

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Tuesday, 24<sup>th</sup> September, 2019**

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

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

**PRAYER****COMMUNICATION FROM THE CHAIR****DECISION OF THE NATIONAL ASSEMBLY ON SENATE  
AMENDMENTS TO TWO BILLS**

**The Speaker** (Hon. Lusaka): Hon. Senators, as you may recall, the Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017) was published vide Kenya Gazette Supplement No. 142 of 18<sup>th</sup> September, 2017 as a Bill proposing to amend the Copyright Act, 2001.

Further, as you are aware, the County Governments Retirement Scheme Bill (National Assembly Bills No. 10 of 2018) was published vide Kenya Gazette Supplement No. 33 of 10<sup>th</sup> April, 2018 as a Bill seeking to establish the County Governments Retirement Scheme for employees in the service of the county governments and to provide for retirement benefits of those employees.

Hon. Senators, the National Assembly considered and passed the said Bills with amendments on Tuesday, 25<sup>th</sup> July, 2018 and Wednesday, 17<sup>th</sup> October, 2018 respectively and referred the Bills to the Senate for consideration in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders.

Hon. Senators, the Senate considered the two Bills and passed them with amendments. The Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017) was passed on 20<sup>th</sup> February, 2019. The County Governments Retirement Scheme Bill (National Assembly Bills No. 10 of 2018) was passed on 31<sup>st</sup> July, 2019. The two Bills were thereafter referred back to the National Assembly.

Hon. Senators, the National Assembly considered the Senate amendments to the two Bills on Thursday, 12<sup>th</sup> September, 2019 and passed them without amendments.

Therefore, in accordance with Article 112 of the Constitution, the Bills are being prepared for assent by His Excellency the President.

BREAKFAST MEETING BETWEEN THE SENATE  
AND OGP SECRETARIAT

Hon. Senators, I have another Communication to make. As you may be aware, Open Government Partnership (OGP) is an initiative that seeks to secure commitments from national and sub-national governments on the promotion of open government, citizen empowerment, good governance, and the fight against corruption.

The Senate, in collaboration with the OGP Secretariat in Kenya intends to host a breakfast meeting to familiarize Senators on OGP, the role of the Senate in OGP and Kenyan's commitments in this area.

The meeting is scheduled to take place tomorrow, Wednesday, 25th September, 2019 at 7.30 am in the Senate Chamber.

All hon. Senators are invited to this event. The meeting will be preceded by breakfast in the Dining Hall, New Wing, Main Parliament Buildings.

I thank you.

**MESSAGE FROM THE NATIONAL ASSEMBLY**

PASSAGE OF THE PUBLIC FINANCE MANAGEMENT  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS  
NO.63 OF 2019)

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.41(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the Public Finance Management (Amendment) Bill (National Assembly Bills No.63 of 2019).

PURSUANT, to Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

“WHEREAS, the Public Finance Management (Amendment) Bill (National Assembly Bills No.63 of 2019) was published vide the Kenya Gazette Supplement No.135 of 2<sup>nd</sup> August, 2019, and whereas the Public Finance Management (Amendment) Bill (National Assembly Bills No.63 of 2019) was passed by the National Assembly on Wednesday, 18<sup>th</sup> August, 2019 in the form here attached herewith;

NOW THEREFORE, in accordance with the provision of Article 110(4) of the Constitution and Standing Order No.41 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration”.

Hon. Senators, Standing Order No.157 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139.

I, therefore, direct that the Bill be listed for First Reading on Wednesday, 25<sup>th</sup> September, 2019.

I thank you.

Next Order.

**PAPER LAID**SCHEDULE OF CASH DISBURSEMENT TO  
COUNTY GOVERNMENTS FOR FY 2019/2020

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, on behalf of the Chairperson of the Standing Committee on Finance and Budget, I beg to lay the following Paper on the Table of the Senate, today, 24<sup>th</sup> September 2019:-

The Schedule of cash disbursement to county governments for the Financial Year 2019/2020.

*(Sen. Mutula Kilonzo Jnr. laid the document on the Table)*

**The Speaker** (Hon. Lusaka): Next Order.

**STATEMENTS**EVICTION NOTICE TO RESIDENTS OF ISIOLO FOR  
EXPANSION OF KDF TRAINING CAMP

**Sen. Halake:** Thank you, Mr. Speaker Sir. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources, regarding an eviction notice served on residents of Isiolo County by the Department of Defence to pave way for expansion of Kenya Defence Forces (KDF) training camps in the county.

In the Statement, the Committee should-

(1) Explain how community land in the affected area of Isiolo Central, Garimaya, Gambela and others ended up in the hands of the Kenya Defence Forces.

(2) They should also establish and state the size of land being claimed by KDF for expansion of the Military School of Infantry and others in the affected areas.

(3) Explain the steps that have been taken by the Government to compensate community land owners in the affected areas of Isiolo who are leaving in anxiety and fear of losing their ancestral land, homes and livelihoods.

(4) State measures put in place to prevent the use of force and abuse of human rights even as these eviction notices are being served on the communities in Isiolo.

I thank you.

**The Speaker** (Hon. Lusaka): Let me, first, welcome the Senate Leader of Majority back to the House. On behalf of the Senate, we wish you quick recovery. The beauty is that we went ahead to win all the matches.

Thank you, Sen. Dullo. Sen. Murkomen, you have the floor.

*(Interruption of debate on Statement by Sen. Halake)*

**PERSONAL STATEMENT****THANKS TO KENYANS OF GOODWILL FOR THEIR  
SUPPORT TO SEN. MURKOMEN AFTER INJURY**

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Speaker, Sir, for that very kind gesture. I would like to thank the entire Senate for the fantastic opportunity we had to go to Kitui. Unfortunately, during the first activity, which was a football match, I fell and was injured out of football enthusiasm. It was an unfortunate accident. I would like to thank the whole team led by you because you were the captain of the team on that day.

I want to thank our *Bunge* and Senate official team led by Mr. Antony Munene and the paramedics who attended to me in a very professional manner. We know many people worsen their situations during first aid because at that point in time, I could see the bone was not in the right position, but the first aid people made sure that I was not handled in a manner that was going to worsen the situation. I got to hospital, I was attended to and in five days, I was discharged. I would like to thank the doctors in Kitui and my very wonderful doctors in Nairobi who attended to me and did a very good job.

I am walking around without much pain, and this is life. I am looking forward to another three months under the advice of the doctor to play football because all of us love this game. Most importantly, I learnt that it is important that we have devolution.

Mr. Speaker, Sir, this House must congratulate itself for fighting so hard for resources to go to the counties and ensure that health facilities in the counties are working. We want other young and older people in any part of this country, when they are faced with a medical situation like mine or an accident, they must be attended to. I have realized that we have some of the best doctors in the public hospitals in this country. The most important thing is to ensure that they are attended to, the facilities have the medicine we need and we can move this country forward.

Lastly, I would like to thank all Kenyans of goodwill because we were live on television during the match. This story managed to get all over the country including how it was painful for me, whether I screamed or rolled down. When I listen to discussions involving leaders, it is like we do not have flesh and blood. People expect that when we get hurt, we will not feel any pain, we will go to the best places and get treated. We are all human beings. Being strong does not mean you do not face challenges. Being courageous does not mean you do not go through pain. That is the essence of life. I want to encourage all Kenyans and appreciate them for the support they have given me. I thank my teammates for a job well done.

Thank you, Mr. Speaker, Sir, for lifting the cup on our behalf.

I thank you and may God bless you.

**The Speaker** (Hon. Lusaka): Thank you so much, Senate Leader of Majority.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wanted to contribute to the Statement by Sen. Halake on a matter that is affecting our communities by KDF trying to evict the people of Isiolo.

Before we went on recess, there was a Petition before the Committee on Lands, Environment and Natural Resources, regarding the same piece of land and many others within the county that KDF is trying to claim.

In the recent eviction, the rights of the people of Isiolo were violated because the national Government on the ground, instead of giving them the copy of the notice, the Deputy County Commissioner (DCC) representative came and read the notice and they refused to give them a copy of the notice so that they know why they were being evicted.

Mr. Speaker Sir, it looks like we are being boxed into a corner by KDF in the whole county because we have four KDF camps within Isiolo County. On Saturday and Sunday, I was around that area, and you can imagine KDF carrying out its practice within an area that people are occupying. This is very dangerous.

Secondly, we cannot expand and this does not mean that we are against the Government institution or Government developing its operations. Where are we going to expand to as a county in terms of development? Clearly, this is a big problem. It is something that requires urgent intervention by the Committee on Lands, Environment and Natural Resources because there is a threat by the County Commissioner of Isiolo going on the ground tomorrow to mark the areas where people will be evicted. There are children who are in school, hospitals and so many other Government institutions in that area.

I had a discussion earlier with the Chairperson of the Committee on Lands, Environment and Natural Resources and I would request your office to facilitate the Committee on Lands, Environment and Natural Resources to immediately go to the ground and help the people of Isiolo so that we can get the truth of this particular matter.

I thank you.

*(Resumption of Debate on Sen. Halake's Statement)*

**Sen. Orenge:** Mr. Speaker, Sir, I also join you in welcoming back the Senate Leader of Majority. We expressed our sympathies in Kitui when the accident occurred. I hope you will still be back to playing football.

I support this Statement that has been requested by the distinguished Senator. This request is coming at a very important day when the Supreme Court of the United Kingdom has rendered a very important decision.

I know why I am relating it to the question that has been put forward by the distinguished Sen. Halake, it is that sometimes, it is lost on us how important Parliament is. The court in the United Kingdom has rendered a decision which I will table in relation to the question that is being asked and I will show why I am relating it to what I am saying. In the last six months, parliamentary democracy has been under threat. That is why we are in the Supreme and High Courts.

Unlike Kenya, where the courts are dilly dallying over this matter, within a space of two weeks, from when the Prime Minister of the United Kingdom prorogued Parliament, the matter has gone to the High Court of Scotland, in Wales and in England and the Supreme Court has rendered a unanimous decision of 11 judges. The last sitting of the Supreme Court was last Friday. Within five days, they have rendered a decision.

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Eleven judges; leave alone the seven judges that we talk about while we are having presidential elections petitions.

In relation to this request that is being made, I just want to read the part of the summary of the judgment and it is of note that the President of the Supreme Court of the United Kingdom is a lady, President Hale. She says this in considering the decision to prorogue Parliament by the Prime Minister in the United Kingdom. In fact, they say that the Prime Minister's advice to the Queen was unlawful. This is what I want to cite and then come to this request.

The second fundamental principle is parliamentary accountability. In the words of Lord Bingham, Senior Law Lord, the conduct of government by a Prime Minister and Cabinet collectively responsible and accountable to Parliament, lies at the heart of Westminster democracy. This is why this question is being asked or this request is being made. Under this principle, that this court in England is saying, that the Government is accountable and responsible to Parliament and not the other way round. Parliament can never be accountable to the Executive.

In Kenya, we are beginning to behave as if Parliament is accountable to the Executive. This is where we are getting things wrong. They say that the power to prorogue is limited by the constitutional principles with which it would otherwise be in conflict; the ability of Parliament to carry out its constitutional functions as a legislature and a body responsible for the supervision of the Executive. How many times do you think of us as being the body which should supervise the Executive? Many of us behave as if it is the Executive to supervise Parliament.

In judging any justification which might be put forward, the court must be sensitive to the responsibilities to the Prime Minister.

Lastly, the court is bound to conclude, therefore, the decision to advise Her Majesty to prorogue Parliament was unlawful. I hope the courts here will carry this spirit and make a decision on the matter that we have filed in court and what the governors have filed in court, instead of pussy-footing and dilly dallying. They are not difficult decisions to be made because we have to continue to supervise the Executive.

I want to say this in relation to the request: Mr. Speaker, Sir, there are large chunks of land particularly in the semi-arid areas that have been taken away by the Government; the Ministry of Defence and some parastatals like the Agricultural Development Corporation (ADC) in Laikipia, Samburu, Isiolo, some parts of north eastern and the coast. Sometimes, the Government thinks that because there are large expanse of empty land that, that land does not belong to anybody and so, they can just take it away anyhow. It is the life that the pastoralists have chosen to live, that is why they are in need of large expanses of land. That is why they are not in Kiambu and Siaya because they need large expanses of land.

Therefore, if the Government needs land in Samburu, Laikipia and Isiolo, it must consult with the people there and not assume that the land belongs to nobody. The incidences that have been taking place in Laikipia is because the Government just went there and took pieces of land which have ended up in the hands of foreigners. When there is conflict between a foreigner and local people, the Government tends to take the position protective of foreigners instead of local people.

I hope the Government is going to come up with a proper Statement to explain to us why the people of Isiolo should just be evicted without giving guidelines on how compensation can be paid or alternative land given. This should come quickly before there is a conflict in Isiolo.

Mr. Speaker, Sir, this is very important and I hope the relevant Committee should come with answers within the next 10 days or so.

I thank you.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I support the Statement by Sen. Halake. Early this year or late last year, this House passed a Bill that sought to ensure that there is adequate and prompt compensation for any land that the Government takes from any citizen for purposes of development in any way. We know that over the years, the pastoralists have been adversely affected by the Government's decisions because it is always assumed that unoccupied land is free and can be taken by anybody.

Secondly, it is important that such decisions that affect people--- Assuming that the Kenya Defence Forces (KDF) have genuine claim to property in any part of the country, including that part of Isiolo, which is occupied by citizens of this Republic for three, four, 10 or even 20 years – I am told that in this situation, the citizens have been living there for over 30 years – it is not fair for a government to evict its own citizens. That is cruelty on the part of the Government to violate the human rights of its own citizens.

We have raised these issues over and over again. It is not just about Isiolo, Mau or other places. When we raise these issues, the answer we are given every time is---

I like what Sen. Orengo has said. Sometimes somebody in the Executive just tells you that you are supposed to defend the Government. There is no provision in the Constitution that says that the National Assembly and the Senate shall defend the Executive. To the contrary, we must oversight the Executive. By scrutinizing and oversighting the Executive, we are helping them to do better. In fact, those of us on the majority side have a greater responsibility to ensure that decisions of the Executive are properly scrutinized and implemented in a manner that makes the Government to look good.

I would like to tell Sen. Halake, Sen. Dullo and others on this side not to be scared by anybody if they stand by the truth. They should never let anyone lie to them that they are anti-government when they speak the truth. As the Senate Majority Leader, I have given them the license to do so. The Government of Kenya will benefit more if we raise the flaws being committed by junior officers and persons serving in various offices of the Government.

**Sen. Wetangula:** On a point of order, Mr. Speaker Sir. Is it in order for the Senate Majority Leader, who is speaking very well on the excesses of the Executive, to arrogate himself the same excess by purporting to give a license to Sen. Dullo and Sen. Halake to speak against the Government? Under what authority does he have the capacity to license Members to speak in this House?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, as you can see, no one is complaining on the Senate Majority side. This is because they know their

leader is speaking, and I must lead by example. If I behaved like leaders in other Houses who attack, intimidate, and threaten legislatures because of what they said, then this House will not have the benefit of the wisdom of the many men and women sitting on the majority side. I am not saying that that license is given by virtue of constitutional or legal mandate. However, I must lead by example by encouraging my colleagues.

**The Senate Minority Leader** (Sen. Orengo): On a point of order, Mr. Deputy Speaker, Sir. Is it correct for the Senate Majority Leader to persist by saying that he has given them the license? Would that not be in contravention of Article 117(1) of the Constitution which provides that there shall be freedom of speech and debate in Parliament with or without the Senate Majority or Minority Leader? This is also good for the other House. If they are being misled, they should know that these provisions exist

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, Sen. Orengo read Article 117(1) but did not read Article 117(2). Article 117(2) states that:-

“Parliament may, for the purpose of the orderly and effective discharge of the business of Parliament, provide for the powers, privileges and immunities of Parliament, its committees, the leader of the majority party, the leader of the minority party, the chairpersons of committees and members.”

There should be a certain order in Parliament because even in an orderly conversation in the House---

**The Speaker** (Hon Lusaka): Order, Sen. Murkomen. Let us listen a point of order from Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr:** I am beginning to think that Sen. Murkomen got more injuries. Is it in order for him to suggest that in Article 117(2), the words; “provide for the powers, privileges and immunities of Parliament” and “the leader of the majority party” are one and the same thing?

*(Laughter)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker Sir, so that we do not prolong a debate that is not there, it is important to have this kind of discussion in the House. The reason why Article 117(1) on freedom of speech and debate in Parliament was put there is because in the past, people were being recorded and reported for the things they say in the House.

Unfortunately, though it does not happen in this House, it is still possible to hear cases of intimidation and harassment in other Houses. Therefore, freedom of speech is enjoyed in the House but freedom after speech is not enjoyed by everybody. That is why it is important to continue encouraging one another.

As I said, Sen. Halake is doing a fantastic job by speaking on behalf of the people. I say this because there has been a lot of bashing and castigation that Members of the majority side should not speak on behalf of their constituents when there is maladministration on an issue. All of us here represent our constituents. They are the first priority before we aid and abate such a process.

I agree with Sen. Orengo that we need to take our job seriously. The Committee that will investigate this issue must get to the bottom of it and come up with a serious report, so that petitions and statements being sought by Members do not become

questions that are submitted to a person in the Executive without Members themselves visiting the site to interview the citizens of this Republic and deal with the stakeholders because it is important that we do so.

Lastly, I cannot understand how the Supreme Court of the United Kingdom (UK) reversed a decision of a Prime Minister who is an advisor to the Queen. The monarch is incomparable to any leader in this part of the world. They made a decision, wrote the judgment and delivered it.

On 15<sup>th</sup> July, 2019, governors went to the Supreme Court to seek an advisory opinion on whether the Division of Revenue Bill was passed constitutionally. That is a direct question that does not need certain complications. They did not need to go to the High Court or the Court of Appeal. We are two-and-a-half months down the line but the decision has not been rendered. These are some of the things that should encourage our Supreme Court and courts in general to be courageous and make decisions that will ensure that justice is not only seen to be done, but it is done.

I thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, I can see a lot of interest. Let us try to keep it brief so that everybody gets a chance to contribute.

**Sen. Wetangula:** Mr. Speaker, Sir, I support Sen. Halake's Statement. Kenyans sighed with relief when the new Constitution was promulgated. They believed that injustices were going to be corrected and that no more injustices would be meted on Kenyans. If you look around the country, you will realise that a few individuals appropriated public land and community land to themselves. That has happened in Laikipia, Isiolo, Taita-Taveta, the entire Coast region and the Rift Valley. Those people gave themselves title deeds and transformed themselves and their families to multi-billionaires from street workers.

Today, we have been told of the problem in Isiolo. While we appreciate that the army must have some places to have their camps, we are also of the view that due process has to be followed when taking land that belongs to communities or county governments. There must be proper order. The Constitution does not just talk of adequate compensation but it also talks of it being prompt. No institution of Government whether the army, presidency or whatever should be allowed to walk into any county and appropriate land without regard to the people who live in that area.

The Committee on Security, Defence and Foreign Relations was in Isiolo and Sen. Dullo showed us military installations around Isiolo Town. One wonders why the military should not put their houses and groups under one roof so as to allow the communities to use the land for grazing, having in mind that Isiolo has a fragile ecosystem.

Sen. Orengo raised an issue on justice. We spoke about it in Kitui but it is important to repeat that our visit to the prison in Kitui was a telling story on how the criminal justice system in this country has completely collapsed. It is not working. You cannot explain how somebody can be in pre-trial remand on a petty case of possession of *busaa* or theft of a goat for three years and when the cases are over, nobody takes into account the pre-trial remand.

In the scandalous case of Chicken Gate, the evidence and witnesses that were used in a court in England came from Kenya and that court found the perpetrator and his son to be guilty and they were jailed for seven years. They have served their sentences and are now at home. In Kenya, the case has not even started. Our investigations helped England convict those criminals. They sent them to jail and confiscated their properties.

The Committee that visited the prison in Kitui must have audience with the Director of Public Prosecution (DPP), the Chief Justice and the Director of Criminal Investigation (DCI) to address the issue of the breakdown of criminal justice system. I said this when we were with Sen. Mutula Kilonzo Jnr. and the rest of the Committee Members though Sen. Cherargei, the Chairperson of the Committee, was not there. If Kitui, a county with a reasonably smaller population can suffer that much, what about Nairobi, Kisumu or Nakuru? We must address these issues.

The Senate Committees should not wait for issues to be raised on this Floor. Sen. Dullo has been raising this issue for too long. Thank you, Sen. Halake, for complementing your colleague, the elected Senator for your County. We encourage you to work together to give justice a sense of belonging and fairness to your people. The people of Isiolo should own their inheritance.

**Sen. Poghiso:** Thank you, Mr. Speaker, Sir. Allow me to welcome the Senate Majority Leader back to the House. He should know that he was treated as a VIP because he has an insurance cover; he is the Senate Majority Leader and a Senator. Normally, ordinary people do not get such kind of treatment.

I support the Statement by Sen. Halake. The pastoralists now have hope because the matter has reached Parliament. They believe that the matter will be halted until it is heard and determined but is that going to be the case? That will only happen if this House facilitates the Committee that is going to deal with the military matter. I think that those people might have been disposed of their land already. For lack of a better explanation, I suggest that the Committee that is going to investigate this matter should get to the bottom of it once and for all. Their recommendations are going to speak for many other people who are not saying anything right now.

The land in Isiolo is community land. The Members of that Committee should realise that there is a way in which one can change community land to personal land or private land through the back door and this is one of the ways. Community land, which is meant to benefit all the pastoralists as grazing grounds, can suddenly become private land with title deeds and so on without notice and participation of the people. This is dispossessing people of their birth right. I would like to see people's hope in the Committees of this House restored. Those people should know that they do not have to demonstrate again because the matter has reached here and that it is in safe hands. I wish them well.

Isiolo has been literally grabbed. It seems that it was the only place available for everybody to take their piece. People are being kicked out as others divide the spoils of land. I wish the Committee well and hope that they will get to the bottom of this matter.

**The Speaker** (Hon. Lusaka): Could we hear from Sen. Mutula Kilonzo Jnr.? Let us keep it short.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. I have seen the Statement requested by Sen. Halake. Sen. Halake, Sen. Mwangi and I sat in the Mediation Committee on the Land Value Index Laws (Amendment) Bill, 2018 which, ostensibly, was an attempt to amend the Land Acquisition Act where the National Assembly shamelessly approved a law that would allow the national Government to take over land and pay in instalments or pay later.

When we went to Kitui County, it was my hope that Sen. Mwangi and his Committee would visit the people of Makueni whose land have been taken by the Government in the last two years and they have not been compensated on the pretext that they are building a highway. There is no proviso taking away the right to property under Article 40. What Kenya Defence Forces (KDF) is doing is an extension of the bad habits of the National Land Commission (NLC), the Ministry of Land and Physical Planning and the Government by extension.

I had a discussion with Sen. Murkomen and we said that when a country gets to a stage like this, we have to challenge the Supreme Court and the High Court on matters of this nature. There is a problem when Parliament becomes impotent and the Judiciary puts its tail in between its legs.

We must never forget the Committee where Sen. (Prof.) Ongeru, Sen. Orengo, my late father and others sat. It was tasked to deal with Agenda No.4, which is land reform. We must always give value to the land that people own. That is the point where you will agree with Sen. Murkomen that you must compensate people and treat them well before you remove them from land which they have been occupying.

I do not know who will save this country or whether we have enough resources to enable the Committee on Land, Environment and Natural Resources led by Sen. Mwangi Githiomi, the former Public Investments Committee (PIC) Chair and former Member of Parliament for Kipipiri Constituency, to challenge some of these issues to the extent that, first, there should be an injunction to stop evictions. The people of Isiolo - Sen. Halake and Sen. Dullo, champion of human rights - get Mr. Okiya Omtatah.

So that I bring to your attention that the security agencies of this country are not above the law, there was an amendment to The Public Audit Bill brought here by the President through a memorandum under Article 115. What was the intention? It was that the security forces of this country would be removed from public audits, where they would choose when to be audited and who would audit them. The court ruled that, that provision was against the Constitution and it was nullified.

The Kenya Defence Forces (KDF) is not above the law even if they are carrying weapons. Therefore, I think that an injunction would do well, so that the Committee can have peace and quiet of going to Isiolo. Give them the helicopter that you have so that they can land there quickly and the Senate can show face. At least, impunity must be given a dose of medicine from this Senate.

There are words that Sen. Orengo repeated on the Floor of this Senate; that if you do not stand up to be counted - I have said this before - the Executive will not vote for you when you are being challenged by the people of Isiolo for not defending them.

Thank you, Mr. Speaker, Sir.

**Sen. Kinyua:** Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I want to start by saying that the sovereign power belongs to the people of Kenya; it is not in institutions. I stand to support the Statement by Sen. Abshiro Halakhe because the KDF has the habit of taking people's land. In a village called Kiamburi in Laikipia County, they have taken our land. That land belongs to the ordinary citizens, and we are now being treated like Third Class citizens.

We want to ask the Committee that will be taking that responsibility to move with speed because it is only in this Parliament where we are looking to have our justice done. The KDF are feared by every other person because they are the people with the ammunition. Unfortunately, the Constitution states clearly that the power belongs to the people of Kenya, whether you are rich or poor. It does not belong to any institution. It belongs to the people of Kenya and we made a decision that if the land belongs to us, the people of Kiamburi, we want it back. We may be very poor, but we need our land back.

I would encourage the Chairman and Committee responsible not to be intimidated or fear anybody. All they need is to read the Constitution, and we must be given what belongs to us.

Thank you, Mr. Speaker, Sir.

**Sen. (Dr.) Ali:** Thank you Mr. Speaker, Sir. I support this Statement. It is unfortunate, for people who do not know, that Isiolo is literally a military camp. When you come from Meru, you will pass through military camps all along. When you go towards Wajir, there is another military camp. Along the other road that leads to Marsabit, there is another military camp. There is a school of infantry, school of combat, school of artillery and Anti-stock theft training. Anybody with guns has a training camp in Isiolo.

For those of us who have worked in Isiolo and lived there, we get shocked during weekends. The town is filled with soldiers. If they proceed to do what they are doing, then I do not know where Isiolo will be.

When we proceed from that, the so-called LAPSSSET has literally taken the little arable land that was there. There is a place that was for Livestock Marketing Board (LMB) before, which has been taken over by LAPSSSET. So, Isiolo which was already compressed by Meru County, which was just a small place--- You can see the way Isiolo looks on the map. It is a very small town surrounded by Meru County. If they take the little that has remained, I do not know where all the nomads will live.

Mr. Speaker, Sir, I think Isiolo needs to be assisted here. The Committee led by Senator for Nyandarua, Sen. Mwangi Githiomi, who is my old friend and a brave man should stand up to the KDF and the Executive. The Executive is seriously misbehaving, from whichever angle you look at it. Everything that they do is wrong. The National Assembly, as we have already said, is a puppet. I do not know what they are. They have been 'captured,' as Sen. Wetangula said. Therefore, we should not fall for that. The Senate should stand up to be counted. We need to show that we are supporting the people of Kenya wherever there are injustices.

Thank you, Mr. Speaker, Sir.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. I have two quick points to say on this matter. First, I congratulate my colleague, Sen. Halake, for bringing to the attention of the Senate this very grave matter that affects her constituents.

What is government? Sometimes I fail to understand, especially on days like these when we hear that the Government has shown up at a particular place and asked everybody to leave. I thought to the best of my knowledge and all the civics that I know that government is the people. There is no day or force of law that an institution that has been put in place by the same people can have more authority than the people who put it in place.

We are increasingly seeing this habit where certain organs or institutions in Government appear to enjoy unilateral power over every other institution in this country. I am happy that at least as an institution, we are beginning to speak against this. Some of us for the last few months have been arguing and standing our ground on the rule of law.

When they formed that kangaroo thing that they refer to as the multi-agency taskforce that is showing up in people's homes and demolishing, we said: "Well, you may have a justified case against individuals whose homes or property you are bringing down, but, please, follow the right procedure." It is good that most of our colleagues are beginning to agree with us that we cannot support impunity in any other way.

Secondly, our work is simply to legislate, oversight and represent our people. Unfortunately, on many occasions, we are obsessed with legislating. We concentrate on how many Bills we have passed. That is why even when we have Statements like this, we feel as if there is need to hurry and conclude a particular matter, so that we can discuss Bills. I do not think we lack adequate laws in this country for us to continue generating more. In any case, what is the motivation to do additional laws if the ones that are in place are not being respected?

I think it is important for us to retreat and consider the other two duties that we need to be carrying out as an institution of representation and oversight, such that we take up a particular issue and follow it to its logical conclusion. I heard the sentiments that were raised earlier about what the judiciary needs. I think instead of faulting the judiciary, let us first fault ourselves as Parliament. The truth of the matter is that we have not lived up to the expectation of Kenyans.

Kenyans believe in their Parliament. They believe that so long as a particular matter has gotten to the Floor of the House, there needs to be a solution. Unfortunately, we know that, that is not the reality. On many occasions, we would pick up an issue like this, raise all the fury and fire about whatever institution and individuals that are found to be afoul of the law, and that is where it ends.

I think we need to pick up issues like this and ensure that within the shortest period of time--- As we are congratulating other institutions for having done their work expeditiously and delivered rulings in the shortest time, what prevents us, as an institution, from ensuring that when a colleague brings up a particular issue that affects their constituents, we conclude the matter and issue directions within five to 10 days, which by force of the Constitution, are similar to directions issued by any court of law in this country?

Mr. Speaker, Sir, I therefore, urge the Committee on Land, Environment and Natural Resources that is chaired by the Senator for Nyandarua County, to ensure that at least in the spirit of what has been discussed this afternoon on the need as Parliament, to

do out work more expeditiously, that they use this as an example and ensure that citizens of Isiolo County get justice in this issue.

**Sen. (Eng.) Hargura:** Thank you, Mr. Speaker, Sir. I thank Sen. Halake for bringing up this issue. As pastoralists, these are the kind of injustices that we have been enduring all this time.

This country has always had laws. After we got Independence, we had laws. Community land has been under county councils. There have been laws like the Trust Land Act to give them direction on how to administer that community land. If it was to be taken over by any other institution, there must be a way of having that land transferred. To my understanding, it always had community involvement.

The unfortunate situation like this one is where those laws are not followed. You end up with Government institutions, private organisations or individuals acquiring community land without following due procedure. We have a serious case in Marsabit County where a private developer acquired 150 acres of community land when the law is there but it was not followed.

I would like to concur with my colleagues who talked about the Judiciary not standing up to their expectation because a community went to court. It was very clear because from the way they presented their case, that the law was not followed; it reached a point where a three-judge bench recused itself because it did not have the spine to make the right decision. So, even when you go to court where you think you will get justice, you have a case of judges literally running away from making the decision. That is why it is now left to the Senate to make those bold decisions and see whether they will be implemented through.

Mr. Speaker, Sir, Isiolo County is a small county but it has four military camps, as Sen. Wetangula said. It is suspect, now that the communities are trying to register their lands under the Community Land Act, is when the military is producing papers saying that they own the land and that the communities occupying it should move. Why did they not say it all this time? If they acquired the land in the 1970s, why did they not evict the people then?

I sit in the Committee on Land, Environment and Natural Resources and as a Committee, we have to take it upon ourselves, follow it through and quickly come up with the facts and then from there, we will see who will fail to implement the decision of this House.

**The Speaker** (Hon. Lusaka): Finally, Sen. Farhiya.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me the opportunity. I also thank Sen. Halake for bringing this Statement.

Sometimes I wonder whether we should split the Committee on Land, Environment and Natural Resources and double their numbers so that there are enough people to handle the issues brought to this House by Kenyans who think that this House has an answer to their problems, so that the Committee can tackle them. I think about two-thirds of the issues that come to this House belong to the Committee on Land, Environment and Natural Resources. That shows how important land is to the people and how people are mistreated in terms of their rightful ownership.

Let me also bring to the attention of this House that pastoralism is a way of life. A pastoralist is vulnerable, whereby if there is drought in one year, all his livelihood can be wiped out. Those people do not need an extra burden because they already have enough to deal with. It is unfair for an institution of Government to bring more suffering and undue problems to the pastoralists.

Mr. Speaker, Sir, pastoralists, just like everybody else in this country, also have rights including the right to their communal land. If the Government wants to take that land, they should give these people alternative land to graze their livestock. Failure to which, they should also be compensated to enable them eke livelihoods elsewhere.

I think this issue needs a quick resolution and this House should not take it lightly. We should be counted as a House that defends the people who are defenseless.

Thank you.

**The Speaker** (Hon. Lusaka): Next Order.

## BILLS

### *Second Reading*

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO.39 OF 2018)

*(Sen. Dullo on 6.8.2019)*

*(Resumption of Debate interrupted on 6.8.2019)*

We are resuming debate on this Bill. The Floor is open.

Sen. Orengo, proceed.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I support this Bill from the outset and congratulate the Senate Majority Leader for bringing it.

Often when we are awarding National Honours which are done yearly, sometimes the process does not give account to those who live or come from particular counties and have done sterling jobs or work without notice. This Bill gives an opening for those who are working at the grassroots in counties to be awarded honours. This is very good. There are many people out in the counties doing fundamental work not only for their counties but for the nation as a whole. Since the process undertaken nationally does not normally have their radar out there picking out such people, this Bill by the Senate Majority Leader will fill this void.

I hope that instead of following the footsteps of how we award national honours, counties will use a yardstick that has integrity and that will fulfill the purposes of this Bill.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Please, let us consult in low tones.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, just for purposes of reminding ourselves what the main objective of this Bill is, it is contained in the preamble. It states:

“An Act of Parliament be enacted to establish a County Hall of Fame in each county as an avenue through which the county government shall bestow honour on individuals within their respective counties, acclaimed as being outstanding, exceptional or illustrious in any professional activity to provide a framework for the preservation of the history, heritage and culture of counties and for connected purposes.”

Mr. Speaker, Sir, this Bill has two components; one is to award individuals who have done well in those counties and on whom honour should be bestowed but also to provide a framework for the preservation of the history, heritage and culture of the counties.

As we are aware, culture is also an important feature in our Constitution. The protection of languages and cultures is an aspect which is addressed to some length in our Constitution. I hope this will serve a very important purpose. However, when we have the Third Reading, we will have some provision on how those who bring dishonour after being awarded honours by the counties can be removed from the hall of fame.

In Hollywood, they have a process to ostracize a person after being conscripted to the hall of fame. That is important because we have many people in the country who have been accorded all manners of national honours. However, some of them have been convicted with very serious crimes but they continue to hold those honours. I hope during the Committee of the Whole, before the Third Reading, we will have provisions brought on board to ensure that those who bring dishonour can be removed from the hall of fame. That is an important consideration.

We know how counties are run and the way governors present themselves. If they have a say in awarding honours to themselves and those who work under them, this Bill may bring more dishonour than honour to the counties. I hope we will have a mechanism to ensure that the process is not misused or abused.

Sometimes when you go to functions in some counties and there is a public speaking instrument like the one we have here, sometimes there is no rostrum and a special public address system. However, as soon as you finish speaking, you will find a governor having invited a special guest who is not qualified to use the same rostrum and the public address instrument set aside for the governor using the same but it was not provided to you.

I have been with the Senate Majority Leader in some functions where governors are. When you speak, you do it from an ordinary rostrum. I have also seen the Speaker treated so at a particular event. As soon as you finish, when it is the governor's time, they quickly get a podium with too much protocol. That is bad manners.

I think Sen. Wamatangi has more honours than some people who hold some positions in Kiambu County. However, he is not honoured in a public function. I am just saying this because of the way county governments behave. If they have an instrument like this, those who will be awarded honours are likely to be people who do not deserve.

I have seen the way the Bill is structured. There was public participation and there are other people who will have a role in trying to identify those who deserve to be awarded or bestowed with such honours.

Mr. Speaker, Sir, I also hope that this will give inspirations to some counties which produce some Kenyans of excellence who are not noticed by the national Government or national institutions but have brought more honour to Kenya than people who have many honours and medals bestowed upon them but they do not deserve.

I have a feeling that those in elective positions should not be awarded honours until they leave office. Those in the military and the public service who have served with honour can be bestowed with the honours as they serve and in the hope of doing better. For those in elective offices like us, the honours should await when the tenure comes to an end and when we retire from public life.

For example, yours truly here, even with the length of time I have served, I should not be honoured until I decide to retire completely. You will find the same people who hold leadership positions at the national or county level being bestowed upon such honours and distinction.

We were talking about the late Joe Kadenge deserving an honour only after his death. Such people should be remembered at the county level before we bestow titles to Senators and governors and their spouses and so on.

Mr. Speaker, Sir, without saying more than that, I support this Bill.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, first and foremost, I would like to thank Sen. Dullo for moving this Bill in my absence. I also want to state that this Bill did not come from the Executive. It was the work of Sen. Sang, a former Senator, who is now the Governor of Nandi County. He brought it as a Private Member's Bill.

He did a fantastic job in drafting this Bill. It was part of the rubric of the legislation that was sent to the National Assembly but collapsed. It was not passed by the National Assembly until the previous Parliament was prorogued. I hope that this time round, it will not be the same story, so that we do not keep one piece of legislation for over 10 years going through the same process again because this legislation is important.

Mr. Speaker, Sir, since we made our contribution then, I will be brief in my contribution.

First, the idea of this Bill is to create an entity, building or site that citizens can visit. It will be like a museum that people can visit and find the names of people who have or were awarded honours, for example, by Elgeyo-Marakwet County. That is not a joke. That is something that happens in many countries in the world. The practice is popular in the United States of America (USA). Musicians, basketball players and Hollywood actors are awarded honours following a process that takes time.

A few of us were in Tennessee State to attend a conference of over 6,000 legislators from all over the world. Over 5,000 of them were from the USA. We were eight from the Senate and 14 from the National Assembly. However, there was a story that we were 90 and went there just to have fun and be entertained by Dolly Parton. She was there but as a chief guest.

One thing that is never said is that the USA recognises citizens who have made contributions to the nation. Dolly Parton was not there as a musician but as a promoter of literacy among young people across the USA through a foundation she established that ensures children get the opportunity to read. In fact, what we should think about as a country is how to promote literacy. With the Competency Based Curriculum (CBC), we can promote literacy beyond the desire to do examinations.

Mr. Speaker, Sir, if you remember, since you were there, the Governor of Tennessee gave way to Dolly Parton. She was recognized in Nashville and a street named after her. Those are the things we need to do; to provide a forum that will encourage citizens in our counties to want to do good for humanity. For example, if you do good, you will be inducted to Iten or Elgeyo-Marakwet Hall of Fame. Your name will be there because of the things you have done.

This is a very important Bill, and I do not know why our brothers and sisters in the National Assembly delayed it, because it provides framework. If you were to leave every county to imagine or think whether or not they want to have this, they may never think. There are so many things that we have planted in our counties through legislation, for example, the County Governments Act. We have made it possible that we have a County Governments Act that provides for County Assembly Public Service Board and municipal Boards.

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

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

Mr. Deputy Speaker, Sir, my county is currently carrying out public participation on the establishment of Iten Municipality, Municipal Board and so forth. Had we not passed the law to ensure that these institutions are in place that would not been done. It is important for us to plant this seed in our counties.

Secondly, the County Hall of Fame is also important not just in recognizing people, but in protecting and promoting our history. We have a problem in our country, where we have a young population. If you tell them that the elections in 1992 were competitive; there was the Forum for the Restoration of Democracy (FORD)-Kenya, FORD-Asili, there was somebody called Matiba and Jaramogi, most of them will ask who those are. They have no idea because history is not given prominence.

One of the things I totally disagree on with the Deputy President is his assertions in public is that the history of Vasco da Gama and the like is not a good subject in high school. It is important that even as children study all other courses, they must appreciate their history, whether it is science, geography; how explorations were done, who the explorers were, what they achieved; the history of medicine or what was discovered and who discovered what. I believe that history is very important.

This County Hall of Fame is important in collecting and preserving the history of a people in a particular county. If we wait for the national Government to be the only people who will collect and preserve the history of this country, the Bukusu nation may never have an opportunity to come to Nairobi and work on their history. However, when

you are in Bungoma County, it is easier to preserve the history of the Bukusu by the Bukusu people in their locality.

It will become easy for a Marakwet to travel to Bungoma to read the history of the Bukusu people, because there will be a Bukusu or Bungoma Hall of Fame that captures the history of the people of that place. The same will apply to Elgeyo-Marakwet. If you want to know who the endos, Kapchamutwas, Sengwer, Sambirir, Chepkoria and so forth are, you will get that information from the county hall of fame.

History will be preserved by the recognition of different persons in that region that have made an impact in so far as the issue of establishment of the County Hall of Fame is concerned. This is extremely important in the preservation of history.

Thirdly, it is important in so far as the education of our people is concerned, so that our children can be educated through the knowledge they derive from this County Hall of Fame. It also preserves the culture. If you go to Elgeyo-Marakwet County, you will find that the artefacts that were used for cooking, when going to pay dowry; the tools and equipment that were carried and how they used to brew *busaa* or other kinds of brews, are fading away. In fact, the closer you are to Nairobi, the lesser your culture is preserved.

Using this mechanism of County Hall of Fame and these processes, you recognize people who have established, protected and promoted culture with cultural equipment and artefacts. For counties like mine and other counties in the North Rift; the county of Geoffrey Kamworor, Eliud Kipchoge, Moses Kiptanui, Vivian Cheruiyot, Janet Chepkorir and Pamela Jelimo--- The other day, I was asking someone if they know Pamela Jelimo and they could not even remember that there was a young girl who won millions of money in the Golden League. Unfortunately, some other characters took advantage of her and messed up her life.

My point is that if you ask anybody who is likely to be inducted to the Elgeyo-Marakwet County Hall of Fame, the leading people will be athletes, not just by virtue of winning medals, but also leading a life that is exemplary after winning those medals. This is because it is not enough to win one, two or three days. There are people who have broken world records and won many titles, for example, David Rudisha and Ezekiel Kemboi. These are people that should be recognized because of inspiring others. Moses Kiptanui, the coach of Ezekiel Kemboi, has inspired and trained so many athletes. I know him very well; a man who is a leading businessman in Eldoret Town. This kind of people must be recognized.

Mr. Deputy Speaker, Sir, what I like about this Bill is the fact the selection committee is objective. Although the governor and the county executive have a role, the selection panel is composed of persons who are expected to do an objective job.

Assuming this selection panel failed in their duty, the law itself provides for oversight of this selection panel. The selection panel has the clerk of the county assembly, the County Executive Committee (CEC) Member, chairperson of county public service board and two public officers nominated by the county public service board. What is missing that we should amend? I conceded earlier that although it is the Senate Majority Leader who is moving this Bill, it is moving as it was moved then by Sen. Sang, and it failed somewhere in the National Assembly. One of the groups that

should be added in this important selection panel is, perhaps, a representation of the Members of the County Assemblies (MCAs).

The process of identifying those who are recognized in this County Hall of Fame selection membership is also transparent. There is an advertisement, opportunity for people to apply and public participation, so that it is not left to the decision of few people.

Sen. Orenge raised a very important issue in contribution to this Bill; that unfortunately, even though we are fierce defenders and promoters of devolution, we know that many governors--- I keep watching Gov. (Prof.) Anyang'-Nyong'o, Gov. Sang and Gov. Kiraitu Murungi because all of us sat here when we were passing this law about titles. Most of us said that we were not interested in being called "His Excellency So-and-So."

I would want to talk to Sen. Linturi, who I am happy to see back to the House after the unfortunate incident that he went through. I want to have a conversation and ask him how Gov. Kiraitu Murungi is now compared to his contributions when he was a Senator in this House. I want to see Sen. Cherargei to ask him how Gov. Sang is compared to his contributions in this House. The same applies to Gov. (Prof.) Anyang'-Nyong'o, who was a very serious promoter of modesty as a means of promoting ourselves as governors. I know Sen. Mutula Kilonzo Jnr., Sen. Cheruiyot and maybe you, Mr. Deputy Speaker, Sir, tomorrow may become governors---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senate Majority Leader! That is the work of the Independent Electoral and Boundaries Commission (IEBC) to declare who becomes what.

**The Senate Majority leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I am not allowed to challenge---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I took notice that you started with the distinguished Senator of Kericho and for a good reason. He is not disputing.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, you know why I am saying this because we were here when some of our brothers left to be governors. They promised to be different, nice and when they are called to come to Senate they will do so running. They said when there are issues that must be dealt with between Senate and counties, they would respect the position of the Senate and Senators. Six of them were elected governors Therefore, we must audit whether we have achieved what they promised here.

Mr. Deputy Speaker, Sir, if the six retain their seats and we have another 10, it means we will have 16 governors from this House. We must be held to account using the contribution we made in this House, including other things that I do not want to say on record, which you know. Many Senators here say that when they become governors they will promote the institution of the Senate and the senatorship.

Mr. Deputy Speaker, Sir, as Sen. Orenge rightly said many of our governors emphasise their titles and positions at the expense of delivering services to our people. Even friends and people we know we supported to be in those offices, suddenly have changed. This is an executive office that has public resources. Suddenly, this makes people grow larger than life and take positions they do not deserve. The insurance in so far as them appointing their protégés, sidekicks or political supporters without following

due process. People will be asking why others have not been appointed. We must follow due process so that there is an opportunity for citizens to object to an individual being appointed to this Hall of Fame if they feel that that person does not deserve. If the objections are not going to be taken on record, they have recourse to the judicial processes. It is possible that the judiciary will scrutinise.

Sometimes if somebody knows that he was appointed for political expediency and now his character will be challenged in a court of law, he may say “I do not want to be discussed. I am contented not to be put in that Hall of Fame”. This transparent mechanism of establishing the County Hall of Fame is very useful.

Mr. Deputy Speaker, Sir, in addition, the persons in Clause 12 who will be inducted into the County Hall of Fame, there is also an indication of who they are. They are people who have exhibited exemplary qualities, actions, achievements of heroism, sacrifice, bravery, patriotism and leadership for the benefit of the county. They are also people who have made exemplary contribution to the county or country in economic, social, scientific, academic and public administration.

There are many professors in the universities who never get to be given Head of State Commendation (HSC) despite the fact that they have made fantastic contributions to this country. They do social programmes in their counties and still do fantastic jobs in the universities. It is important that this opportunity is afforded to the counties to recognize such great men and women for the benefit of the country. There are also people in sports, journalism, security, state officers and people who have achieved certain kinds of honour.

Mr. Deputy Speaker, Sir, there is no problem if, for example, Siaya County, as Sen. Orenge said recognizes Former President of America, Mr. Obama in their County Hall of Fame. They can say that though he is an American, he is recognizable because of history and connection to the county and also through his charitable work through human rights institutions and so forth. There will be certain people that some of us may want recognize because of their contributions. We then have the County Hall of Fame Register and so forth.

In a nutshell, this is an important Bill. As I have suggested, maybe we should add two representatives from the County Assembly in the Committee. We should also make whatever amendments that colleagues here are able to make after contributions.

Mr. Deputy Speaker, Sir, because of this very important contribution, I congratulate Sen. Dullo for moving the Bill in my absence. I request our colleagues to also pass it. As you can see there are no many amendments to this Bill. This is because in the last session, we did thorough amendments to it. If there is further wisdom that will have ensued from these people, we can add to it. As I said, one of the reasons why it is a fairly clean Bill is because it went through all the processes in last term. However, because the Standing Orders require that we scrutinize this law from the beginning, there is nothing wrong with adding more provisions that are beneficial to the country.

With those many remarks, I beg to support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us have the distinguished Senator of Makueni County.

**Sen. Mutula Kilonzo Jr.:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Bill. Sen. Murkomen is right, that Sen. Sang, now governor, played a big role together with the Senate Committee on Justice, Legal Affairs and Human Rights, where Sen. Murkomen, Sen. Dullo and I, were Members of that Committee. The value of this Bill cannot be gainsaid. I will make a few examples of things I think we can do.

I was very surprised when Sen. Malalah invited me to speak to the County Assembly of Kakamega about a month ago. Inside the building where the assembly sits, is a bronze plate of the people from Kakamega who fought in the First and Second World Wars. However, when I was there, I heard them saying that the building is too old. They wanted to abandon it and possibly demolish it. To me, it is a misunderstanding of what this should be.

Sen. Murkomen, Since they have not provided for this, what caveat do you put for the soldiers of Makueni who fought in the First and Second World Wars when the Committee that is sitting consists of the governor and executive committee member who possibly was born so many moons after the soldiers of the First World War? There must be a caveat. To what extent can we recognize people? To make this a prospective law that will recognize people going forward and not backwards. I think is an enormous mistake.

When Governor Kibwana was being inaugurated and I, thereafter, spoke to the County Assembly of Makueni, I told them that there was a man who was 107 years who was a chief in the 1940s. He was the person who gave me the minutes of the 1962 Boundary Commission that went to sit in Lancaster and came up with 116 constituencies, 41 districts and eight regions. That old man had the map of Kenya before and after Independence as big as this table. I told them that this gentleman should be recognized.

When he came to my office and gave me stories as to why Mtito Andei and Tsavo River are called so and their meaning, I decided to call a cameraman and told him to continue talking. He was recorded for 45 minutes speaking continuously about the history of Ukambani and the province as it was then. The gentleman died earlier this year with no recognition and possibly there is an unmarked grave somewhere. The history that we would have learnt from him has disappeared.

When Hon. Sang was a Senator, we visited the Talai Clan, a small clan in Nandi County that Koitalel Arap Samoei came from. It is a very small clan among the Nandi. However, for some strange reason, they are treated as outsiders yet the clan produced a soldier. You would imagine that you would go to a museum in Nandi County and find Koitalel's writings or something that he did.

I am glad that the Senate Majority Leader has identified scientific research as part of the recognition. I took time to visit the British Library. When you go there, there is a statue of somebody bending with a compass. His name is Sir Isaac Newton. When I went to the library, I saw his writings. I also saw handwritten works of Shakespeare, the original Bible and the 1215 Treaty that is written on a scroll and placed in a vault.

In my visit to the State of Maryland, I found the resignation letter of George Washington, from a soldier to a civilian, before he was installed as the first President of America. The letter is in a nice little box in the Assembly of Maryland. I was told that the handwritten letter with its amendments was bought by the Government for US\$1 million.

Other than the athletes in Nandi and Uasin Gishu counties, are there other people that should be recognised?

Recognizing people as heroes is not enough. For people like me who did not know him, the only semblance of Muindi Mbingu is a statue at the junction to Mombasa that was done by Gov. (Dr.) Alfred Mutua in his usual theatrics. That is it. *Hakuna kitu kingine*. The same thing can be said about Paul Ngei who was one of the Kapenguria Six. The only thing we remember about him are his bankruptcy proceedings and the fact that he died a poor man on a wheelchair. There is no recognition for his role in the struggle for Independence. I am sure if you go to other counties, you will find one or two people who contributed immensely.

About a month ago, I attended a meeting with the Cabinet Secretary (CS) Mr. Tobiko in Mbooni where we launched the Mbooni Sub County Forest Association to try and intervene on logging in forests. A gentleman who was possibly 90 years old told us that he fought during the First World War. He said that they were evicted from Mbooni Forest by a *mzungu* who I cannot remember his name so that trees are planted. That is why we have trees on the hills in Mbooni Constituency. The man died three weeks ago and that is the end. For this Bill to make some sense, we should find a method of going as far back as we can remember the Kenyan history retrospectively.

I bought a book in Naivasha authored by a man who owned Oserian Flower Farm, but he passed on recently. He was what they call in colloquial terms, Kenyan Cowboy (KC). If you read his book, you will get to know about Naivasha, the struggle for Independence, the struggle between the Whiteman and Africans and the *Mau Mau* Movement. Those are the people with the history of this country.

Unfortunately, the history is recorded in books and there is no library anywhere to get those writings. People do not know that Sir Isaac Newton was in a way crazy. He used to fall in love and his love letters are stored in the British Library. I was really entertained to read some of his writings, in his lucid moments.

Every county should set aside a certain amount of money, for example, for people to avail any tool of war that was used during the Nandi Rebellion to Nandi County Government, so that they are purchased. Residents of Makueni County, for example, could be asked to find tools that were used to sharpen knives. Those items should be collected because they form part of the history that we have forgotten.

We spent a lot of time in Kitui County. The first black Chief Justice (CJ) was from Kitui County, but there is no recognition whatsoever about his writings. I do not know whether Sen. Murkomen and Sen. (Prof.) Kindiki know that the Judiciary has set up a museum in the High Court. You will find the original order that had Dedan Kimathi arrested. It also contains some of the works of the court even in pre-independence.

When you go to the Commonwealth Parliamentary Association (CPA) room just ahead of this Chamber, you will see a scalpel that was donated to us when construction of this building began in the 1900s. It is just lying there loosely. There is a photograph that was donated to the first President of Kenya too which also lies there loosely. If I were asked, first of all, we should find a retrospective operation of this law to recognise people who contributed in some form, in terms of bravery, heroism, scientific researches, academic, *et cetera*.

Prof. Okoth Ogendo is known for land laws and Sen. Murkomen is famous for using his words. Maybe if you go to his native county, you will not find any recognition. I would have his first book or first manuscript put somewhere.

I was reading a book, although fiction, but based on reality, about manuscripts of Scott Fitzgerald that were stolen and are guarded. We have handwritten notes by people who attempted to write books or books that have never and will never be published. They are there for recognition of people because they never found themselves in the hardcover, glossy paper or the list Longhorn books. This is something that we as a country must recognise.

I support this Bill to the extent that much can be done by the Judiciary, Parliament and the Executive.

Mr. Deputy Speaker, Sir, when I was moving the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.8 of 2017), it interested me to know why it is prohibited to fly the Kenyan flag in private homes. I read the Bill that made it law prohibiting the flying of flags in private home as was moved on 28<sup>th</sup> November, 1963 before Independence. I learnt that the late Tom Mboya who was the Minister for Justice and Constitutional Affairs, based his argument on the fact that the *kaburus* and colonialists were putting the Kenyan flag in toilets. The reason for the prohibition of flying flags in homes does not make sense right now. We should have such HANSARD reports at our disposal.

Other than putting this as a matter that we will leave to our counties and the Executive, we must find a way of putting the national archives and museums together in this framework so that we can work together. If there are things in the museums and the National Archive that concern Tharaka Nithi County, is it possible to move them to Tharaka Nithi County? If we do so, the people of Tharaka Nithi County can find a newspaper from 1945 of a son or daughter of theirs who did something significant for this country. I believe that is possible. The Kenya National Archives is just a building that features on our maps yet we do not know what is in there or what they do.

Mr. Deputy Speaker, Sir, we can find a method in this Bill to make it a truly national outfit so that we do not restrict Tharaka Nithi to their Tharaka Nithi issues. We can go many steps backwards to find people just like you and the contributions you made in the International Criminal Court (ICC) and the HANSARD reports that contain your contributions in this House. Those are some of the things that can be highlighted as contribution of the son of Tharaka Nithi County in the name of Prof. Kithure Kindiki who walked and made wonderful contribution on the ICC Statute. If we make such amendments to this Bill, we will be doing a favour to the people of this country.

I agree with Sen. Murkomen that the elected leaders must find a way of restricting ourselves from awarding national honours such as Elder of the Order of the Burning Spear (EBS), Elder of the Order of the Golden Heart of Kenya (EGH) and many more honours just because I happen to have been elected. We have to allow ourselves to be honoured by other people after we have left the scene and not when we are on the scene.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Mutula Kilonzo Jnr.

Kindly proceed, Sen. Halake.

**Sen. Halake:** Mr. Deputy Speaker, Sir, I support this Bill by the Senate Majority Leader, Sen. Murkomen. My reasons for supporting it go beyond the text. Beyond this Bill being a preservation of history, promotion of culture and honouring people who have excelled, it is a tool of devolution.

The role of the Senate is to protect counties and ensure that everything that accrues to people at the national level also accrues to people at the county level. That is the essence of devolution. This Bill goes to the heart of devolution and ensures that we recognize people at the county level.

In addition to supporting devolution and honouring the excellence of people in the counties, this Bill will go a long way in ensuring that we go beyond the word of mouth. Africans are known to be storytellers and our history disappears into thin air. We do not have a place that is domicile for our history, culture, heritage, honouring ourselves and celebrating what is good about our people.

Mr. Deputy Speaker, Sir, lately, all we have been talking about is the bad and ugly of corruption, forgetting that a majority of people in this country are good. There are excellent Kenyans achieving great things around the world and in this country from our athletes to artists. Our children who go abroad to study also achieve great academic results as well.

I support this Bill because it is time to start looking at what is good about us and for a moment get a break from all the negativity that is not deserved by the rest of the country. I am a conservationist. Therefore, I am pleased that this Bill talks about the conservation of our heritage, culture and the things that we have achieved as counties and the country as a whole.

Mr. Deputy Speaker, Sir, I have concerns around the selection committee. I do not want the committee to be constituted of people in the public sector. A county is more than that. A county is made of people from the private sector, the church, mosques and many other sectors. The selection committee should reflect the diversity in our counties. As people are awarded honours, it reflects the diversity in our counties. The selection committee needs to be expanded to include members from other sectors.

Public participation is very important. There are certain aspects of this Bill that we need to amend to ensure that the governor does not have a free hand in selecting and deciding where it is going to be housed. The public should have an input into the entire architecture of what this Bill proposes. That would encourage the aspect of public participation in whatever we do be it this kind of a Bill on the Hall of Fame or other things.

Mr. Deputy Speaker, Sir, we could add an aspect of museums to the Hall of Fame. We should also start safeguarding our assets, history, culture and artefacts with an aspect of selling that so that it becomes part of our culture and something that we showcase as a diversification to our tourism product. For a long time, we have been complaining that our tourism is tired with the focus on wildlife alone. With all the ensures where the animal corridors have been closed, we need to diversify what it is that we showcase to the world and our children, so that it is beyond following lions in the parks yet we have been informed that we only have 2,100 lions left in this country.

If we start to promote our culture, diversity, artefacts and museums of history in our counties, we could already diversify a very important income generating aspect through our cultural tourism and other ways that we could support and diversify other income streams for own source revenue for the counties. We do not have to stop at just collecting things and putting them somewhere or honouring people and leaving it at that. It becomes not only a source of history, but also revenue. There is also an aspect of learning and how it links to our school system.

Sen. Mutula Kilonzo Jnr. spoke about the historical heroes that were forgotten and the fact that our children learn outside history. They learn the history of the blacks, racism, the United States of America, as opposed to our own history, which is very rich and needs to be captured. This Hall of Fame becomes a virtuous circle as opposed to a place where we have something that we place there.

For those reasons, I support this Bill. However, we need to make sure that it is enhanced, so that it gives us what we need. We need the resources, historical learning, research and repository of information and place of safe guarding our culture and celebrating ourselves.

Mr. Deputy Speaker, Sir, I support.

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Kwanza, ningependa kujiunga na wenzangu waliongea hapo awali na kusema kwamba Mswada huu ni muhimu sana katika maisha yetu ya kaunti na taifa nzima. Katika Bunge la Kumi na Moja tulikuwa na Mswada huu ambao tuliufanyia marekebisho yaliyokuwa yanahitajika. Hata hivyo, kwa sababu ya wakati, hatukuweza kuukamilisha na uwe sheria.

Tukizingatia zaidi, tunaona kwamba Mswada huu unaleta sura ambayo watu wa mashinani wataweza kuhusihwa kutambua watu ambao walifanya mambo ya kutambulika katika vitongoji vyao. Hii ndio sababu inaitwa County Hall of Fame. Ni ukumbi wa watu waliobobea ambao historia yao inatambulika na wale wanaoishi katika kaunti zao.

Kuna majukumu katika Mswada huu ambayo nimefurahia sana. Jukumu la kwanza ni kuwa Mswada huu utahusisha kila mtu katika kaunti. Kwa hivyo, katika kaunti 47, Wakenya wote watahusishwa ili walete maoni yao. Kwa mfano, watasema ni nani aliyebobea wakati huo na ni kwa nini anafaa kutambuliwa. Hilo halitakua jukumu la mtu mmoja. Haitakua jukumu la gavana ama waziri wake wa *social services*. Itakua jukumu la kila mtu katika kaunti.

Ukumbi wa watu waliobobea katika kaunti ni muhimu zaidi ili kuweza kufafanua historia yetu na kuwawezesha wajukuu na vitukuu kujua wale watu waliotufanya tuishi jinsi tunavyoishi.

Tumeona katika mataifa ya kigeni kuna sanamu kila mahali. Kwa mfano, ukitembelea Ufaransa, Ubelgiji au Uingerezea utapata samamu. Wengine wetu hupenda kupiga picha na kusema: “Nilikua katika hii sanamu au ile katika nchi ya Ufaransa, hasa katika Mji wa Paris, na inasema hivi na vile.” Lakini hapa kwetu hicho ni kizungumkuti.

Itakuwa vyema kama sisi ikiwa tutatambua mambo yaliyofanywa na wale waliotutangulia kama vile nchi zingine zinafanya. Ni vizuri kuweka historia ya walipotoka mpaka pale walipofika.

Uzuri wa Mswada huu ni kwamba haujampa mtu mamlaka ya kuweka mtu katika *Hall of Fame*. Ukumbi huu wa watu waliobobea utakua mjadala wa kila mtu katika kaunti. Hakuna hata mtu mmoja atayekuwa na uwezo wa kumfuta jina la mtu fulani ambaye kamati mzima imemkubali. Itakuwa ni kamati na itakapopitisha, ndivyo vile viongozi wa kaunti ile watafuata.

Bw. Naibu Spika, nasisitiza ya kwamba wanaofahamu historia ya Mijikenda ni watu wachache sana. Watu kama sisi tulikuwa na wazee wetu ambao walitueleza vile kulikuwa, lakini hawakuandika historia yetu. Hawakuchukua hiyo habari kutoka kwa mababu zao. Baba yangu angekuwa ameipata historia hiyo kutoka kwa babu yangu. Leo hii ingekuwa akitafakari na kusema: “Mjukuu wangu, kulikuwa hivi au vile.” Naye baba yangu awaambie wajukuu wake: “kutakuwa hivi na vile.” Sisi kama Mijikenda tulikosa hayo yote. Tukiulizwa ni kwa nini tunaitwa Mijikenda au kitabu chetu kiko wapi, hatuwezi sema. Tunaweza kukumbuka vigango vilivyochukiliwa na wazungu na kuturudishia baada ya kutuonea huruma.

Kigango ni kile kitu ambacho kinatumika wakati wazee wameketi jioni baada ya watu kuota ndoto mbaya ama kuwa wabaya. Wazee hukaa na kuongea, kumwaga pombe ya mnazi na maji kidogo na kuwaambia watu wasirudie kuwasumbua. Tuonaona wakifanya mambo haya lakini hakuna mahali popote ambapo historia hiyo imeandikwa ilhali ni muhimu.

Ukiangalia wale waliopigania Uhuru, wengi wanasema kuhusu Mekatilili wa Menza. Ni kitabu kipi Mekatikili alichokiandika? Wale waliokuwa wanafuatana naye waliandika wapi ile historia? Hakuna. Tunaeleza kwa mdomo tu kwa vizazi vile kwamba tulikua na Mekatilili wa Menza, Mepoho, Ronald Gideon Ngala na Chokwe. Bw. Chokwe ndiye aliyekuwa Spika wa kwanza baada ya Kenya kupata Uhuru.

Hivi leo, hatuwezi tukapata historia ya mzee Muinga Chokwe. Ni sisi ambao tumekuja hapa ndio tunaweza kungundua ya kwamba mtu wa kutoka kule nyumbani ndiye alikuwa mtu wa kwanza kuwa Spika na tunajua hayo tukienda katika maktaba. Yeye ndiye aliongoza Bunge ya Kenya tulipopata Uhuru. Hiyo ni jambo ambalo tungejivunia sana lakini historia hiyo haikuandikwa popote. Lazima serikali ya mashinani itengeze ukumbi ambapo itatambua watu ambao walifanya mambo makubwa na wale ambao walibobea katika mambo ambayo walifanya.

Naunga mkono Mswada huu. Ningependa kuona mhe. Rais akiweka kidole chake ili Mswada huu uwe sheria. Hiyo sheria itawafanya viongozi wa kaunti watenge pesa ya kujenga ukumbi mkubwa. Wanakamati wataketi katika huo ukumbi. Ndani ya ukumbi huo kutakuwa na picha ya wale watu ambao waliketi pale ili historia iweze kukumbuka waliotangulia wakaenda mbele za haki. Kama vile wahenga husema.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Finally, we will hear from Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support this Bill. Many times, we consider the work that we do here as being more important than what the others do. If today we were discussing the Division of Revenue Act (DORA) or the County Allocation of Revenue Act (CARA), this House would have been full. The Whips would have mobilised the Members to ensure that more money is sent to the counties. They would have wanted everybody to add their voice to it.

The importance of those Bills cannot be gainsaid, but this Bill, however simple it may appear, has greater value than all the money that we can send to our counties for it addresses the psyche of our society. It instils in the minds of human beings, the importance of doing good to society. There is need for positive contribution for the betterment of the life of those that we share this planet with.

Unfortunately, our anthropological organisation is not up to date. We do not appreciate those who have made extraordinary contributions. We only realise that when we have not been celebrated after doing something that we feel that should have been acknowledged. Therefore, this Bill gives us a good avenue to recognise people who have made significant contribution to this country both at the county level and national level. It will help us recognise people who have done great things. There is no need remembering them after 10, 15 or 20 years to come. Let us engrave their achievements in the history of our society and use their lives to teach the younger generation. Most cities of the world have museums that showcase their history. In those museums, there names of men and women who made great contributions in sport, art, academia and other fields.

We, as a society, only celebrate those who are in power or those who are in the height of their success. People will only celebrate the athletes during their sporting days and forget about them when they suffer or go through difficult times. Some of our athletes are going through difficult times in their lives, but nobody bothers. When they retire, they do not feature in the news and people no longer consider them as being of any importance.

My county hosted the Kenya Inter-Counties Sports and Cultural Association (KICOSCA) games in August. Unfortunately, I was out of the country at the time. I told one of the organisers that my county boasts of being the home of the first Kenyan to win an Olympic medal. Mr. Wilson Kiprugut won the medals in 1964 and 1968 Olympics. He is now old and weak. It was sad that our county hosted the entire nation and nobody mentioned him yet he lives hardly five kilometres from the stadium where the games were being held. They should have at least invited him for a lap of honour.

We have seen how the Olympics are organised. We have also seen how the football bonanzas are set up across the globe. When a match is being played in a particular city during World Cup or the Union of European Football Associations (UEFA) Champions League match, the great footballers of that city are given a place of pride. They are given a sit with a good view of the game. If a trophy is to be awarded, they are the ones who are given that moment other than the politicians who may have not contributed to the growth of that sport. That helps them to know that they are celebrated for the actions that they did. Unfortunately, we, as a society, are yet to get there.

Mr. Deputy Speaker, Sir, this Bill allows we, as a nation, to reflect and see the contribution of others as a good contribution into the well-being of society. We are yet to understand the importance of celebrating those who have done well. Psychologists have told us that human beings respond to various forms of motivation. They can either respond to the bad lessons that they have seen from somebody who has taken on a bad route and ended up miserable or they can respond to the exceptional behaviour of someone who is being celebrated for a life well lived. Those are the only things can motivate our young people.

We should learn to list the men and women who have made significant contribution in our country. We should pass that culture to our counties and other institutions. The Parliamentary Service Commission (PSC) is considering having Parliaments Hall of Fame which will include people who have made significant contribution to this House either as Members of Parliament or members of staff. It will include people who have given their lives into the establishment of this very important organ. We need to think of how to celebrate such people who retire and go into oblivion. When they retire, nobody remembers that they sat late into the night to draft significant Motions that changed the course of this country. We do not have that culture as an institution.

Parastatals such as the Kenya Urban Roads Authority can celebrate its engineers. They can state that ‘there lived a particular engineer who never took a bribe from a contractor and that he ensured that every road that was built under his supervision was done to the correct specifics of the bill of quantities’. We need to have a culture of celebrating people when they are still alive for it to be a motivation to others. Such Bills motivate us to try and leave a better society than the one we found.

The reason we celebrate heroes, is to tell others that you can be like them. Heroes do extraordinary things; they cure social ills. Corruption is a big struggle for us, as a nation. The gentleman who blew the lid on Anglo-Leasing, one, Mr. David Munyankei, by the time he was retiring after being taken through all that circus, nobody recognized him. He died in a very small dispensary somewhere in Kajiado where he came from. He could not even afford medication for pneumonia.

Mr. Deputy Speaker, Sir, if we had set up this kind of culture among our people where we celebrate little acts of heroism, it does not have to be the Picassos of this world or the David Rudishas. It is important to support men of great achievements like Eliud Kipchoge and others who made their contribution and sacrifice to the political space of this country, but even little daily sacrifices.

The other day, I saw an article in the newspaper about the attack in Westgate which happened three years ago, there was a police officer who kept on making trips in and out of the danger zones to save children. He was pictured with an AK47 on one hand and a baby on other. It is a pity that he is still serving in the same rank that he served six years ago. What a shame! We do not celebrate little acts of heroism.

Mr. Deputy Speaker, Sir, this is a good challenge. We, as a country, might not celebrate that gentleman because we are who we are. However, after the passage of this Bill, his own county can recognise him. Here is our son that we sent to Nairobi and he is known for heroism acts and has not been captured on camera trying to squeeze out bribes out of *wananchi*. That man is a hero. That is the culture that this particular Bill wants to induce among our people and introduce us to know that even little acts of heroism do count for something.

This Bill is important and we need to pass it as soon as we can. I have seen the constitution of the selection committee, but I would have thought that maybe it would have been better to have an addition of representatives. It will have the names of the CEC member, a nominee by the governor, and clerk of the county assembly. I thought that, perhaps, the majority or the minority leader, if not both from the county assembly, will

also form good representation into this committee. Be that as it may, this is a thought in the right direction and I support this particular Bill.

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

Hon. Members, I had already drawn the cut line, but I have seen the Senator for Homa Bay has arrived. I hope he was grilling governors. I now give the Floor to Sen. M. Kajwang’.

**Sen. M. Kajwang’**: Thank you, Mr. Deputy Speaker, Sir. I rise to support the County Hall of Fame Bill. I want the distinguished Senator for Kericho to feel at ease because when he heard that you had given me the Floor, he kind of took off. He is very close to the door.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. M. Kajwang’! There is no Standing Order that says that the Senator for Kericho must sit and listen to the Senator for Homa Bay County. I am not aware.

**Sen. M. Kajwang’**: Mr. Deputy Speaker, Sir, there is none. That is why I stand guided.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Unless you are begging him to listen to you.

**Sen. M. Kajwang’**: Mr. Deputy Speaker, Sir, I do not even want him to listen to me. I just want him to feel at ease.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Cheruiyot, you are advised to feel at ease.

**Sen. M. Kajwang’**: Thank you, Mr. Deputy Speaker, Sir. I know Sen. Cheruiyot has had some adventures over the weekend, some that have captured the national attention and imagination.

*(Laughter)*

I think it will be safer for us to proceed with the County Hall of Fame Bill, rather than to reflect on some of Sen. Cheruiyot’s recent adventures.

Now that I see Sen. Cheruiyot is at ease, allow me to go to the content of this Bill before us. I want to thank Sen. Murkomen for bringing back the Bill to this House. This Bill was brought to this House in the last Parliament. It was brought by Sen. Sang’ who is now the Governor for Nandi.

Sometimes I usually imagine that the good Senators who have sat in this House, when they go to the counties and become governors, that they would proactively implement some of the ideas that they had in the House. Unfortunately, that has not been the case.

Mr. Deputy Speaker, Sir, sitting in the CPAIC, sometimes we struggle with governors who were former Senators because when they were in this House, they were the loudest when we were saying that the Council of Governors (CoG) should not be funded from the equitable share. Our understanding is that the CoG is funded from the Consolidated Fund. It is some of our former colleagues in this Senate who have come before us and argued firmly that they now believe that the CoG is a very useful tool. In fact, some of them rely on the CoG more than they rely on the Senate.

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Likewise, I would have expected that the Governor for Nandi who was the Senator and the Mover, original creator of this Bill, would have proactively established a Nandi Hall of Fame by now. He would have proactively implemented some of the provisions of this Bill because nothing stops a governor from moving his executives to draft a Bill, take to the County Assembly, and put it to law.

I would have expected some of the good Senators who were in this House in the last Parliament and who have since then become governors to have implemented the County Development Boards because we believed in it then. We still believe in it. That is why this House has an idea to go to the Supreme Court to get a final determination on the constitutionality of the County Development Boards.

Standing here and speaking because this matter had been brought by the Senator for Nandi, I hope that now that he is the Governor for Nandi, he has implemented the hall of fame idea and has implemented the Development Board idea. I also believe that he is proactively engaging his Senator, Sen. Cherargei, in discussing issues to do with development in that particular county.

Mr. Deputy Speaker, Sir, coming back to the specifics, I want to discuss this Bill alongside the National Honours Act which is already in force. The National Honours Act provides means through which the President can then be advised on the issuance of national and presidential awards. The National Honours Act has provisions for advising the President. This Bill has provisions for advising the governor of a county. This Bill looks at county level honours and cultural issues at the county level, whereas the National Honours Act looks at national and presidential awards and has various advisory councils.

There is an advisory committee for the judiciary and that advisory committee is the one that will recommend those who work in the judiciary who ought to get State honours. There is one for county governments, incidentally chaired by the Deputy President and there is one for Parliament. In drafting of the National Honours Act, we could have made a blunder because the composition of the Parliamentary Advisory Committee is co-chaired by the Speakers of both Houses. There is nothing wrong there.

The problem with the composition of that Committee is that, it has the Leader of Majority and the Leader of Minority, but it does not prescribe Leader of Majority in which House. We are a bicameral Parliament and so, the assumption would be, that where there is Leader of Majority and Leader of Minority, then we should have Leader of Majority from National Assembly and Senate and Minority Leader from National Assembly and Senate.

For avoidance of doubt, it would be important that one of us - I can volunteer to take up - makes that clarity. There will come a time due to the souring relations, which is unfortunate between the two Houses. I believe there are external forces that would want us to fight so that they can get away with all sorts of mischief in this country. That particular culprit is the executive. We have been put in a fight that is unnecessary. However, because we are fighting and we are in that spirit, there will come a time when that Committee, if it is dominated by one House, will veto the suggestions coming from the other House.

Recently, I was very glad to see that my friend and elder brother, Sen. Madzayo, has finally been recommended for a national award. We have been asking ourselves why

it has taken that long from his days in the Judiciary, Agricultural Society of Kenya and in the public sector. It has taken him so long to be recognised. I was also excited when I saw the Senator for Kericho, Sen. Cheruiyot being proposed for a national honour. It is only two days ago that I started asking myself a few questions. However, I think events of two days are not enough to wipe out the achievements that this Senator has had over the last 30 days.

Mr. Deputy Speaker, Sir, there are many unsung heroes in our counties. If we set up a County Hall of Fame in my county, I would wish to see the first inductees not being former or current politicians. There are many women working at the beaches of Homa Bay who are afflicted with HIV/AIDS scourge. We also have children who contracted HIV/AIDS from their mothers despite the campaigns that no child should be born with HIV/AIDS. Technology has advanced to prevent mother to child transmission. These are the kind of people who should be the first inductees in the hall of fame.

We also have people working with the fisherfolk. Last year, we, as a county, were gratified when one of the beach management unit leaders, a person who is not known at the national level, was recognised for a Head of State Commendation (HSC). Mr. Edward Oremo, a beach management unit leader in Homa Bay County, eventually got an HSC.

We were very excited and went to Alara Beach in Suba to celebrate that grand achievement of an HSC for a young person who has dedicated his life to fight for the fisherfolk. He is articulate and always available. Whenever the fishermen from Suba who fish in Lake Victoria are arrested in Uganda, he is usually the first one to blow the whistle. There are many like him who might not catch the attention of the President. Therefore, we need to ensure that county governments provide for them an opportunity to be recognised.

There are sportsmen like Michael Olunga. December last year, I sat with him in Kabondo Constituency, which is his constituency of birth. The intention was to have him inspire a generation of young players that they could be as great as him. I recall that when we had a conversation, his focus was on the Africa Cup of Nations (AFCON). He had just signed up for a team in Japan. He told the young men to watch the space and that he would go to the AFCON in Egypt and score. He was confident that Kenya would lift the Cup. Indeed, he did not disappoint fully because he played a very important role in the goals that Kenya scored during the AFCON even though we did not win the tournament. We need to recognise such people.

If we recognised “*githeri* man”, then people like Michael Olunga and Eliud Kipchoge, the gentleman who shattered the half marathon just a week ago and the world record holder in marathon should be recognised. In the next one or two weeks, he will attempt to be the first person to run a full marathon under two hours.

I challenged Members, for health and wellbeing purposes, to attempt to run a marathon not in two hours, but even in four hours. I know that we shall have casualties. However, the gentleman is promising that he will be the first person to run a marathon in two hours. A marathon is 42 kilometres and the speed will be about 20 kilometres per hour. It might look like nothing when you are driving a car. However, if you run for 20 kilometres per hour for two hours consistently, that is the true definition of a superman. These are the people who should get the highest honours in this country.

Corporations like Nike and energy drinks makers are making billions of shillings out of these people, yet when they come back to Kenya, we do not take note of them. When we wake up for morning television shows, we would rather discuss what was said at the Mau rather than the record breaking and the world records that have been made by our athletes. If the national Government does not honour these people, then county governments should proactively ensure that they give them their highest honours.

Mr. Deputy Speaker, Sir, in Homa Bay County, there are people who have contributed immensely to leadership politically and at the social and community level. I have in mind people like the late Hon. Osiro Migire. Probably, nobody knows him, but this was the second Member of Parliament (MP) for the area called Suba. He died in poverty because those days, they came to Parliament to represent, legislate and to oversight.

It has now become a known fact. In fact, the society has adopted the attitude that if you go to Parliament, even if you went there empty-handed, it is not acceptable to get out without something. If you come out of Parliament poor, the people will say that you are fool. In fact, if you have a problem, no one will help you. They will tell you that you had five years and had an opportunity to do something for yourself, but you did not.

There is a generation of leaders, some of whom are still surviving. We see some of them along the corridors of this Parliament. Some of them are in a very shameful position because sometimes they have to talk to us to get some money to fuel their cars, take a bus home, pay rent or use it for treatment. These are people who, if you go to the HANSARD and look at their contribution during their days, they were articulate and held the hopes and aspirations of Kenyans.

Where did we go wrong, that leadership became entrepreneurship and that if you are not an entrepreneurial politician, then you are a failure? Where did we go wrong that leadership is no longer about people writing books and generating ideas? When I share ideas with my colleagues about launching a book that talks about certain political and leadership structure options in this country, you will find that there is no concern. People say that those are social issues and that is unfortunate.

We need to recognise the likes of the late Hon. Osiro Migire and the former Assistant Minister for Education, the late Hon. Mbori whom we buried about three years ago. He was living in abject poverty yet he had dedicated his life to this country. We also need to recognise people like Pamela Mboya and the late Dr. Adhwa Awiti who was the former Minister for Planning. When he died, people laughed at him that he was an MP and was also a Minister, but he was poor. We need to do something about that attitude, that political leadership is not synonymous with wealth. Leadership is not an avenue for acquisition of wealth.

This Bill should also provide a linkage with Chapter Six of the Constitution. What if you have a situation as eloquently described in the Bible? When the mobs were asked who they would like to be freed between Jesus Christ and Barabbas, in unison, the mob said "Barabbas." This is despite the fact that Barabbas had just come from prison, was a thug, a bandit and a violent robber well known in town. Jesus Christ was crucified. There are those of us who believe that the crucifixion was ordained and so it had to happen.

Whether it was Barabbas or another angel, the mobs would still decide that Christ was the one to be crucified.

In our scenario, there will be cases where through this elaborate process, we will still get a Barabbas give national honours to them. What will we do if that Barabbas is inconsistent with the provisions and requirements of Chapter Six of the Constitution?

*(Sen. M. Kajwang's microphone went off)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Your time is up. You can wind up the Barabbas story in two minutes and leave it there.

**Sen. M. Kajwang'**: Thank you, Mr. Deputy Speaker, Sir. I hope the Barabbas story did not make Members uncomfortable in any way, but---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I thought you were reciting it as it is.

**Sen. M. Kajwang'**: Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): So, I do not see why you should apologise.

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, there needs to be a linkage between the County Hall of Fame Bill and the National Honours Act. That way, when the County Hall of Fame Act produces candidates or proposals, where there is a feeling that there are inconsistent---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. M. Kajwang', I am advised that you have a few more minutes. There is something wrong with the system. So, you have about seven minutes, just in case you need to use all your time.

**Sen. M. Kajwang'**: Thank you, Mr. Deputy Speaker, Sir. It has eliminated the little doubt that I had in mind.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Which is?

*(Laughter)*

**Sen. M. Kajwang'**: I was also counting the time and I am surprised that it had been truncated.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have about seven minutes.

**Sen. M. Kajwang'**: Thank you, Mr. Deputy Speaker, Sir. If the advisory committees at these levels produce candidates, who people feel are inconsistent with the requirements of Chapter Six of the Constitution, there needs to be a procedure for dealing with that. I know that in the case of our colleagues who have been proposed for national honours, a public notice has been put out for members of public who might have any objection to raise them. That should also happen in this County Hall of Fame Bill.

Beyond recognizing heroes and individuals, the proposer of this Bill, Sen. Murkomen, says that the county halls of fame must also be a repository of culture of those counties. This is extremely important. Our young people do not understand where we are coming from. Where we are going to is a world without boundaries and cultural lines. We are going into a world where, God forbid, your son will come home with another boy and say that, that is his wife or husband. That is the reality facing this

particular global order in the United States of America, South Africa and Europe. You find governments legalizing things that we find to be taboo in this part of the world.

Our children and the younger generation, who sometimes there is a huge disconnect between the leaders and them, are watching YouTube, Netflix and all other syndicated channels. They watched Emmy Awards just the other day, where someone was awarded, went on stage and was proudly gay. He was the first person of that particular persuasion to get that high level of honours. It is now becoming normal. We can only influence and educate our children by referring them to the manner in which we lived.

Mr. Deputy Speaker, Sir, the first County Hall of Fame in Homa Bay County must be a repository of the Abasuba culture. The Abasuba in Homa Bay are under attack. Even in the latest census, people were being discouraged from associating or identifying themselves as Abasuba. These are tough men and women who braved the lake, ran away from the regicides in the Buganda Kingdom, left Busoga, Tanganyika and crossed the lake. They did some serious innovations when it comes to lake transport. They had serious resilience when it comes to survival in the lake.

The lake is one place that is wild and yet, you will not find trees or anything there. If you are able to take a trip on the lake and last for 48 hours day and night, you will see forests, animals and things that you would not imagine existed in the lake. I think there are some spirits in there that the Abasuba had to brave to cross over to Kenya and settle where they did. Now, there is a push saying that there is no Abasuba; we are all Luo. The reality is that the dominant language and culture now is Luo, but you cannot deny the Abasuba their right to identify with their cultural origin. Therefore, we hope that Abasuba boat making, fish capturing technologies; transport and welfare will find their way in that Homa Bay County Hall of Fame.

Cotton growing was first introduced by Pastor Caskalene, a pastor of the Seventh Day Adventist Church. Even though today I put on a fairly smart suit, the Luos never put on clothes. They used to put on something around the waist just to cover the vitals. It took Pastor Caskalene to introduce cotton and almost 13 years to convince the Luo community to put on cotton made clothes. So, we were not born with this sartorial elegance that we have; it is just about 100 years old. Children do not know how an original cotton plant looks like. These are things that should find their way there.

Mr. Deputy Speaker, Sir, with those many ideas and remarks, I support this Bill.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Indeed, they are many.

**Sen. (Dr.) Zani:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Bill. I would like to start by talking about the values and virtues of a society and how people develop to be what they are, which sometimes becomes a challenge. This is especially in a modern society with ever changing values. Sometimes people ape the cultures of another country without taking into a consideration their own culture.

Every time I look back at the traditional African society and the values therein that people were trained to have; values of bravery, respecting the elderly and caring for each other. It is a pity that these values changed with modernity. When we look back at these values, especially those people who still have them, they essentially praise and appreciate within the society.

In Kilifi County and among the Mijikenda we have Mekatitlili wa Menza. She was a woman warrior who fought for her community. When we consider or think of something like a hall of fame, we would like to see these people being recognized for what they did for their societies. There are people who gave even their own lives for society. They went that extra mile to change the society and make it different from what they found it to be.

Sometimes these values are not very easy to say. This Bill forms a select committee that is responsible to ensure that the people who should be honoured and put in that hall of fame go there. The selection process is quite rigorous. I wish that select committee really follows the specifications as they ought to be.

Mr. Deputy Speaker, Sir, sometimes people want to be in the hall of fame and will put themselves across and navigate their space to get there. However, it is very important for the select committee to ensure that they get the right people.

From the various countries that we have travelled to, we have seen halls of fame. A board is put somewhere, whether it is within a school, talking about who the headmasters of that school were. At the level of a county or a governing unit, some of the governors who were there are listed, and what they were able to do. It is a way of appreciating. They did their work well and left a mark for others to follow through and see how they conducted themselves.

The hall of fame serves two purposes in my mind. One, it serves the purpose of letting people know that this person was a hero and is actually being acknowledged as a result of that. Another purpose, which is very key, is for a society to begin to relearn its own values through such a process. This is because most of the people who are put into such halls of fame are those who have done something extra. It is through that, that we can have an educative process, which allows them to look through what these people have been acknowledged for and begin to think of these as virtues of the society. These are virtues that they need to keep, elaborate and copy as time moves on.

Clause 12 of the Bill clearly stipulates who merits to be in the hall of fame. Clearly from (a) to (d), there are various factors that have been put into place, for example, a person who has made an exemplary contribution to the county or country in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other fields. The key words are 'exemplary contribution.' They have gone out of their way to ensure that they have made a contribution that is notable and recognizable.

Clause 12 (1) (a) talks about a person who exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the county or country.

Clause 12 (1) (d) talks about a person who has otherwise brought honour, glory or pride to a county.

Mr. Deputy Speaker, Sir, we have an abundance of this. Even before we get to the point of hall of fame, there is a way we can acknowledge and even appreciate the achievements from the people. For example, if it is the athletes, is it by the way they are welcomed at the airport. However, it should not stop there. From there, such a Bill should be put into place within each specific county, having this very important process to

identify, go through a selection committee and ensure that such people are put into that hall of fame.

Clause 12 (2) says:

“In making a recommendation for the induction of a person into county hall of fame, the selection committee shall take into account —

(a) The impact that such person has had on the county or country including the social or economic impact of such person’s actions;

(b) The influence the person has had on other persons within the county;

(c) The personal conduct of such person including the moral behavior of the person; and

(d) Such other factors as the Selection Committee shall consider appropriate.

That is very straight forward.

I want to talk about Clause 14; the role of legislation by the county assembly, which states that they should enact legislation. It is important to ensure that no such contradiction should come between this Bill and any other Bill that will be legislated at the county level. The Bills from county assemblies should only enhance and give specific items and issues. For example, if it is in a particular county within a particular culture, what does it entail to have a Hall of Fame in that county? That needs to be very specific.

The selection committee shall also keep and maintain a County Hall of Fame Register, which is key. The committee shall also have the power to institute a process for mitigation in terms of the people who should receive the Hall of Fame recognition, and in terms of also helping petitions to be dealt with. The Bill makes a provision for this so that, at one point, a lot of public participation should be engaged in. If there is somebody who has been given a Hall Fame recognition or is about to be put in the Hall of Fame and they are not fitting in those provisions, then that should be taken into consideration.

Mr. Deputy Speaker, Sir, I heard Sen. M. Kajwang’ speaking earlier. He said that there is a framework for this already at the national level, including various accolades and processes of getting these accolades. It is true that this does not happen a lot at the county level and, therefore, it is very important to cascade it to the county level and have these processes well defined.

The joy of the families whose names appear in the Hall of Fame is something important. Indeed, for many people and many countries, when somebody’s name is put into that Hall of Fame, it is a mark that makes the family and the whole ethnic group very proud. This is because it sends a message to the young people that so and so did so well and were consequently put into the Hall of Fame. These are the kind of characters and ethos that we need to develop amongst the youth. Doing so becomes a socialization process and a socializing agent in terms of inducting people to know what should be done, how it should be done and how a person who ends in a Hall of Fame should be. The Hall of Fame should take care to ensure that we do not have people with any economic or social improprieties, so that this does not also send the wrong message. This is why the role of the selection Committee is key. They need to be prudent and above board to ensure that the people selected to be in the Hall of Fame are only those who have

been carefully selected. They should be people who the majority of the people agree that this is the sort of person who should be put in the Hall of Fame.

Mr. Deputy Speaker, Sir, the Bill is very clear and straight forward. The idea of designation of the Hall of Fame in a public building, where it can be seen so that people can recognize and acknowledge it, is also good. The idea of a selection committee and the processes for doing that are key. I do not just want to look at this as a Hall of Fame in terms of just the process of putting people into the Hall of Fame; but a whole socializing process that is very and important for this country.

Mr. Deputy Speaker, Sir, I beg to support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): We have reached the end of debate on the Second Reading of this Bill.

What is your point of Order, Sen. Omanga?

**Sen. Omanga:** Mr. Deputy Speaker, Sir, I can see that the Mover of this Bill is not around. I wish to request, pursuant to Standing Order 63, to defer the putting of the question of the Second Reading to a later date.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It is so ordered; the putting of the question is deferred to tomorrow.

*(Putting of the Question deferred)*

Hon. Senators, I will make some slight changes on the Order Paper for the remainder of today's sitting, in accordance with Standing Order 40. Accordingly, I direct that we skip Order No.9. I further direct that Order No.9 appears on tomorrow's Order Paper immediately after Statements, as Order No.8.

### *Second Reading*

#### THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)

*(Bill deferred)*

We will now go to Order No.10 and follow the rest of the Order Paper accordingly.

Next Order.

## MOTION

### LEGAL AND POLICY INTERVENTION 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.

*(Sen. Omanga on 19.9.2019)*

*(Resumption of debate interrupted on 19.9.2019)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Omanga, you had started moving this Motion. You, therefore, have about eight minutes to finalize moving.

**Sen. Omanga:** Thank you, Mr. Deputy Speaker, Sir. I had elaborated most parts of this Motion, and I wanted to show the need to formulate these policies for the Government to recognize caregivers of the motor neurological disorders through the relevant Ministries.

Mr. Deputy Speaker, Sir, we have professional caregivers and they need different types of attention and recognition. By recognizing them, we will be able to get quality training for both the professionals – like the teachers who take care of these children – and the parents. When you recognize them, it will give them confidence and they will be able to know how to relate to the families. We will do away with these needs because in the African culture, customs and beliefs, most people think that when one gets a child with motor and neurological disorders, it is like a curse or a taboo, and you become an outcast.

With this information and training, it will give caregivers the confidence to take care of these children. Maybe with some improved medical care and attention, we will be able to detect any emergency and respond to it as it should be responded to. This could improve the lives of these caregivers. The caregivers of most of these children with motor and neurological disorders have to be there full time.

Mr. Deputy Speaker, Sir, it is unfortunate that the men of most mothers who give birth to these disabled children tend to abandon them because of the belief that it is a curse. Most men do not take responsibility and most of the parents taking care of these children are single mothers. The introduction of the *Inua Jamii* Programme – the cash transfers – will improve the living standards of these caregivers. They also deserve some counselling so that they understand exactly what this condition entails, and how they should handle these children.

Mr. Deputy Speaker, Sir, I beg to move this Motion and ask Sen. (Dr.) Musuruve to second.

**Sen. (Dr.) Musuruve:** Thank you so much, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this Motion. Allow me to thank Sen. Omanga for coming up with this Motion on children with disabilities. I appreciate my colleagues in this House for taking the initiative to ensure that they are taking issues of disabilities seriously in this House.

As someone representing Persons with Disabilities (PWDs), I truly appreciate when legislators without disability take it as their initiative to move the agenda. I also want to encourage other legislators to continue coming up with Motions, Bills, Statements and Petitions on issues to do with disability so that no one is left behind.

Mr. Deputy Speaker, Sir, Kenya is among the nations that signed and ratified the United Nations (UN) Convention and the rights of PWDs. When it did so, it affirmed that it will abide by the international laws that have to do with the rights of PWDs. As a country, it is prudent that we go by the international laws concerning rights of PWDs.

Mr. Deputy Speaker, Sir, allow me also to bring out the irony of ironies in this House. It is on record that PWDs are among the poorest worldwide. Disability is an expensive situation to manage because of the management issues, such as the accessories. Even things that are supposed to help a PWD to move from one place to another and get by like everybody else, are very expensive. For example, the cheapest wheelchair could cost around Kshs5,000, which cannot be repaired after a week's use. That is a tool that helps someone with physical disability to move from place to another. Concerning hearing aids, just one piece for one ear costs about Kshs60,000, which totals to Kshs120,000 for both ears. The cheapest costs around Kshs30,000. These are poor people who do not have an income and are, therefore, already disadvantaged.

Mr. Deputy Speaker, Sir, as I second this Motion, there are still more ironies. When you read the Bible, you will find that there are people of God who prayed and cried to God to give them children. For example, Hannah cried to God to give her a child. It reached a point where Eli rebuked and told her to stop her drunkenness. He thought she was drunk, but she was pleading with God.

Some like Sarah and Abraham were also promised a child. A child is a gift from God, but sometimes when the gift comes, nobody knows how it is like. Sometimes a child is born normal, and we thank God; while at times it may have issues, such as the one Sen. Omanga brought out. If that is the case, you get frustrated as a parent. We see parents of these children living from pillar to post, not knowing what to do with the children. This is because initially they do not know that the child has a disability.

Mr. Deputy Speaker, Sir, even though we are talking about children with disabilities among the vulnerable groups, there are those who are worse off than others. There are some, for example, who can go through the education system and eventually catch up and get by, just like the normal people. Apart from being bullied by one or two students, they eventually make it life.

For those with hearing or visual impairment, if the curriculum is okay, with time they can make it in life. We even have lawyers who have visual impairment, and so on. However, there are those who cannot even go that far and what they need in life is just functional skills, such as toileting and feeding; but they cannot go beyond that. These are

the kind of children we are talking about as they cannot be helped in any way because they are immobile and their bones are weak. We should address issues of their caregivers.

Mr. Deputy Speaker, Sir, when those children are born, they already have a label in the society. This is because in some cases, when someone wants to refer to their parents, you will hear them say, *huyu ndiye mama wa yule mtoto ambaye hawezi kutembea ama anayejikojolea*. From the outset, the parent is highly frustrated because they have a label in the society as the mother or father of so and so.

However, even with a label, mothers can endure even when their children have issues. They can press on with the children and even sleep in the street with them. However, very few men are able to endure that. Some of these children end up having single parents because some fathers do not want to be associated with them. In most homesteads, fathers may have the financial muscle to support the children. However, when they disappear, the mothers are left to carry the burden.

Mr. Deputy Speaker, Sir, while taking care of these children, the caregivers may not have the necessary functional skills, and need to be trained because it is expensive to maintain them. For example, you cannot just get food over the counter and give to some of them. Some of them need a special diet that can cost even Kshs12,000 or Kshs20,000 a month. The irony is that the person who is supposed to provide these special meals for them may not be working or having an income, yet they have a child who needs special care.

Mr. Deputy Speaker, Sir, some of the children also need physiotherapy, and one session could cost around Kshs2,000. One could have a child whose bones are weak and, therefore, needs to be strengthened in order to walk from one place to another. However, the parents may not afford the physiotherapy. The child is, therefore, grounded; is unable to live a productive and dignified life and to enjoy their rights as stipulated in the Persons with Disability Act, the Convention on the Rights of Persons with Disabilities (CRPD) and the Constitution. There is a need to come up with intervention measures so that such children enjoy their rights like anybody else.

Mr. Deputy Speaker, Sir, autistic children have an issue, because there are no public schools in Kenya that addresses their plight so that they can get some education. Education can be formal or informal, but the child is unable to get even some informal education so that they can go to the toilet on their own. It then becomes a burden to the family, and the caregiver gets exhausted. This is because, first, there is a label by the society. Secondly, there is no income; and, thirdly, there is a child that the caregiver is mandated by God to take care of. This is because once you get a child, they not only just belong to you, but you are also a caregiver. The child belongs to God and, therefore, one has a duty to take care of them.

According to the Constitution, every parent must play their part in taking care of a child, but many parents sometimes abdicate this duty. The only caregiver who cares and is sensitive about fearing God stays on with their child. The child can be expensive to maintain, because the caregiver has to take care of them from the time they are born. They cannot go anywhere because the child is unable to walk or to go to school, and they need to be fed. It means that in some cases the caregiver---

*(The amber light went on)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You still have five minutes to conclude.

**Sen. (Dr.) Musuruve:** In some cases, Mr. Deputy Speaker, Sir, the child is even locked in the house, which means that they cannot mix with others. The caregiver sometimes cannot do any other thing, but they are committed to ensuring that they take care of them throughout.

Mr. Deputy Speaker, Sir, it is just prudent that a caregiver is exempted from tax, because they need every single cent within their means to take care of such a child. There is need for caregivers to be exempted from paying taxes so that they can start businesses for these children and be supported. Even the cash transfer that is given to PWDs needs to be given to the caregivers, so that they are able to maintain these children. These children are not easy to maintain, and they have a right to live. Even though they have a constitutional right to live, it is a burden to the caregivers.

In some countries in Europe, there is a plan for these children so that they are eventually even placed in employment. However, in the situation of Kenya and other African countries, there is no such plan for these children. When you are a caregiver of that child from birth, you will continue buying diapers until when they are all grown up. At the end of the day, you will carry the burden forever. This is a sorry state, which is unacceptable.

Mr. Deputy Speaker, Sir, we have to intervene, as a country, so that caregivers are actually helped. There is need to empathize with them; we need to wear their shoes and lenses. There is need to ensure that we take care of our vulnerable children in the society. Most of the time, they are abandoned and no one cares or talks about them. When people talk about them, they are sometimes used as rubberstamps, where their photographs are taken and used to make money, which does not eventually reach the children. There is need to ensure, as a country, that we are concerned about our children with disabilities who are not mobile and cannot reason rationally like anyone else. This is because they have a right to live.

Mr. Deputy Speaker, Sir, I will share the plight and pain of one parent who asked, “Where was I when God was giving others non-disabled children?” That is just the frustration of one parent I read about on social media. I sympathize with her, but hope that my parents do not ask the same question. There is need to empathize with the caregivers of these children because they go through painful moments, like being branded in the society.

There is also need for caregivers to be trained and the society to be sensitized on issues of disability. There is also need for the national and county governments to have programmes for caregivers, raising awareness on issues of disability and embracing the caregivers to children with disabilities. They can even have projects for children who are not able to go far in the society, because these children also matter.

Mr. Deputy Speaker, Sir, as we do development, we need to bring their caregivers on board. The caregivers are the brains, legs, skin, eyes and everything for these children.

We need to ensure that we come up with policies that help such caregivers; empathize and speak to families of such children.

Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I beg to second this Motion.

*(Question proposed)*

**Sen. M. Kajwang’:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion that has been moved by Sen. Omanga. You have read it; it is a very detailed and precise Motion. The specific prayer that Sen. Omanga is asking this Senate to agree with her on, is that the Government at both levels should come up with a policy framework for recognition, training, empowerment and protection for caregivers of persons with permanent motor and neurological diseases.

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

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

In this world and in this House, if you are not a son, you are a daughter. I do not think that anyone here was born of the kind of conception that we are told about in the Bible. You are, therefore, either someone’s son or daughter. You are either a father or a mother. If you are one of those, this is the kind of thing that should keep you awake at night. As a son or a daughter, you did not have a choice to determine the state in which you would be born. It was God’s gift and miracle to you that you were born with two feet that could walk; eyes that could see and hands that could work.

However, Mr. Deputy Speaker, Sir, there are those who God created in a different state, but they are all created in the image of God. If you are a mother or father, it is not because of your genius or wealth that you have been able to give birth to children who appear ‘normal,’ because our perception of normalcy is the same as that of the Spartans. Legend has it that the Spartans would throw children with physical disability off a cliff. I love reading Greek mythology, and it is argued that it might not be true that Spartans threw children off a cliff. However, that has been the story; that to survive as a Spartan, you had to be physically fit, because their life was spent in the trenches of war.

Madam Temporary Speaker, there is a gentleman by the name Stephen Hawking, who died in 2018. He was one of the geniuses of the current generation. If you love the reality of science, physicists and the people who do research in that space, stories about the galaxy and black holes, you would know the late Stephen Hawking, because he is the one who brought us the conclusive evidence of black holes. After his death, there have been confirmations that black holes exist. A black hole is a fairly complex part of our galaxy, where you can get sucked in and be rendered into nothingness.

The late Stephen Hawking wrote a book titled, “Brief Answers to the Big Questions.” In that book, he attempts to address some of the big questions in life from a scientist’s perspective. The first Chapter of that book questions whether there is a God. Using physics and mathematics, Stephen Hawking attempts to prove or disapprove the

notion that there is a God. The next question in that book is whether life exists in outer space. Mr. Hawking's uses mathematics, physics and complicated formula to prove his argument on whether life exists or not. I do not want to give the conclusions here, because I want the Members to go read and find out for themselves the conclusions that the late Stephen Hawking arrived at.

Madam Temporary Speaker, in his books, Stephen Hawking asks the question whether we will colonize space as humanity one day. He talks about the implication and impact of artificial intelligence on modern society. He talked about some of the subjects that are supposed to be taboo. Many of us are brought up to believe that we should never ask the question whether God exists or not. Stephen Hawking uses science, physics and mathematics to prove his case on whether life exists in outer space or not.

The relevance of the late Stephen Hawking to this Motion is that, at the age of 20, he was diagnosed with a motor-neuron disease, and the doctors gave him two years to live. At that time, Stephen Hawking had just come from Oxford University, where he had graduated top of his class. He was one of the brightest and sharpest kids out of Oxford University then. The doctor's observed him for two years and he disappointed them, because he lived for 50 more years and died in the year 2018.

The Former President of the USA, Barack Obama, and I are some of the people who consider Stephen Hawking as their greatest inspiration. That is how powerful someone who lived with a motor-neuron disease for 50 years has been, and has impacted on the lives of the people in this world. A lot of the study on cosmology and space travel, even the works of people like Elon Musk and Richard Branson, who build devices to take us to space, depend a lot on some of theories that were laid by Stephen Hawking.

Madam Temporary Speaker, someone with a motor-neuron disease is not any lesser than somebody else with a big head full of brains and a body that is properly coordinated. Sometimes those of us who seem to have everything in place become lazy and take things for granted. We do not work hard enough, because we believe that we are special, and that is why God gave us everything that we have.

Motor disorders can occur at the time of birth, or later in life. That is why this Motion should concern everybody. If you are a parent who is still having children, you should be concerned because you do not know what shape or form your children will take. The cry of a woman, who cries to God on her knees for God to bless her with children, is one of the sharpest and most painful cries. God answers the prayers of women who cry out to him. Why would God answer your prayer and then you decide that the answer was good or bad? Take the answer as it is. That is why many women who have children effortlessly sometimes take it for granted.

Madam Temporary Speaker, this Motion is important because the society has taken it for granted, that in the Republic of Kenya, every child will be born without a neuron disease, cerebral palsy or downs syndrome. The reality is that there is a percentage of the population that is born with those conditions. There are others who are born normal, but undergo accidents or because of various reasons, they end up with motor-neuron diseases.

This is the kind of Motion which, once the House adopts it, no one should be forced or pushed to implement it because it is straight forward. As a son, daughter,

mother, father, grandfather or grandmother, you do not know how your children will turn out. Therefore, we should create an environment that accepts, recognizes and supports the children who have been born with such conditions.

I was a young teacher before I joined the institution where the Professor who represents Uasin Gishu County, was our teacher. I recall that I wrote a poem titled, "Child of a Mortal God." This was in reference to the children who are disregarded in society as if they have a God different from the immortal God, who stands up for everybody else. The children with motor-neuron diseases and the conditions that have been described by Sen. Omanga are treated as children of a lesser God.

Madam Temporary Speaker, I support the call by Sen. Omanga to ensure that the institutions that have been set up to support these children should not pay taxes. If I was the President for a day, my first executive order in relation to this particular subject would be to impose a big tax on private schools, particularly those that offer international curricula. These taxes would then go into a fund to support special needs education in this Republic. Why would a normal child, whose parent is capable of paying Kshs1 million, enjoy that when the child of a woman from Kibra, who was born in the manner in which God wanted him to be born, be thrown in a dustbin or loiter around begging simply because they have a motor-neuron disease? Let us start creating tax incentives, as proposed by Sen. Omanga.

Institutions providing care for children with motor-neuron disorders should not be treated in a 'business as usual' manner. About 400 meters from my rural home in Waondo, Homa Bay County, there is Hope School of Children with Physical Disability. There are parents who find relief that they have found somewhere to dump their children. This is because the level of poverty that they go through every day does not allow them to provide proper care to those children. The manner in which their houses are designed cannot allow them to take care of a child with visual or physical disability.

Therefore, with the establishment of that centre, it has become a place for some parents to dump their children, because they cannot care for them at home. Another reason is the ridicule and stigma that is associated with those children. There is also another percentage whom I believe get relieved, because their children finally find recognition and an opportunity to learn, study and be mentored in an environment that can guarantee that they can become successful, just like Stephen Hawking, who was a British physicist and a genius of our time despite his condition.

Madam Temporary Speaker, if I am a parent of a child with some of these disorders, and assuming I was in the bracket that is capable of buying a car, why should I pay tax to import a car to move such a child from point A to B? Why can I not be tax exempt? Currently, PWDs who want to buy their own motor vehicles are exempted from duty. What about the parent of a child in that situation?

This is a conversation that we should be having. Let nobody tell me that we are under so much pressure in tax collection that we cannot afford to provide waivers to the weakest in society. When we hear about the figures of tax evasion in this country, only if the Kenya Revenue Authority (KRA) was able to collect taxes from the people who are supposed to pay, we would afford reliefs to as many people as possible.

Madam Temporary Speaker, I recall that when I was studying Mathematics in primary and secondary school, there used to be relief for single people, called 'singles relief.' I wonder if that relief is still there in the computation of taxes. It was a completely misplaced relief. If there is going to be a relief, let it be a disability relief. There should be relief to caregivers and parents or the children that have been described by Sen. Omanga.

Madam Temporary Speaker, the Cash Transfer Program is an innovative idea which has been implemented badly. Every time I meet elders in the village, their biggest concern is that they do not receive the money meant for elders.

We need to make it work for the elderly and vulnerable, that we intended it to work for. We should also include the caregivers, as proposed by Sen. Omanga.

Madam Temporary Speaker, I support this and I encourage parents to take children as a blessing when God answers their prayer by giving them a child or even when they get a child without asking God for it, because God will always bless them. They should take the child as a blessing. A parent who throws a child given to them by God because of a certain condition could be throwing another Stephen Hawking or a genius who would have shaped the direction and the future of this world.

Unfortunately, we do not have a Committee on Implementation. However, Sen. Omanga should take it up with the relevant Committee and ensure that this Motion is implemented. If it cannot be implemented nationwide, she should start with City Hall, which is just 200 meters away. Let us see a county taking care of the weakest and the most vulnerable in society.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. Allow me to congratulate Sen. Omanga. There are different types of disorders; some people have disorders but are able to walk, while others cannot sit properly. The motor and neurological disorders are the worst disorders, and they are usually connected to psychiatric issues. Motor disorders have to do with the movement and lack of proper movement. They are connected with diseases such as Parkinson's disease, Huntington's disease, late syndrome and primary dystonia, which all affect someone's movement. However, from most of the research that has been done about these diseases, they are connected to psychiatric cognition, which makes them problematic. Parkinson's disease or Huntington's disease can also affect one's brain and even the neuron, hence they become neurological diseases which create a lot of problems.

We have about 600 diseases that can affect another system, and this includes brain tumours, epilepsy, stroke, frontotemporal dementia – which has to do with forgetting of things in the mind – and Alzheimers disease. We all know what it means to have these diseases. The condition of life of the people with these diseases, their health and social cultural outcome cuts their potential of doing many things. It cuts their employment potential and productivity level, unless aid is given to them. These people are very productive and we should have policies put in place as recommended by Sen. M. Kajwang'.

Madam Temporary Speaker, it has been said on the Floor of this House that somebody cannot choose to have a disorder. Potentially, any of us can suffer these disorders. Therefore, it is important to have a proper policy framework in place right

from the start on how to take care of people with these disorders. The Health Act has looked at ways of solving these diseases. Health is cascading to the counties, and a lot is being done to sort out the health care processes in many counties. As they do that, we can have community health workers identify the propensity factors that bring these diseases and address them early so as to reduce them. However, that is not what happens.

Therefore, Madam Temporary Speaker, it is important to support the community health workers. Sen. Nyamunga has a Motion on community health workers and there is a Bill coming up on the Floor of this House on community health work. A country is as good and as productive as the workmanship that it produces. Some of the people who suffer from these diseases are brilliant and very innovative, and they can come up with many ideas.

What causes these diseases and how can that be connected with policy? Some of these diseases are genetic disorders. This Motion talks of enabling the caregivers, but we can also help them understand the causes of those diseases. We can help them know how those diseases can be handled or prevented. We have genetic diseases that can be identified early if two partners get tested in advance. People can be given some advice based on their genetic background. The doctor can tell them the A and B factors that can make them have a child with a particular disorder. One way of avoiding those genetic disorders and genetic circumstances is by mentioning them over and over again.

Some of these disorders come from simple infections, such as bacterial or viral infections. Other disorder diseases have to do with lifestyle and environmental health problems. The policy should then look at ways of encouraging good environmental health situations, such as clean water, properly processed food, making sure that the foods do not contain a lot of chemicals, and such things. Malnutrition is also key.

The other causes of these disorders are brain injury, accidents, medical processes, spinal cord injuries, nerve injuries and gluten sensitivity. The lives of people who have mortar and neurological disorders become extremely difficult. One can have mortar disorder, which affects the movement; and neurological disorder. However, this Motion talks about both mortar and neurological disorders. Therefore, we are talking about people who are facing a difficult situation.

When one suffers from medical conditions such as malaria, flu or cold, they can go and get medicine. However, these disorders are long term and need a lot of care. Most of the caregivers tend to be relatives or somebody who comes on board, and they are rarely trained. In fact, most of the caregivers tend to tell the patients, “You are pretending. Do you want to say that you cannot move or you do anything for yourself? Do you have to urinate on yourself?” They do not realise that the person cannot perform some of those functions on their own. Therefore, we need to create a discourse on how to take these people into consideration.

Most of these disorders are connected to psychiatric problems. Most of the patients cannot move because they have nerve problems, and that affects their social life. Therefore, they end up having mood disorders and begin to think that people do not care about them. They compound their situation with anxiety disorders and levels of paranoia, where they imagine things happening or imagine that they are going to be attacked. They

also end up with schizophrenia, where they hear things. Their mental, nervous and movement scheme makes it very difficult.

Some other movement disorders that also come up with feelings of all these other disorders are catatonic diseases, which are again tied up all together with this whole disorder. It is, therefore, critical to understand the sort of person we are dealing with, when dealing with somebody who has these specific problems. Looking at how these have all been brought about over time makes it very critical for one person to see how best to address this.

Madam Temporary Speaker, this Motion is very clear and straight forward, and it calls for provisions. Finally, it is all about the financial management to enable caregivers to have a sense of recognition. The aspect of specialised training is key, including psychosocial and other support necessary that can be put into place. They need to be engaged in ensuring that they can give something back to the communities. Some sort of kitty needs to be put in place to enhance all these. It is a question of understanding and accepting that this is a category of people who need to be assisted so that, that assistance is put in place.

Madam Temporary Speaker, provision of appropriate tax reliefs and exemptions for the caregivers, which can be equivalent to those advanced to the PWDs, is key. It is all about recognition and ensuring that the recognition is put into place so that these caregivers can proceed in the appropriate manner.

Madam Temporary Speaker, it is all about a policy framework. The Senate resolves that the Ministry of Labour, Social Security and Services, together with county governments, formulates this policy framework. This way, caregivers will be facilitated in specific ways in terms of specialised training, tax relief and putting money into the kitties to enable this to happen. This is because we know that right from the onset, a lot can happen at the national level. However, a lot would still need to be done at the county level. That way, people with cerebral palsy, downs syndrome, autism and all these disorders become people who need to be taken care of.

Parents and caregivers play a critical role, and Sen. M. Kajwang' alluded that most parents lock up these people in their houses . Remember when we were in Kitui County, we went to Mulango Bible College and the school for the deaf and blind, where we saw children struggling. By 8.00 a.m., one cannot fathom what they have had to go through. The way we go through a day from 8.00 a.m. to 8.00 p.m. and the way we sort out our issues, these children struggle through the day through these physical and mental challenges.

I remember during that visit, as Members of the Committee on Education, we said that it is, therefore, important for us to put in place a financial kitty at the county or national level. This kitty will ensure that these children are given and provided for, with the most essential assistance they can get. If that assistance is in the form of medication, so be it. If it is in the form of ensuring that they have assistive devices so that they can move, so be it. At the end of the day, like other people, they will be able to pursue the great joys of life in terms of education.

Madam Temporary Speaker, I also heard us speaking about some of the personalities over time, who have been able to surmount this challenge. This also gives

hope in the sense that it is not a forgotten or failure story, because there are those who have been able to come and make a difference in a big way. The challenges that they go through and being able to come and make that difference exhibits a sense of focus, which is important.

There is no way that some of these people suffering from motor and neurological disorders will make it without assistance. It is important that assistance and training is given; and that tools for psychosocial support required should also be given. This will enable them to take care of themselves, surmount and survive the extreme pressures that they are put into even by the societies they live in.

As I wind up and conclude, Madam Temporary Speaker, we should have, as a way forward, this Motion becoming a special category that leads us to probably look at some of the legislation and relevant amendments to key legislation with these specific provisions. If you look at the provisions for appropriate tax reliefs, this has already been given to PWDs. A bit of research needs to be done to find out if these categories of motor and neurological disorders are included. This is because sometimes when we talk about the various disabilities, we categorise and only go for the physical ones that we can see. However, these neurological ones and slightly complicated ones that do not come out clearly are not categorised. Maybe we need to check whether these are covered. If they are not, we then need to find ways and the right clause to move into, and either amend that specific clause and provide for them, as a category.

Out of the 600 disorders that might fall under neurological ones, we also need more research in Kenya to identify which ones are most common. We might find that maybe we have ten of the most common ones that keep recurring, and this can then be prioritised in terms of entry into a scheme.

Thank you, Madam Temporary Speaker.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker, for allowing me to also stand and support this important Motion. I also congratulate Sen. Omanga for coming up with it. I have observed a lot of passion in Sen. Omanga, because it is not her first time to talk about this and to also share. I have interacted with her in a Committee, and she has always talked about this. It is an area that many of us share a lot of concern.

Madam Temporary Speaker, as I went through this Motion today and even before, I realised that the parents of the children who are born with neurological disorders are the most disadvantaged and depressed people. I am saying this because I have interacted with others in my county, and I know the challenges they have and continue to go through. It is does not matter how old the child is; some are even 20 years and above, but the parent – especially the mothers – are the people who struggle.

Madam Temporary Speaker, any society that has no plan to take care of the needy and the people who need their support, then is not a society that can be admired. It is not a society that can help one another to grow. As the Motion clearly says, cerebral palsy, downs syndrome, autism and other permanent motor and neurological disorders are birth defects characterised by anger, disturbances or sensation, perception, cognition, hearing loss and others.

It is the desire of every mother to give birth to a child who is strong and healthy, and who can grow and help them in the future. However, when this happens, we all know very well that it creates a lot of stress to the parents and caregivers.

Madam Temporary Speaker, when women are pregnant, that is the time they face a lot of challenges because of anxiety. Most of the time, many wonder about the type of the child they will deliver, and whether they will be healthy or not. That is a season that expectant mothers have a lot of struggles. When one gives birth to an abnormal child, it turns their world upside down. That is why every one of us, especially women, need to support this Motion and push it to another level so that those in our society who have these needs can be catered for.

A person born with this and other psychomotor and neurological disorders face considerable difficulties in the society. They are marginalised and go through a lot of stigma. In fact in Africa, when one gives birth to a child who suffers from neurological disorders, others feel that maybe it is a result of one's sin. Sometimes one is even considered an outcast. Many people avoid you and wonder why you have given birth to such a child. It is a situation that changes your world within a minute, and you face those challenges forever. That is why this Motion is very important to people who have suffered in the past, and others who may face the same challenges in the future.

Madam Temporary Speaker, some proposals have been made in the Motion, after realising that the caregivers lack training, tools and psychosocial support required for these persons. The motion proposes that there is need for us to come up with institutions that can train the parents and caregivers so that, as they support the children, they know how best to do it. For the parents to overcome the stigma, stress and the difficulties they face, once we prepare them and walk with them in that journey, we can count the blessings. I support the resolutions that the Ministry of Labour and Social Protection, together with county governments, should formulate a policy framework. This is the only way we can reduce the problems being faced by the people. It is the only way we can be accommodative and be a loving and caring community and society.

The suggestion of financial assistance to the parents and the caregivers is important, because some parents who work may not go to work after getting children who have challenges. It is, therefore, important for us to support them financially. A child may be 18 or 20 years old, but you have to nurse them like a baby. The provision of appropriate tax relief is also important. We all need to support it so that the parents can at least have something to talk about.

Madam Temporary Speaker, it is my prayer that as we implement this, then even the people who live in the rural areas will also be considered so that we give them equal treatment and services from the Ministry.

With those few remarks, Madam Temporary Speaker, I congratulate Sen. Omanga for coming up with this very important Motion that will help to transform the lives of people who already have a challenge in this area.

I beg to support and thank you.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Let us have Sen. Seneta.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to also add my voice on this important Motion by my colleague, Sen. Omanga. I congratulate her for thinking of this very unique group within our people, which is a very large group.

The neurological conditions impact on the quality of life for the sufferer, caregiver as well as places of health care and even schools. Once a parent has such a child, they invest so much time and spend a lot of resources on them. At the same time, they need expensive medical care, engaging, feeding, dressing and bathing them.

I agree with Sen. Omanga that the caregivers need more time to be with children or adults suffering from neurological conditions. I therefore, agree with Sen. Omanga that our counties and the national Government should have data on these children and their caregivers. We need a database because we need to plan with information of what caregivers need. We need a budget for then in terms of healthcare and also food security.

Madam Temporary Speaker, in many of the communities that we come from, when you get such a child who has a neurological disorder of any kind – be it epilepsy, cerebral palsy or any other – you are perceived as a social misfit because of committing a certain sin or having been cursed. You, therefore, also suffer psychological effects.

The caregivers and parents of these children need education on the cases they are taking care of. They need to be trained and empowered so that they can take care of such children. The caregivers also need to be empowered on how to feed the children and take care of them and their medical condition. I, therefore, agree with Sen. Omanga that there is need for training programmes in our counties. We should have empowerment and investment programmes for the caregivers.

Madam Temporary Speaker, there is need for financial assistance. I agree with many of my colleagues who have spoken before me, that the *Inua Jamii* cash transfers need to go to the caregivers. This is because they have a huge task in terms of taking care of such people. Caregivers of persons with permanent motor and neurological disorders also need to be supported with programmes of income generating activities. They need to be engaged in how they can have income generating activities so that they can afford the care that the children or adults that they take care of need.

There is need for a policy framework on how the children with permanent motor and neurological disorders are attended to in our health facilities. Many of our health facilities do not have specialized personnel who can attend to these children. There is need to have departments that can offer specialized medical care in our hospitals.

Madam Temporary Speaker, there is need for free medical care for such children. I agree with Sen. Omanga that it is very expensive to take children with motor disorders to hospitals and queue for services, because they need medical attention more frequently than the normal patients. There is need for free medical services for them.

I beg to support this Motion and urge my colleagues to do the same. I also urge Sen. Omanga to bring a Bill on the same. If this Motion is passed, both the Ministry of Health and the Ministry of Labour, Social Security and Services should ensure that this Motion is implemented.

I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Pareno, you have two minutes before we Adjourn the House. You will carry forward the remainder of your time.

**Sen. Pareno:** Thank you, Madam Temporary Speaker. This is a Motion that I would not miss to contribute to. This Motion speaks for itself. The first paragraph of the Motion states:-

“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;”

We are speaking about a group of persons who cannot perceive things in the right manner and in the manner that a normal person does; or a person who cannot even recognise things in the manner a normal individual would do or a person who cannot hear properly or has heart defects. These are people whose IQ may be much lower than the normal IQ.

Madam Temporary Speaker, motor disorders are a serious challenge because we have very many people in the society that are of this nature. We cannot bury our heads in the sand and say that we do not know them. I wonder at what point we started neglecting people with such disabilities. If they were in the disability circle, they would be provided for, just like any other disabled person is provided for. We need to give support and recognise the caregivers of persons with motor disorders.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Pareno, you will have a balance of 12 and half minutes when we resume tomorrow.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 25<sup>th</sup> September, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.