right place for this Petition to be brought. Today my sentiments are going to be completely unorthodox. They are going to be different from what I stand for. I sympathise with the Government.

Many at times, courts issue orders but we know that this government operates in a very strict budget. Therefore, I put myself in the shoes of the Principal Secretary who has been ordered to make payment by a court yet he does not have a line item in the budget.

Where do we suppose that Accounting Officer will get money to pay? We ought to look at this Petition differently.

During this period, when we are still discussing the Budget, Parliament ought to allocate money that can be used by Ministries to pay court fees and orders. I remember last year when Mr. Torome, the Principal Secretary, was found in contempt of court by Justice Serگون for refusing to pay Kshs17.2 million that had been awarded to a family in Mombasa, he said he did not have the money unless Parliament allocated the money. So, the Treasury ought to put a line item because it is not only those ex-military officers who have not been paid whatever the court awarded them.

There are farmers whose crops were destroyed by wildlife and when you go to the Attorney-General, he will tell you that he has no money. There are people who worked in Government institutions who were dismissed. The court found that they had been dismissed wrongly but they have not been paid.

When we look at this Petition, we should do so from a holistic point of view. We should advise the Treasury to include another line item in the budget of miscellaneous. If it was in the middle of the year, they could have done a supplementary budget and then do an audit of all the money that is supposed to be paid to Kenyans who have been awarded by courts. Sometimes I wonder whether state officers or accounting officers deliberately disobey court orders.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have one minute.

**Sen. Olekina:** In conclusion, the Committee that will be tasked to look into this should come up with a recommendation that mandates Parliament to allocate money that will be used to pay these people because it is a lot of money. When you go to Mombasa you will find people who have not been paid and when you go to Narok, you will find farmers who have not been paid. The Attorney-General should come up with a list of Kenyans who ought to be paid but they have never been paid and present to this Parliament for them to be paid.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, pursuant to Standing Order No.226(1), the Petition should be committed to the relevant standing committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Security, Defence and Foreign Relations.

In terms of Standing Order No.226(2), the Committee is required, in not more than 60 days from the time of reading the prayer, to respond the petitioner by way of a report addressed to the petitioner and laid on the Table of this Senate. I thank you.

There is another petition by Sen. Cherargei.

#### PROTECTION OF ABASUBA LANGUAGE, CULTURE AND HERITAGE

**Sen. Cherargei:** Mr. Deputy Speaker, Sir, I have received a Petition from the Abasuba Community from western Kenya concerning the historical human rights violation. I have just known that Sen. M. Kajwang' is a Suba. I will read it.

We the undersigned citizens of the Republic of Kenya and members of the Abasuba Community of western Kenya draw the attention of the Senate to the following:-

(1) That Article 11 of the Constitution recognises culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and the nation;

(2) that the said Article further obligates the state to promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;

(3) That Article 44(1) of the Constitution grants to every Kenyan the right to use the language and to participate in the cultural life of the person's choice;

(4) That the Abasuba Community has faced serious historical injustices and violation of human rights as a community and has gradually disappeared due to introduction of Luo Language as a medium of instruction in Basuba schools both in pre-primary and primary schools;

(5) That according to a press release by the Kenya Institute of Curriculum Development (KICD) in April, 2018, the indigenous language to be taught in Suba primary schools as from 1<sup>st</sup> January, 2019 will be Dholuo. This will not be accepted as it will kill our language (Basuba) completely;

(6) That by way of Gazette Notice in 1994 which also created Suba District, the Basuba was recognised as one of the Kenyan tribes. The Notice further directed the then Kenya Institute of Education (KIE) to publish learning books in Suba Language. This is yet to be implemented to date;

(7) That according to the UNESCO *Red Book of Endangered Languages*, the Basuba comprise one of the 13 Kenyan tribes in danger of disappearing or becoming extinct due to a dominant neighbour, in this case the Luo ethnic group;

(8) That the Press Release--- I do not know what the Senate Majority Leader is smiling about.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator, that is not your business. Proceed Senator.

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

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

**Sen. Cherargei:** I take note of the change of Chair.

(8) That the Press Release of April 2018 by the KICD is likely to accelerate the disappearance of the Basuba Language and the Suba way of life;

(9) That we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response; and,

(10) That none of these issues raised in this Petition is pending in any court of law, constitutional or any other legal body.

Your humble petitioners pray that the Senate investigates this matter and makes appropriate recommendations thereon with a view to:-

- (a) ensuring that the rights of the Abasuba and other endangered communities are protected by ensuring that the Kenyan Government has an affirmative action towards protecting human language in danger of disappearing;
- (b) allocating funds and instruct that the KICD directs authors and publishers of pre-primary and primary learning materials to publish learning material in Suba Language for learners in Suba primary schools, so as to protect the language from extinction; and,
- (c) comes up with a Bill hereafter to be known as the Endangered Languages Bill that will protect, promote and ensure that 13 Kenyan endangered languages are free from endangerment.

This Petition is dated 5<sup>th</sup> June, 2018 and it has been signed by Kennedy Jagwassi, Geoffrey Jelah, Joseph Opanga and George Wagaka and countersigned by yours truly the Chairperson of the Committee on Justice, Legal Affairs and Human Rights.

I call upon Senators to deliberate on this issue. I have 10 minutes and I will confine myself to this subject. I know historical injustices are emotive. The other day we had a petition on the Talai historical injustices and we are in the process of seeing its fruition. Now we have another historical injustice to the Suba. It is interesting to know that my good friend, Sen. M. Kajwang' whom I hold in high regard and esteem, comes from the Suba Community.

I want to say that in Nandi because of historical injustices, the Governor has decided that we need to move the boundary for seven towns. We also have a petition on multinational issues and this is evidence that we need to put these matters to rest. It is high time that Parliament adopted the TJRC Report so that some of these issues can be put into perspective and we can sort them out because they say if you want to look into the future, you might need to look into the past.

Let us address this matter with the urgency it deserves so that our people can receive the necessary redress for their suffering and we can ensure that every Kenyan can feel that they are equal to other Kenyans. We should ensure that we address some of these issues in the right way, expeditiously, in the legal way with concern for each and every Kenyan. If we do so, we will go forward as a country even as we build bridges so that it does not become emotive and we continue with the spirit of the handshake.

Even in fighting corruption, some of these historical injustices have borne fruits like nepotism and many others. I hope these issues will come into light and focus. We need to address them once and for all so that the citizens of this country should feel proud.

Madam Temporary Speaker, when the former Prime Minister, who is the leader for NASA and ODM signed the statement with President Uhuru Kenyatta which we have supported religiously since 2013 and it is continuing to transform this country, one of them is to ensure we instill national efforts and ethics and ensure there is justice and inclusivity in this country. Therefore, I call upon my colleagues to accept and move forward so that these people can receive justice.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, pursuant to Standing Order No.225, I shall now allow comments, observations or clarifications in relation to the petition for not more than 30 minutes.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for allowing me this opportunity to air my views concerning the petition. I want to commend the petitioners through Sen. Cherargei who has brought in a very valid petition. I stand here as a linguist.

It is really unfortunate if a minority language can just diminish like that. As a Senate, we have a duty to preserve even the small minority ethnic groups in terms of language.

Madam Temporary Deputy Speaker, language has a number of roles to play. The roles that languages play are even enshrined in the Constitution. When you look at Article 33 of the Constitution, it states clearly that every person has a right to express himself, seek information and get clarification. If the Abasuba are not able to express themselves, how will people really know what they are going through? It is a constitutional right that the Abasuba should be able to express themselves. The Abasuba Community is watching and they are looking upon the Senate to ensure that their language does not diminish or become extinct.

Sen. Cherargei has said clearly that it is important for the KICD to intervene and ensure that materials are published in the Abasuba Language. If a dominant language decides to swallow a smaller language, that is very bad even for the next generation. Even as we talk about the KICD publishing materials, they should join hands with linguists and language specialists in order to come up with materials that will ensure that the Abasuba Language is not extinct.

Madam Temporary Speaker, Article 11 of the Constitution affirms that culture is very important. Culture is expressed through language. Language will explain what a culture is all about. Culture is a way of life; a way of doing things and it is expressed through language.

This petition is very important and therefore, we cannot just take it for granted. It is used to identify people.

**The Temporary Deputy Speaker** (Sen. Pareno): Sen. (Dr.) Musuruve, your time is up.

**Sen. Wako:** Madam Temporary Deputy Speaker, I rise to support this petition of the Abasuba People. It is called historical human rights violations, but I would rather term it as the rights of the minorities because the Abasuba are a minority within the Luo Community and minorities have rights everywhere. Although they have quoted Article 44(1) which is the correct article, they should also have referred to Article 56 of the Constitution which talks about minorities and marginalized groups; this would have helped fortify their petition.

Article 56(b) talks about the minority groups having their cultural values, languages and practices protected.

Kenya has ratified the International Covenant on civil and political rights, which also recognizes the rights of minorities to have their languages protected.

When I was a member of the Human Rights Committee of the UN, the Minority Leader of the Gypsies brought a case before us and we ruled in their favour because most of the countries in Europe were trying to marginalize them and make sure that they learn the dominant language be it English or French, and yet they wanted to communicate in their own language.

They wanted the government to support programmes which will promote their languages which were quickly being eroded and diminished. So, in the case of the Abasuba here, unless they are supported, their language will die away. The Kenya Institute of Curriculum Development (KICD) should not have issued that Press Release saying that the Abasuba People should be communicated to in Dholuo.

**The Temporary Deputy Speaker** (Sen. Pareno): Your time is up. I now call upon Sen. Moses Kajwang. You have three minutes.

**Sen. M. Kajwang:** Thank you, Madam Temporary Deputy Speaker. There is no one who is more Suba in his House than I am. My mother is a Suba from Lianda in Eastern Rusinga while my father's mother is a Suba from KuoloWaware which is at the centre of Rusinga.

Who are the Abasuba? These are people who moved from Uganda and Tanzania due to a variety of factors. The first group called the Abakunta ran away from Uganda following the death of Kabaka Junju.

There was a feud between two brothers; Kabaka Junju and Semakokiro. Semakokiro was the rightful heir to the throne, but Junju laid claim to the throne. There was a fight and a man called Kiboe – who was a mason and a fighter – went out and killed Junju. The mistake he did after killing Junju is that he cut off his private parts and brought it back, thinking that Semakokiro would be happy that his brother had been killed and that he now had his private parts. Instead, Semakokiro was livid.

There was a plan to kill the people who had killed Junju and the first wave of the Abakunta moved from Uganda at around 1760 and settled in the islands of Lake Victoria. The second group was of fishermen who would go after fish. There was a particular delicacy called Semutundu; I do not know an equivalent in English---

**The Temporary Speaker** (Sen. Pareno): Sen. M. Kajwang', I hope that is written somewhere in the history of the Suba for us to have reference.

**Sen. M. Kajwang':** Yes, Madam Temporary Speaker, there is. If you read the book on the origins of the Luo-Abasuba of Western Kenya by Prof. Henry Okello Ayot, it captures what I have talked about.

The first wave was as a result of war or fights between two brothers and the second wave was about fishermen. There are also others who migrated because of opportunities. They came and settled in an area where they later on had contact with the Luo. Why are they not referred to as Basoga or Baganda because that is where they originally came from? The Irish who went to the United States of America (USA) are still called Irish while the Germans are called German-Americans. The Abasuba was as a result of that mixing with the Luo culture and, so, they came up with a unique culture and language. I have very little time and I hope that the Committee looking into this issue will do justice.

Madam Temporary Speaker, I know that there are certain bodies and one gentleman called Lawrence Okombo Magwar who three months ago, organized a meeting in Mbita Point. In this meeting, they discussed with the Kenya Institute of Education (KIE) and the Kenya Institute of Curriculum Development (KICD) on how to put the Suba language as part of the curriculum. There are initiatives I hope that this Petition---

*(Sen. M. Kajwang's spoke off record)*

**Sen. Wako:** On a point of information, Madam, Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Who do you want to inform because the Senator has already sat down.

*(Sen. Wako spoke off record)*

Sen. M. Kajwang', I will give you one more minute so that you can receive information from Sen. Wako, if you wish.

**Sen. M. Kajwang':** Yes, Madam Temporary Speaker.

**Sen. Wako:** Madam Temporary Speaker, I agree with what Sen. M. Kajwang' has said. I would also like to add – and the Committee can look into that as well – that the third wave that came were of the Luhya. Therefore, there is some Luhya element among the Abasuba and that is why he tends to look like me, because there is some Luhya blood in him.

*(Laughter)*

**The Temporary Speaker** (Sen. Pareno): Proceed, Sen. M. Kajwang'.

**Sen. M. Kajwang':** Thank you, Madam Temporary Speaker. I do not know whether Sen. Wako was trying to imply that my father could be in this House and that he is, probably, a Luhya.

Madam Temporary Speaker, I hope that this will not ignite or create a problem that does not exist. This is because we know that the Abasuba matter has been used politically in the past when Suba District was created by the then President Moi. It was then a political ploy to create an enclave within Luo land. The Luo, the Abasuba and all these communities have cohabited and some of us are a product of all those different communities. Let us, therefore, find a way of promoting that language so that it does not die; but let us not reignite political and partisan feuds.

Thank you, Madam Temporary Speaker.

**Sen. Were:** Thank you, Madam Temporary Speaker, for the opportunity to contribute to this Petition. We are not just calling for the protection of the Abasuba, but their recognition. When that is done, we will be able to protect their rich culture, heritage and language. Before Sen. Wako spoke, I wanted to say that the Abasuba also have some Luhya and Ekegusii in them, other than just the Basoga and the Baganda as Sen. M. Kajwang' said. Sen. M. Kajwang' seems to be a good source of the issues pertaining to the Abasuba. This Committee should consider tapping this knowledge.

Recently, the Maragoli of Uganda were also recognized. There was a Motion calling for their recognition in their Parliament. Therefore, we will not be doing anything unique from what other countries – especially our neighbours – are doing. We also have the Maragoli across the border and they are also a unique enclave within that community. The Committee that will deal with this Petition should move very fast for us to deal with the issue of the Abasuba, once and for all.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Are there no more requests?

Proceed, Sen. Kang'ata.

**Sen. Kang'ata:** Thank you, Madam Temporary Speaker. With all due respect, I want to disagree with every person who has given their submission. It is good for us to love tradition. I doubt if there is anyone who loves traditions more than me. However, this is not a practical Petition. In Kikuyu land, there were people who were called Gumba and the Athi, but they were all assimilated by the Kikuyus. The truth is that enacting a law or discussing a Petition here will not help, because historical processes of assimilation are a reality.

If you want to protect your culture, you only have two things; you either become so many with a population of close to 1 billion or alternatively become rich. When rich, you can then use your political and economic muscle to fight other people. However, with all due respect and with all those primordial instincts, the truth is that the Suba will continued being assimilated.

Madam Temporary Speaker, as a matter of fact many languages, for example, the Kikuyu, we speak today might be extinct in the next 50 years. This is because even the children of my brothers who are Luhyas do not speak Luhya language. Instead, they will be speaking English or Chinese language. By that time, China will be the super power. Let us be practical---

**Sen. M. Kajwang':** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Sen. M. Kajwang' has a point of order.

**Sen. Kang'ata:** Please, allow me to finish, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Order, Sen. Kang'ata!

**Sen. M. Kajwang':** Madam Temporary Speaker, I appreciate the passion of Sen. Kang'ata. However, is he in order to say that you have to be rich to maintain a dialect? If it is richness, hon. Tom Mboya, hon. Evans Kidero and PC J. Nyakiamo of Barclays Bank are all from Suba. What kind of richness are you talking about? Are you talking about the richness that cannot withstand a lifestyle audit?

*(Laughter)*

**Sen. Kang'ata:** Madam Temporary Speaker, please, allow me to explain. My colleague misunderstood me. I did not mean individuals, but I am talking of the entire ethnic community---

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

**The Temporary Speaker** (Sen. Pareno): There is an intervention by Sen. Were.

**Sen. Kang'ata:** Madam Temporary Speaker, please, allow me to explain.

**The Temporary Speaker** (Sen. Pareno): Sen. Were is to make an intervention.

**Sen. Were:** Madam Temporary Speaker, is Sen. Kang'ata in order to insinuate that the Abasuba have no right to seek for recognition and protection of their culture just because they are not rich or politically powerful?

**The Temporary Speaker** (Sen. Pareno): Sen. Kang'ata, you have some explanations to make there.

**Sen. Kang'ata:** Yes, Madam Temporary Speaker. I may have communicated my point in a wrong way, but the point is that cultures fight against forces of assimilation



only by becoming economically strong. Even our Kikuyu language is now weak because it has been assimilated by the whiteman's language and culture. There might be no Kikuyu language in the next 30 years. That is a fact. Many people here know of children who do not speak Kikuyu despite the fact that their parents are Kikuyu. If one is to learn their local language, the truth is that they will not be employed for knowing that local language. We should forget about that and move forward. We may want to hang on our culture because that---

*(Sen. Kang'ata's spoke off record)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I see no further interventions. Before I refer this petition to the relevant Standing Committee, I note that the subject matter to which the Petition relates falls under the mandate of more than one committee, that is, the Standing Committee on Labour and Social Welfare which has the mandate to consider matters relating to culture and heritage and the Standing Committee on Education, in so far as the current Petition was triggered by the decision of the Kenya Institute of Curriculum Development (KICD) to have the *Dholuo* language taught in Suba primary schools.

That being the case, I direct that pursuant to Standing Order No.226 (1), the Petition stands committed to the Standing Committee on Labour and Social Welfare, jointly with the Standing Committee on Education. In terms of Standing Order No.226 (2), the Committees are required in not more than 60 days from the time of reading the prayer, to respond to the petitioners by way of a report to the petitioners and laid on the Table of the Senate.

Thank you.

Next Order!

### PAPERS LAID

**Sen. Kang'ata:** Madam Temporary Speaker, beg to lay the following Papers on the Table of the Senate, today, Tuesday 19<sup>th</sup> June, 2018:-

#### REPORT ON THE FINANCIAL STATEMENT OF MERU COUNTY REVENUE BOARD

Report of the Auditor-General on the Financial Statement of the Meru County Revenue Board for the year ended 30 June, 2017.

#### REPORT ON THE FINANCIAL STATEMENT OF KAJIADO COUNTY ASSEMBLY CAR LOAN AND MORTGAGE FUND

Report of the Auditor-General on the Financial Statement of the Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30 June, 2017.

*(Sen. Kang'ata laid the documents on the Table)*

**Sen. M. Kajwang’:** Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 19<sup>th</sup> June, 2018:-

REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
NAKURU COUNTY EXECUTIVE FOR FY 2013/2014

Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Nakuru County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30<sup>th</sup> June, 2014).

REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
KILIFI COUNTY EXECUTIVE FOR FY 2013/2014

Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kilifi County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30<sup>th</sup> June, 2014).

REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
HOMA BAY COUNTY EXECUTIVE FOR FY 2013/2014

Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Homa Bay County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30<sup>th</sup> June, 2014).

REPORT OF CPAIC ON FINANCIAL OPERATIONS  
OF KISII COUNTY EXECUTIVE FOR FY 2013/2014

Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kisii County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30<sup>th</sup> June, 2014).

*(Sen. M. Kajwang’ laid the documents on the Table)*

**The Temporary Speaker** (Sen. Pareno): Next Order!

## NOTICES OF MOTIONS

**Sen. M. Kajwang’:** Madam Temporary Speaker, I wish to give notice of the following Motions:-

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
NAKURU COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Nakuru County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS  
OF KILIFI COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kilifi County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS  
OF HOMABAY COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Homa Bay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
KISII COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kisii County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

**The Temporary Speaker** (Sen. Pareno): Next is Sen. Olekina.

IMPROVEMENT OF KENYA'S RANKING IN WORLD  
TRAVEL AND TOURISM COMPETITIVENESS INDEX

**Sen. Olekina:** Thank you, Madam Temporary Speaker, I beg to give notice of the following Motion:-

THAT AWARE that the Ministry of Tourism developed and published the Kenya National Tourism Blue Print 2030 in May 2017;

FURTHER AWARE that Kenya Tourism Agenda 2018–2022 launched in April, 2018, establishes the foundation for the National Tourism Blue Print 2030 and is a tool for initiating the components for the Blue Print;

ALSO AWARE that the contribution of travel and tourism to Kenya's GDP, stood at 9.7 per cent in the year 2017, up from 9.3 per cent the previous year;

COGNIZANT that in the next 10 years, every industry will be charged by technology;

ALSO AWARE that the Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

CONCERNED that the Kenya tourism industry potential is underutilized;

AWARE that Kenya's position in the World Economic Forum Travel and Tourism Competitiveness Index is 80 out of 136 in 2017, having improved by two points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

FURTHER CONCERNED that majority of the solutions proposed by the Tourism Agenda are brick and mortar type and not addressing the trends;

NOTING that in less than two years, the share of online booking globally has grown from 9 per cent to almost 33 per cent; and that, it is the most lucrative and fastest growing segment of the business tourism;

ALSO CONCERNED that Kenya will continue to attract only beach and park type tourists, ignoring the large numbers of conference and business travellers who largely never leave Nairobi and are offered minimal exposure to Kenya;

NOW THEREFORE, the Senate calls upon the Ministry of Tourism to approach tourist sector with modern innovation and implement tangible measures and impart solutions, resulting in improvement of Kenya ranking in the World Economic Forum Travel and Tourism Competitiveness Index 2019 by six positions, and improve the lowest scores of cultural resources and business travel by one point.

**The Temporary Speaker** (Sen. Pareno): Next Order!

## STATEMENTS

**The Temporary Speaker** (Sen. Pareno): Having no Statements at the moment, we will move to the next Order.

**MOTION**

SITTINGS OF THE SENATE OUTSIDE  
PARLIAMENT BUILDINGS, NAIROBI

**Sen. Kang'ata:** Madam Temporary Speaker, I beg to move the following Motion:

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out in Article 96 of the Constitution, is to represent and serve the interests of the counties and their governments;

FURTHER AWARE that the Senate plays a critical role in the linkage of the devolved governments and the national government;

NOTING that since its inception the Senate has held its sittings in Nairobi with its committees occasionally visiting the devolved governments on fact finding missions;

COGNIZANT of the need to enhance the interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, in order to –

- i) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- ii) promote the role and work of the Senate;
- iii) highlight existing opportunities for people to get involved in the work of the Senate; and
- iv) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 26<sup>th</sup> to 28<sup>th</sup> September, 2018.

**The Temporary Speaker** (Sen. Pareno): Kindly clarify what you are praying for in your Motion. You have said that you pray that the Senate sits in Uasin Gishu County from 26<sup>th</sup> to 28<sup>th</sup> September, 2018 yet your Motion reads from 24<sup>th</sup> to 28<sup>th</sup> September, 2018.

**Sen. Kang'ata:** Madam Temporary Speaker, I apologise and withdraw that statement. I pray that the Senate sits in Uasin Gishu County from 24<sup>th</sup> to 28<sup>th</sup> September, 2018.

We have brought this Motion for several reasons. There was a recommendation by the Senate Business Committee which has to be adopted by this Plenary. The recommendation was that we move to Uasin Gishu County from 24<sup>th</sup> to 28<sup>th</sup> September, 2018 and hold our sittings there.

We need to support that proposal by the Senate Business Committee for several reasons. One, the Constitution provides the importance of decentralizing the services of

Government. I refer you to Article 174 which lists the objects of devolution. One of the objects of devolution as per Article 174(h) is;

“to facilitate the decentralization of State organs, their functions and services, from the capital of Kenya”

Madam Temporary Speaker, the Senate is one of the most important organs in this country. Therefore, once we go to Uasin Gishu, what we shall be doing is to ensure that this sub-Article of the Constitution is effectuated and realized because we shall be decentralizing a State organ called the Senate.

Secondly, I urge this House to support this Motion because there have been several situations where the county assemblies come to the Senate to benchmark. They have been coming here at a great expense. For instance, some of them come all the way from Wajir, Nandi and Murang'a Counties. Therefore, once we commence this practice which I imagine will become a tradition and be adopted in other counties, we shall take the services closer to the assemblies. They will learn from us. There will be no need for those counties to spend a lot of resources to come to Nairobi for things that can be done in the counties.

Madam Temporary Speaker, such a move will also give opportunity to Senators to interact with the local *mwananchi*. We need a Senate that is accessible to the common *mwananchi* who, for instance, lives in the Rift Valley but they bring a Petition or Motion. Not every person in the rural areas can access Nairobi.

Coming to Nairobi City County is expensive. Once we start moving around; for instance, when we go to Uasin Gishu County, we shall give opportunity to the people of Sabao and Eldoret to interact with us. They will bring their motions and petitions. We will be able to transact Business while seated at that level. We shall, therefore, assist the common *mwananchi* at the grassroots level.

Madam Temporary Speaker, another reason why we need to support this idea is to ensure that we oversight counties at a place near them. Currently, counties have many problems. First, they have problems concerning misuse of public funds. There are situations where counties cannot be oversighted well because the Senate is far away from it. There are instances where counties are unable to communicate their problem to the Senate because of the distance between the two organs. This country has 47 counties and that monopolization, where everything is centred in Nairobi, is unfair.

We need to ensure that, for instance, we go to Machakos County at one time and talk to the Governor, who will then communicate a problem. The communication will be one-on-one and not through petitions or letters. He will be able to communicate to the Speaker and the leadership of this House. We will be able to take up that position and offer solutions by that close interaction. This will be in tandem with international best practices.

Madam Temporary Speaker, in other jurisdictions like the Commonwealth countries, Parliament rotates; it is not fixated in one address, like in Kenya. I imagine once we start this, maybe even the National Assembly may consider taking up this historical move. It will be historical in the sense that, for the first time, Parliament will move away from the centre and going away to meet the people. In any event, in other jurisdictions, you will find that the biggest city does not house Parliament.

A good example is our neighbour here in Tanzania where Parliament sits in Dodoma, which happens to be the Capital City of Tanzania. However, the commercial city is in a place called Dar es Salaam. That way, you ensure that the people with the largest economic muscle do not monopolise even the political muscle. It is, therefore, important for us to move around and devolve our services. We should go to Mombasa, Lamu, Murang'a and Wajir counties; that way, the people will feel the impact and the decentralisation of our services.

With those few remarks, Madam Temporary Speaker, I urge this House to support this Motion. I also urge Senators to ensure, once we reach the voting stage, that they vote in support of this proposal.

I call upon Sen. Olekina to second my Motion.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. The role of this House starts from Article 93 of the Constitution. Many people do not recognise that the Senate is, indeed, a part of Parliament. Holding a session in Uasin Gishu will demystify the role of the Senate.

I support this Motion because it is important for people in Kenya to realise how important this House is. This House is tasked with making laws which is something that many people do not recognize. This House is also tasked with protecting the interests of counties and their governments.

Madam Temporary Speaker, the people of Uasin Gishu County have suffered a lot. I know that many farmers were not paid. Therefore, holding the session in Uasin Gishu County will give the people of Uasin Gishu County an opportunity to come and present their petition and understand how important the role of the Senate is.

I cannot emphasize the importance of oversight. We have had a lot of tug of wars and fights with the National Assembly in terms of them approving our resources for us to carry out our oversight function. This Motion will not only give us an opportunity for us to carry out oversight but it will show how creative this House and its Members are in ensuring that regardless of what barriers are put in front of us, we still proceed to carry out our oversight. People will realize the importance of this House.

Madam Temporary Speaker, we have many things that we can share with the Members of County Assemblies (MCAs). We realized that we are so blessed to have competent senior lawyers in this House who can guide us in terms of establishing legislation, dealing and interrogating matters on issues of the reports of the Auditor-General. You realize that in county governments, the assemblies are required to also consider the reports of the Auditor-General. This is the time to enable us, particularly, in this year when the Senate is proving to be the most effective House of Parliament, to help build capacity for our MCAs so that they can make laws that will help improve the standards of living for their people.

Madam Temporary Speaker, earlier on, we were talking about the epidemic of cancer. When these assemblies see the way we interrogate the petition and are able to move, they can pick up the best practices and come up with legislation that will not conflict with the laws that we make either from the National Assembly or the Senate.

Madam Temporary Speaker, it is important for us to promote our work for the counties and the people of Kenya to realize that without the Senate, devolution will be dead. I am proud of this House because when we see legislation that claws back on the

gains of devolution, we reject it. When we see legislation that does not support the spirit of devolution, we set it aside, discuss and interrogate it so that we can perform our mandate of promoting devolution.

Despite the fact that the National Assembly is still playing their funny games in terms of our oversight function, holding the session in Uasin Gishu County will give us more people to support us. I speak this with authority. Being a Member of the County Public Accounts and Investment Committee (CPAIC), we realized that there is need for capacity building for MCAs. Most of these county governments either ignore or do not understand most of the legislation particularly the Public Finance Management Act.

So, holding this session in Uasin Gishu County will not only open the eyes of those county legislatures but also give the citizens an opportunity to come and sit in the Gallery and listen to the Senate. The citizens will not have to pay for a bus ride or a flight from Eldoret to Nairobi to come and listen to the Senate. They will be listening to the Senate in their backyard.

Madam Temporary Speaker, I rise to support this and hope that when the House is considering it, it will not only be limited to holding it this year in Eldoret. I know there are a lot of expenses which will be incurred in holding the session outside of Nairobi but it is an expense that we are willing to go through.

For instance, if we go to Narok County next year, the farmers of Narok who may want to petition this Senate on the challenges they go through with their farming, will see us and walk in. We will also be able to demystify the procedures of this House. Many people in the rural areas do not understand our role. This opportunity will open their eyes. They will know that the Senate is not only limited to Article 96, but starts from Article 93, when Parliament is established as both the Senate and the National Assembly.

Madam Temporary Speaker, when you read the newspapers, most of the time, you will find that when they are referring to Members of Parliament, they only relate to Members of the National Assembly. Not every Kenyan knows that Parliament is made up of Senators and Members of the National Assembly. Therefore, holding this Session in Eldoret will give us an opportunity to share this with the people.

Madam Temporary Speaker, it is also important to promote partnership. In the last Senate there was a lot of war between the governors and Senators. By going to their neck of the woods, we will show them that we are only there to work together. Our role is very clear that we must protect the interests of the county governments and the counties, which is the people.

From the accounts that were tabled here today by the Chairperson of the Senate County Public Accounts and Investment Committee, we are still looking at the audit reports for the Financial Year 2013/2014. We have new governors who have come in and most of them constantly send letters of regret saying: "We are not able to come; we need more time to put this together." Holding this Session in Eldoret will show them that when they appear before a particular Committee, they are not going there to be crucified, but to share information, build partnership and share different ideas on how we can maintain and ensure fiduciary responsibility.

This is a tradition that I hope - and I agree with the Mover of the Motion - both Houses of Parliament will commit to be holding Plenary or even committee meetings in other places. For the whole week that we will be in Uasin Gishu County, we will proceed



with our Committee meetings. You know that a lot of the work of Parliament is carried out during the Committee sittings. We will also have plenary sittings and ensure that during that week, the people of Uasin Gishu County know that they can come to us with a petition and participate.

Madam Temporary Speaker, I am happy to see the Senator for Nandi County. I hope that he will bring all the people of North Rift and South Rift to attend the Senate sittings.

**Sen. Cherargei:** And all the Maasais.

**Sen. Olekina:** We will also take all the Maasais who are in Narok there. It will enable us to discuss and agree on where we will hold the Session next.

Madam Temporary Speaker, understanding laws is very important. It is very sad that this House does not have original jurisdiction on legislation. Sometimes it takes the public to lobby the Members of the National Assembly to ensure that when legislations are passed here and taken to the National Assembly, it behoves them to move expeditiously to ensure that they pass those laws, so that they can become Acts of Parliament.

Public participation is also very important.

Madam Temporary Speaker, it is important for the people of this country to participate in the law making process. Most of the time when we are carrying out public participation sessions, only one or two people appear. It is because they do not know that they can go, attend a sitting of Parliament and share their views. I tend to believe that the day we will invest our resources in building public participation halls across this country is the day we will utilize public resources effectively.

Going to Uasin Gishu County will be an eye-opener not only for us, but also for the entire country. I hope that we will continue broadcasting to show the entire country that the sittings of the Senate cannot only be held in Nairobi, but also in *mashinani*.

Madam Temporary Speaker, Sir, in the last Parliament, there are some county assemblies that were holding their sessions across the county. That is something which we would like to encourage. When these county governments see that we have moved the entire Senate secretariat, Senators and the Senate office to Uasin Gishu County, they will know how serious we are.

I pride myself with having travelled across the whole country. I know very few of us here have been to Uasin Gishu County. This will not only give them an opportunity to enjoy the good *mursik* of Uasin Gishu County, but also give them an opportunity to widen devolution in the right sense. When they go there, they could get investment opportunities in that county. We have various discussions on how we can maintain our cultures and this will be an opportunity to interact with the people of Uasin Gishu County.

They will know that even after the 2007 Post-Election Violence, people still came together. This is because in Uasin Gishu County, it is not only one ethnic group that exists. However, sometimes, people might think that because the Senator or Governor from that region is from one community, the people come from one community.

We should show the diversity that exists in this country and how we are embracing it. The way we are embracing diversity should be the same way we should embrace devolution.

I beg to second the Motion.

*(Question proposed)*

**The Temporary Speaker** (Sen. Pareno): Honorable Senators, I now defer the rest of the business of the day to the next sitting day. Priority shall be given to Sen. Mugo, Sen. Wako and Sen. Cherargei in that order when this Motion matter comes next for discussion.

*(Debate on the Motion deferred)*

## **BILLS**

### *Second Readings*

THE PUBLIC PARTICIPATION BILL  
(SENATE BILLS NO.4 OF 2018)

THE DISASTER RISK MANAGEMENT BILL  
(SENATE BILLS NO.8 OF 2018)

THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND  
DESIGNATED STATE OFFICERS) (AMENDMENT) BILL  
(SENATE BILLS NO.2 OF 2018)

THE COUNTY STATISTICS BILL  
(SENATE BILLS NO. 9 OF 2018)

THE LOCAL CONTENT BILL  
(SENATE BILLS NO. 10 OF 2018)

THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY  
BILLS NO.34 OF 2017)

THE IRRIGATION BILL (NATIONAL ASSEMBLY  
BILLS NO. 46 OF 2017)

THE KENYA ROADS BILL (NATIONAL ASSEMBLY  
BILLS NO. 47 OF 2017)

*(Bills deferred)*

## MOTIONS

### REGISTRATION OF PERSONS WITH DISABILITIES

THAT, AWARE that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE that persons living with disabilities are estimated to be about 10 per cent of any given population;

COGNIZANT that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

CONCERNED that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

AWARE that medical services are now a devolved function;

FURTHER CONCERNED that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

*(Motion deferred)*

### FRAMEWORK TO PERMANENTLY ADDRESS EFFECTS OF FLOODS

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the national Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things:

- i) developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
- ii) preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

*(Motion deferred)*

#### MANAGEMENT OF CONSTRUCTION CONTRACTORS

THAT, AWARE that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

ALSO, AWARE that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

CONCERNED that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

APPRECIATING that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

DEEPLY CONCERNED that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

RECOGNIZING THAT there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

NOW THEREFORE, the Senate calls upon the Government through the NCA to-

- i) conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
- ii) enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
- iii) ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
- iv) require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

*(Motion deferred)*

#### THE STATUS OF EDUCATION IN NORTHERN KENYA

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO, AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the county levels of government with the national Government being responsible for primary, secondary and higher education while the county government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in

the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

- i) evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
- ii) evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
- iii) proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
- iv) assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

*(Motion deferred)*

ADOPTION OF REPORT ON THE FIRST EXTRAORDINARY SESSION  
OF THE FP-ICGLR IN KINSHASA, DRC

THAT, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FPICGLR) held in Kinshasa, Democratic Republic of Congo from 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Pareno): Honorable Senators, it is now 6.30 p.m. time to adjourn the business of the Senate. The House therefore stands adjourned until tomorrow Wednesday, 20<sup>th</sup> June, 2018 at 2.30 p.m.

The Senate rose at 6.30 p.m.