

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 12th September, 2019

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

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

PRAYER

PETITION

REPORT ON PETITION: CHALLENGES FACING SMALL-SCALE TEA FARMERS IN THE KTDA

The Speaker (Hon. Lusaka): Chairman, Standing Committee on Agriculture, Livestock and Fisheries?

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

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

Sen. Wetangula: Mr. Speaker, Sir, I do not know if it has been brought to your attention that these gadgets are malfunctioning. Every time you want to get the Order Paper, you are only limited to Order Papers for August, yet we are in September. I experienced this yesterday and it is the same thing today. I called the officers yesterday who fiddled with my machine the whole afternoon and it did not work. Mine is not the only one which is malfunctioning; I know of other Senators who were unable to access the Order Paper on the gadget. I request that this is rectified. In the meantime, can we have hard copies of the Order Paper to help us follow the proceedings?

The Speaker (Hon. Lusaka): Okay. Can you circulate hard copies of the Order Paper as you work on the technical problem?

Is there any Member from the Committee on Agriculture, Livestock & Fisheries? Is this Sen. Ochillo-Ayacko?

Sen. Ochillo-Ayacko: Yes, Mr. Speaker, Sir. I am here, although I am not fully briefed on the matter. However, I believe that my Chair is on the way and he should be able, on behalf of my Committee, to supply the requisite report.

The Speaker (Hon. Lusaka): In that case then, I will have to defer the Petition.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir.

(Petition deferred)

Next Order.

PAPERS LAID

Sen. Farhiya: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday 12th September, 2019-

REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION
ON THE VISITS TO MACHAKOS AND KAJIADO COUNTIES

Report of the Sessional Committee on Delegated Legislation on the visits to Machakos and Kajiado counties.

Thank you, Mr. Speaker, Sir.

(Sen. Farhiya laid the document on the Table)

The Senate Leader of Majority (Sen. Murkomen): Mr. Speaker Sir, I beg to lay the following Papers of the Senate today, Thursday 12th September, 2019-

END OF TERM REPORT FOR THE CONTROLLER OF
BUDGET FOR THE PERIOD 2011-2019

End of term report for the Controller of Budget for the period 2011-2019.

REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS
COUNTY FUNDS/BOARDS

- (i) Report of the Auditor-General on the Financial Statements of Kisumu County Car and Mortgage Scheme Fund for the Year ended 30th June 2018;
- (ii) Report of the Auditor-General on the Isiolo County Assembly Car Loan Fund for the Year ended 30th June 2017;
- (iii) Report of the Auditor-General on the Isiolo County Assembly Car Loan Fund for the Year ended 30th June 2016;
- (iv) Report of the Auditor-General on The Financial Statements of Trans Nzoia County Youth and Women Development Fund for the Year ended 30th June 2018;
- (v) Report of the Auditor-General on The Financial Statements of Olkalou Water and Sanitation Company Limited for the year ended 30th June 2018;
- (vi) Report of the Auditor-General on The Financial Statements of the Trans Nzoia County Nawiri Fund for the Year ended 30th June 2018;
- (vii) Report of the Auditor-General on The Financial Statements of Nyandarua Water and Sanitation Company Limited for the Year ended 30th June 2018;
- (viii) Report of the Auditor-General on the Financial Statements of County Assembly of Tana River Car Loan and Mortgage Loan Fund for the Year ended 30th June 2017;

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(ix) Report of the Auditor-General on the Financial Statements of County Assembly of Tana River Car Loan and Mortgage Loan Fund for the Year ended 30th June 2016;

(x) Report of the Auditor-General on the Financial Statements of County Assembly of Tana River Gratuity Fund for the Year ended 30th June 2018;

(xii) Report of the Auditor-General on the Financial Statements of County Assembly of Tana River Gratuity Fund for the Year ended 30th June 2017; and,

(xiii) Report of the Auditor-General on The Financial Statements of County Assembly of Tana River Gratuity Fund for the Year ended 30th June 2016.

Thank you, Mr. Speaker, Sir.

(Sen. Murkomen laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order.

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING TUESDAY,
17TH SEPTEMBER, 2019

The Senate Leader of Majority (Sen. Murkomen): Mr. Speaker, Sir, pursuant to Standing Order No. 52(1), I hereby present to the Senate the Business of the House for the week commencing Tuesday, 17th September, 2019.

I wish to take this opportunity to welcome all of you from the recess and hope that you have rejuvenated for the business of the House. As the Hon. Speaker alluded on Tuesday, 10th September, 2019, we have nine Bills that are pending at the Committee of Whole stage; 13 Bills at the Second Reading stage; five Bills due for First Reading, as well as Petitions and Statements pending before Standing Committees.

I urge all sponsors of Bills as well as respective Committee Chairpersons to be proactive to have these Bills expedited. I also take this opportunity to urge the Committees to expedite consideration of Petitions before them and table reports pursuant to the Standing Orders.

Hon. Senators, the Senate is scheduled to hold Sittings in Kitui County from 16th to 20th September, 2019, pursuant to a resolution approved on 13th June, 2019. To this end, the Senate Business Committee (SBC) will meet on Tuesday, 17th September, 2019 in Kitui, to schedule business for the week.

On that day, and subject to further directions by the SBC, the Senate will consider the following Bills and Motions-

- (1) The County Tourism Bill (Senate Bills No.5 of 2019).
- (2) The Street Vendors Protection and Livelihood Bill (Senate Bills No.10 of 2019).
- (3) Motion on Engagement of Community Health Workers by County Governments.

On Wednesday, 18th September, 2019, the Senate will consider any business not concluded on Tuesday, 17th September, 2019, and the following Bills-

- (1) The County Allocation of Revenue Bill (Senate Bills No.8 of 2019).
- (2) The County Hall of Fame Bill (Senate Bills No.39 of 2019).
- (3) The Commission on Administrative Justice (Senate Bills No.6 of 2019).

On Thursday, 19th September, 2019, the Senate will continue with consideration of business that will not be concluded on Wednesday, 17th September, 2019, and the following Motions-

(i) Motion on formation of Community Forest Association to aid in management of forest resources within counties.

(ii) Motion on Police Intervention of Caregivers of Persons with Permanent Motor and Neurological Disorders and various Motions on Reports of Parliamentary delegations to international conferences.

Hon. Senators, a detailed programme of events of the Senate has been prepared and circulated for information of Senators. I urge you to familiarize yourselves with the programme and to participate robustly in the activities of the Senate in Kitui.

I hereby lay the Statement on the Table of the House. Thank you.

(Sen. Murkomen laid the Statement on the Table of the House)

The Speaker (Hon. Lusaka): I know that in the Order Paper, I am supposed to start with Sen. (Dr.) Musuruve. However, because Sen. Wambua is going to Kitui to prepare for hosting us, I will give him an opportunity so that he can take leave after that.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I seek your indulgence before I read the Statement in order to say a thing or two about the visit to Kitui.

Mr. Speaker, Sir, I want to take this opportunity, once again, to welcome my colleagues to Kitui. As you have rightly said, I will be leaving to Kitui after this Statement in order to prepare to receive my colleagues. I want to assure them that everything has been put in place. All arrangements are ready to host Senators to be in Kitui for one week.

I thank you for your indulgence. I will now seek the Statement.

BANDITRY ATTACKS IN KITUI COUNTY

Mr. Speaker Sir, pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the banditry attacks in Kitui County that have led to killing and maiming of residents of Kitui East, Mwingi Central and Mwingi North constituencies by alleged camel herders.

In the statement, the Committee should-

(1) Explain the circumstances under which Mr. Mulatya Munyau Isuko, was killed by camel herders on Sunday, 8th September, 2019, at Ikandani in Mutha Ward.

(2) Explain the circumstances under which a teacher at Kalambani Primary School, Mr. Jonathan Ngau, was speared and injured at Ingo in Mutha Ward on Saturday, 7th September, 2019.

(3) Explain the circumstances under which Mr. Mwendwa Matuku was shot and injured at Ingo in Mutha Ward on Saturday, 7th September, 2019.

(4) Explain the circumstances under which Mrs. Katuku Kieti was accosted and hacked by camel herders on 30th August, 2019, at Ndaluni Village in Mutha Ward.

(5) Provide the names of the owners of the said camels and their herders, explain why they have not been apprehended and state when they will be brought to book.

(6) Explain the measures that the Government is putting in place to end this decade-long menace and stop the killing and maiming of people.

Thank you.

Sen Olekina: Thank you, Mr. Speaker, Sir. I rise to support the Statement by my good friend, the Senator from Kitui. I would like, when the Standing Committee on National Security, Defence and Foreign Relations is going to be looking at that issue, to also consider a situation we have in Narok County. Two clans in Narok, the Siria and the Moitanik, have constantly been fighting serious insecurities in that area as a result of a boundary dispute.

Mr. Speaker, Sir, insecurity is something that this country must take very seriously so that we ensure that Kenyans are peaceful wherever they are. If insecurity is left unattended, it can result to lack of law and order in this country.

What is happening in Kitui is also happening in Narok and I hope that the Committee on National Security, Defence and Foreign Relations and Sen. Sakaja, will be able to come with a proper way forward on how to deal with this issue of insecurity.

Thank you.

Sen. Kinyua: Asante sana Bw. Spika, kwa kunipa fursa hii. Ninasimama kusema ya kwamba, maneno yaliyosemwa na Seneta wa Kaunti ya Kitui ni ukweli mtupu. Kamati ambayo inahusika na usalama inapaswa izingatie, sio hio sehemu pekee yake, lakini pia Laikipia. Hawa wezi wa mifugo wamekuwa kidonda sugu.

Ukienda sehemu za Kinamba, Wangwashe na El Moran, imekuwa kila wakati watu hawalali na kazi yao imekuwa kufuata wezi wa mifugo. Jambo ambalo linavunja moyo ni kwamba, Waziri wa Usalama aliwapokonya vijana ambao walipewa bunduki kihalali na Serikali kwa kisingizio ya kwamba, wanaenda kuangalia jinsi hizo silaha zilipeanwa.

Tungependa Kamati inayohusika na usalama ifuatilie kwa mapana na marefu ndiyo tuweze kujua kisa na maana ya huu usalama. Tumekuwa tukizungumzia mambo ya usalama katika nchi hii yetu ya Kenya kila wakati, usiku na mchana na tunaona kana kwamba, hakuna jambo lolote linalotendeka.

Asante sana, Bw. Spika.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. I want to support the Statement that has been made by our colleague and our host for next week at Kitui County; Sen. Wambua. The Committee that will be looking into this matter should know that when attacks are visited on a community and the State does not respond to defend them in time, most communities tend to arm themselves.

What we are likely to see very soon, is the Kamba community in Kitui arming themselves. When they take up arms, the Somali community that is visiting that area for herding will also do the same. I want the Committee to know that they are dealing with a situation that is likely to escalate into serious conflict that might draw in more animosity and destruction of property.

They should tell the Member and those concerned, what long term measures they intend to put in place to ensure that this conflict does not snowball into something that we cannot control.

Thank you.

Sen. Faki: Asante Bw. Spika, kwa kunipa fursa hii kuchangia Arifa iliyotelewa na Seneta wa Kitui; Sen. Wambua. Usalama wa nchi na mali yao ni jambo muhimu sana kwa taifa. Ni jukumu la kwanza kabisa la serikali yoyote kuhakikisha kwamba kuna usalama wa mali na wananchi katika nchi yake. Visa vya mauaji kama hayo yaliyotokea Kitui, yametokea Taita na sehemu zingine za nchi.

Ni muhimu tuone kwamba yale mapendekezo ya *community policing* yanatekelezwa. Hii ni kwa sababu mauaji haya mengi yanatokea katika maeneo ambayo wananchi wanaishi katika kaunti zetu. Iwapo hatutachukua hatua za haraka, kila sehemu itapata matatizo ya ukosefu wa usalama.

Haiwezakani kwamba raia alalamike kuhusiana na mifugo kuingia katika shamba lake, na adungwe mkuki na afariki. Ni jambo ambalo lazima tutilie maanani na lichukuliwe kama jambo la uzito. Mtu anapoteza maisha sio jambo ndogo kwa sababu anaacha familia na watoto wanapata shida. Kwa hivyo, hili ni jambo ambalo kamati husika lazima iangalie. Vita dhidi ya ukosefu wa lisho kwa mifugo na mifugo kurandaranda ni jambo ambalo linaathiri kaunti zote katika nchi ya Kenya.

Asante, Bw. Spika.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to congratulate the Senator for Kitui County because this is a matter that is affecting most of our pastoral areas. It is unfortunate that since the 21st Century, to date, people are fighting over issues of cattle rustling. I remember when we interviewed the Inspector General (IG) of Police, he said he had capacity to deal with the issues of cattle rustling.

I do not know what he has been doing, but this matter of cattle rustling is happening even today in my county at a place called Modogashe where people are fighting as I speak, simply because of resources. It is almost three or four months down the line since the police reservists' firearms were taken and we were told that they are working on policy.

In Isiolo County, on the Samburu side and the North-Eastern side, they have firearms. We are the only ones who are not armed. How will we defend ourselves? This matter is very serious and the Ministry of Interior and Coordination of national Government should do something about it. Loss of life is not something easy.

Secondly, we are losing our animals, day in, day out. You can imagine a scenario where you have 500 goats and today they are taken by somebody, and the police are not following up the matter. This is a matter that is affecting us and I hope the Committee that will look at this matter will be able to resolve issues of police reservists and make sure that our people are armed.

With the help of the reservists, we can be able to curb insecurity issues which are happening in our counties. Right now we are just helpless. I hope this matter will be resolved as soon as possible.

I remember there were people from Kitui who came to support the Inspector-General of Police saying that he was the best person to deal with such matters. However, we have not yet seen those results. Inspector-General of Police, wherever you are, make sure you have resolved the issues of cattle rustling and insecurity in this country.

Thank you.

Sen. Wetangula: Mr. Speaker, Sir, there is the law that requires security organs in every county to work in harmony, co-operation and collaboration with the county governments, with the governors of counties being the chairpersons of the security board of their counties. The national Government has arrogantly and defiantly ignored that law.

The Speaker has been a governor and he knows how much we tried to have him Chair that board and this was rebuffed. To the extent that there are parallel systems literally in the counties, county management, devolution and all other local issues are strangers to matters of security. This makes it very difficult for *wananchi* and ordinary people in the village to volunteer information.

We used to call the police, *utumishi kwa wote*. If you are in the United Kingdom, you are in trouble and you see a policeman, your problems disappear, unlike in Kenya where your problems multiply. That is the problem. You will hear a Member coming here to read us a list of people who have been killed and he does not even ask for compensation. These people must be compensated by the State for its negligence in providing security for them.

Mr. Speaker, Sir, this House must be very firm on security matters. Any life lost in Kitui, is a life lost in Marakwet, Isiolo and everywhere.

We must all feel the loss and the pain and urge the Committee on Security in which my distinguished colleague from Isiolo who has spoken very passionately, is a key Member and a member of the Government. We need to see action. When the head of the house is wailing, what will the children do?

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this important Statement by our colleague, Senator for Kitui County.

This issue came up from Taita Taveta County the other day. It also comes from Isiolo and Narok counties most of the time. This country needs to look at the issue of cattle rustling and conflicts between herders from different communities. I hope that the Committee on National Security, Defence and Foreign Relations will urgently look at this issue and find out why we have not resolved it since the time the Petition from Taita Taveta was brought to the Senate.

County governments should also put some measures on the ground to make sure that some of these firms that have leases for pastoralist communities are secured enough so that the issue of conflicts is resolved. I urge the Committee on National Security, Defence and Foreign Relations and the Office of the Inspector-General of Police to take this issue seriously.

Mr. Speaker, Sir, security organs that are in our counties are relaxing and doing little work. This issue of Kitui County has come up many times. Therefore, I hope that

the Committee on National Security, Defence and Foreign Relations, will take up this issue of conflict of herders seriously so that it does not occur in every county.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker, Sir. I thank Sen. Wambua for bringing up this issue of insecurity that mainly affects pastoral communities. In his case, it is pastoral community against settled farming communities.

I join my colleagues in urging the State Department for Security to make sure that they look at how the security policy of this country is handled. In the vast pastoral areas, there is distance between the populations. Therefore, it has been difficult for the Government to have effective policing in those areas. With time, they have introduced the former Kenya Police Reservists (KPRs) to assist the police in providing security in those areas. The communities are mobile and they move with them. However, early this year, the Cabinet Secretary, Ministry of Interior and Coordination of National Government came up with a policy of disarming all the national police reservists (NPRs). That has opened those areas to serious insecurities because there are no regular police officers.

Nowadays, they have been collapsed into one. Once the NPRs were withdrawn, we expected the coverage of the police to be enhanced so that they have police posts in each and every settled area or villages which are sometimes 60 kilometers apart.

While waiting for that to be done as we have been promised, when they collapsed the Administration Police (AP) and the regular police into one, they closed down the AP posts which were all over the place. Now the NPRs are not there and the APs who have been there have been removed, it is now the people with illegal guns who are running the show.

We have asked about it at the county level but it is like nobody knows what is going on. They said that they are vetting the NPRs and we should wait for them to be re-armed, but nothing is happening. That is why insecurity in my county is continuing on a daily basis because the people with illegal guns are having a field day and there is nobody to counter them.

Mr. Speaker, Sir, sometimes last month, a whole divisional headquarter was terrorized by two young men who had guns and there was nobody to respond. Therefore, I urge the Chairperson, Committee on National Security, Defence and Foreign and Relations to interrogate that policy. What happens that all of a sudden the Government felt that it is providing enough security and withdrew the NPRs? That is one of the problems that we have. For a long time, we thought that it is the most sustainable way to provide security in these pastoral areas.

Sen. (Dr.) Lagat: Thank you, Mr. Speaker, Sir, for giving me this chance to make my comments on this important Statement from the Senator for Kitui County. Yesterday, we talked about almost the same thing where a Level 4 hospital was closed down because of the same insecurity from the same area. It is not a question of insufficient human resources, but a displacement. It is lack of proper priorities on what to do from the Office of the Inspector-General of Police.

Last week, the Office of the Inspector-General of Police sent a contingent of 150 strong and fully armed General Service Unit (GSU) to arrest one Member of Parliament

(MP). What is the priority of this man? It is a shame that insecurity is prevalent from where he comes from. If that is the case, other areas are more insecure.

I am withdrawing the great praises that I showered him when he was immediately nominated for this position. We talked about his colourful Curriculum Vitae (CV) on the same, but there is a lot of doubt on it. He should address this issue with immediate effect. While we shall be in Kitui County, the Committee concerned should invite him to come to that particular place so that he may go round and hear what is happening.

It is a great shame that we are talking about things that had been decried in the previous leadership of the former Inspector-General of Police. This is a great shame on his side and he should improve on the same.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I join Sen. Wambua in asking the Committee to take up this matter seriously.

Mr. Speaker, Sir, I come from a county that struggles with cattle rustling. Therefore, I offer my support to Sen. Wambua and the suggestions on ways of handling these issues of cattle rustling and conflicts between farmers and livestock keepers. We struggled in Elgeyo-Marakwet for a long period of time between ourselves and West Pokot and we still do.

Interestingly, the Chairperson of the Committee on National Security, Defence and Foreign Relations comes from the county that Sen. Wambua is complaining about cattle rustlers and grazers. I want to suggest to Sen. Wambua something that we tried the past three months.

Mr. Speaker, Sir, you must have seen in the news that there are no more reports coming from Kerio Valley of people dying and livestock being stolen. We realised that the modern policemen are not as courageous as the policemen we used to have before. Most of them who were posted to Kerio Valley used to spend time in market centres enjoying life and their allowances. They were not taking the risk to be on the frontline in dealing with cattle rustlers.

The first step was to look for reservists. Those reservists helped us to some extent, but some police reservists are from one side while others are from the other and, therefore, they cannot mingle. So, everybody is trying to protect their turf. We decided to talk to our people jointly as leaders from West Pokot and Elgeyo-Marakwet counties and we held meetings. We went and looked for the cattle rustlers because they do not have jobs or anything to do. We held meetings and discussed about a possibility of grazing rights for livestock keepers from West Pokot and Elgeyo-Marakwet counties. For three months now, we have enjoyed a lot of peace.

Other than just depending on police officers to deal with the situation, local leaders like Members of Parliament (MPs), Members of County Assemblies (MCAs) and opinion leaders can borrow a leaf from what we did and organise a conversation because nobody needs to fight another for grazing animals on their farms and destroying crops or doing all sorts of things. We even went with a lawyer to sign an agreement on how to keep peace and relate with our neighbours. Those are the only mechanisms that can work.

Interestingly, during the previous Parliament, Sen. Haji also helped in ensuring that there is peace in Kapedo and some parts of Wajir and Mandera counties. This can be achieved in Kitui and Garissa counties. The Senate can play a role by having Sen.

Wambua and Sen. Haji lead the other MPs and MCAs in looking for ways to resolve this problem rather than depend on police officers. That will be a better approach.

Secondly, I understand that the Inspector General (IG) comes from that region. I watched the proceedings when he was being interviewed and he kept saying that cattle rusting will be something of the past. However, it has become worse in areas that it never used to happen. It is even worse in my place.

We took an initiative to deal with it ourselves in Kerio Valley because the police resorted to extra-judicial killings. They started arresting and killing people alleging that they were opinion leaders in order to scare the cattle rustlers. That is how my Personal Assistant (PA) on the ground was killed. They used to arrest individuals believed to be harmful, but for no reason. That was terrible. A number of young people from West Pokot and Elgeyo-Marakwet counties were killed on account of the police claiming to end cattle rustlers.

I want to say that---

Sen. Wetangula: On a point of order, Mr. Speaker Sir. It is interesting, listening to my distinguished colleague from Elgeyo-Marakwet County who is the Senate Majority Leader and, therefore, the representative of the national Government in this House.

Is it in order for him to continue belabouring a point that appeared to point to the fact that the Government has abdicated its responsibility on security and left the communities to deal with security in their own way? Is this what the Government is supposed to do?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, it is the President who said that security starts with us. So, I am propagating the Government policy that security starts with the leaders and citizens of that region. I am not contradicting the Government. If anything, I am insisting that where policemen are unable to do anything, the citizens should do it.

However, in reality, there are certain elements of peacekeeping that do not depend on security operations. Work becomes easier if all citizens assist police officers in solving their problems. I am not saying that the police officers are clean or that they can abdicate their duty.

Mr. Speaker, Sir, in any case, I thought he was going to agree with me that the Senate Majority Leader has admitted publicly that extrajudicial killings are real. That is the reality on the ground. It is the reality in Isiolo County, where my deputy comes from and most parts of the north-eastern region.

This is something that the Committee on Justice, Legal Affairs and Human Rights and the Committee on Security, Defence and Foreign Relations must take seriously. This is something I have said before and it is on record. If we want to make this country move forward, it should start with proper diagnosis and telling ourselves the truth.

There are certain things that police officers must stop doing. Some of them are things I talked about. They include colluding with cattle rustlers to facilitate stealing of animals so that they sell them and share the loot from the stolen animals. These are the evils in the business of cattle rustling. We discovered that cattle rusting is not a cultural practice to have livestock for food. It has become a business that includes people who

auction animals in various markets in West Pokot and Elgeyo-Marakwet counties. I suspect that is what is happening in Kitui. Those are the things that we need to deal with.

Sen. Khaniri: On a point of order, Mr. Speaker Sir. I hate to see ourselves contravening the provisions of the Standing Orders that guide this House. I know that under Motions and Bills, the Senate Majority Leader has unlimited time. However, the provisions of Standing Order No.48 (1) are very clear. Sen. Wambua requested for a Statement under Standing Order No.48 (2) and (3) which state as follows:

“(2) A Senator who wishes to raise a matter under paragraph (1) shall at least twenty-four hours before the Senate meets on the day on which the Statement is proposed to be requested, hand to the Clerk a written notification of the matter signed by the Senator.”

(3) Where a statement has been requested from a Committee pursuant to paragraph (1) –

(a) the Speaker may allow comments in relation to the Statement for not more than fifteen minutes; and

(b) the Committee may invite the Senator who requested the Statement, the relevant Cabinet Secretary or any other person the Committee may consider necessary during deliberations on the Statement and may prepare and Table a report on the matter.”

Mr. Speaker Sir, it has been about 30 minutes since we came in here debating a Statement. There are reasons why these Standing Orders were put in place. The provision is that, we make comments for 15 minutes. The Senate Majority Leader alone has taken 15 minutes debating a Statement. This is not debate time. It is supposed to be comments which should be one minute per Member.

Is he in order to hijack the Statement by my neighbor, Sen. Wambua?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker Sir, Sen. Khaniri has taken three minutes raising a point of order, but he does not hold any leadership position in this House. What about the Senate Majority Leader? He is even contradicting the Standing Orders because he is standing when I have the Floor.

I do not want to go beyond that so that we close the matter. The point is that, this is an issue that is dear to me. It is an issue we have been grappling with since the previous term. I made suggestions to the Committee with passion. We must look at the issue of cattle rustling from a wider perspective. However, I agree with Sen. Khaniri that comments should always be as brief as possible.

I thank you.

The Speaker (Hon. Lusaka): Hon Members, I know that the Standing Orders were made by you, and so, it is important that you observe what you made. However, yesterday, I heard the Senate Minority Leader raise some very important issues about time limits when people are talking. I remember he said that he wanted to emulate the late hon. Shikuku who would talk on Bills for two weeks.

(Laughter)

The point I am making is that, we should try as much as possible to limit or condense what we say, so that we are within the provisions of the Standing Orders.

Proceed, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I support this Statement. As this Statement is required, it should never be lost on us that the Constitution has established organs which are accountable to Parliament. Therefore, this question is being directed to the proper organs of Government. Otherwise, you cannot bring the people of Kitui here to tell you why there is insecurity there, because there are constitutional organs that have been given that function.

When I was in Turkana recently, I was so happy to hear people from Karamojong saying that their security organs have been trained to deal with cattle rustling as security organs. On the other part of the border in Uganda, they were not experiencing the same kind of difficulties we have in Turkana and Pokot.

Conscious of what Sen. Khaniri has said, this question is about banditry, which is a criminal activity. The only organs that can be accountable on that basis are those that have been established under the Constitution. I hope that when that answer comes, it will be exhaustive on the question of banditry in Kitui. This is because this is not the first time it is being brought to this House.

I think the Inspector-General (IG) of Police should be made to appear before us in Kitui, to tell us why this is taking place in that part of the world.

I thank you.

The Speaker (Hon. Lusaka): The next Statement is by Sen. (Dr.) Musuruve.

DEAF AWARENESS MONTH

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.47(1) to make a Statement on the Deaf Awareness Month that is marked in the month of September every year. This is a topic of general concern nationally and internationally.

The deaf awareness month is marked so as to raise awareness on issues of deaf persons, their cultures, concerns and challenges. The purpose of the deaf awareness month is to ensure inclusivity of Persons with Disabilities (PWDs). It, therefore, ensures inclusivity of the deaf who are the minority.

Mr. Speaker, Sir, the deaf have linguistic challenges. It is, therefore, prudent that their issues are understood. Understanding issues will make them be included in the society. Deafness is a continuum. For instance, there are some people who are deaf but not aware. This is because there is a long chain of continuum. We have people who are mildly deaf and those who are severe in terms of deafness.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir.

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

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, Sen. Khaniri has given me the responsibility of managing Standing Orders. I wonder whether in Statement Hour the Statement is supposed to be read or debated. Is Sen. (Dr.) Musuruve in order to add into a Statement and begin to debate it before presenting it?

The Speaker (Hon. Lusaka): Senator, you should observe the Standing Orders. Do not discuss your own Statement.

Proceed.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I was not discussing it. It is on my fingertips. Let me just read it.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.41(1) to make a Statement on the Deaf Awareness Month that is marked in the month of September, every year. The United Nations (UN) has also declared 23rd to 29th of September every year as deaf awareness week. The beginning date of the deaf awareness week, that is, 23rd of September has been declared by the UN as the day of sign language.

I would like to raise this awareness to my fellow Senators. The purpose of the awareness month is to increase public awareness of deafness to the wider society for the purpose of inclusion. Deaf refers to people who may lack the power of hearing or having residual hearing. Deafness runs on a continuum, that is, mild to profound. Mild hearing loss deaf can benefit from using hearing aids that amplify sound.

Mr. Speaker, Sir, there are different levels of hearing loss, that is, mild hearing loss. The quietest sound people with mild hearing loss can hear is between 25 and 40 decibels (dB). We also have moderate hearing loss. On average, someone with moderate hearing loss cannot hear sounds that are less 40 to 75 decibels. We also have severe hearing loss which can benefit from environmental noise. Lastly, we have profound hearing loss.

The deaf have their own culture. When communicating, they use body movements. They also look at each other face to face, and this forms part of their culture. There are varied causes of deafness, for instance, aging, use of ototoxic drugs, that is, medication that damages hearing and excessive exposure to noise. For instance, masons may end up being deaf. It can also be caused by diabetes, viral and bacterial infections, meningitis and so on.

Inclusion of the deaf necessitates breaking the language barrier that exists between the deaf and the wider society. The deaf use sign language as a means of communication. Sign language uses manual signs and symbols to communicate. It also includes body movements.

In this awareness month, I encourage my fellow Senators to desire to be part of the awareness activities that will be going on in their counties. Currently, there are many organisations countrywide involved in deaf awareness. For instance, the Kenya National Association for the Deaf (KNAD), the National Council of Persons with Disabilities, Sign Language School, the African Annals of the Deaf, Living Beyond Cancer and Disability (LIBCAD), Signs Television, among very many others.

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

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

Madam Temporary Speaker, during this Deaf Awareness Month, I chose to give free instructional material to the deaf, hearing people and my fellow Senators as a way of raising awareness. It is my hope and desire that my colleagues will be happy to embrace inclusivity in their programmes, and counties will deliberately implement affirmative action as postulated in the Constitution and leverage on Article 54(2) (b).

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The Article demands that five per cent of elective and appointive positions be accorded to PWDs. It is also my desire that the deaf will also be accorded gainful employment.

Madam Temporary Speaker, I want to thank the Standing Committee on Education, which has truly embraced sign language inclusivity. The Committee, during the Senate sittings in Uasin Gishu County last year, launched instructional materials that I wrote and which were Kenya Institute of Curriculum Development (KICD) approved.

Madam Temporary Speaker, I am glad to state that next week, during the Senate sittings in Kitui, the Committee on Education will meet special needs schools at St. Michaels School for the Deaf. I will donate sign language materials to all the schools that will be in attendance.

(Applause)

Mr. Speaker, Sir---

An hon. Senator: It is Madam Temporary Speaker.

Sen. (Dr.) Musuruve: My apologies for that, Madam Temporary Speaker.

Madam Temporary Speaker, as a nation, we need to encourage research and scholarly contributions in partnership with users of sign language to ensure that it grows. We also need to encourage deaf champions in the growth of sign language, like Prof. Ndurumo, Ashura Michael, Sen. (Dr.) Musuruve, among others.

(Laughter)

Madam Temporary Speaker, I would like to urge the national and county governments to intervene in ensuring that hearing aids are given freely to the deaf who have residual hearing so that they could benefit in language acquisition.

The Sign Language Bill that Sen. (Prof.) Kamar and I are sponsoring has been published and was read the First Time yesterday. Public participation will then follow. I am calling upon linguists, the deaf and other interested parties to have a look at it and give meaningful input that will enrich it.

Lastly, I wish to state that education is an important bridge of achieving parity---

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Musuruve. There is a Point of Order from Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, I did not want to interrupt Sen. (Dr.) Musuruve, but I have heard her saying "lastly." When she said lastly, I felt hurt and dismayed that she had thanked the Committee on Education but forgot her own Committee on Labour and Social Welfare which has been supporting the issue of the deaf. She is a Member of that Committee, whose Chairperson and Vice-Chairperson are here. You know that a prophet might not be recognised in their own home.

Could she, please, not finish making her contribution before she notes that the Committee on Labour and Social Welfare has been supporting her, even on this Bill.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, you may need to acquit yourself from those allegations; that you are ignoring your own Committee.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, that was a gross error. I apologize to my Chairperson of the Committee on Labour and Social Welfare. Kenyans must know that the Chairperson of the Committee on Labour and Social Welfare is truly inclusive, and he supports issues of disability up to the very end. This particular Bill that I am talking about was initially sent to the Committee on Labour and Social Welfare and it was published through this Committee. Thereafter, it was taken to the Committee on Education.

The Temporary Speaker (Sen. Pareno): That does justice to your Committee and the Chairperson. You may proceed with your Statement.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. The Chairperson of the Committee on Education knows sign language, and he can even sign his name in sign language.

Lastly, education is an important bridge of achieving parity between the deaf and the wider society. I, therefore, urge the Ministry of Education, the KICD and relevant stakeholders to deliberately endeavour to afford quality education to this marginalised group.

I wish all Kenyans a happy Deafness Awareness Month.

Thank you.

(Applause)

The Temporary Speaker (Sen. Pareno): Hon. Senators, I will allow just a few comments, because I can see that the queue is long. Therefore, make your comments short.

Proceed, Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I rise to support this Statement from Sen. (Dr.) Musuruve. Indeed, it is a very important Statement, particularly during this Deafness Awareness Month. She has brought to the fore very many issues that affect people affected with deafness. I am sure that from today, we shall be informed of some of the causes that lead to deafness. We will then be able to champion for the prevention as well as to advocate for identification of the people affected by deafness. This is because I have realised that they vary in terms of deafness and, for that matter, we need proper identification methods in addition to treatment.

Madam Temporary Speaker, this is a very important Statement because most deaf people have been left behind due to lack of proper communication. This is so, bearing in mind that there are very few people that have an understanding of sign language. Consequently, the deaf may have issues when it comes to accessing transport and schooling. They might find themselves in schools with the rest of the students who are not deaf. In any case, it is high time that issues of the deaf should be looked into and even assisted with the provision of gadgets. They can also be taken to schools where they can be treated better.

Otherwise, this is a very important Statement and we thank Sen. (Dr.) Musuruve, because it is going to become a Bill.

With those few remarks, I beg to support.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker. I want to take this opportunity to applaud my very good sister, Sen. (Dr.) Musuruve, for drawing our attention to the fact that we should not forget the unfortunate members of the community who are deaf.

I want to request – I do not know how Sen. (Dr.) Musuruve will manage this – we want a situation where we are part of the deaf communication here. I wish it was possible for her to speak the sign language and the same can be interpreted, so that we get to feel what they feel and even get to understand them in practice where we work. Therefore, Sen. (Dr.) Musuruve, it is my plea during this Deaf Awareness Month, that together with the leadership of the House, we can have a situation where we participate in the communication that would bring us closer to interfacing with what the deaf and the mute go through.

Thank you.

Sen. Sakaja: Madam Temporary Speaker, Sen. (Dr.) Musuruve continues to distinguish herself as the true and foremost champion for Persons Living with Disabilities (PWDs). For the short time that I have been in Parliament – this is my second term – I have not seen a Member representing the interest group that they have been nominated to represent as well as Sen. (Dr.) Musuruve. If we are talking about any topic, even agriculture, she will ask, “What about PWDs?” I want the entire community of interest in the country to know that, indeed, they have a true champion of their issues.

Madam Temporary Speaker, I was recently a guest of honour at a function which I had been invited by Sen. Cheragei to support deaf children and their families. I learned with dismay that the cost of a cochlear implant ranges at between Kshs3 million to Kshs5 million per ear. These gadgets are not covered by insurance, and for those who are able to afford them, you could see the stories of a mother whose child hears for the first time, after years of deafness. That was very moving. When they have saved and sold everything to get an implant for one year, the emotions were really running high.

Madam Temporary Speaker, during this month – I am grateful that Sen. (Dr.) Musuruve has brought our attention to it – I think that these are some of the things that the Committee on Health needs to question. They should question why such assistive devices to PWDs are still being charged duty, whether it is import or customs duty. We should do as much as possible to help PWDs. I keep saying that the strength of a country is what it does for its vulnerable population; and not by the size of its army or Central Bank. It is what it does for those in the society that cannot afford. This month, I would urge Sen. (Dr.) Musuruve to really push that fight for us to zero-rate these implants.

Madam Temporary Speaker, in the primary school which I attended, we had a Deaf Unit. In that Deaf Unit, as much as the children would take much longer to go through Class One to Eight; they would take 12 to 15 years, but at the end of the day, you could see that they would come out as intelligent and with the same abilities as the children who are able to hear properly. We want a society where everybody, no matter how you were born, has an equal opportunity and a fair shot at life. That must be done by us looking proactively at issues such as those that Sen. (Dr.) Musuruve has brought.

Thank you, Sen. (Dr.) Musuruve, and for thanking the Committee that you had forgotten because you are a Member. People would just suddenly stop getting trips and

things just happen when you forget your Committee, but you are now back in the good books of the Chairperson.

Thank you, Madam Temporary Speaker.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to support this Statement by Sen. (Dr.) Musuruve. I would like to congratulate Sen. (Dr.) Musuruve for coming up with this Statement.

As my colleagues have said, Sen. (Dr.) Musuruve is one of the champions who have worked very hard for people who are living with disabilities. This is something that one needs to identify with, especially when you are playing a role in that particular area.

On the Deaf awareness month, as Sen. (Dr.) Musuruve has said, which is running from 23rd to 29th, is a very important month for us not just as legislators but as leaders of Kenya as it brings awareness to our communities and country---

Sen. (Dr.) Musuruve: On a point of order, Madam Temporary Speaker. It is a deaf awareness month. Within the month, we also have the deaf awareness week that begins from 23rd to 29th.

Thank you, Madam Temporary Speaker.

Sen. Shiyonga: I thank Sen. (Dr.) Musuruve, the sponsor of this Statement. The week lies in the month, and it is good that we shall all be celebrating and joining the deaf in this month.

Madam Temporary Speaker, I was saying that for most Kenyans, lack of hearing as well as the complications that come with this particular disability is one of those problems whereby if you are not affected, then you are infected. Everyone needs to join hands in assisting this particular category of people.

As rightly said by my colleagues, the Government needs to continue urging and assisting these particular people by visiting schools, buying them hearing gadgets and even giving these people employment. When one is deaf, it becomes very hard to communicate. However, I have realized that our Government has given an opportunity to these people especially when you are watching the television, you will see that some of these people are employed in our television stations. It is encouraging to see this. Let us support these people by visiting them, helping them and help the NGOs that are working round the clock to make sure that these people are comfortable in the community, society and globally.

Thank you, Madam Temporary Speaker.

Sen. Halake: Thank you, Madam Temporary Speaker. I rise to congratulate and support Sen. (Dr.) Musuruve for this educative and timely Statement. The issues of disability are issues of human rights.

Article 27 of the Constitution is very clear on the equality and freedom from discrimination of everybody on the basis of race and specifically on the basis of disability in this case. A lot of times, exclusion or denial of rights is a function of ignorance or a function of us not being aware. Therefore, Sen. (Dr.) Musuruve has done a great thing to ensure that we are aware and, therefore, we will definitely be paying attention to the rights of people with hearing impairments.

Madam Temporary Speaker, what was more profound for me is the fact that there is a lot more that we do not know that she has brought to our attention to the point where

other leaders are thinking of what can be done in addition to what she has mentioned. Therefore, I would like to congratulate her. I am very proud of our Constitution because of ensuring that we have people with disabilities sitting in this House and amplifying the voices of those that do not have a voice.

Ever since I got here, I could not be more proud of our Constitution for ensuring that somebody with disabilities is sitting in this House and championing the cause of people with disabilities. In this regard, I cannot think of a better person than Sen. (Dr.) Musuruve. She has taken every opportunity to ensure that we are educated on the rights of people with disabilities. She has also constantly spoken on the provisions within our Constitution, be it affirmative action or the things that need to be done to facilitate people with disabilities and that their cause is championed.

I congratulate and support her.

Thank you, Madam Temporary Speaker.

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuunga mkono Arifa ya Sen. (Dr.) Musuruve. Ningependa kumpongeza Sen. (Dr.) Musuruve kwa kutetea haki za wale ambao hawakubahatika katika jamii, hususan wale ambao ni walemavu.

Wengi wetu hatukuwa tunajua kuwa kuna mwezi maalum ambao unahadhimisha siku ya viziwi. Lakini kwa uwezo wake ametuelimisha na sisi pia tutaendelea kuwaelimisha wengine ambao walikuwa hawajui swala kama hili.

Tukiangalia hata sisi katika Bunge la Seneti na Bunge la Kitaifa, hakuna mkalimani wa lugha ya ishara ambaye anatafsiri mazungumzo ambayo yanaendelea katika Bunge kwa wale ambao hawasikii katika jamii. Kwa hivyo, kama Bunge la Seneti, tumeacha nyuma sehemu kubwa ya jamii yetu ambao wangeweza kufurahia na kusikiza yale ambayo yanaendelea katika Bunge kama hili na Bunge la Kitaifa.

Nafikiri kwa kuadhimisha swala hili, tunapoenda Kitui wiki ijayo, ni lazima kwa mwezi huu tupate mtaalamu mmoja wa lugha ya ishara ili aweze kutafsiri majadiliano ambayo yanaendelea katika Bunge letu.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Pareno): Next Statement.

XENOPHOBIC ATTACKS ON FOREIGN NATIONALS IN SOUTH AFRICA

Sen. (Dr.) Milgo: Madam Temporary Speaker, as you may be aware, many foreign nationals living in South Africa including Kenyans living and doing business in South Africa lost their lives and properties in the recent xenophobic attacks. Most businesses that were targeted by the xenophobic mobs were owned by migrants from Nigeria, Ethiopia, Zambia and Kenya. Most of the Nigerian nationals have been evacuated from South Africa.

The xenophobic attacks were first witnessed in 2008. They also occurred in 2015 and this year. This means that the foreign nationals are not safe at all living there because these keep coming up. My concern therefore is that-

(1) What is the state of Kenyans living in South Africa?

(2) What measures have been taken to ascertain the number of Kenyans who are affected in South Africa?

(3) Are there any measures taken to evacuate Kenyans living in South Africa?

I thank you, Madam Temporary Speaker.

Temporary Speaker (Sen. Pareno): Sen. (Dr.) Milgo, you seem to be reading something different from what I have. Kindly, approach the Chair.

(Sen. (Dr.) Milgo approached the Chair)

Sen. (Dr.) Milgo, kindly, withdraw the Statement that you have just read. Kindly proceed, to read the correct Statement.

Sen. (Dr.) Milgo: Madam Temporary Speaker, I withdraw the statement that I have just read so I can read out the correct version.

Pursuant to Standing Order No. 47(1), I rise to make a statement on an issue of Regional concern; namely, xenophobic attacks on foreign nationals including Kenyans living and doing business in South Africa.

Madam Temporary Speaker, many foreign nationals living in South Africa have borne the brunt of renewed xenophobic attacks. Many of them have been maimed and others lost their lives and properties in the recent xenophobic attacks.

Madam Temporary Speaker, most businesses that were targeted by the xenophobic mobs were owned by migrants from Nigeria, Ethiopia, Zambia, Somalia and Kenya with nationals of many other countries such as Zimbabwe, Mozambique and many other Sub-Saharan countries eking a living in South Africa. Many of these nationals have now been forced to forgo their livelihoods and flee South Africa to escape the violence. Those who are unable to leave South Africa have run to seek refuge in community halls in Johannesburg and other affected towns.

(Sen. Cherargei consulted loudly)

Temporary Speaker (Sen. Pareno): Order, Sen. Cherargei. Kindly allow Sen. (Dr.) Milgo to finish reading her Statement.

Sen. (Dr.) Milgo: Madam Temporary Speaker, I thank you for protecting me from the loud consultations by Sen. Cherargei.

Madam Temporary Speaker, these xenophobic attacks have been sporadic from the year 2008 and the trend seems to continue. It is unfortunate that lives of foreign nationals in South Africa are not safe in light of the attacks. The efforts by the Government of South Africa to contain the xenophobic attacks are commendable. The President of South Africa has denounced the attacks and called for action against perpetrators of the violence. Arrests have been made, and it is our hope that more will be done to prevent recurrence of such attacks in the future.

Madam Temporary Speaker, it is important, as a country, to safeguard the lives of our citizens across the globe and in this case South Africa where they are facing a tough time. In this regard, it is critical that the Government explains the state of Kenyans living

in South Africa amid the xenophobic attacks and stipulate measures that have been taken to ascertain the number of Kenyans affected by the attacks.

Madam Temporary Speaker, I would like to urge the Standing Committee on National Security, Defence and Foreign relations to take up the matter with the Ministry and assure this House that all necessary measures have been put in place to safeguard the lives of Kenyans in South Africa.

I thank you.

Temporary Speaker (Sen. Pareno): I can see about seven requests from Members to comment on this Statement. I, therefore, urge you to be brief in the comments.

Sen. Wetangula: Madam Temporary Speaker, I had drafted a similar Statement to bring to this House. I thank Sen. (Dr.) Milgo for running ahead of the pack. What is going on in South Africa is a terrible shame. In 2008, when I was the Minister in charge of Foreign Affairs and International Trade in this country, similar attacks erupted in South Africa. The South Africans senselessly killed fellow black Africans. This time round, populations of frustrated black South Africans have unleashed terror and violence on fellow blacks with the pretext that they are responsible for their unemployment and state of economic hopelessness.

I differ with Sen. (Dr.) Milgo who purports to thank the Government of South Africa for intervening when it has not. In fact, the Government of President Cyril Ramaphosa, a freedom fighter, a man who rose from the ranks of trade unionism has been helplessly watching as fellow Africans are slaughtered. Unlike many African countries, the whole of Africa resonated with South Africa when they were fighting against apartheid. The late Mwalimu Julius Nyerere will turn in his grave if he heard or saw what is going on in South Africa given the sacrifices that he made in setting up the frontline states. He set up a camp in Nachingwea where he used the meagre resources of Tanzania to train combatants.

Madam Temporary Speaker, the former President of Zambia, President Kaunda, was bombed four times including his residence by the Boers of South Africa. One of my heroes, the late president Samora Machel, whom I named my son after, was killed by the Boers because he was fighting for the freedom of South Africans. South Africans must be told in very clear terms that their enemies are not fellow Africans.

I thank and laud the Government of Nigeria for what they have done. If South Africa is intolerant, we have no business being tolerant about them. The Nigerians have risen to the occasion and gone for the investments by South Africans such as MTN Group Limited, MultiChoice Group and others. Going that route is not necessarily helpful but it will tell South Africans that the sacrifices fellow Africans made to liberate them against not only an entrenched Boer regime, but a regime that was supported by the most powerful countries of the world, the entire West led by the United States of America (USA), yet they now turn on fellow black Africans.

Madam Temporary Speaker, if the South Africans are fighting for the dispossessions of resources and opportunities, how come they are not rising against the Chinese, Indians or Whites who continue to oppress them up to date. More than 90 per cent of the economies in South Africa are in the hands of whites yet when they look

around, the only enemies that they see are Nigerians, Ethiopians, Kenyans, Zambians, Zimbabweans, Botswanans and all the other brothers who shed blood and made sacrifices to make things work in South Africa.

I condemn what is happening in South Africa in the strongest terms possible. I condemn even harder President Cyril Ramaphosa for being unwilling or unable to deal with the situation of providing security for fellow Africans, their properties, lives and comfort. People went to South Africa because we were celebrating the birth of the Rainbow Nation. We end up feeling like moths flying towards a flame of fire and being consumed there.

I thank Sen. (Dr.) Milgo for this Statement. I would like to give notice that while in Kitui County, I will move a Motion of Adjournment to discuss what is going on in South Africa.

I thank you.

The Temporary Speaker (Sen. Parena): Hon. Senators, as we debate on this touchy issue, I wish to bring to your attention to Standing Order No.96 on Contents of Speeches. It states as follows:-

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.”

I, therefore, urge that we refrain from touching on personal conduct of the President of South Africa or other officers as indicated in this provision, but we can generally make comments about our concerns.

Sen. Wetangula, you may proceed.

Sen. Wetangula: I share your direction, Madam Temporary Speaker. I participated in drafting the Standing Orders together with the late hon. (Dr.) Bonaya Godana, hon. Julius Sunguli and the late Henry Obwocha. I would like to say for the record that the behavior of the Government of South Africa and its President precludes them from the application of this Standing Order because what they are doing is not friendly to Kenya.

The Temporary Speaker (Sen. Parena): This is a friendly state and these Standing Orders are express and we should go by what they state. I have already directed that we refrain from mentioning or discussing the personal conduct of the President of the Republic of South Africa.

Sen. Cheruiyot: Madam Temporary Speaker, I will try to abide by your ruling, difficult as it may be, especially for those of us who have had to pay not only emotional, but also economic price, thanks to the madness that is going on in South Africa.

About two months ago, late at night, I received a text message from a student from my county who studies in South Africa. She was in distress and had sought refuge at a church next to where she used to live because of the attacks. Therefore, this is not an issue to be treated casually. Although Sen. Wetangula has stepped out, it will be proper to

do more justice by raising a substantive Motion on this issue. We should take leave of the House to discuss it completely with pointers on what the Ministry of Foreign Affairs and International Trade should do regarding this particular issue.

This issue did not begin yesterday. When Jacob Zuma, the former immediate President of South Africa, visited Kenya two years ago, part of the request that Kenya made was for Kenyans to be allowed access to South Africa by being granted visas on arrival. The least we expected was for South Africa to reciprocate what we do to their citizens when they show up at the Jomo Kenyatta International Airport (JKIA). Up to this particular day, Kenyans who visit South Africa have to undergo an extremely rigorous process of visiting their consulate here. They do not extend the courtesies that are extended to the various dignitaries of this country.

Many of us here have had an occasion to travel to the United Kingdom (UK). We do not have to show up at their Embassy to apply for visas and go through the processes of queuing. What the hell is South Africa telling us? That is a country that is almost of the same rank as ours. If first world countries can extend such courtesies to at least the various state officers we have in this country, how difficult is it for South Africa to reciprocate the same?

Today, if you want to travel to South Africa, you have to go to Westlands and queue there for hours just to get their visa. The Ministry of Foreign Affairs and International Trade has allowed citizens of this country to continue suffering under this particular regime. In my opinion, it begins with little courtesies like those ones. Even their citizens treat the citizens of this country as if they are children of a lesser god.

I urge our colleagues, especially those who serve in the Pan-African Parliament (PAP), who travel to South Africa most often, to consider sponsoring a Motion in the PAP or move it from South Africa because it is the worst place to be located. How do you locate the Pan African Parliament in a country where Africans are being killed by fellow Africans? It is complete absurd and that is something that we should not tolerate.

(Sen. (Dr.) Ali walked into the Chamber)

It is good that Sen. (Dr.) Ali has come when I am talking about this matter because he is a Member of the PAP. This is a request we are making to them. We need to see the contribution of Members of the PAP. They should speak to this particular issue that is extremely urgent.

Madam Temporary Speaker, as a country, our response to this particular issue is extremely worrying because up to date, the statements that have been released by the Ministry of Foreign Affairs and International Trade have not been helpful. All we are being told is that the Government is doing everything possible within its means to ensure that Kenyans are safe. That is not enough. We should hear in the news that the Cabinet Secretary for Foreign Affairs and International Trade; hon. (Dr.) Monica Juma, has summoned the Ambassadors for South Africa and Kenya to come and explain to us what is happening the way it happens in other countries when such issues happen. The kid glove that we continue to treat other countries who do not reciprocate the kind of things we do for them is extremely worrying.

I request that Sen. Wetangula guides this House because of his experience as the Minister for Foreign Affairs. When we discuss the Motion, it will be important to see whether it is time to have a proper discussion with the officers he left at the Ministry of Foreign Affairs and if they properly understand their responsibilities.

The other day, China released a list of countries whose citizens can be allowed into China and granted visas on arrival, and Kenya is not among those countries. I do not think there is a country that gives Chinese more business on this continent than Kenya. Granting us visas has become a problem, but we have a Cabinet Secretary for Foreign Affairs and International Trade. We must stamp our foot and demand better from our Ministry of Foreign Affairs and International Trade.

What the citizens of South Africa are doing to citizens from other countries of the continent is extremely shameful bearing in mind the contributions Africans made to help South Africans when they were going through a difficult time. What they are doing to citizens of countries like Nigeria who contributed money to their movement and struggle for change in South Africa is not good. In return, they are paying back by killing their citizens and cheering as if they have lost their minds. That is unfortunate.

We shall say and demand more from our own Ministry of Foreign Affairs and International Trade when the Motion that Sen. Wetangula has promised comes to this House.

I thank you.

The Temporary Speaker (Sen. Pareno): Just as you have rightly put it, our Standing Orders do not stop us from discussing the personal conduct of any state officer. However, it allows us to discuss it upon a substantive Motion. So, Members are at liberty to bring a substantive Motion, and they are able then to mention the personal conduct of anybody they wish to.

Sen. Mutula Kilonzo Jnr., proceed.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I wish to thank Sen. (Dr.) Milgo for this Statement.

Just like Sen. Wetangula, I thought that I would raise this issue. I tweeted about it and I am extremely disappointed to be a Kenyan for many reasons. In fact, I had a quarrel with Sen. (Dr.) Ali because he shared an extremely bad video of somebody being burnt alive. Forgive me for saying this, but I think we, Africans, are so primitive. The more educated we are, the more primitive we become. The video that Sen. (Dr.) Ali shared---

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. Ochillo-Ayacko?

Sen. Ochillo-Ayacko: On a point of order, Madam Temporary Speaker. I feel very offended. Is the distinguished Senator for Makueni County in order to include Kenyans among the primitive people of South Africa? If South Africans are primitive and are killing people the way they are doing, is he in order to have Kenyans included in that record? Kenya is in Africa. Africans are not collectively primitive. Let us call out and single out the primitive ones and say so without including out good nations.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I did not want to go there because we, Kenyans, have killed others and our own in the same manner that South Africans are killing others. To satisfy Sen. Ochillo-Ayacko, let me restrict to

Africans, but if you want me to give you instances of Kenyans, I will. We behave the same.

What disappoints me is this. One, Sen. Cheruiyot is right. When the Ministry of Foreign Affairs and International Trade was called to make a statement about this, they said: “We are observing.” What in the world is the Cabinet Secretary (CS) in charge of Foreign Affairs and International Trade observing? Is she observing the videos we are observing? Is she taking notes about something? Does she know something we do not?

Kenyans in South Africa want to hear the voice of the Government in so far as their security is concerned.

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

The Temporary Speaker (Sen. Pareno): Sen. Mutula Kilonzo Jnr., do you want to be informed?

Sen. Mutula Kilonzo Jnr.: Yes, Madam Temporary Speaker.

Sen. Wetangula: Thank you, Madam Temporary Speaker. Sen. Mutula Kilonzo Jnr., worse still, the CS in her Statement even thanked the Government of South Africa for doing what they were doing, without saying what it is she was thanking them for.

(Laughter)

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, you can understand why all of us are infuriated. The contradiction about the Statement that Sen. Wetangula is referring to is because the distress calls that we are receiving through social media shows that Kenyans in South Africa are unsafe.

The second thing is that Africa has stood very firm and said: “If you want to go to South Africa to live like monkeys, go and do so, but leave our countries with your investments.” You must laud the Nigerians for being proactive even in a wrong way. They sent a message. South Africa’s largest investment in Nigeria, MTN, was sent parking. We have not made a Statement. We are quietly watching and the Government has said nothing. We are consuming their goods and services like DSTV.

When it came to the release of Mandela, I remember singing the song “Release Mandela.” All of us were up in arms against what was going on in South Africa. The Government of Kenya and the President of the Republic have let down Kenyans because these are his appointees. We must tell them as such.

Kenyans have gone to South Africa for many reasons, including studies, as expatriates and tourism, yet those South Africans can carry spears and spear their fellow Africans. Even the statement by Hon. Malema, the leader of the Economic Freedom Fighters (EFF) was not strong enough. He pleaded with them in a manner to suggest he was trying to persuade them that: “Brothers and sisters, do not do this.” He should have said: “Arrest these people.” This is because what they are doing is against international law. What they have done is mass killing under the International Criminal Court (ICC) Statutes.

The nations of the world must demand that the actions visited upon Africans are crimes against humanity. If South Africans cannot punish the perpetrators of these acts, like it is stipulated in the ICC Statutes, then cases must commence against the powers that

be in South Africa for crimes against humanity under the Rome Statute. What they have done is wrong and must be condemned.

If one South African died on Kenyan streets for whatever reason, we would be held to pay. We would be putting out tails in between our legs, groveling, walking around and making all sorts of statements.

Madam Temporary Speaker, I support the proposal. The people who suggest that the Senate should be given the mandate of vetting these CSs, so that we get the power to censure them--- It is now two weeks, and Parliament is completely quiet. We have not summoned the CS or anybody about the very fundamental question of the security not only of Kenyans but Africans.

Kenya must stand with nations of Africa and say it stands with Nigerians, Ghanaians and every person who thinks that South Africans have behaved badly. Let us condemn their actions and close their Embassy for two days and see what happens.

The Temporary Speaker (Sen. Pareno): Noting that we are past our Statements Hour, I reduce the time and make it four minutes per Senator.

Sen. Cherargei, proceed.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I thank Sen. (Dr.) Milgo for this Statement. It has shocked not only Africa, but the world that xenophobic attacks continue to happen in South Africa unabated. It is very unfortunate that some of the people who have suffered in terms of loss of property and lives come from Kenya. We have been monitoring these events as the Committee on Justice, Legal Affairs and Human Rights. On behalf of the Committee, we commit that we will follow this matter to conclusion.

It is so sad that the Ministry of Foreign Affairs and International Trade is silent on this matter. They have not even done anything to show anger and aggression towards the things that are happening. It is sad that Africans are attacking one another. We are proud the independence and freedom that South Africans enjoy today is because of the support across the African countries. When you see South Africans attacking fellow Africans because of immigration issues and job losses in their country, it is sad. South Africa is a country that was assisted by not only Africa but the world. I do not think the late President Mandela envisaged a situation where Africans would start attacking each other.

We will look into this matter. We hope that the Ministry of Foreign Affairs and International Trade and the CS will do the same. This is not the first time to have these issues surrounding this Ministry. I remember when we invited her to appear before our Committee on the issues of amendment on treaties and ratification, where we wanted the Senate to be part of the process, she snubbed us. The lethargy in that Ministry is so sad.

I hope when she appears before this Committee and the Senate as a whole, she will tell us what intervention she has done, as a Ministry, to punish or even use either hard law, soft law or even international law. This is because what is happening, as my colleague, Sen. Mutula Kilonzo Jr., has said; this law even attracts offenses under the International Criminal Court (ICC). We, therefore, need the South Africans to come back to their senses and stop attacking fellow Africans. We are one nation and one people, as the famous song by Bob Marley goes.

Thank you, Madam Temporary Speaker.

Sen. Ochillo-Ayacko: Madam Temporary Speaker, it is very difficult to talk politely or kindly about the behavior of the South African people and its leadership. In my view, the people and leadership of South Africa are criminals. Therefore, I do not know how to go about Standing Order No.96 that you alluded to. This is because these people are criminals in their leadership, followership and they have committed crimes against humanity.

Madam Temporary Speaker, there are three things that need to be looked at urgently. What is our Government doing to evacuate and protect the property of Kenyan victims who are in South Africa? If our Government is doing nothing, then the people charged with the responsibility of doing something are also aiding and abetting criminals to continue killing Kenyans. Therefore, by extension, the Ministry of Foreign Affairs and International Trade is also aiding and abetting crime against Kenyans committed on foreign soil.

Secondly, Madam Temporary Speaker, what is the Kenyan leadership doing to provide a travel advisory to any person who might be thinking of going to South Africa? Now that the Ministry of Foreign Affairs and International Trade is doing nothing and is praising the Government of South Africa for continuing to commit crimes against Kenyans and other Africans, what are they doing to warn anybody not to go to South Africa for any reason until further notice? If they are not doing that and any Kenyan goes to South Africa and gets hurt because there is no help, again, that will be aiding, abetting and even laying further entrapment to Kenyans who might want to go to South Africa.

Madam Temporary Speaker, I recently wanted to go to South Africa with a few relatives for treatment, but I do not want to die. I am, therefore, not going there. I have decided to advise myself not to go there. If I or any of my relatives is to die, let that death be here in Kenya or somewhere where the Government can reach out and bring me home.

Thirdly, Madam Temporary Speaker, dealing with crime must be done in such a manner that you hold the criminals responsible. You must ensure that those responsible for the crime are held accountable for the crime they have committed, and that process must be through a legally known process. You have heard Sen. Mutula Kilonzo Jr. indicate that we have the ICC. Since South Africa is officially and unofficially killing Africans, including Kenyans, what is our Government, together with other governments of goodwill, doing to ensure that the leadership of South Africa, starting with President Ramaphosa and other people, are taken to the ICC so that they are called out there? If they are unable to prosecute the criminals who have killed Africans and Kenyans and if they are unable to put in place mechanisms of giving back or reinstating the properties that have been damaged that belongs to Kenyans---

The Temporary Speaker (Sen. Pareno): Order, Sen. Ochillo-Ayacko. What clarification are you seeking, Sen. (Dr.) Musuruve?

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for this opportunity. I would like Sen. Ochillo-Ayacko to clarify, as I seem to be lost, that South Africans are officially killing blacks. Kindly give some clarification on that.

Sen. Ochillo-Ayacko: Thank you, Sen. (Dr.) Musuruve. If you watch news, the South African police officers are watching and saying that these foreigners are intruding. The South African leadership is pleading with the criminals not to continue killing

Kenyans, instead of doing the rightful thing. They should be apprehending these criminals, protecting everybody in South Africa who is visiting or a resident, and also defending property. They are, instead, just watching and encouraging those criminals to go about destroying lives and property. Therefore, in my view, South Africa is officially a criminal and a failed State.

Lastly, Madam Temporary Speaker, as a nation, we should think strategically. What people are talking about – the importance of South Africa – the only important person there is no longer there. In fact, he foresaw this bad behavior and died before they started it. Mandela is the only South African who should be remembered. The rest are criminals. We, as a country, should think of how to make Kenya strategically important to other continents so that nobody travels to South Africa. If you want to get to Africa, come to Nairobi or Mombasa, get to Kampala and ignore South Africa. They do not understand what it means to be oppressed. I would like to hear the people who are planning the strategy of this nation, how do we rebuild Kenya and East Africa so that Africans do not go south, the way South Africa has gone south? In fact, they have gone south and failed miserably. We do not need to go back to that place.

Thank you, Madam Temporary Speaker.

Sen. Halake: Thank you very much, Madam Temporary Speaker. I rise to support this timely statement by my colleague, Sen. (Dr.) Milgo. I also wish to condemn, in the strongest terms possible, the xenophobic attacks against other Africans, especially my fellow Kenyans in South Africa.

Madam Temporary Speaker, I fail to understand how any African is called a foreigner in an African country. When South Africa was fighting for its independence, Kenya and other African countries rallied behind the ANC and Nelson Mandela. By doing that, Africans ensured that South Africans got independence. They then turn around to call other Africans, who have fought apartheid alongside them, foreigners and undesirable elements in their country. The legacy of Nelson Mandela – Ubuntu – has been rubbished by the South Africans. Ubuntu means that we are our brother's keepers.

Madam Temporary Speaker, I do not know where the experience of the Pan African Parliamentarians has been, but I suspect that the Commonwealth Parliamentarians – and we have Sen. (Dr.) Ali here to tell us – because I am told that even the parliamentarians going for the Pan African Parliament are not safe from this kind of discrimination against Africans. I am sure that he can attest to that. It is about time somebody did something.

Madam Temporary Speaker, I know that you have guided us with regards to precedence and others, but we see a lack of goodwill on the part of the South African Government to deal with this issue. This issue has been there and it peaked in 2008 and again in 2015; and now we are here. Therefore, there is definitely a lack of goodwill to deal with this issue once and for all.

Madam Temporary Speaker, coming to our own foreign policy – if any exists – it is very unclear and confusing as to how we deal with our consular issues, especially when it comes to the lives and the welfare of Kenyans abroad. We are very saddened to know that even countries like Nigeria were very decisive. The minute the xenophobic attacks happened, the Nigerian Government summoned the South African High Commissioner

immediately, demanded certain accountabilities from them and airlifted their nationals. However, none of that happened for us here. Does it mean Kenyans abroad are on their own, even though we continue to give millions of shillings to our foreign service? We need to know what the Ministry of Foreign Affairs and International Trade is doing for Kenyans abroad, especially in the face of such xenophobic attacks in Southern Africa.

Madam Temporary Speaker, the South African Government does not keep data on xenophobic attacks, but other xenophobic watch institutions and instruments exist. These institutions show a very disturbing trend of rising cases of xenophobic attacks across the board, not only in the urban centers, but now also going down to other areas. We need to, first of all, make sure that we get certain answers from our own Ministry of Foreign Affairs. What is being done for Kenyans abroad? Our consular services are wanting, but also just in terms of foreign policy with regards to the safety of Kenyans abroad.

Madam Temporary Speaker, it is about time certain economic sanctions or other sanctions were imposed on the South African Government to make sure they wake up and do something about these attacks. It is not good for this to be protracted and be going on for many years and yet nothing is being done. With those few remarks and again---

(Sen. Halake's microphone went off)

The Temporary Speaker (Sen. Pareno): Your time is up.

Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. I commend Sen. (Dr.) Milgo for coming up with a good Statement. The issue of xenophobic attacks should not be taken lightly because the persons in South Africa who have that attitude towards strangers and other people, are actually the Coloureds.

They go out of their way to do anything to express their anger. In the case of South Africa, I see people who seem to be so angry and they are not able to fight the initial cause of their frustration; that is, poverty, unemployment and all that. I see an issue of misplaced aggression where the blacks are not able to fight the Boers and they, therefore, decide to fight their fellow Africans.

This is an issue that should be discussed by leaders globally and come up with ways to mitigate the problem. There are many Africans in South Africa from different countries and their right to life and right to protection of their property is important. This Government has an obligation to protect the lives of Kenyans who are in South Africa. They should be given security and social protection. It is a constitutional requirement that the State must give protection to its citizens especially since some are not able to protect themselves. It is our duty, as Kenyans, to see how to engage the issue politically so that our people live safely.

Madam Temporary Speaker, the issue of xenophobia should be handled with a lot of understanding. Therefore, leaders need to come out and mitigate the situation. This is something that seems to be inherent in South Africans because they are bitter and poor. They ought to know that their poverty is not caused by their fellow Africans.

I want to urge the Ministry concerned to find out which parts of South Africa that this xenophobia is going on; whether it is occurring in certain parts of South Africa or the entire country. If it is happening only in some parts of South Africa, then Kenyans who are there can be relocated to other parts because they are also eking a living and everyone has a right to eke a living in any part of this world.

The issue of lack of delivery of services to South Africans has nothing to do with the Africans who are living there. I empathize with the Africans who are there because some of them have lived there for so many years. They have borrowed loans, they are established, own properties and have children there that are going to school. This takes us to another level that families are affected---

(Sen. (Dr.) Musuruve's microphone went off)

The Temporary Speaker (Sen. Pareno): Your time is up, Sen. (Dr.) Musuruve.

Sen. (Dr.) Langat: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. (Dr.) Langat?

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for giving me this opportunity. First, you will allow me to alert the Chair that there are students in the gallery. If you could kindly welcome them.

So may I come to this---

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Langat. Maybe you can take your seat, I first welcome them. Then you will have a chance to contribute.

(Interruption of debate on Statement)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. ULRICH
SECONDARY SCHOOL, NAKURU COUNTY

The Temporary Speaker (Sen. Pareno): Hon. Senators, I have a Communication to make.

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from St. Ulrich Secondary School, Nakuru County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I welcome and wish them a fruitful visit.

Thank you.

Sen. (Dr.) Langat, now you can appropriately welcome them.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker. May I also join you in welcoming the students from Nakuru County on behalf of Sen. Kihika who is my neighbor. She is very busy somewhere. They are welcome. I have a strong passion

regarding Nakuru because I was a student at one time in Menengai High School. Nakuru County is a great county and I would like to welcome them.

(Resumption of debate on Statement)

Madam Temporary Speaker, what is happening in South Africa should be condemned in the strongest terms possible. I would say it is primitive, Neanderthal, and barbaric. It is a reflection of our continent in a very negative way all over the world. Currently, countries all over the world are experiencing globalization. Every country is welcoming people from other countries because that is the only way you demonstrate to the whole world that you are civilized and going forward. We saw in the social media a lady being molested in the streets, stripped naked and beaten to death. That is totally inhuman!

Yesterday, I received phone calls from some of my friends in South Africa, four of them who have businesses there. Upon inquiring about their businesses, they told me that they closed them down two weeks ago and that our country should be worried about their lives. They were even unable to go to the airport to catch their planes to come back home.

The relevant Committee of this House that is in charge of foreign affairs should wake up from what they are doing and invite this particular Cabinet Secretary (CS), who is sleeping on her job, to come and tell us what steps she has taken to save our people in South Africa.

The fact that she is silent about what is happening to our people in South Africa is one way of proving to this House that she is doing completely nothing in her office. The Committee on Foreign Affairs should invite the CS for Foreign Affairs and International Trade as a matter of urgency. They should even invite her to Kitui next week. If possible, we should have a Committee of the Whole so that we make sure that this particular lady who is the CS, Ministry of Foreign Affairs and International Trade does something to save Kenyans in South Africa.

They are no longer worried about their businesses; they are worried about their lives. It is very interesting. I want to call upon the Committee responsible for this, to take action as soon as possible. I want to congratulate Sen. (Dr.) Milgo for coming up with this strong Statement. It is timely at this particular moment.

Thank you, Madam Temporary Speaker, for giving me this opportunity. I support this Statement.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Statement by Sen. (Dr.) Milgo regarding this act that is happening in South Africa. What is happening in South Africa is barbaric, primitive, uncivilized and should be condemned in the strongest terms possible.

Just like any other country in Africa that is hosting people in its own country, many countries are hosting South African citizens, possibly for social purposes, education, investment, marriage or any other reason. It is very primitive when you see the acts my colleagues are describing, what we have seen on social media and in other media.

Xenophobic attacks have frayed relationships among neighbouring countries. It is really worrying.

Madam Temporary Speaker, South Africa needs to be taught a lesson so that they can learn. Who said that citizens of South Africa are special? Who said that somebody is stealing their jobs? Who said that South Africa is more special than other countries in Africa? Why do they involve themselves in xenophobic attacks? People tour South Africa and they make the economy to grow. People who go to study there make the country to grow economically.

It has been witnessed that the economy of South African has grown since they got their independence. If they turn against other countries, especially Kenyan citizens, they should be condemned. What is happening there is against humanity. Therefore, the CS for Foreign Affairs and International Trade needs to be summoned. This is because just as my colleagues have said, she is sleeping on her job. She needs to come forward and explain to Kenyans the measures she is taking to protect our people who are in South Africa. She should give a statement to this House and make sure that Kenyans are comfortable wherever they are. We are not comfortable; we are worried yet we have a CS who has advisors who should advise her on what is currently happening.

Madam Temporary Speaker, the discrimination in South Africa is an open chapter when it comes to the future of other countrymen. We celebrated South Africa when it got its independence but right now, they have turned against us. Therefore, we need to bring a Motion to this House to discuss the conduct of South Africa. We also need to stop its diplomatic relations until we get an explanation---

(Sen. Shiyonga's microphone went off)

The Temporary Speaker (Sen. Pareno): Sen. Shiyonga, your time is up. Finally, we will have Sen. Mwaura.

Sen. Mwaura: Thank you, Madam Temporary Speaker. I rise to support this Statement from Sen. (Dr.) Milgo, our vice Chairman, Committee on Labour and Social Welfare. It is timely for it to come from her because immigration is about welfare or the issues that are under the ambit of this Committee. However, most importantly, it is about foreign relations.

Madam Temporary Speaker, South Africa is a great country; *Mzansi* as we call it. I was privileged to study at Nelson Mandela University. I went there because of the name 'Mandela'. I looked forward to what he represents and many people across the world look up to this great icon. He is the only person who has statues in cities such as London. I have not seen any other African who has been honoured and celebrated like him. He is really the heart and the soul of South Africa. However, after he left public service and left us, South Africa has been on a decline. It is has been a democracy that many people have looked up to; it is a country that has 11 official languages and there is no ethnic tension around it.

It is a well a developed country. In fact, it is more developed than some of the countries in Eastern Europe. For a long time, it has been the first African economy until Nigeria took over. Due to that, the Rainbow Nation has people of different orientation.

There are coloured people whom you would not tell where they come from. There are white people, British South Africans and our fellow Africans. However, because of that pride and development, it has a statement that captures xenophobia. It is the Republic of South Africa) versus the rest of Africa. They seem to largely think that they are a little bit special than the fellow Africans.

These young millennials who have found the economic boom and success of South Africa do not seem to remember that it is the other African countries that stood up with the African National Congress (ANC) when they were fighting for liberation against apartheid. It is other African countries that were the training grounds from *Umkhonto we Sizwe*, the military arm that Nelson Mandela and other people like Oliver Tambo and Albert Luthuri started. It is countries like Tanzania that provided bases where these great Africans from South Africa were hosted. If you look at the flag of South Africa, it is a replica of Tanzania's flag apart from the gold strip. The national anthem of South Africa is almost similar to '*Mungu ibariki Africa*' of Tanzania and also the aspect of Afrikaans Song for the Boer Nation. So, South African owes a lot to Africa. In fact, when Nelson Mandela was released from prison, he came to Kenya and he wanted to meet Dedan Kimathi or his wife. This is because Mau Mau Liberation struggle inspired people in South Africa. Be that as it may, it is what happens. The parents struggle, but when the children become mature, they start to think that they are spoilt and rich people's children. That is what I see in South Africa; people who are lazy and do not want to imagine that their own economic success is also predicated upon the contribution of other nations. That is why with the introduction of the broad based economic---

The Temporary Speaker (Sen. Pareno): Sen. Mwaura, your time is up.

That is the end of Statements under Standing Order No. 47(1). We, therefore, move to the Statements under Standing Order No. 48 (1).

Proceed, Sen. Mwaura.

STALLED CONSTRUCTION OF THOGOTO LEVEL 4 HOSPITAL IN KIAMBU COUNTY

Sen. Mwaura: Madam Temporary Speaker, pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Standing Committee on Health concerning the stalled construction of Thogoto Level 4 Hospital in Kiambu County.

In the Statement, the Committee should-

(1) Explain reasons why construction of Thogoto Level 4 Hospital has stalled despite sufficient budgetary allocation for the project for the Financial Year 2014/2015.

(2) State measures taken by the Kiambu County Government to revive the construction of the hospital.

(3) Explain whether due diligence was done and the necessary procurement laws adhered by the Kiambu County Government in awarding Seremala Construction Company the tender to construct the hospital; and,

(4) Explain mechanisms put in place to ensure provision of health services to the people of Kikuyu Ward and Kiambu County at large is not jeopardized by the stalled construction of Thogoto Level 4 Hospital.

The Temporary Speaker (Sen. Pareno): I will allow brief comments on this because we still have two statements and Motions in the Order Paper.

Sen. (Dr.) Musuruve, I give you three minutes.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, this is an important Statement because the issue of health is pertinent to this country and is one of the Big Four Agenda.

Level 4 hospitals can serve cases that cannot be served at Levels 2 and 3 hospitals. Therefore, patients who need complicated surgeries are supposed to be taken to Level 4 hospitals. Services were procured to construct the hospital yet it stalled. There is need for an audit to be done to find out how much was allocated for that hospital and whether it was used prudently. This is because we represent the counties and their interests. So, it is the business of the Senate to interrogate and see to it that money that went to the county did exactly what it was supposed to do so that services are delivered to Kenyans.

Sen. Mwaura has come up with a good Statement that we should not let go just like that. The Committee that will investigate this issue should do it to the end for the sake of Kenyans. We have talked about a lot of money going to the counties, but we need to find out if it does what it is intended to do.

The Temporary Speaker (Sen. Pareno): Sen. Charles Kibiru, you have three minutes.

Sen. Kibiru: Madam Temporary Speaker, I will use the three minutes. We, as a country, we are becoming jokers. We spend a lot of money on the Medical Equipment Services (MES), which was a bone of contention in the mediation of the Division of Revenue Bill.

Yesterday we discussed about a Level 4 Hospital that has stopped operations in Kitui County. Today, we are talking about a hospital in Kiambu County that has stalled. At the same time, the policy makers and the top leadership of the country are talking about universal healthcare. Are we talking without walking the talk?

Whichever Committee that will take up this issue should take health matters seriously. They need to come up with a matrix that can be discussed by this House, so that we know which hospitals have stalled and which ones do not operate optimally or do not offer services as required. We should address this issue as protectors of the counties and devolution.

It is unfortunate that every other day, we hear about doctors and nurses going on strike. Provision of healthcare is one of the Big Four agenda. The Committee that will take up this issue should give us statistics, so that we come up with a way forward on how to deal with the issue of hospitals.

I thank you.

(Sen. Wamatangi stood up in his place)

The Temporary Chairperson (Sen. Pareno): Sen. Wamatangi, do you have an intervention?

Sen. Wamatangi: Madam Temporary Speaker, I am seeking your permission to ride on this Statement. The Statement by Sen. Mwaura was sought when I was out. Sen. Mwaura is not only a Senator from Kiambu County, but I am also one of the leaders who have been actively involved in trying to ensure that things are done right in the counties.

Madam Temporary Speaker, allow me to ride on this Statement because the matter about the hospital has been raised several times. It has not only been raised by MCAs, but also by members of the public. Alongside the issues that Sen. Mwaura has raised, the Committee that this Statement will be assigned to should further inquire on other issues on the Level 4 Hospital.

The hospital was allocated enough funds to build about six floors. There have been allegations that the new regime decided to scale down that project despite money having been allocated. However, they did not explain whether the money was put elsewhere or what happened because the contract was given to the same contractor at the time when the scope of work was the same. The contract to build six floors was signed. What happened now that it was scaled downwards?

Lastly, I join my colleagues in lamenting about the state of health, especially when a county government does not take health matters seriously, especially in an area like Thogoto. I come from Kiambu County and I know how serious the issue is. That area is heavily populated. I dare say that within the suburbs of Kiambu County that is, probably, the third most populated area. The loop side of it is that people who densely populate the place are of low means. They are not rich. How can that hospital stall yet there was public participation and the residents said what they wanted? This is now the fifth year down the line since that project was initiated.

This is matter of concern to the people of Kiambu County. We will appreciate if this matter is expedited. It should cover the entire scope.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for this chance to support Sen. Mwaura for requesting this important Statement on stalled construction of the Thogoto Level 4 Hospital. Health facilities all over the country have challenges. It is quite unfortunate, particularly for this case, bearing in mind that there was a budget allocation to the facility and yet very many years down the line it is not complete.

This morning I got an opportunity to attend a meeting on population development. I realised one of the major resolution of the Conference that took place in Cairo in 1994 was universal healthcare. Very soon a very big meeting will be held in our country on the same to take stock of what has taken place. We realised that Level 4 hospitals across the country are facing challenges. The major challenges are corruption, financial mismanagement and procurement.

Our president, Hon. Uhuru Kenyatta, has taken universal healthcare as one of his Big Four agenda items. He is also keen on the fight against corruption. The Committee that will look into issues raised in this Statement should find out where the money that was allocated to the facility went because people of that area are not getting value for it.

This is an important Statement. I urge Members of the Committee that it will be directed to look into issues in depth.

The Temporary Chairperson (Sen. Pareno): There being no more requests to contribute on this Statement, it is automatically directed to the Committee on Health.

The next Statement is by Sen. Naomi Shiyonga.

DESTRUCTION CAUSED BY HIPPOS IN MUMIAS
WEST SUB-COUNTY, KAKAMEGA COUNTY

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to seek my Statement. Pursuant to Standing Order No.48(1), I rise to seek a Statement, from the Standing Committee on Land, Environment and Natural Resources on the hippos roaming the villages and destroying crops and livestock in Mumias West Sub-County of Kakamega County. In the Statement, the Committee should-

(1) State why no action has been taken to keep these dangerous animals away from the citizens.

(2) Table the number of livestock attacked by those hippos for the last two years and appropriate compensation measures for the same.

(3) State the extent of distraction caused by the hippos on crops across Mumias West and other neighbouring sub-counties.

(4) Explain why Kakamega Forest National Reserve has not provided appropriate solutions yet the issue falls under their mandate.

(5) Table evidence, if any, that the relevant authority has taken to educate the public on how to respond when these dangerous animals are sighted on their farms and homesteads.

The Temporary Speaker (Sen. Pareno): On this one, I will again allow very brief comments.

Proceed, Sen. (Dr.) Musuruve. It is still three minutes.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. I will be quite brief. I commend Sen. Shiyonga for coming up with this Statement. I lived in Mumias some years back, around 1995, when I was a high school teacher at St. Angela School for the Deaf and also Mumias Secondary School, which is a regular school. During that time, I did not experience hippos moving around, but monkeys. If hippos are now invading Mumias East, there is need for investigation to find out the cause.

The Temporary Speaker (Sen. Pareno): Hon. Senators, we are through with Statements. The last Statement sought is now directed to the relevant Committee.

Let us move on to the next Order.

MOTIONS

PLANTING OF TREES ALONG MAJOR
INFRASTRUCTURE PROJECTS IN KENYA

THAT, AWARE of the numerous benefits that trees play in environmental conservation, combating climate change, air and water purification, carbon sequestration, flood control, prevention of soil

erosion, human and wildlife sustenance, urban planning, as well as other social and economic benefits;

NOTING THAT Kenya has and continues to implement various infrastructure projects across the country, among them railways, roads and highways, airports, sea and inland ports, pipelines, dams, among others;

CONCERNED by the extent of environmental degradation that takes place when undertaking such infrastructure projects, entailing clearance of trees, foliage, soils, rocks, excavation of quarries, interference with forests, wetlands, rivers, drainage systems and other embankments, as well as human and wildlife displacement along the paths of the infrastructure projects;

ACKNOWLEDGING THAT the Environmental Management and Coordination Act (No.8 of 1999) and the Guidelines issued thereon require an environmental audit to be undertaken before any infrastructure projects are undertaken, with a view to identifying potential environmental impacts of the proposed projects, assessing the significance of those impacts, and proposing mitigation measures to address the negative impacts of the said projects on the environment;

CONCERNED HOWEVER THAT the implementation of these provisions has failed to comprehensively address the continued large-scale environmental degradation that takes place during construction of these infrastructure projects, and that the mitigation measures undertaken thereon have failed to compensate for the damage done to the environment as well as the negative effects to human and wildlife populations along the infrastructure project paths;

AWARE THAT the National Government has launched an ambitious plan to plant 1.8 billion trees by the year 2022, with a view to enhancing the country's tree cover from 6.2 per cent to the globally accepted minimum of 10 per cent, and that this entails, among others, planting at least 1 million trees annually in each of the 47 counties;

UNDERSCORING the need to balance between development and sustainable environmental management, for the benefit of present and future generations, as enshrined in the preamble to the Constitution of Kenya;

NOTING that planting of tree buffers alongside and around major infrastructure projects in the country would help offset the carbon footprint of these projects, enhance the beauty and aesthetics of the projects, create safe spaces for human recreation and for wildlife to thrive, and help in meeting the target of 10 per cent national tree cover by the year 2022;

NOW THEREFORE, the Senate resolves that the national Government, together with the county governments, formulate a policy mandating the planting of trees alongside and around all major infrastructure projects across the country, setting out the roles of various

actors at both the national and county levels, and outlining incentives and penalties to ensure that the policy is complied with, in ensuring a balance is attained between development and environmental conservation

(Sen. Kibiru on 11.9.2019)

(Resumption of debate interrupted on 11.9.2019)

The Temporary Speaker (Sen. Pareno): This is resumption from yesterday's debate.

Proceed, Sen. Ndwiga.

Sen. Ndwiga: Thank you, Madam Temporary Speaker. First of all, I wish to thank Sen. Kibiru for introducing this Motion. Those of us who knew how this country was immediately after Independence know how beautiful our roads were, particularly those approaching major towns. We all remember with nostalgia that the acacia tree was famous throughout the country. It was the trademark as one entered Nakuru. The acacia trees lining both sides of the road formed a beautiful canopy and spectacle. This was also the case as one entered Embu Town all the way to the road towards Meru. There were beautiful trees by the roadside.

We need to safeguard our roads, so that erosion does not spoil the roads we are constructing. We need to have trees planted along all highways in the Republic. It is also very important for us to plant these trees because they are the lungs of most of our towns. Of late we have seen rampant cutting of very old trees in our towns. Some trees that are as old as colonial days have been cut in recent times.

In most of our towns, despite the pollution that we produce, we have no way of absorbing the carbon dioxide and carbon monoxide that we produce. It is just like having a body without lungs. It is important to plant trees as they will become the lungs that will absorb the carbon monoxide produced by the vehicles on our highways. It is, therefore, absolutely important that apart from the aesthetic beauty of our trees, they have the added benefit of purification of our air. The environmental benefit I think supersedes all other benefits of the trees.

In some places, contractors are building gabions and so on, but planting of trees must be made mandatory. Under the amount they are paid, the retention fund should be retained until the trees are grown, so that they take care of them until they are fully developed. That is what we would like to see happening in this country. That will go a long way in improving our environment and, secondly, provide beauty.

For those of us who have travelled outside this country, in major cities throughout the world you notice that one of the key things they do without fail is planting trees along the highways. That is one of the cardinal things that you will see everywhere. One, it is for the beauty and, two, the environmental aspect.

With those few remarks, I beg to support.

Sen. Wamatangi: Thank you, Madam Temporary Speaker. I rise to support the Motion. To begin with, I am the Chairperson of the Committee on Roads, Transportation and infrastructure. It is part of what we have been dealing with in examination and

inspection of projects that have been carried out by the Government in the last seven years since our election in the year 2013.

I do not want to forget to laud the Government because to a large extent, since the days of His Excellency Mwai Kibaki, the former President, this country has experienced real growth and expansion of a lot of infrastructural projects, without having to name them. Largely, if we look at our highways and roads, airports, ports and other projects that fact is acknowledged.

Madam Temporary Speaker, by international standards, almost every infrastructural project of the magnitude, for example, of the bypasses, expansion of the roads that we are doing is awarded with a condition. There should be preservation from erosion and conservation of the topography of the soil. Where excavation has occurred, the condition in award of such contracts is that there has to be restoration of forests and growth. That is why I support this Motion.

We need to look casually or inspect any project that has been carried out. It would be good to start, for example, with the project of the Southern Bypass from Mombasa Road all the way to Kikuyu.

It passes through a forest, but the question one would like to ask is, when they cut through that forest and removed so many trees, how many were planted back? The answer is probably none. If you look at a project like the Eastern Bypass, it is the same story. What has been happening in our case is that, that is taken so casually that a mere planting of some grass in patches---

Madam Temporary Speaker, I want to report that my Committee recently undertook a visit to inspect the construction of the Standard Gauge Railway (SGR) in your county, specifically in Kajiado. One of the conditions is that because we have built huge embankments and retainer walls, how will you restore the soil and guard it from erosion? What has been happening is that, other than planting trees, grass and other foliage, they build concrete along those walls and channel them to drain water downwards. What this does, in effect, is that all environmental advantages or benefits that were being accrued by that community before are lost.

Madam Temporary Speaker, the irony of it is that sometimes it looks to us that once you cut down trees – for example during that construction – the loss is only because those trees have been lost. However, the cumulative ripple-down effect of that deforestation is so huge, such that you can argue that those immediate communities will suffer from many other maladies. This is because, in an area where you build a road that expands – probably the way we want to expand the Mombasa Express Way all the way to Mau Summit – you are covering a whole corridor probably of more than 60 to 70 feet; sometimes even up to 100 feet and which runs up to 200 kilometers. We should be asking ourselves how much rainfall we are going to lose in that entire stretch. Once you lose the rainfall, what else do we lose? We lose good health.

Madam Temporary Speaker, if you have a community around areas that lack water, you will have poor health. You will even lose on tourism. For example, in those areas like Kajiado, where we are building the SGR through the park, if there is no referral station, then what happens to the wildlife occupying this whole area? We have a problem. Just the other day, I was watching news on the television, and I saw giraffes dying of

drought in areas around Marsabit. We need to agree that if we are going to attain the standards that we seek to attain---

Madam Temporary Speaker, I believe when we are benchmarking, when our government conceptualizes these projects, they do so in reference to other best practices and standards internationally. Just the other day, through some Committee activities, I happened to have been in Malaysia. If you drive from the airport on a very expansive road all the way to Kuala Lumpur, you will be surprised to think that you are driving through a plantation of mangroves and palm trees. The extent to which that government goes to preserve--- Indeed, I was surprised that even for the road infrastructure around such constructions, such as billboards, it is mandatory that they should be higher than the trees. There is no provision that you cut a tree to put up a billboard. The billboard should be above the trees, and people will see it there. That is how seriously they take their trees and all the plants around infrastructure projects. Unless we agree that we need to have and develop such standards, then we cannot get there.

Madam Temporary Speaker, the last point I want put across in support of the Motion is the laxity and casualness of our officials, who we entrust to make sure that, that is part of what happens. We have had a big problem recently, such that Sen. Kibiru has defined this Motion to the extent that it is during the construction and development of those infrastructural projects. We have had a new concept of contracting foreign contractors to build our projects using the Engineering, Procurement and Construction (EPC) Model. This is whereby a foreign government or contractor will come, give a proposal that they want to build or expand a certain road. They will then design and fund the road themselves, and then get paid.

Madam Temporary Speaker, what happens in such a scenario is that the standard, measures, remedies or stop gap measures are prescribed by the same contractor. You will then find, at the final point of inspection, the same guy calling the shots. Unless it is included that from initialization--- I urge Sen. Kibiru, even at a further point, to look at the possibilities of including or seeing which laws we need to amend in a Bill or in an existing Act, that would require that at conceptualization, this becomes a part of contracting. That way, you will find that the problems we are having in places like Mau will be understood; that this country takes the issue of preserving our trees so seriously.

Madam Speaker, as I finish, sometime back I visited a small village in Kitui, which is known to be dry and there are no trees. However, I noticed a very unique thing. We entered one village after going through what one would describe as a desert because there were no trees nor greens. Then, suddenly, we came into a small village that was all green, lush and with water. I asked the people there: "How come, in the midst of this entire wilderness, we come here and this place is so green? What have you done?" The local Chief there then told me: "Sen. Wamatangi, one time a long while ago, we had a visitor in this village. The visitor incentivized us by telling me to take my people around and plant trees. For every tree that they plant, she was going to compensate them." They then took it as an initiative and, after that, they started doing it for themselves. That village became a center of attraction. That visitor was the Late Prof. Wangari Maathai. When she visited that village, she made a difference that, today, you can go around that

place--- I was told that Hon. Nyiva Mwendwa is a neighbor there. When you go there, you cannot believe you are in Kitui.

As I sit down, Madam Temporary Speaker, I want to urge us that if we take it seriously and make this part of our planning and policy, then this country will change. We will not be having the same problem that we have right now, of having to go to courts, to fight and having to engage in political contestation and threaten each other about our own livelihoods because people do not think it is their priority to plant trees.

I, therefore, want to loud Sen. Kibiru for the initiative and for the good thoughts that he has had on this. Indeed, trees are life. Let us plant trees.

Thank you, Madam Temporary Speaker.

Sen. Mwangi: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this Motion which should have come a long time ago. It is a very important Motion for this country. You realize that the forest cover in Kenya is very small. We are now at six per cent and yet Kenya is a large country.

When one goes to countries like Sweden, Japan and the Netherlands, one wonders what is happening in this country because the forest cover in Sweden is 66 per cent. This is despite the fact that Sweden is a country with less than 10 million people in terms of population while Kenya has only six per cent.

We need trees for various reasons such a clean environment and timber. It is a shame for this country, as big as it is with the human resource it has, to be importing timber from Congo, Tanzania and other countries. We have the ability and a lot of unused land in this country. In the whole of North-Eastern Province and most of Eastern Province have all that land that we can plant trees, but we choose not to do it. It should be mandatory. It should be made into law. I hope that today Sen. Kibiru will translate this Motion into law so that everybody plants trees wherever they are.

It is important for people to know that trees can also be used for trade. If you have a lot of trees say about 100 acres, you will be making a lot of money. At the same time, you will have improved the environment of this country. It is imperative to know that trees will make this country better than it is today. Trees give us water. Today we are experiencing a lot of problems because our forest cover is less than five per cent. When you go to Maasailand when there is no rain, the place is very dry. When you go to the former North-Eastern Province, when there is no rain, the place is very dry and unproductive for the populace in this country.

Madam Temporary Speaker, I urge Sen. Kibiru to covert this Motion into a Bill which will be debated by this House and the National Assembly. Once it is enacted and becomes an Act of Parliament, it will be mandatory for every Kenyan with land to plant a number of trees. By so doing, this country will be better off and it will have made significant millage to have forests.

If you look at the Mau Forest today, one wonders why the Government decided to take people to reside there. It was a very good forest to give this country many cubic metres of water. However, now you will find people have settled there. They have not settled there because there is no land where this people can be settled. We have a lot of idle land in this country. The land that is being used by Kenyans is a very small portion and that is the reason why I would urge the Government to ensure that tree planting is not

a luxury. It should be made mandatory such that we have adequate trees to take care of those living in this country today and for posterity.

Madam Temporary Speaker, it is as a matter of fact to ensure that the areas that we call deserts or semi-deserts in this country have been provided with water either from boreholes, dams or whichever way so that we can grow trees in those places. This will ensure that even when tourists come to Kenya, they will see that Kenya has been taken care of by the residents of this country. Otherwise, it is a very big shame to find a country like Kenya with the workforce and cheap labour that it has, not having trees. One wonders what is happening. Is this country a part of the world because other countries have planted adequate trees?

Madam Temporary Speaker, with those few words, I support this Motion.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker for giving me an opportunity to air my views on this Motion. I want to thank Sen. Kibiru for coming up with this Motion. Trees have varied uses. They have economic uses; they can be used by carpenters. They also have spiritual benefits, aesthetic value and so on. We cannot forget the aesthetic value that comes with trees.

It is very important to plant trees along the infrastructure projects. I was in Dubai at one point and you could see the aesthetic beauty of the environment that comes from trees all the way from the airport. This is a place where water is very hard to get. I tend to think that in Dubai, they prioritise planting trees along the infrastructure.

Naturally, trees act as purifiers to the environment. It is important to have trees along the infrastructure, especially along the roads. When you think of the pollution that comes as a result of the fumes from vehicles, this has a negative impact on humans. When you breathe air that is polluted, it has a negative effect to the lungs. Some of this polluted air causes cancer. People who smoke heavily and those who inhale that polluted air are at risk.

The fact that leaves are able to purify air, it is prudent that this Motion goes on and is implemented for the purpose of ensuring that our environment is safe and the air that we breathe in as we are travelling is safe. Apart from this, we also see trees coming in handy as wind barriers, therefore, reducing the amount of noise pollution. Noise pollution has a negative impact on human beings. Sometimes noise pollution can cause deafness when one is exposed to a lot of noise beyond the hearing threshold. Sometimes a lot of noise causes a lot of stress and mental disturbance that is not good for passengers, motorists and the drivers as well.

I want to bring out the importance of trees when they act as windbreakers. When you are talking of windbreakers in a situation where trees are planted along the roads, they hold the soil. When they hold the soil and there are heavy rains, chances are that soil erosion will not arise. When soil erosion occurs, it will have an impact to the users of the road and this might cause accidents.

We also need to look at the aesthetic value of planting trees along infrastructure because this has economic value for the area. It even increases the value of the place by 20 to 30 per cent. In a situation where someone wants to sell a property that is adjacent to an infrastructure that has greenness, then the value will go up.

Madam Temporary Speaker, we have to put into consideration the issue of road safety. When the trees are planted along the roads, it is possible for drivers to clearly see where the roads are ending. The trees will help to reduce the road accidents because the roads will be visible, especially if the trees are painted. The trees will act as natural guide for safe driving. There have been so many cases and incidents of road accidents along our roads and sometimes it is because the drivers veer off the roads. There are also times when some drivers who are drunk and reckless may not even know where the roads start and end. The trees will, therefore, help to reduce road carnage.

Both the county and national Government can take up tree planting as their project. If the tree planting project is taken up by the county government, we need to ensure the money that will be allocated for this project is used wisely. The contractors that will be contracted to plant trees along infrastructure should not be paid up front. When the Government carried the maize planting project, it paid the contractors a lot of money up front yet the project collapsed. In the tree planting project, the contractors should not be paid upfront. The contractors should be paid in staggered amounts paid in phases after assessing deliverables at every stage.

Madam Temporary Speaker, we would like to avoid a situation where a project is under the county government and a lot of money is used but eventually end up with no results. We do not want to summon people to appear before the Committees of Parliament to answer questions as to why a lot of money was set aside for tree planting yet no results are seen.

The county governments can embrace the tree planting project as their own. They can set up aesthetics departments that just deal with infrastructure to ensure that the tree planting projects are successful. Such departments can be in charge of tree and grass planting. The planted trees should not be left wild. They should be pruned so that anybody using the roads sees that the roads are neat. I visited Abu Dhabi and got impressed at how the trees and grass are green there in the hot weather conditions. I believe that the tree planting project is doable through the county governments.

I urge Sen. Kiburu to bring a Bill on tree planting, so that it is enshrined in the law of the land. The Senate will then ensure that the trees are planted in the counties because the role of the Senate is to represent the counties and their interest.

Madam Temporary Speaker, I thank you and beg to support this Motion.

Sen. Halake: Madam Temporary Speaker, I rise to support the innovative Motion by the Senator for Kirinyaga County, Sen. Kiburu. This Motion is timely. I also like the innovation and the solutions that it offers. We have set out on an ambitious programme to reforest our depleted forests to 36 per cent yet we had not thought of the how. We had also not thought of how we would achieve the forest cover. It is true that major infrastructure projects have a major impact on our trees and biodiversity.

I am impressed that in this Motion, Sen. Kiburu has offered a solution on achieving the forest cover. The solution that he has offered seems so workable. I echo the suggestion by Sen. (Dr.) Musuruve to enshrine this into law, so that a frame work exists for the implementation of the suggestions we make in this Motion. We will be more than happy to support Sen. Kiburu to make tree planting a law.

Madam Temporary Speaker, the ninth Sustainable Development Goals (SDGs) on Industry Innovation and Infrastructure is very important because in a growing population and in countries that are seeking social economic development, it is inevitable that we have big infrastructure projects be they dams, roads, railways and many other projects of the same nature. What is not adequate is the measures put in place to ensure that the infrastructure projects do not have negative impacts on the biodiversity and the communities that live there. The one thing that we must consider is that there is a difference between planting trees and growing trees. Planting trees as has been suggested by Sen. Kibiru is fine because a tree needs a minimum of three years to grow. A lot of times when we have planted trees, they do not survive the three years because after planting, we move on to other things without checking or measuring if the tree survived.

If we couple every major infrastructure development with tree planting and growing because the projects take a few years to complete, the people working on site can plant, nurture and grow the trees. This Motion on tree planting is workable. The three year period that a tree needs to survive can be achieved if we anchor our tree growing initiatives on our infrastructure development.

Madam Temporary Speaker, the biodiversity, the critical habitat and local communities are the most affected by this major infrastructure projects. If the same communities are engaged in the tree planting and growing, it will become a very sustainable way of living as envisioned in ninth SDG which requires that industry goes along with innovation and sustainable and resilient infrastructure. Currently, we have extractive infrastructure development. The Standard Gauge Railway (SGR) passed through the Nairobi National Park and part of the natural resource was lost to the infrastructure development. I do not think that we have renewed or replaced the lost fauna that was there before.

Madam Temporary Speaker, I am very happy and encouraged that this House is looking for sustainable solutions with regards to our reforestation and achieving our SDG Goal No.9 and a forest cover of 10 per cent. We, as a country, must strive to go beyond the 10 per cent because that barely covers hotspot areas or habitats for wildlife and communities that live there.

There is the notion that pastoral areas are bare since the northern part of Kenya does not have the kind of trees we are accustomed to seeing. That is not true because some places in the northern part of Kenya have more than 10 per cent forest cover. It is just that the forests are indigenous and may not look like the forests that we are used to. That said, we are on the right path.

As other colleagues have said, I encourage the Senator for Kirinyaga County to take this a notch higher. There should be a framework that puts in place how that will be done. We should be innovative. In fact, we can nominate him as an SDG champion.

I thank you, Madam Temporary Speaker, and support.

The Temporary Speaker (Sen. Pareno): I see no further request. Therefore, I call upon Sen. Kibiru to reply.

Sen. Kibiru: Madam Temporary Speaker, I would like to start by thanking Senators who have contributed to this very important Motion. We have Sen. M.

Kajwang' who seconded the Motion and other Senators including, Sen. Halake, Sen. Ndwiga and the rest.

I picked a number of issues that we shall address. One critical thing that has come up, and I like what Sen. Halake has said, is that we need to address the issue of "how." The idea is good because we need trees. We know where to plant trees, but the question is; "how?" As the Mover of the Motion, I intend to go a notch higher and, probably, come up with a Bill which will make some of these issues mandatory.

Having said that, a few issues need to be highlighted as we conclude this Motion. For example, there is need to have a policy to ensure that it is mandatory for everybody who gets a contract, whether to put marram on a road in a rural area, tarmac a highway, or build classrooms in schools and other Government institutions, to plant trees. Infrastructure is not necessarily roads. When a Government institution or schools are built or a borehole is dug, as long as the contract is given by the national or county governments, we should make it mandatory that a number of trees should be planted.

Another issue that came up is that it is important to give incentives to people with idle land to encourage them to plant trees. We need to agree on the acreage. If someone has a reasonable piece of land, because land has been demarcated a lot, we can give incentives for people who plant trees purely for purposes of aesthetics and for other benefits that we talked about. They include prevention of soil erosion and preservation of ecosystems. For purposes of sustaining the various ecosystems, both the national and county governments need to come up with policies on incentives. I plant trees on my three acres of land and I will not cut or harvest them for the next 20 years. How do we provide incentives to ensure that people sustain trees? Incentives will encourage people to plant trees.

Sen. Wamatangi talked about planting trees where we already have infrastructural development. For example, if you pass along Mombasa Road, you will realise all the acacia trees that used to be there have been cut down. We could resolve, for example, that the Kenya National Highways Authority (KeNHA) should ensure that we have trees along the highway to Mombasa.

I believe we have tree experts in this country. For example, we have the Kenya Forestry Research Institute (KEFRI) with highly trained scientists who know different species of trees and where they can be grown. Those are some of the issues that came up during debate on this Motion and they will be captured when I take it to the next level to have a Bill.

The Government has a lot of idle land. Before it decides on what it wants to do with many parcels of land that we see as we go to the national parks or game reserves, it should consider planting trees. Both the national and county governments should take the issue of planting trees seriously. In this country, there is a tendency of people not walking the talk. That is why as a Senate, we must help our governments to address the question of "how?"

A number of issues have been raised and way forwards proposed. I believe we have captured a number of them. I promise to follow up on the recommendations made by Senators. When we will be preparing a Bill, we will follow up on the implementation of the recommendations by Senators while contributing to this Motion.

With those remarks, Madam Temporary Speaker, I request Senators to support the Motion. I thank you.

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we now proceed to the next Order.

MOTIONS

LEGAL AND POLICY INTERVENTIONS FOR CAREGIVERS OF PERSONS WITH PERMANENT MOTOR AND NEUROLOGICAL DISORDERS

THAT, AWARE that Cerebral palsy, Down syndrome, Autism and other permanent motor and neurological disorders are birth defects characterised by, among others, disturbances of sensation, perception, cognition, hearing loss, congenital heart defects, lower than average IQ, impairment in social interaction, and rigid, repetitive behaviors.

COGNIZANT that persons born with these and other permanent motor and neurological disorders face considerable difficulties in the social and behavioral aspects of their lives, including discrimination, physical challenges, mental and emotional health issues, and problems with inclusion and social isolation.

ACKNOWLEDGING the critical role that parents and caregivers of persons with permanent motor and neurological disorders play in ensuring that they realize their potential to the fullest extent possible and that they have long, healthy, and satisfying lives.

RECOGNIZING that, in taking care of these persons, caregivers make considerable sacrifices in the pursuit of education, employment, investment, and other opportunities for their own advancement and, in some cases, spend the most productive years of their lives taking care of persons with these disorders;

NOTING that most caregivers lack the training, tools and psychosocial support required in taking care of persons with these permanent disorders, are often subjected to the same stigma as the persons they take care of, and are exposed to stresses and pressure that have an adverse impact on their mental and physical wellbeing;

CONCERNED that, while a lot of progress has been made in taking care of other vulnerable and disadvantaged members of the society, equivalent efforts have not been made to recognize the important role that caregivers play, to create, through policy and legislation, a conducive environment for the provision of adequate, safe and informed care to persons with these disorders;

NOW THEREFORE, the Senate resolves that the Ministry of Labour, Social Security and Services, together with the County Governments, formulate a policy framework for the recognition, training, empowerment and protection for caregivers of persons with permanent motor and neurological disorders, including-

(a) provision of financial assistance and incentives to caregivers, including inclusion in the list of beneficiaries under the Inua Jamii Cash Transfer Programmes;

(b) provision of appropriate tax reliefs and exemptions to caregivers, equivalent to those advanced to other Persons with Disabilities (PWDs);

(c) exemption from taxes on goods and services required for the care and protection of persons with the disorders; and

(d) provision of the specialized training, psychosocial and other support necessary to engage in income-generating activities for caregivers of persons with permanent motor and neurological disorders, including accessing the quota set aside in law for vulnerable groups for the supply of goods and services to government entities.

The Temporary Speaker (Sen. Pareno): The Mover of this Motion is not here. So, it stands deferred.

(Motion deferred)

NOTING OF THE REPORTS OF THE ACP AND INTER-SESSIONAL
MEETINGS OF THE ACP-EU JOINT ASSEMBLY

THAT, this House notes the Report of the Parliament of Kenya Delegation to the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 13th to 20th June, 2018, laid on the Table of the House on Wednesday, 20th February, 2019; and the Reports of the Parliament of Kenya Delegation to the 51st Session of the ACP Parliamentary Assembly and the Inter -Sessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 9th to 11th October, 2018 and the 52nd Session of the ACP Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin, from 25th November to 5th December, 2018, both laid on the Table of the House on Thursday, 8th August, 2019.

The Temporary Speaker (Sen. Pareno): The same applies to this Motion. Sen. (Prof.) Kamar is absent. It stands deferred.

(Motion deferred)

NOTING OF REPORT ON THE GLOBAL SUMMIT
ON OPEN GOVERNANCE PARTNERSHIP

THAT, this House notes the Reports of the Parliament of Kenya Delegation on the Global Open Governance Partnership Summits held in Tbilisi, Georgia, from 17th to 19th July, 2018, laid on the Table of the House on Wednesday, 20th February, 2019, and in Ottawa, Canada, from 29th to 30th May, 2019, laid on the Table of the House on Thursday, 11th July, 2019.

The Temporary Speaker (Sen. Pareno): Hon. Senators, the Motions in Order No.11, No.12 by Sen. (Dr.) Ali, No.13 by Sen. Poghisio, No.14 by Sen. Kihika and No.15 by Sen. (Dr.) Ali cannot be processed today as the Movers are not here. Therefore, they all stand deferred.

(Motion deferred)

NOTING OF REPORT OF THE FOURTH AND FIFTH
PARLIAMENT OF THE PAN AFRICAN PARLIAMENT

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan - African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018; the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18th October to 3rd November, 2018, laid on the Table of the House on Tuesday, 12th March, 2019; and, the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament, held in Midrand, South Africa from 6th to 18th May, 2019 laid on the Table of the Senate on Tuesday, 10th September, 2019.

(Motion deferred)

NOTING OF REPORT ON THE 3RD STATUTORY MEETING OF
THE FP-ICGLR COMMITTEE ON ECONOMIC DEVELOPMENT

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP -ICGLR) held in Bujumbura, Burundi, from 13th to 14th March, 2019, laid on the Table of the House on Tuesday, 21st May, 2019.

(Motion deferred)

NOTING OF THE REPORTS ON THE 139TH AND 140TH
ASSEMBLY OF IPU AND RELATED MEETINGS

THAT, the Senate notes the reports of the Parliament of Kenya Delegation to the 139th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14th to 18th October, 2018, laid on the Table of the Senate on Thursday, 6th December, 2018, and the 140th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar from 6th to 10th April, 2019, laid on the Table of the Senate on Tuesday, 23rd July, 2019.

(Motion deferred)

NOTING OF REPORT ON THE UN CONFERENCE
ON CLIMATE CHANGE (COP 24)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3rd to 14th December, 2018, laid on the Table of the Senate on Thursday, 25th July, 2019.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, there being no other business, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 17th September, 2019 at 2.30 p.m., at the Kitui County Assembly.

The Senate rose at 5.50 p.m.